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SITTING DAYS—2016

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—EIGHTH 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. George Henry Brandis QC
Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann
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. George Henry Brandis QC
Deputy Leader of the Liberal Party in the Senate—Senator Hon. Mathias Cormann
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—Senators Scott Ludlam and Larissa Joy Waters
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Dean Anthony Smith
The Nationals Whip—Senator Matthew James Canavan
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert

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

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<th>Senator</th>
<th>State or Territory</th>
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<td>Abetz, Hon. Eric</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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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.
(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—P Bowen
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<tr>
<td>Prime Minister</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator Hon. Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator Hon. Michaelia Cash</td>
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<tr>
<td>Cabinet Secretary</td>
<td>Senator Hon. Arthur Sinodinos AO</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator Hon. Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for Digital Government</td>
<td>Senator Hon. Mitch Fifield</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Counter Terrorism</td>
<td>Hon. Michael Keenan MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Hon. Alan Tudge MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator Hon. James McGrath</td>
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<tr>
<td>Assistant Minister for Productivity</td>
<td>Hon. Dr Peter Hendy MP</td>
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<tr>
<td>Assistant Cabinet Secretary</td>
<td>Senator Hon. Scott Ryan</td>
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<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime</td>
<td>Hon. Warren Truss MP</td>
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<tr>
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<tr>
<td>Minister for Territories, Local Government and Major Projects</td>
<td>Hon. Paul Fletcher</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>Hon. Michael McCormack MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Julie Bishop MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
<td>Hon. Andrew Robb AO MP</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
<td>Hon. Steven Ciobo MP</td>
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<tr>
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<tr>
<td>Attorney-General</td>
<td>Senator Hon. George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td>Treasurer</td>
<td>Hon. Scott Morrison MP</td>
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<td>Minister for Small Business</td>
<td>Hon. Kelly O’Dwyer MP</td>
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<td>Assistant Treasurer</td>
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<td>(Deputy Leader of Government in the Senate)</td>
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<td>Acting Special Minister of State</td>
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<td>Assistant Minister for Agriculture and Water Resources</td>
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<td>Minister for Industry, Innovation and Science</td>
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<td>Hon. Karen Andrews MP</td>
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<tr>
<td>Acting Minister for Cities and the Built Environment</td>
<td>Hon. Greg Hunt MP</td>
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<td>Minister for Sport</td>
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<tr>
<td>Minister for Rural Health</td>
<td>Senator Hon. Fiona Nash</td>
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<tr>
<td>Assistant Minister for Health</td>
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* Senator Katy Gallagher’s appointment to the Shadow Ministry is effective from 1 November 2015. Senator the Hon. Jan McLucas will serve as Shadow Minister for Housing and Homelessness and Shadow Minister for Mental Health, and represent the Shadow Minister for Northern Australia, the Shadow Minister for Health, the Shadow Assistant Minister for Health, the Shadow Minister for Sport and the Shadow Minister for Indigenous Affairs in the Senate until 31 October 2015.
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The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 09:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

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

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

COMMITTEES

Economics References Committee
Foreign Affairs, Defence and Trade References Committee
Select Committee on Unconventional Gas Mining

Meeting

The Clerk: Proposals to meet have been lodged as follows: by the Economics References Committee for a private briefing today from 3.30 pm and a public hearing today from 4.30 pm; by the Foreign Affairs, Defence and Trade References Committee for a private meeting on 4 February from 10 am; and by the Select Committee on Unconventional Gas Mining for a private meeting today from 3.30 pm.

The PRESIDENT (09:31): Does any senator wish to have any of those motions put? There being none, we will proceed to business.

BILLS

Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator JACINTA COLLINS (Victoria) (09:32): It is a sign of our times that security looms large on the agendas of governments around the world. Increasingly, terrorist activity requires increased vigilance. It demands that we take no chances. That is why, right around the world, governments have focused over the past 15 years on tightening security provisions at parliaments, government offices and places where people congregate and at our ports and airports.

It is a real balancing act. On the one hand, we need to make sure that we protect ourselves from those who would seek to harm us. On the other hand, we need to make sure our security arrangements do not curtail our normal activities or place unnecessary burdens on the commercial activities that drive economic growth. It is that balancing act that sits at the heart of the Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages)
Bill 2015, the piece of legislation before us today. It seeks to exclude Australian flagged vessels involved in interstate trade from the regulatory regime with regard to security.

Under current circumstances, all Australian vessels of 500 gross tonnes or more, or those carrying 13 or more passengers on international and interstate vessels, must have a ship security plan. That plan must include a security assessment of the vessel's operations that provides information on the security measures that the ship will put in place to prevent unlawful interference. It must also include details of actions that would be taken in the event of a security incident. These provisions do not apply to vessels that move goods within an Australian state—say, on a voyage from Brisbane to Townsville.

The government argues that there is no increased security risk simply because a vessel crosses state borders. It also advises that removing the security obligations from vessels engaged in interstate trade will save the shipping industry up to $1 million a year.

The opposition will support this bill. We agree that, while it is critical that we take all steps we can to keep our nation safe, this provision can be dispensed with without any substantial effect on security. We also agree with the government's intention to continue to require that vessels that carry passengers or vehicles interstate should continue to be subject to the existing security regime. That makes sense.

I note that the minister has said in the other place that the government proposed to amend the Maritime Transport and Offshore Facilities Security Regulations to this end. This legislation relates, in particular, to Australian flagged vessels, not those from overseas. As much as I am happy to support the changes to exclude Australian flagged vessels from the security regulations, I note the government still appears intent on removing Australian flagged vessels from our own coastline. While legislation to this effect was defeated in the Senate late last year with the support of the majority of crossbench senators, there has been to date no sign of any changes in that plan by the government. In fact, the minister has granted new temporary licences to foreign registered ships in the full knowledge that Australian seafarers will be sacked and replaced with a ship with foreign crew, paid well below Australian standards. Not only is this unconscionable for any Australian government; it is also contrary to the spirit of the legislation that is the minister's responsibility to properly administer.

I specifically refer to the MV Portland in this respect. The government's legislation would have destroyed Australia's domestic shipping industry. No other G20 nation has this type of arrangement for coastal trade. No other G20 nation! This is why the opposition has characterised that failed legislation as 'unilateral economic disarmament'. For example, the United States, the bastion of the free market, requires that all coastal trade be undertaken by US flagged vessels crewed by Americans. Further, the ships used must have been built in the United States. Yet here in Australia our government, this Turnbull government, wanted to purposely destroy its maritime industry by deliberately putting it at a competitive disadvantage. The intent of the bill was clearly laid out in its supporting documents which explicitly stated that the expectation was that it would cause Australian flagged vessels to reflag overseas. The government's official modelling, for example, said:

Many of the operators currently operating under the Australian General Register would likely re-flag their vessels in order to compete with the foreign operators who enjoy the benefit of comparatively
lower wage rates. Australian seafarer jobs would be adversely affected as Australian operators re-flag from the Australian General Register.

Ship operators are likely to replace Australian seafarers (paid under EA rates) with foreign seafarers (paid under ITF rates).

The regulatory impact statement explained that:

... Australian reliance on foreign shipping services is likely to grow in the coming years as ships continue to leave the Australian fleet due to retirement or reflagging overseas to pursue more favourable taxation and employment environments.

Should a less regulated coastal shipping regulatory system be implemented, it is likely that some operators of Australian ships will seek to move to the lower cost model and flag their ships overseas. This would allow operators to pay all workers on the now foreign flagged ships internationally competitive wages and conditions.

In a section of the regulatory impact statement discussing non-bulk trade across Bass Strait, the advice could not have been clearer:

... we assume 4 vessels will register under a foreign register to reduce operating costs.

The statement also obliterated the government's claim that this shipping reform is about abolishing red tape. It said that while the changes will produce economic benefits for businesses, 88 per cent of these claimed benefits come from savings in labour costs. This was not about eliminating red tape. It was about eliminating people's jobs—Australian people, people rely on those jobs to put food on the table. Strangely, during last year's parliamentary debate, the minister for transport tried to deny that his ideologically driven legislation would destroy Australian jobs. He must not have read his own legislation, the survey or the regulatory impact statement that I just referred to. And it is not what his advisers said. In the course of the Senate committee hearing into the legislation, it emerged that the senior officials of the Department of Infrastructure and Regional Development gave West Australian businessman, Bill Milby, clear advice about what he should do if he wanted his cruise ship business to remain competitive under the planned changes. Mr Milby was told that he should sack his Australian crew, register his vessel overseas, and hire cheap foreign labour. Despite the minister's attempts to claim this did not happen, the bureaucrats themselves confirmed it had happened, in sworn testimony to the Senate committee. But it is not their fault. They were simply telling the truth about the intent of this now-failed legislation. Why do I raise this failed legislation at this stage? To highlight that it is the aim of those opposite to reduce shipping costs—but to do so, they want thousands of Australians in the shipping industry to lose their jobs. They are quite happy to have that effect.

Labor is also in favour of reducing costs for businesses, but we will always balance that aim against the broader national interest. And I say it is absolutely in our national interest to have a domestic shipping industry. It is in our economic interest, because it provide jobs for Australians and helps meet our security interests. These jobs allow people to raise their families and drive economic activity in their communities as consumers. It is also in our environmental interest, because we know Australian crews are familiar with our coastlines, and that all major shipping accidents off our coast in recent years have involved foreign flagged vessels. And it is in our national security interest to have a strong Australian presence
on our coasts to keep an eye out for suspicious activities that might not be recognised by overseas crews.

Labor worked hard with the Senate crossbench to defeat last year's proposed legislation—this failed bill; the most outrageous attack on the livelihoods of average Australians since Work Choices. Alongside other senators, particularly Senators Rice, Madigan, Lambie, Muir, Lazarus and Wang, Labor has worked with the industry to develop sensible adjustments to policy that could give the industry certainty and efficiency. In this context, I would like to acknowledge the work of Teresa Lloyd of Maritime Industry Australia Ltd, and the Maritime Union of Australia, led by its national secretary, Paddy Crumlin.

There have been two workshops in Melbourne attended by a broad cross-section of the industry, including shippers and unions. The most recent was last month, on 21 January. The government has sent no members of parliament, favouring a modest attendance by a departmental official. And in the meantime, the government has granted temporary licences to ships that replace Australian crews, with apparent indifference to the economic, environmental and national security implications of this approach. We would urge the government to improve its engagement with the sector to further our national interests. Efficiency must be part of that discussion. However, the ideological approach of removing domestic shipping must stop.

It is against that background that we contemplate the legislation before us today, which seeks to reduce red tape across Australian flagged vessels. Labor will support this legislation because it makes sense. But if those opposite continue to have their heads in the sand, the whole exercise will be completely academic; there will not be any Australian flagged major trading vessels. With that warning, Labor commends this bill to the Senate.

Senator RICE (Victoria) (09:43): I rise today to speak to the Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015. The Australian Greens are opposed to this bill, because we believe the government is yet to make the case for loosening the regulations on registered Australian vessels engaged in interstate trade. It is significant that there is still confusion and a lack of clarity as to why this measure is required in the context that has just been outlined by Senator Collins. It is a context when the job security of people in our Australian shipping industry is under attack like at few times in our history.

I think back to the Patrick's waterfront dispute of the late nineties, which was just down the road from my home in Footscray, when we had security guards in balaclavas locking out workers in an attempt to increase profits. The Melbourne community, the Australian community, rallied around the seafarers and the people working on the ports then and we managed to get change, and managed to maintain, largely, the conditions and the ability for people working in our maritime industries to be able to be paid a fair day's wage and have fair conditions for their work.

What happened on the docks then was supported by the Liberal government of the time; in fact, they were intimately involved with it. Fast forward to 2016 and you have the disgraceful removal of Australian workers who were on board MV Portland over the summer. In the middle of the night, Alcoa's hired goons boarded the ship, kicked off the Australian crew and replaced them with a foreign crew, who immediately set sail for Singapore. This foreign crew,
we have heard, were being paid $6 an hour. We know that foreign crews on flags-of-convenience vessels sailing around Australia have been paid as little as $2 an hour.

The crew members of the MV Portland, who were kicked off their ship, are actually in Canberra at the moment. I had the privilege of meeting with some of them yesterday and I understand they are out the front of Parliament House today, and they are telling their stories to politicians. Yesterday, I met with three of the MV Portland crew. I met Liam, who had been on the MV Portland for 11 years; Zac, a young seafarer, who was hoping to build his career in seafaring over the coming years and who now faces very bleak prospects of being able to find employment in the industry; and Brett, who lives in Portland. When I asked Brett how he saw his chances of regaining a job in the shipping industry, he thought that he did not have many chances at all.

These are skilled Australian workers. These are people who have spent many years building their skills who are proud of being hardworking Australian seafarers. For someone like Brett, who has spent his life working to build up his skills and who now has very limited prospects of being able to find another job in the shipping industry, it is a very, very sad situation. These are real people. They have real families. They now do not know what their prospects will be and what job opportunities there are for them. There are not many jobs in Portland.

The government actions in supporting the actions of Alcoa in removing these workers from their ship in the middle of the night are not helping the opportunities of these workers to be able to contribute to Australian society. They have real families. They have real mortgages and real commitments. Basically, the reason they were removed from their ship was that they were sacked for being Australians. They were sacked and all they were doing was doing their job and doing it well, and being part of the Australian transport industry. They were sacked because the government agreed with Alcoa that the ship they were on was no longer required and was going to be replaced by a ship that was operating under a flag of convenience, a foreign owned ship, on a temporary licence.

The issue with these temporary licences is that they clearly undermine the full intent of the coastal shipping legislation that we currently have to hand, where the minister is actually meant to be acting to protect Australian shipping. But every time the request for a temporary licence has been put to him, he has signed it off. In this case, and in the case of the other ship over summer that has now been replaced by a foreign ship sailing on a temporary licence, the minister could have said, no, that there was not a strong enough case to show how replacing these Australian flagged and Australian crewed ships with a foreign ship operating under a flag of convenience was in the interests of Australian shipping.

Basically, because the criteria for whether a temporary licence should be issued is that there is no Australian ship available to do the job that is cost competitive, any request for a temporary licence for a foreign ship is always going to outcompete the Australian owned ship—because with the Australian flagged ship we know that we have to pay our workers a fair rate of pay. We know that they have to have good working conditions, whereas when you are competing with foreign ships you have workers being exploited and paid two dollars an hour under atrocious conditions. Environmental standards are being exploited and are totally lax. We know, with very good evidence, of rubbish being thrown overboard and oil spills not being reported. When you are competing with all this there is no way that a well-managed,
Australian-crewed, Australian-flagged ship is going to be able to be cost competitive—so the temporary licence gets issued. You cannot be competitive with that sort of appalling regime.

We know that since the MV Portland was replaced three ships so far have done the journey from Kwinana to Portland. Of those three ships, one is under investigation for corruption and one is facing charges of not having paid their seafarers. These are the sorts of ships that are replacing our Australian crewed and Australian flagged ships. These are the sorts of ships that mean we are looking to replace virtually all the ships in the Australian shipping industry. It is an absolute travesty. Here in Australia we are the fourth-largest users of ships in the world and yet we have this government's approach to shipping. They attempted—and failed—to get legislation through the Senate to deregulate the shipping industry, and now they are working with industry to undermine the intent of the existing legislation.

It really is a sign of things to come. The decline in Australia shipping could be arrested, but the legacy of this government seems to be that it is going to destroy Australian shipping. The decline could be arrested. The way to arrest it, the way to revitalise and rebuild Australian shipping, is to provide some certainty to the industry and to be working together, as the MUA and the maritime industries of Australia have been trying to do over the past months with the shipping summits that have been held in Melbourne—trying to bring all players together to work out what the future is for Australia's shipping and how we can rebuild it; rather than the government's agenda, which is basically to say goodbye to it.

There are really good reasons for maintaining the Australian shipping industry, and yet Australian seafarers and Australian shipping have been kicked in the guts and kicked off their ship. This industrial thuggery has been aided and abetted by the Liberal government, who are wanting to deregulate the Australian shipping industry into oblivion. When the local industry most needs our support, the Liberal government is trying to kick it when it is down.

It is a case that is characteristic of this government. It is not just the shipping industry. Whether it is with the Australian Building and Construction Commission or attempts to cut penalty rates, we are seeing attacks on Australian workers throughout the country. These cases show that it is not just limited to the land; we have it happening on land and at sea. So, when the government is talking about loosening regulations and cutting red tape, the Australian people have very strong grounds for scepticism when it comes to this Liberal government.

With regard to the legislation that is before us, I acknowledge that the minister has stated his intention to continue to regulate passenger and vehicle interstate transport, but we are not convinced. As it stands, the security measures in the Maritime Transport and Offshore Facilities Security Act only apply to registered Australian ships that are used for either interstate or overseas voyages, but there is no regulation for intrastate voyages. So currently a journey from Portland in Victoria to Kwinana in Western Australia is covered, but not a trip from Portland to Melbourne. The original bill to create Maritime Transport and Offshore Facilities Security Act in 2003 failed to justify why this was the case.

The Australian Greens broadly agree that it is difficult to argue as to why a ship operating between Portland and Fremantle needs to have extra security regulations compared to a ship voyaging between Portland and Melbourne, as there are not radically different security regimes between the states. However, there are real concerns that this is yet another attempt
by the government to lead a race to the bottom by gutting regulations and endangering people at work.

When this government was headed by the member for Warringah, Tony Abbott, we became familiar with, but always dismayed by, the haphazard approach to policymaking of introducing new regulations or tearing up old ones without recourse to evidence or due process. There were high hopes that Tony Abbott's replacement as Prime Minister would relieve us of this approach, but every day, and on every issue, it becomes clear that it is the same old Liberals under Prime Minister Turnbull.

If we want to ensure that regulations are coherent across the country, ensure the safety of people at work and ensure our security, there is another way to do this: we could broaden the regulations to vessels on intrastate voyages and ensure that all vessels, regardless of country of registration, comply with the same standards. The government's logic has the capacity to be extended in both directions. But, for the bill before us today, the Australian Greens feel that the government has simply failed to make the case that this change balances the competing needs of maritime workers, shippers, Australia's international obligations and the broader Australian community, and that is why the Australian Greens will be opposing this bill.

Senator LAZARUS (Queensland) (09:56): I stand today very disappointed, having to speak about the Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015. It should never have seen the light of day, but here we are. That goes to say that I will not be supporting this bill. My understanding of the bill is that it will water down the current Maritime Transport and Offshore Facilities Security Act 2003, which was put in place by the Howard government to improve Australia's maritime security. The current act requires seafarers working on all Australian-registered ships which trade between states or overseas to be assessed by ASIO and the Australian Federal Police to determine whether they are a security risk to Australia's ships and maritime infrastructure and, importantly, the safety and security of our country as a whole. Seafarers who pass this assessment are issued with a Maritime Security Identification Card, or MSIC. In effect, this card means that the seafarer is not considered a risk to our country's security or the security of the vessel. The amendment bill will cease this requirement for Australian-registered ships which move between ports around Australia. Strangely, however, it will not remove this requirement for Australian-registered ships which trade overseas.

At a time when terrorism is at an all-time high and security is a critical issue for our country, I cannot understand why the government would be putting forward such a bill and the Labor Party would be supporting this bill. The effect of this bill is that companies will be able to bring in foreign labour to work on Australian-registered vessels and these people will not be required to undertake a security assessment. This will simply make it easier for companies to sack Australian labour and bring in 457 workers. If this bill is successful—and unfortunately it is, because Labor has decided to get in bed with the government once again—foreign workers working on ships will be able to move around Australia from port to port without any Australian maritime security assessment. These people will be able to just get off the ship at any port.

What sickens me in all of this is that the coalition and the Labor Party all prattle on about how important it is to support Aussie jobs and Aussie workers but then go about undermining Aussie jobs and Aussie workers by putting up bills like this one that do nothing more than
remove barriers and help big businesses to sack Australian workers and bring in 457 workers. I have consulted with areas of the shipping industry, and they are opposed to this bill. Every person I have spoken to is of the opinion that the bill will help to kill off Australia's maritime and shipping industry, which seems to be the government's ultimate plan.

Unlike the government and Labor, I have listened to the people of Queensland and the rest of Australia, I am voicing my disapproval of this bill and I am voting how the people of this country want me to vote. They want me to vote against this bill, and that is exactly what I am doing. Perhaps, if the government had consulted with the maritime and shipping industry before drafting this bill, we would not be here today wasting taxpayers' money and time considering this bill. I absolutely oppose this bill.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (10:00): The government is very committed to boosting the productivity of the Australian shipping industry and reducing red tape. Contrary to the presentation we just heard from Senator Lazarus's and Senator Rice, we are committed to boosting the competitiveness of the Australian shipping industry. That has been one of the objectives we have had for a long time, because we know that an undue cost in the supply chain makes the entire supply chain uncompetitive. So Senator Lazarus' sugar farmers who are moving sugar around the Australian coastline under this piece of legislation will have access to more competitive shipping. That is the point. That is the point of this whole process, and I will dispute his assertion that the industry does not support this; because they do. I also dispute his assertion that it is all about replacing Australian labour with foreign labour, because that is not what this bill enables. So can I say, Senator Lazarus, I am going to have to disagree with the arguments you have made in your presentation.

The government wants the Australian shipping industry to be competitive so it can provide an efficient and competitive service to Australian industry; that is the point. That is what we are striving to do and that is what we have been striving to do through previous pieces of legislation that we have looked at. So exposing the Australian shipping industry to competition will drive innovation, will drive reductions in cost and will make them look more closely at their businesses to provide a more cost competitive and efficient service to Australian shippers. That is what it is about.

We also remain committed to ensuring that our transport systems, be they road, rail, aviation or maritime, are safe, secure and efficient. In this regard we continue to foster Australia's economic prosperity—as I said—through a safe, secure and efficient maritime transport system. Australia's maritime transport safety settings are regularly reviewed to ensure that they are appropriate to changes in the maritime security environment. And it is a delicate balance between security and regulatory overlay. It is a delicate balance, and it is important that we continue to look at it.

A recent joint review between industry and the Australian government was undertaken to investigate the need to continue security regulating Australian ships solely on interstate voyages. That review confirmed that there is no ongoing benefit to security regulating Australian ships used solely on interstate voyages except for passenger and vehicle ferries. As such, the Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015 will see a reduction in red tape which does not provide any security benefit. In other words, the security regulation of Australian ships engaged solely on interstate
voyage except for passenger and vehicle ferries will be ceased. This action will provide a reduction in running costs for operators of Australian flagged ships engaged solely on interstate voyages. Additionally, it establishes a level playing field for ships moving between states and those solely engaged on intrastate voyages, as arguably there is no increase to a ship's security risk that comes from crossing a domestic state border.

The security risks will not change if the existing regulatory regime is removed, and this bill does not prevent operators from employing their own security measures to protect their business operations and assets. However, should there be a change in the maritime threat environment there are a number of powers available under the act to protect the shipping industry, including a requirement for ships to implement additional security measures while in Australian ports and deregulation of Australian ships on interstate voyages.

While not a part of this bill, it is proposed that passenger and vehicle ferries on interstate voyages will continue to be regulated as it is in the public interest. This bill has no impact on the security arrangements of foreign flagged ships operating in Australian territorial waters.

These ships still need to be security regulated by their flagged state and are required to undertake a range of security activities specified in the International Ship and Port Facility Security Code, and include these in their ship security plans.

Furthermore, all foreign ships entering Australian ports are required to have and to provide a valid International Ship Security Certificate or equivalent to the Australian Border Force, and this information is made available to ports. Crews of foreign-flagged ships will continue to be required to be escorted or monitored when in a maritime security zone.

These amendments will have a positive outcome for industry by reducing the regulatory burden and associated costs without compromising security. I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): The question is that the Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015 be read a second time.

The Senate divided. [10:10]

(The Acting Deputy President—Senator Bernardi)

Ayes ....................38
Noes .................12
Majority..............26

AYES

Back, CJ
Brown, CL
Bushby, DC
Canavan, MJ (teller)
Cormann, M
Day, RJ
Fawcett, DJ
Gallacher, AM
Ketter, CR
Lindgren, JM
Ludwig, JW
Marshall, GM

Bernardi, C
Bullock, JW
Cameron, DN
Colbeck, R
Dastyari, S
Edwards, S
Fierravanti-Wells, C
Gallagher, KR
Leyonhjelm, DE
Lines, S
Macdonald, ID
McAllister, J
SENATE
Wednesday, 3 February 2016

AYES
McEwen, A  
McLucas, J  
Muir, R  
O'Sullivan, B  
Polley, H  
Smith, D  
Wang, Z  

McGrath, J  
Moore, CM  
O'Neil, DM  
Peris, N  
Reynolds, L  
Urquhart, AE  
Xenophon, N

NOES
Di Natale, R  
Hanson-Young, SC  
Lambie, J  
Lazarus, GP  
Ludlam, S  
McKim, NJ  
Rhiannon, L  
Rice, J  
Siewert, R (teller)  
Simms, RA  
Waters, LJ  
Whish-Wilson, PS

Question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (10:10): 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 COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (10:13): I move:
That this bill be now read a third time.

Question agreed to.
Bill read a third time.

Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015

Second Reading

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

Senator POLLEY (Tasmania) (10:13): I rise to speak on the Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015. I will say at the outset that Labor will support this bill, and I note that this legislation has savings of $63.6 million.

We are in favour of reducing the red tape, as this legislation does, and we commend the government on it. But it has to be said that much of the reforms that have been made in relation to the aged-care sector stem from Labor's Living Longer Living Better reforms that we brought in after extensive consultation with the sector. Labor did the heavy lifting with our Living Longer Living Better reforms, which are consistent with red tape reduction.

This bill changes the process for transferring places between aged care providers from an approvals process to one where the transfer is seen as approved until it is vetoed. In addition,
the bill will increase the time frame for providers to make provisional allocated places operational, from two to four years, while also limiting the number of extensions to this period. These amendments are sensible and we support them.

In detail, this bill will extend the provisional period from two to four years. This makes sense and is logical, given the development constraints that exist. This should provide some certainty for providers seeking to make substantial investments in new or refurbished facilities. But it limits the number of extensions that can be approved. This means providers are not holding onto provisional places indefinitely. Given the high demand for aged-care places, it is essential that we see places become operational as soon as possible. In addition, it makes sense to facilitate the transfer of allocated places between providers. There are occasions when providers make a financial decision that they can no longer support the place, and seek to transfer the allocation to another provider. Quite frankly, there is not a lot of change as a result of this legislation. Providers still need to inform the department about the transfer, they still need to meet the criteria so that the places remain in the same planning region, and so forth. But, at the moment, the department secretary has to indicate an approval or rejection of a transfer. This legislation will reduce the workload of the department secretary, as they will no longer need to give notice of approval, only of veto. So red tape reduction will definitely favour the secretary of the department. Labor supports these measures, as I said from the outset. But the real test here will rest in the government's ability to implement and regulate these changes.

The transfer of allocated places does not occur regularly. Holders of allocated places often on-sell the bed licences or provisionally-allocated places, and make some money doing so. We do not want to see providers applying for the allocation with a view to on-selling them. I am not suggesting this happens. I do not want aged-care providers to think that I am accusing them of rorting the system—I will leave that to the Minister for Aged Care. Take, for instance, the mid-year economic forecast, which robbed providers and aged-care residents of $472 million, after the government cut the funding for ACFI supplements. The Minister for Aged Care buried those cuts with cries of outrage at the incredible rorting of these supplements by the aged-care providers. I have seen reports from providers that compliance has improved over the last 12 months, and that at least 99 per cent of providers are doing the right thing. And, as I travel the country and visit these aged-care residents, I know from talking to those providers that there are excellent care opportunities for older Australians in this country.

So, rather than blame providers—who really have the best interests of their residents at heart—maybe the Minister for Aged Care should look at the increase in the cost of providing care. Maybe she should actually visit to some aged-care homes around this country. Maybe she should take a stronger interest in aged care. For example, if our goal is to keep people living in their own homes for longer—which I agree is most certainly the best option—then we certainly have higher needs when people finally do enter into residential care. These incur higher costs. So the longer we are able to keep people in their homes, the better it is for those individuals, the better it is for the community and—let us be frank—the better it is for the federal government's bottom line. But we have to accept that when people reach a stage where they can no longer be cared for in their own homes, and they go into residential care, their
care is at the top end. During that phase of their lives, it is going to be the most costly care. So perhaps the Minister for Aged Care should be looking at this.

We know that over the next two to three decades the number of older people is going to increase dramatically. So, rather than cutting aged care funding, the government needs to be investing. And, when I say 'cutting'—the Turnbull Liberal government has cut around $1.8 billion from aged-care expenditure since they came into office. That is $1.8 billion in two years. I wonder if the Prime Minister considers that amount 'modest'.

When it comes to aged-care cuts, quite frankly there is no difference between Tony Abbott and Malcolm Turnbull. This is yet another example of the Prime Minister saying one thing before an election and then doing something entirely different afterwards. $1.8 billion out of the aged-care budget in this country is unacceptable.

Labor does support this bill, as I have said, but there is so much more that needs to be done. So we will be watching this government. In particular, we will be watching the Minister for Aged Care to see whether or not she actually has a handle on this policy, whether she actually does care about older Australians, because quite frankly over the last two years this government has demonstrated without a shadow of a doubt that they do not have the same priorities in this policy area as we did in government. We did the heavy lifting with Living Longer, Living Better. We consulted with the sector. We had the sector joining with us, along with the union movement, to bring in the reforms of Living Longer, Living Better. Unfortunately, this government—even though they had the framework; they had the plan there; all they needed to do was roll it out—failed miserably because they have never had a Minister for Ageing. They have never seen it as a priority of this government to give due recognition to older Australians. Now we have a Minister for Aged Care. Aged care is obviously very important—I am very passionate about it—but it is only one aspect of ageing.

So, as I said, we will be supporting this legislation but we will be keeping an eye on this government to see how they roll out the regulations and whether they are monitored. We commend the bill to the Senate.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:22): I rise to also make a contribution to the debate on the Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015. The allocation of beds and home care places, but particularly beds in residential aged care, has been a bone of contention in Australia for a significantly long period of time—in fact, for the whole of the 10 years I have been in this place and beyond this has been a burning issue.

In particular it has been an issue, I have to say, in my home state of Western Australia. As the boom took place in Western Australia and costs escalated, one of the things that happened was the allocation of places and beds through the round and them not being taken up for a significant period of time because people could not afford to build as housing prices and building costs increased in Western Australia. I would say it reached a crisis point at one stage.

Senator Polley chaired a landmark Senate inquiry into aged care and really focused on and highlighted the issues. I participated very strongly in that. That Senate inquiry focused and highlighted some of the major issues. At the top of the list was access and allocation facing what we knew were the increasing numbers of people that would need aged-care support—
both home care and residential care—and also the changing nature of what people would want from an aged care system. This included better services, better supports and single occupancy rooms. For example, many of our facilities at that stage were still four-bed-type facilities. More and more people wanted to remain in their homes and to remain in their homes longer.

There is a very long list of the changes that were needed. That is why we were very pleased to see the Living Longer, Living Better reforms, and the Greens participated very strongly in that discussion. In fact, I would like to think that we achieved some really good amendments in that legislation as well. But we all know that Living Longer, Living Better was only the start of the reforms that were needed in aged care, and that is quite obvious to anybody who is involved in this issue. If you read the Productivity Commission report, it is also obvious that we have only done part of that work. This is a work in progress. We all knew that at the time, and this goes to part of that work. There is a lot more work that needs to be done in this space, and I am looking forward to continuing to work on aged-care reform.

At the heart of this, we need to make sure that the consumer—that is, older Australians and their families—are at the centre of it. This is about supporting Australians as they age in place. But it is also about supporting them if they need to go into residential facilities; we need to make sure that we have quality there. We need to make sure that people have choice and that we put the consumer—older Australians and their families—at the centre of that decision making. That is why I am so pleased to see that CDC—consumer directed care—is being put in place and that we are making sure that that works really smoothly and achieves its aims of giving people control over their supports and care. I know that that is still a bit of a work in progress as it comes into operation, particularly this year but also over the next couple of years.

I do not actually see this so much as red-tape reduction—and I really think that the government has made a mistake in terms of classing this as red-tape reduction—I see it as part of the work in progress that is contributing to rolling out better aged care in this country. There is no doubt that we need to be doing that. Under our current framework the government allocates the subsidised aged-care places—be they home care or residential care. Where a provider has been allocated a place this typically carries over from year to year. Each year the minister also determines how to allocate new places in accordance with the planning framework. Aged-care places can be provisionally allocated but the provider does not receive that funding until they can become operationalised.

This bill makes two changes to the administration of how aged-care places are allocated. Instead of looking at this as red-tape reduction, we should be looking at the goal of making things easier and improving aged care, both for consumers—older Australians—and also for providers. To make a little note of warning here: we cannot just be making things easier for providers; it is essential that we are making this better for older Australians, for the delivery of care. Providers are very important and we need to make sure that their views are included—absolutely. But we need to make sure that the centre here is older Australians.

As I touched on at the beginning of my contribution, the issue around taking up beds and operationalising and building them has been quite problematic. Holding on to places and getting them online has been quite problematic. So I think it is better that these changes progress towards reforms that are needed. The first change is how places are transferred between aged-care providers. Currently, when an aged-care provider wants to transfer a place
to another provider it must be approved by the secretary to take effect. The minister has said in the other place, and it is also in the documentation, that 80 per cent of the transfers are routinely approved. This bill amends that processes so that transfers are automatically approved unless they are vetoed by the secretary, and there are a number of minor changes associated with this. Probably the most significant is that providers will not be required to justify the reasons for the transfer. The protections around the same planning area and the ability of the secretary to vary that and to be involved are important protections, and we are satisfied that the bill does add those protections.

The second change relates to the time line for provisionally allocated places. This is, I think, particularly important so that providers are not hanging onto those places. Currently the legislation allows for provisionally allocated places, and this may occur when an aged-care facility is being built or expanded. Where a provisional place is allocated, the place must become operational within two years. However, providers can request extensions and frequently do. We understand from the minister's second reading speech that the median time for allocation is four years, with 80 per cent operational within six years. The new framework allows for provisional places to be allocated for four years rather than two, and the minister can provide two extensions but only has to approve a third or subsequent extension in exceptional circumstances.

I think the amendments here are good amendments. I probably would have liked to see it go a bit further, quite frankly, but I think this is a step in the right direction. We will be supporting it. We understand the government have consulted with industry and peak bodies on these reforms and that the reforms come out of work that was undertaken by the aged-care sector committee. I actually consulted as well, just to make sure, because I have some experience in this place of where the government say they have consulted and in fact they have not, or they have a different definition of 'consultation' to what I and the community would class as consultation. Having said that, this time I do believe them. They are reflecting the opinions, I think, of both the industry and, most importantly, consumers—so providers and the people that are going to be using these services. My understanding is that they do support these amendments, so I am quite pleased that they are backing these and I think, therefore, that we can support this bill and these amendments to the legislation, knowing that they have the various stakeholders' support.

So, on this basis, we will be supporting this bill. We do think this will make steps in terms of the longer term aged-care reform, and the changes are supported by stakeholders. In particular, they will bring benefits, most importantly, to consumers. I encourage the government to keep going with the process of aged-care reform, because we still have a long way to go in this country if we are going to be prepared and ready for older Australians as they age. People use the word 'tsunami'. I do not like to term it that way at all, but we know that our population are getting older and they also have large expectations. I am one of them, folks! We all have large expectations about the quality of life that we expect and what we expect from our aged-care system, and I think we need to see this as a small step in that longer term reform process. The Greens will be supporting this bill.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (10:33): I am also pleased to join with my colleagues in this place in support of the Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015, which forms a key part
of this government's commitment to deregulation across all policy areas. I think it is fair to
reflect on the fact that over the last few years there has been a greater sense of bipartisan spirit
in the development of Australia's aged-care policies. It was pleasing to hear Senator Polley's
contribution today, where she commended the government for its commitment to red tape
reduction in this particular area. I remember very clearly our commitment, when we were in
opposition, to the then government's Living Longer Living Better package of proposals. When
we reflect on the last decade, this area of public policy can too easily be prone to political
point-scoring by political parties, but I think the reality is that this, more than many other
areas that we have to deal with in this Senate, is an area that requires less politics and more
good policy. I note Senator Siewert's contribution in regard to the heavy demand that we have
in meeting people's expectations that they themselves, or indeed the people that they love and
care for, will be given the appropriate care should they require aged-care services as they get
older in our country.

This bill is fundamentally about letting aged-care service providers do what they need to do
and do it well, actually delivering services that support ageing Australians instead of having
to spend quite so much time coping with unnecessary and outmoded forms of regulation. We
know that Australia has an ageing population—that is not disputed—and, by extension, that
means we know aged care is a growing and increasingly important industry that will impact
growing numbers of Australians in the years ahead. The legislation before us today is about
allowing those working in aged care to focus on their core business—and that, of course, is
service delivery—while still retaining appropriate safeguards to ensure that the services being
delivered are of an appropriate standard.

This bill reduces red tape for aged-care providers in regard to the management of
 provisionally allocated residential aged-care places and the transfer of residential home-care
and flexible-care places. The major measures in this bill represent the fulfilment of an election
commitment made by this government to review the administration of aged-care places
management. The legislation is consistent with achieving item 11 of the government's Red
Tape Reduction Act Plan. That plan was co-developed by the government and the aged-care
sector, and it was approved by the former Prime Minister Mr Abbott in 2014. At that time, the
government committed to undertaking a review of aged-care places management. This
included streamlining the transfer of residential home care and flexible care places and
revising the service provider obligations associated with managing provisionally allocated
residential aged-care places.

There are two distinct measures contained within this bill which are worth illuminating:
firstly, the transfer of aged-care places measures; and, secondly, the amendments relating to
 provisionally allocated residential aged-care places. Both of these measures form a significant
part of the government's plan to better align business realities with the legislative platform in
the Aged Care Act, thus establishing a more efficient and effective model of administration
for aged-care places.

This bill is also about making sure our regulatory system around aged care reflects
contemporary economic reality and the changing priorities and preferences of aged-care
consumers. In particular, it is an effort to take account of the growing popularity of home care
packages. Home care packages are an attractive option for consumers and taxpayers alike.
They do save the taxpayer money, but I would argue that more importantly they allow
Australians to remain in their own homes for longer while still receiving the levels of care and support they need to continue leading a comfortable, dignified and independent lifestyle.

This is in no way intended to denigrate our nation's aged-care facilities, because they are exceptional in many cases. Many of us in this chamber would have visited many of them during our time. But I think it is fair to say that, given a choice between remaining in our own homes or moving to a full-time aged-care facility, the overwhelming majority of us would choose the former. That is just human nature; home is where the heart is, we are told. It stands to reason that in our later years most of us would wish to be in an environment that holds memories that are precious to us.

The problem with the system as it currently stands is that the process for approvals is not necessarily keeping pace with these changing demand patterns. This reform allows for proposed providers to transfer their licences to other aged-care providers who may want to operate facilities in the area instead of having to go through a laborious process for advising government and completing a mountain of paperwork to accompany that. There can now be greatly simplified notification processes as a result of these reforms.

I am sure many senators would join me in detailing their interactions with those who own and operate aged-care facilities across their home states. I certainly have because of course, as we know, aged care is a long-standing interest of mine and of many colleagues in this place. Of course, one of the major gripes of those who work in the sector is the resourcing that has had to be directed to dealing with the administrative aspects of their role. I have to say that this is a particularly significant issue when I meet with aged-care service providers across regional Western Australia. Running an aged-care service is a difficult enough challenge anywhere in our country, but I think even more so in regional Western Australia, which suffers from the added complications and frustrations of distance, isolation and low population density.

To be blunt, the already difficult task is not assisted by the appearance of sensationalist claims in the media, which unfortunately seem to be part and parcel of working in the sector at present. Chief among these seems to be an attitude that aged-care service providers should not be making a profit, and that somehow 'profit' is a dirty word. I think that notion needs to be disputed. It needs to be dispelled. It is actually possible to deliver high-quality aged-care services and make a profit, as many providers in Western Australia are doing. The two things are not mutually exclusive. Yes, it is true that profit in the aged-care sector is increasing. Data shows that average before-tax profit increased from $12.32 per resident per bed day in 2014 to $17.20 in 2015. A major reason for this was the government's decision to deregulate resident accommodation payments. This was a deliberate effort to open the market up to greater levels of competition, which is ultimately about greater choice and higher quality for consumers.

Profit is not actually bad for the aged-care sector. The thing that is most needed to drive greater choice and higher-quality services for aged-care patients around Australia is greater levels of investment. It stands to reason that business-savvy investors are going to be more inclined to invest their money in an aged-care sector that is indeed profitable. Only by attracting greater levels of investment will we be able to make sure that our aged-care system is able to meet increasing demand levels in the future. It also stands to reason, then, that a
system that is more efficient is one that will be more profitable. That is why the government is pursing the deregulatory measures outlined in this legislation.

The new approach proposed in this bill to the transfer of aged-care places is to replace the application form with a simplified notice of transfer that is signed by the transferring parties. It eliminates the need for approved providers to seek approval to transfer their places to another provider. They will instead be able to simply notify the department of the transfer and wait for the transfer to be processed. The government retains the capacity to review the proposed transfer and where quality of care, prudential, financial or other significant concerns exist, has the right to issue a notice of veto to prevent the transfer from proceeding. In other words, careful overview of the quality of services being offered will still be maintained.

These reforms are a part of a package of changes that will remove 20 out of a total of 93 provisions which relate to the material that must be provided to or considered by the Department of Health when providers wish to transfer places. A further 17 of the 93 are being merged or simplified, and 10 of those 17 provisions will only apply where places are transferring to a new approved provider. This new approach is wholly consistent with the fundamental concepts of red tape reduction and meets the objectives of the Red Tape Reduction Action Plan by ensuring regulation within the aged-care sector meets our modern needs.

The second measure within the bill aligns the period of provisionally allocated residential aged-care places with the current business realities of approved providers of residential aged care. In reviewing current practice and assessing the case for a change in the policy setting towards a reduced administrative arrangement, advice from the aged-care sector was that the current legislative arrangements did not adequately support providers of aged care. A provisionally allocated place is a place that an approved provider has not and is not delivering care through. It is a place that an approved provider has been advised will be subsidised by the Australian government but is not currently operational and has not taken effect. Following successful receipt of a provisionally allocated place through the Aged Care Approvals Round, approved providers of residential aged care must then seek planning approval through local governments to construct their new aged-care service. Advice from the sector is that sometimes this process alone can add up to two years. The current provisionally allocated period of two years sometimes only permits planning approval to be received before applications for extensions commence. Departmental data indicates that the median time it takes approved providers to operationalise their places is approximately four years, and that 80 per cent are operational within six years.

It is reasonable to amend this provision to reflect how this component of the act is used by providers of aged care. Under the current approach, a rolling cycle of extensions and quarterly reporting is required to be undertaken. This is time consuming and includes unnecessary reporting of information that rarely changes. The new approach to managing provisionally allocated residential aged-care places extends the initial period from two years to four years and permits two 12-month extensions before care is required to become operational. After six years, an extension to the provisionally-allocated residential aged-care place will only be made in exceptional circumstances. If care does not start to be delivered, the aged-care place will lapse and be reallocated through the Aged Care Approvals Round to another provider that has the capacity to deliver the care.
Importantly, this model aligns the legislative platform for regulation with the current business realities of approved providers of residential aged care across Australian communities. It also reduces the red tape for the sector by preventing the unnecessary reporting burden on approved providers of residential aged care by 75 per cent. This new approach is an important change in the way that we consider aged care, as it shifts the focus back to care delivery.

This bill represents practical reform for aged-care providers. It delivers on the government's agenda on red tape reduction, it is going to make life easier for administrators on the ground and it will make it easier for people to invest in the aged-care industry, because they will be able to obtain bed licences when and where they need them without having to spend unreasonable amounts of time on form-filling, red tape and dealing with departments.

In supporting this legislation today, I extend my particular thanks to those who deal with the very real challenge of working in the aged-care sector each and every day. The work you do is an integral part of helping Australians live longer lives that are still dignified, comfortable and independent. As our population ages the importance of this work will only grow, and it is therefore crucial that our regulatory system helps to make that task easier. The bill is a practical way to do this.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (10:46): I thank senators for their contributions. This Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015 is an important component of the government's deregulation agenda. Australia has an ageing population, with the life expectancy of older people increasing. With this demographic comes the need for governance to support older people with their increasing care needs and to make the process of delivering care less burdensome administratively.

This bill makes the business of delivering aged care easier for service providers and removes unnecessary red tape so that the focus of care delivery can be at the forefront of a service provider's attention. This bill aligns with the action areas in the Red Tape Reduction Action Plan by reviewing current practice and assessing the case for enhanced policy settings, streamlining administrative requirements and ensuring fit-for-purpose regulation.

The amendments proposed in this bill remove the need for approved providers to seek approval to transfer their places to another provider. They simply notify the Department of Health of the transfer and wait for the transfer to be processed. The Department of Health will retain the ability to veto transfers where they are not appropriate, and must still consider the matters critical to ensuring that aged-care consumers are protected.

The amendments proposed in this bill also reduce the number of times that approved providers who have been provisionally allocated places must apply to extend the period of provisional allocation. The bill amends the act to give approved providers four years, with the possibility of two 12-month extensions and further extensions in exceptional circumstances.

Both measures are founded on three key concepts: (1)—most importantly—upholding quality aged-care service delivery and other consumer protections; (2) only seeking additional information from the aged-care sector that is necessary to provide an informed risk-managed perspective of the proposed transfer; and (3) reduced involvement in business transactions of approved providers of residential care.
This bill is a positive step forward in reducing red tape for aged-care providers. I thank senators for their contributions to the debate on this bill. These measures have been supported by those we consulted within the aged-care sector. I welcome your support for the bill, those in the chamber, in reducing red tape in the management of aged-care places.

Question agreed to.

Bill read a second time.

**Third Reading**

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (10:49): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (10:49): I move:

That the bill now be read a third time.

Question agreed to.

Bill read a third time.

Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator REYNOLDS (Western Australia) (10:49): I will resume my comments on the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. After listening carefully yesterday to the debate on all sides of this chamber I repeat that I am absolutely impressed, yet appalled, at the ability of those people on the other side to complicate a very simple, straightforward procedural bill.

In summary, getting rid of all the rhetoric from those opposite, the substance of this bill is very simple. The ACT, 12 months ago—in fact, Senator Gallagher is here at the moment, who actually requested, as Chief minister, to exit the scheme. That was absolutely the ACT's right to do so. However, it was discovered subsequently that there is a gap in the legislation and that when the ACT does exit the scheme it means it will leave the Commonwealth with existing liability. This bill is simply to close that gap, to make sure that when the ACT exercises its right to exit this scheme that workers' rights are protected—that those who have been injured are protected—and that the ACT taxpayer takes on the responsibility for this rather than the Commonwealth taxpayer.

Just in conclusion: the amendments in this bill will enable Comcare to calculate the liabilities of an existing employer and issue them with a levy to ensure that these liabilities are covered once the employer leaves the scheme. This will ensure that the Commonwealth is not left to pick up the tab for the employer after they have left the scheme. The contributions will be determined on a cost-recovery basis, so the bill will not allow the Commonwealth to recover any more than what is owing in order to make a profit on the exit fees.
It will also ensure that employees who are injured before their employer leaves the scheme will continue to receive compensation from Comcare on the same terms, and ongoing support in their rehabilitation and on their return to work. That is what this bill is about. Despite what Senator Ludwig said yesterday—bringing in two other bills and trying to overly complicate and muddy this issue—it is as simple as I have just outlined. It is simply to make sure that when the ACT exits this scheme that the employees are covered, and that the ACT picks up the bill—not the Commonwealth.

This bill also amends provisions related to the Safety, Rehabilitation and Compensation Commission to deal with the representation on the commission should the ACT exercise their right to leave the scheme. As the ACT currently sits on the commission, it also aligns the appointment process with other comparable appointments to enable appointments to be made by the minister with the approval of the Prime Minister and without the additional step of requiring approval from the Governor-General. This is a common-sense streamlining of the amendment.

In conclusion, I think this is a very simple, straightforward bill that is important not only to protect the Commonwealth taxpayer but also to ensure that those employees under the current scheme are protected if and when the ACT exits this scheme. I commend the bill to the Senate.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (10:53): I rise to sum up the debate on this particular piece of legislation. The Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015 will amend the Safety, Rehabilitation and Compensation Act 1988—the SRC Act—to manage the exit of the ACT government and any Commonwealth authorities should they choose to exit the Comcare scheme. The bill is essentially administrative in nature and closes a loophole in existing legislation.

I am going to take this opportunity to correct some of the blatant mistruths about this legislation that those across from me in the chamber have basically stated during the debate on this bill. The bill, whilst it is administrative in nature, is an important piece of legislation and will provide certainty for the ACT, ACT employees, Comcare and the taxpayer. The bill simply says that, if you are going to leave the Comcare scheme, you need to make sure you cover your liabilities. It does nothing more and nothing less. It is very simple. In doing so, the bill ensures that the ACT's ongoing liabilities are funded, meaning that remaining employers will not suffer premium increases simply because another employer, as is their right, chooses to leave the Comcare scheme. It will also ensure that employees who are injured continue to have their rehabilitation and their compensation through Comcare provided.

The bill extends not only to the ACT should it leave the scheme but to any other Commonwealth authority should they also choose to exit the Comcare scheme. The exit arrangements in the bill are not novel; they appear in similar terms in state legislation. There is nothing novel about making someone cover their debts. In fact, I would say it is very good policy to make sure someone who chooses to exit a scheme is made to cover their debts. The bill is about financial accountability. It is as simple and straightforward as that, not as some on the other side would have you believe.

In terms of the myths that have been raised during debate on what is, effectively, an administrative bill, I want to confirm that the bill does not privatisate the Comcare scheme.
None of the government's legislation on Comcare that is before this parliament privatises the Comcare scheme. This bill does not impact employee entitlements or change the benefits provided to workers under the Comcare scheme. In fact, it actually protects the entitlements of workers and provides certainty for workers should their employer, as is their right, exercise the option to exit the Comcare scheme. The bill does not take out of Comcare employees injured before the employer leaves the scheme. In fact, it gives them certainty and provides for their ongoing rehabilitation under Comcare. It does not impact the premium pool of the scheme should the ACT exit the scheme. The exit contributions it must make will contribute to the premium pool. Not passing the bill, however—and this is very important to note—will have a negative impact on the premium pool. The bill does not force the ACT to leave the scheme, nor does it encourage or incentivise it to do so. Likewise, it does not force or encourage any other Commonwealth authority to exit the scheme.

Finally, the bill is not about premium payers leaving the state and territory worker compensation schemes to join the Comcare scheme. Let me emphasise that that is a completely separate issue. The bill will not lead to a reduction in the premium pool in the state and territory schemes.

The Comcare scheme outstanding claims liabilities currently exceed the funds available to meet those liabilities. This bill is going to ensure that employers do not leave the Comcare scheme without covering the costs of their claimed liabilities for their employees who have incurred work related injuries or illnesses. Without this bill there could be insufficient funds to cover current or prospective claims, made by employees, which would then have to be picked up by the Australian taxpayer. In addition, employers could leave the scheme and, effectively, abandon their responsibility to ill or injured staff.

It will support current measures that Comcare has in place to restore scheme funds to adequate levels and will ensure that employers remaining in the scheme are not penalised with higher costs to meet the liabilities of other employers that have chosen to leave the scheme. Likewise, the bill does not allow the Commonwealth to recover more than it needs to fund actual liabilities, meaning that there are no profits to be made on the exit fees. There are currently no provisions in the SRC Act requiring exiting premium payers to meet rehabilitation responsibilities for their employees who have been injured. Importantly, this bill will ensure that employees injured before the employers exit continue to be supported by an appropriate rehabilitation scheme. This bill in fact protects the rehabilitation rights of employees.

The bill, as you would be aware, has been the subject of a Senate committee inquiry, and the committee recommended that the bill be passed. The Senate committee noted that maintaining the financial sustainability of the Comcare scheme through appropriate exit contributions is essential to ensuring the long-term sustainability of the scheme to pay claims and to support injured workers. The committee was satisfied that the bill will not change any existing benefits or entitlements for injured workers. The committee noted that the bill will ensure that employees injured before a Commonwealth authority exits the Comcare scheme will continue to receive compensation and rehabilitation under the scheme, and indeed Labor senators on the committee broadly supported the legislation, which is obviously welcome.

That said, there were some submissions to the committee that unfortunately indicated that some people and organisations completely misunderstand the effect of the exit arrangements.
bill. If the bill is not passed, the effect will be that the liability of the exiting employer—in this case, the ACT government, and Senator Gallagher is in the chamber today and obviously was the Chief Minister at the time that the ACT government put in their request to exit the scheme, as is their right to do—will fall onto the Commonwealth and the Australian taxpayer. Employees who are injured before their employer exits the Comcare scheme will have no rehabilitation authority to support their recovery and return to work. It is therefore critical that we close this gap, to provide certainty for workers and to prevent the taxpayer from covering the cost of Commonwealth employers who leave the scheme.

The ACT government, I note, supports the bill and is keen for it to be passed so it has certainty about the exit arrangements that will apply to it and its workers. The decision to leave Comcare is a decision for the ACT government. The Commonwealth has no power to stop the ACT government from exiting the Comcare scheme. Nor does the Commonwealth have the ability to influence the arrangements that the ACT ultimately puts in place. The bill, as I have stated, though, does not just relate to the possible exit of the ACT government from the Comcare scheme; it will cover the exit of any Commonwealth authority. What it will do is protect existing employees and premium payers, thereby closing this loophole in relation to liabilities once and for all. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Lines) (11:03): As there are no amendments, I call the minister.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (11:03): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator GALLAGHER (Australian Capital Territory) (11:03): I rise to speak on the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015. Food standards are something that many Australians take for granted, but this is a positive thing. It is a sign that we trust those who regulate the food industry and have confidence in the structures that the government have in place to ensure that we are all safe when we head out for a meal in a cafe or restaurant. We are very lucky to live in a country where, by and large, the places we choose to frequent for a meal out are regulated by a strict set of rules to ensure we are safe from avoidable food related illnesses.
FSANZ is a multijurisdictional agency that exists by intergovernment agreement and treaty between New Zealand and Australia. It sets food standards and cooperates with states, territories and New Zealand authorities which enforce food standards. It does a great job. It is unfortunate to note at the beginning of my remarks that, despite this great job, the government has made it harder for FSANZ to do by slashing around 10 per cent of the staff, or 12 full-time positions, in the last budget. Mr McCutcheon, FSANZ's CEO, said in budget estimates in February last year:

What we have done over the years because of our budget is to lose more in the risk management areas, rather than the risk assessment areas, because the risk assessment areas—they are our science areas—are the foundation of what we do. We have managed to retain our capability there, but we have lost some in the risk management areas, and corporately, which just means that it takes longer for us to do some of the standards development work, applications and those sorts of things.

Labor supports much of this bill and is generally supportive of the direction of the legislation which amends the legislation from which FSANZ operates. These amendments are largely mechanical in nature. The bill largely deals with the name change of the ministerial council to the Forum on Food Regulation. The bill will remove references to the former Australia and New Zealand Food Regulation Ministerial Council and replace them with references to the Australia and New Zealand Forum on Food Regulation which has replaced it.

The bill modernises the way that FSANZ communicates with other agencies, government departments and the public, which we believe is a positive change. Currently each of the following agencies is required to be notified by FSANZ of a range of actions: a department of state of the Commonwealth; the CEO of the National Health and Medical Research Council; the Gene Technology Regulator; the department of state of each state and territory that is primarily responsible for public health in that jurisdiction; all relevant state and territory food health authorities; a department of state of New Zealand; the New Zealand department of health; and any relevant New Zealand food authorities. A significant change is to allow FSANZ to inform government agencies it believes have an interest in its actions rather than every agency defined in the act. This will free up resources for the agency to focus on the main game of food safety. Labor believes this change to be benign. The change does not preclude another government agency from requesting FSANZ to inform them of their relevant actions nor does it preclude FSANZ from continuing to inform them. Further, FSANZ will still be required to publicly report on its website about its consideration of food regulatory measures so the information will always be accessible to those who have an interest in it, including the public.

The existing board structure is the product of Australian Labor working with the Australian Democrats and the Howard government in 2001. Democrat senators at the time said of Howard government proposed changes to the board composition:

The Australian Democrats believe there is a good case for some food industry representation on the FSANZ Board and acknowledge it is unlikely that a Board would be completely ‘stacked’ with industry interests, however, the Democrats believe a good case was made for an increase in representation from medical science, public health and food science, including a representative from the National Health and Medical Research Council.

On the same bill at the time, Labor senators said:

… there is in theory potential for at least half of the new Board to be made up of members with industry interests.
The Opposition Senators strongly oppose such an outcome and will not support any restructuring of the Board that results in an increase in the representation of the industry groups that are regulated by FSANZ.

And so, after the Senate's intervention, we arrived at the current board structure: a board structure that Labor helped to create and has supported for 15 years. It should be no surprise then that Labor has objections to the changes to the composition of the board proposed in this bill. The board sets the culture and direction for FSANZ. It is the key decision making body in FSANZ, charged with developing and implementing the food code. It approves the draft variations to the food code and it has a key role in the food safety system across Australia and New Zealand. This bill would make a number of changes principally to the composition of the board and this is a point of contention for the Labor Party. We are concerned that the minister is given discretion to appoint a block of members to the board from a range of expert criteria. These include industry, science and consumer rights.

Labor does not support the bill in its current form and we will seek to amend the bill. Our amendments delete schedule 2 of the bill, where the changes to the composition to the board are contained. If accepted, the board would continue in its current composition. This is because Labor is concerned that there is a reduction in the minimum number of public health, science based and NHMRC positions on the board by half, from four to two, and potentially the new maximum number of appointees from consumer focus rises from one to four. Those from the food industry on the board actually stand to double from two to four, depending of course on the minister's discretion. Potentially, four members out of seven of those ministerial appointees could actually come from industry, the group FSANZ is charged with regulating.

Section 116(1)(c) of the act gives the New Zealand minister the capacity to appoint two members from industry, and section 116(1)(a) permits the chair to be from a food industry background. We are concerned that, however unlikely, there is at least a mathematical possibility that seven members of a twelve-member board could, in fact, come from an industry background.

In evidence heard by the Senate Community Affairs Committee, the Public Health Association of Australia said:

PHAA does not support any reduction in the number of public health/science positions. Such people are the 'bread and butter' of the Board and should be increased, not decreased.

The committee also heard that removing the NHMRC nominee from the board is:

... likely to reduce expertise relating to conduct of trials, scientific rigour, the quality of evidence, and a level of independence and objectivity. Choosing a Board member with a science qualification or background or current work within a commercial laboratory is unlikely to cover the independent expertise from a NHMRC nominee.

The concerns raised by the PHAA highlighted that the bill's proposed board composition has the potential to:

1) Have a large number of members with strong industry ties;
2) Diminish the public health perspectives; and
3) Decrease the independence/objective scrutiny of the quality of the science.
I would like to briefly reflect on the passage of this legislation through the House of Representatives. During debate in the other place, we were reminded that the forum on food regulation, which contained representations of Labor states and territories, had agreed to this change. I acknowledge there may well be some difference in views between the jurisdictions. However, I would also make this point: the Australian Senate, indeed the Australian Parliament, is not a rubber stamp for the forum on food regulation. Australian Labor has a genuine concern. Our position remains consistent with our the position we have held over the last 15 years and we will seek to amend the bill accordingly.

I should point out that Labor does acknowledge that the minister's office provided a one-page extract from the report referred to in the explanatory memorandum. Unfortunately, that briefing note also made reference to 'a number of review participants' which had made various suggestions on the composition of the board. These submissions or the relevant experts of those submissions or even the identity of participants in that review were not released to the opposition. Labor's concerns still stand and we believe the review should be made public or at least available to senators who are being asked to vote legislation informed by its recommendations. Without it we cannot judge the veracity of the claim that these amendments are based on advice unless that advice is released.

As I said at the beginning of this speech, the main job of FSANZ is to ensure that people who eat out are safe and do not get sick because of poor food-handling practices. It is crucial that consumer confidence is maintained in our food regulation system. The perceived change to the independence of the board may undermine confidence in this system.

The FSANZ board, guided by science and informed by industry and consumer needs, gives Australians confidence in our food system. We know that when foodborne disease and illness do happen—and one did occur earlier last year with the foodborne outbreak of hepatitis A in frozen berries—one of the key roles that FSANZ plays, and critically the FSANZ board, is to give confidence to Australians that, whilst there may have been an incident, the system remains safe, independent, and is informed by science and a public health agenda. Australians would be right to question whether a newly structured board with less scientific representation would be equipped to deal with the science that emerges in these cases. I pose the question: would a newly composed board with more representation from industry give more or less confidence to Australians? I think we all know the answer to that in this place.

The amendment that we will move later will ensure that the board will continue with its current composition. Labor cannot support the bill while it includes the measures associated with the board composition and should our amendment fail and the bill remain in its current form, despite the genuine improvements parts of this bill would make to the act, Labor would be unable to support it. We will always act in the best interests of Australians' safety and health when it comes to food regulation and it is disappointing that the government is seeking to make changes to the board in a way that would diminish the evidence-based and scientific approach of its members.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:15): I rise today to speak on the Food Standards Australia New Zealand Amendment (Forum on Food Regulation
and Other Measures) Bill 2015. This bill makes a number of amendments to the Food Standards Australia New Zealand Act of 1991. The FSANZ Act is the act enabling Food Standards Australia New Zealand—more commonly known as FSANZ—the body which develops the food standards code.

The frozen berries incident last year showed just how important strong food regulation is for all Australians. Last year dozens of Australians became ill from hepatitis A from frozen berries that were imported into Australia. It was FSANZ that was responsible for providing advice on the risks to the department of agriculture. We have a quite complex process for regulating our food standards, with an interaction between FSANZ and the department of agriculture. We heard evidence in Senate estimates of the delays in FSANZ providing the risk analysis and how in turn this slowed down crucial work by the department of agriculture.

Australians deserve strong protection on food. While we do have some strong standards, there are still some holes in our process, which was demonstrated very clearly last year during the frozen berries incident. When you pick up a packet of frozen berries, or any other food for that matter, at the supermarket you should not have to worry about whether you might be getting hepatitis A. Australians reacted at that time very strongly and indicated very strongly that they expect very strong standards. That is why strong food regulation is important and that is why we need to make sure that there is strong scrutiny of changes that are made to any of our processes, and that applies to this bill, just as it does to any other bill.

These changes need to be in the best interests of our community. We have some concerns with this bill because we do not think the changes are in the best interests of our community. This bill makes a number of minor administrative changes to the FSANZ Act and those are changes we could support. I will go into some of our concerns in a minute. I will just deal with the minor ones now. The Legislative and Governance Forum on Food Regulation has changed its name to the Australia and New Zealand Ministerial Forum on Food Regulation. It makes sense to reflect that change in the FSANZ Act, and we of course can support that. However, there are several changes that are not quite so simple. The first of these is the balance of the FSANZ board between industry and consumers. This is a very important issue. There are already many in our community who think there is already too much industry influence on FSANZ and on our food regulation process and our standard-setting process.

The Senate had a long debate about the original bill establishing the FSANZ part of the process. Part of that debate was about what was the right balance on the board, making sure that it was not too strongly influenced by industry and that there was a voice for consumers and independent scientific experts. The food industry should not set its own regulations. As Senator Bob Brown said during the debate:

We are particularly concerned that the legislation be at arms-length from the industry that profits from the development and sale of food to the Australian and New Zealand communities.

That bill was amended in the Senate to make sure that the balance of the board was right and that it was not dominated by industry representatives. That was an appropriate amendment and an important one. It shows the important work, in fact, that we do in this place—making sure that legislation passed by the parliament is in the best interests of the Australian community.
The amendments in this bill will change the balance of the FSANZ board. This is for us an extremely important issue and one that we are concerned about. Under the current provisions in the FSANZ Act the board has 12 members. They include the chair, the Chief Executive Officer of FSANZ, three members nominated by the New Zealand minister, one member nominated by consumer organisations, one member nominated by the CEO of the National Health and Medical Research Council, three members nominated by science and public health entities and two from food industry entities. The bill introduces several changes to the balance on the FSANZ board and this is causing us and stakeholders who have contacted us a lot of concern.

The government's rationale is that these changes are responsive to a review of the FSANZ board appointment process. That report is not publicly available and until late last year we had no way of knowing if the bill really matched the recommendations in that report. However, I do want to thank the Minister for Rural Health, as her office provided an extract of that report to my office. As I understand it, the same extract was provided to the ALP. We have not had access to the full material in the review of the board but we have the recommendation about increasing flexibility in board appointments. While we can in principle support the issue of flexibility where it is useful for a particular process, there is a trade-off—and this is an important one. Where we have increased flexibility it is important to make sure that we do not lose sight of what is important. In this case we believe we would.

In this case what is important is making sure that FSANZ regulates the food industry in the best interests of the Australian and New Zealand communities and of Australian and New Zealand consumers. We believe that means that the composition of the FSANZ board needs to reflect that. It should be balanced and, more importantly, it should ensure that there is strong representation for consumers and for independent scientific experts. It is important that industry representatives not outweigh other voices on the board. As I said, there are already many stakeholders who believe that industry already has too much influence in this process.

The bill makes a number of changes to the composition of the board. The current act specifies a minimum requirement of four individuals nominated by science and public health organisations, two industry representatives and one person from a consumer organisation. It is true that under the bill's proposed section 116A there would be more flexibility for the minister in appointing members of the board. However, that carries with it a risk.

Under the proposed structure there would only be a minimum of two science and public health board members. This would remove the board member nominated by the National Health and Medical Research Council. It would also lower the minimum number of independent experts that need to be on the board. It could mean that there would be only two scientific experts appointed, which is down from the current minimum of four. We are talking about long-term, so with all the best will in the world the current minister could do the right thing. But into the future there is no guarantee that the minister would not increase the number of food industry representatives. In fact, the number could double from two to four. We oppose this change in the balance of FSANZ and we want to ensure the current balance.

We have amendments that are, I think, identical to the ALP amendments. We have amendments to this bill and we will be opposing this bill if these changes are not made. We have other amendments that I will go into in a minute, but we feel very strongly about this. It
is critical to our ongoing process to ensure that we maintain the best standards possible in this country, so we will not be supporting this bill if our amendments are not successful.

I also want to speak to a second point about referrals to the Office of the Gene Technology Regulator. This is an important procedural issue and it has important implications. The government's bill would amend the definition of appropriate government agency in the act and as part of that it would remove the Office of the Gene Technology Regulator from that list. As a submission by the Department of Health explains:

The FSANZ Act requires FSANZ to notify appropriate government agencies about various matters related to the making, reviewing and varying of food regulatory measures, such as food standards.

By removing the GTR from the list of appropriate government agencies, FSANZ would no longer be required to notify government agencies. The rationale is to provide FSANZ with more flexibility in its processes—and I bet that is just what they are like. However, in relation to the Office of the Gene Technology Regulator, section 19 of the FSANZ Act currently provides FSANZ with the flexibility it needs. Section 19 of the FSANZ Act says that where FSANZ is required to give a notice to the GTR, FSANZ is only required to give the notice if the food regulatory measure relates to the measure that is or contains a GMO or GM product. However, as the submission by the Department of Health says, after the bill's amendments:

FSANZ would have to notify the GTR where FSANZ considers that the GTR has a particular interest in the relevant matter, for example, where the application or proposal relates to genetically modified food. This means that FSANZ would still have basically the same requirements whether or not the GTR is included.

However, if the GTR is removed from the list of appropriate government agencies then a consequence is that GMO, and the GMO product, will no longer be defined in the FSANZ Act. There are a number of submissions to the committee that were concerned about this particular aspect of the bill. We understand from these submissions that once the definition is removed then a narrow definition in the Food Standards Code will apply. This narrow definition will not capture the new types of GM technology.

We believe in a strong science based approach to regulation that protects human health. Because of that, it is important to have a definition that is broad enough to capture new changes in technology. In particular, if there are any challenges to the Food Standards Code then it will be important to have an appropriate definition in the act. That is why we do not support removing the Gene Technology Regulator from the list of appropriate government agencies. Our amendment keeps the Gene Technology Regulator as an appropriate government agency. FSANZ will still have the appropriate flexibility under section 19 of the act. This will also retain a definition for GM products and GMO in the FSANZ Act.

There is another change in this bill which gives FSANZ more flexibility in preparing regulatory impact statements. Currently, the FSANZ Act requires FSANZ to prepare a regulatory impact statement when a number of changes are made. A regulatory impact statement can often be a very useful document. It can provide a clear idea of what the different policy options are and how the change in policy will impact different groups. In some cases it is the clearest analysis of a policy that the government publishes. The bill lowers the threshold for when a regulatory impact statement—commonly known as a RIS—is required; specifying that FSANZ must include one 'if appropriate'. However, it is not clear
what 'if appropriate' means. In other words, they can pick and choose when they do it, whether FSANZ can decide or if there is a guideline.

Both the Public Health Association of Australia and the Australian Food and Grocery Council noted concerns in relation to this change. It is important to recognise that this change takes place in a larger context. This is a government that has in a number of ways, and in multiple areas, been avoiding transparency. When I asked for a copy of the regulatory impact statement for another measure—the so-called cashless welfare card—I was told that it was not available because it was a cabinet-in-confidence document. But previous governments have regularly published regulatory impact statements, or RISs, often in the explanatory memorandums.

We see a similar pattern in other areas. This government has tightened the responses to freedom of information requests. For example, it has tightened controls on what public servants are allowed to say on social media. And the government has taken even more information out of the budget papers than previous governments have. Is this part of a pattern that the government is trying to establish by lowering this threshold or is it just trying to make things easier for FSANZ?

RISs are important documents. These are important changes. They will potentially have significant impacts on the way our food protection system in this country works. I have amendments around these issues in terms of the regulation impact statement and dealing with notifications of appropriate government agencies. We want to see stronger requirements in the FSANZ Act to make sure that there is appropriate analysis when FSANZ makes changes to regulation.

We are particularly concerned about the board changes, about the changes that particularly relate to how GMOs are potentially assessed and about the regulation impact statements. We have amendments on these three key areas. We believe they would improve the bill and address a number of concerns that were raised in submissions to the inquiry. Previous Senate debates and amendments have improved FSANZ legislation. We think these amendments would do the same thing.

While we support some of the minor administration changes, we cannot support this bill if our amendments are not supported, because we think the changes the government wants will undermine our food standard process in Australia, when Australians clearly want strong food regulation in this country. We know the risks if we do not have strong food protections. We are deeply concerned that, even if the minister in her response and her wrapping up of the second reading debate on this bill makes commitments that in fact industry would not get control, she cannot bind future governments. There is a risk here that is not worth taking. We will be strongly debating the issue around this board and, as I said, we will not support this legislation unless our amendments get up. Unfortunately, I cannot commend this bill to the chamber, because there are issues that need addressing.

Senator XENOPHON (South Australia) (11:32): I share the concerns of Senator Siewert and the Australian Greens in relation to the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015. The future of Australian agriculture, one of our great growth industries, is food production. Our clean, green image and high standards mean we can export our clean, green products around the world and of course consume them right here, rather than having products of an inferior
standard coming from imports. There are some imports where I have concerns about antibiotics, *E. coli* and the like, and I think that our current system of screening those products is not adequate.

I also want to raise sovereignty as a preliminary issue. Back in 2012, the then Leader of the Opposition, the Hon. Tony Abbott, supported a bill that I put up for palm oil labelling. We know that that is very significant in terms of both environmental grounds and the impact on orangutans in Indonesia and Malaysia in particular. The bill simply sought to provide information for consumers as to whether a product had palm oil in it or not and whether it was sustainably sourced palm oil. The coalition, to their absolute credit, when they were in opposition supported that bill. It passed the Senate and languished in the House of Representatives. The reason given for the coalition expressing concerns about pushing forward with that bill was that, under the FSANZ regulatory framework, we needed to get the permission of the Kiwis—of the New Zealand government, the New Zealand parliament—in respect of that.

I think that if the Australian parliament passes legislation on food labelling we should not have to go to another country to get their permission to tick off whether we want to implement those laws for our citizens. I think one of the fundamental flaws of FSANZ, of the framework, is this requirement, this right of veto that one country has over another. If the New Zealanders want to have a particular system of food labelling or to have a particular law for, say, palm oil labelling, we should not be able to veto it, and vice versa. I think there is a very real issue about Australia’s sovereignty, and I think we have gone down the wrong path by allowing another country to veto the most basic laws about food labelling and giving information to Australian consumers. That is something that ought to be on the agenda and that we ought to revisit because we have made a mistake. As a nation, we have been blindly following free trade dogma and in the process have given away our sovereignty on something as basic and fundamental as food labelling and food certification.

This bill makes changes to the Food Standards Australia New Zealand Act, the FSANZ Act, to change the way the board is selected and to change the name of the Australia and New Zealand Food Regulation Ministerial Council to the Australia and New Zealand Ministerial Forum on Food Regulation—quite a mouthful. This bill also seeks to change the composition of the FSANZ board and the way board members are appointed, and I share Senator Siewert’s concerns about that.

I think that I too cannot support this bill in its current form. It is going in the wrong direction from what the overwhelming majority of Australians want. Australians want to have a sensible, robust, food-labelling regime that protects Australian consumers and enhances the reputation and the growth prospects of the food industry and food producers in this country.

These measures in the bill may seem straightforward on the face of it, but, together with changes to how genetically modified crops are defined and the circumstances in which the Gene Technology Regulator is notified of a new GM product, and removing the requirement that new food standards be published in state newspapers, for instance, they give me serious concerns about the intent of this bill. While I do not agree with all of the concerns of Friends of the Earth about this bill, I agree with them that the government’s explanatory memorandum does not set out a clear justification for the changes in the bill and that it does not appear to have done much in the way of consultation with the states and New Zealand. This is not a
good way to go about changes to the food standards body for Australia and New Zealand since 1991.

As I said, I think in some respects we are worse off. We could still have cooperation with our closest friends, the New Zealanders, but that does not mean we should give away our rights to sovereignty. We could have a body in place that says we cooperate and exchange information. But one country should not veto the other when it comes to these food standards. This is a body about which I have expressed misgivings in the past.

Last year, the government rejected a bill I introduced with a number of my crossbench colleagues that would have required restaurants and takeaway shops to tell customers whether its fish was imported or Australian—modelled on a very successful Northern Territory bill, a bill that would have given consumers real choice, real information and, in the process, created thousands of jobs in the aquaculture and fishing sectors in this nation. The government, whose senators had supported the bill at the committee stage, said it could not support it because of the:

… legislative consultative process currently provided for in the FSANZ Act ... enforcement is undertaken in collaboration between, and relying on, state and territory legislation in Australia as well as the New Zealand government.

My problem with FSANZ is that it can be relied upon by the government of the day as a reason not to do something as obvious as tell a restaurant or a takeaway shop's customers whether the fish they are purchasing for immediate consumption is Australian or not. Yet, in a supermarket you know where your fish comes from, but when you step outside that supermarket and go 20 metres down the road, immediately outside the supermarket, you have no idea if you are buying fish for consumption. This is an example where FSANZ has been an impediment to a sensible and practical form of consumer information that would have been good for consumers and been very, very good for employment in the seafood and aquaculture sectors in this country. This is a question of sovereignty and it is simply not good enough for the government of the day to sit on its hands and say it is against the FSANZ process. They cannot hide behind that.

Questions were also raised about the food safety regime in Australia in 2015 when imported frozen berries from China were suspected to have triggered a hepatitis A outbreak. FSANZ had deemed imported frozen berries 'low risk' and after a review ordered by the government, and also by FSANZ, it confirmed in May last year that imported frozen berries should remain as low risk and only be subject to occasional testing. No further action was taken. This is the agency to which this bill seeks to make changes, but it is not making the right changes. I think that these are retrograde changes.

Managing Australian food safety and food labelling is a sovereign power of the Australian government and the FSANZ Act in its current form has set up a regime which actually takes away from Australian sovereignty. I think this bill in its current form will make it much worse. I now go to the details of the bill before the Senate.

The bill removes the definition of a genetically modified organism, GMO, and GM product, and removes the currently strict requirement that FSANZ notify the Gene Technology Regulator of any new food regulatory measure relating to a food that contains a GMO or GM product. I can see why groups such as Friends of the Earth Australia have suggested that this looks like deregulation of GMOs by stealth, and I support the
precautionary principle in relation to this. We need to be very cautious about what the impact of these changes will be. I also respect the right of those farmers who want to have GMO-free crops because there is, for instance, a marketing advantage in Japan and in Europe in relation to those crops.

I think that the definition being removed is quite broad. It states:

… any technique for the modification of genes or other genetic material.

It is the same definition as in the Gene Technology Act 2000. Compared to the definition of GMO in the Food Standards Code, which is part of FSANZ and set to be updated in March next year, it is much broader:

… recombinant DNA techniques that alter the heritable genetic material of living cells or organism.

Now, it is not at all clear to me that the definition is robust enough to capture the latest GMO technologies and, if so, then I have real problems accepting the bill in its current form because it does away with the earlier definition. On the face of it, the existing definition has the benefit of being in plain language that is easily understood.

Other aspects of the bill also suggest a lessening and loosening of accountability. FSANZ will no longer have to publicise its food standards in the press, rather only putting them on its website. This is a fundamental roll-back in a simple transparency measure. It should not be in the bill, in my view.

Finally, the loosening of the processes around selection of the FSANZ board, while making it perhaps more streamlined and less onerous for the government, has not received the support of the Public Health Association of Australia—surely, a body that the FSANZ board should have the support of. The problem that the Public Health Association has identified is that the categories for the different board members are just too loosely defined in the fields of science, public health and the food industry. As the Public Health Association of Australia says, the risk is that the FSANZ board could become one-sided. The association states:

The decision-makers within FSANZ, the Board members, play a critical role in influencing the food supplies in Australia and New Zealand, and hence are key decision-makers in relation to public health. It is therefore essential that Board members have strong backgrounds in public health and nutrition, said the … Association.

In conclusion, I cannot support the bill in its current form. I will not oppose it going to the committee stage. I think it is important that we debate these important issues, but I believe this bill waters down accountability around GMOs in this country and opens up the board to members with less of the expertise it needs to do its job. Ultimately, one of the great growth industries in this country is our clean, green reputation in food technology and food production, and I think that this bill will arguably go against a great growth industry of which this nation can be justifiably proud.

Senator IAN MACDONALD (Queensland) (11:43): I support the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015. Before I talk on the bill, can I congratulate Minister Nash on the work she has done in FSANZ over the time that she has been in charge. It is not an easy body to be involved with. There are a lot of different and competing views in that organisation. But I am proud of the way the Commonwealth's representative has handled the job. So congratulations, Minister.
I am certainly no expert on genetic modification of foods, but I always wonder about foods that are sent to countries where there is real starvation and real problems in getting any sort of food and which seem to be blocked because of a view on genetic modification of foods. I am pleased to see the Greens are rethinking their standard opposition to genetically modified foods and I am pleased to see the new Greens leader does not believe genetically modified crops pose a significant risk to human health. Senator Di Natale has said that the literature so far around the issue of health has not produced evidence of widespread and significant harms. I am hopeful that the Greens might be taking a more sensible view on the issue. I understand the point that the previous speaker made about Australia's reputation for clean and green foods. I agree that is something that we need always to cherish, nurture and promote, but I am sure that in this country we are able to distinguish them and have arrangements in place where we can use genetic modification where it is useful to mankind but at the same time maintain the regulatory regimes that allow us to promote Australian produce, particularly in Asia, as clean and green.

This bill consolidates a number of issues with the food standards organisation that required attention. It relates to a competitive selection process, such as external advertising, which under the bill can occur simultaneously with the existing nomination process when recruiting for each vacant board position on the Food Standards Australia New Zealand board. I think that is something that is worthwhile and does help and should be supported by the Senate. I understand that in relation to consumer rights, science, public health and food industry board member positions this legislation amends the compositional requirements and appointment process in accordance with some recommendations endorsed by a forum that looked into this whole issue. The amendments proposed in the Food Standards Australia New Zealand amendment bill were proposed for introduction in the autumn sittings, but were postponed and have been consolidated into this bill. These amendments have been set out in a single food standards amendment bill, which we are dealing with at the present time. The bill makes amendments to the Food Standards Australia New Zealand Act to reflect the proposed change of name from the Australia and New Zealand Food Regulation Ministerial Council to the forum. It makes amendments to improve the clarity and operation of the legislation. Those amendments are intended to have regulatory efficiency and to provide greater clarification for businesses and for Food Standards Australia New Zealand by removing ambiguity and improving consistency in the way in which the act outlines procedures for consideration of food regulatory measures.

This is not a highly controversial bill, I would have thought, but it is one that requires the support of the Senate. Trying to read through the amendments in the act, I concede it is very technical, but I understand that the amendments are moved for the right reasons. They should be supported by the Senate.

Food Standards Australia New Zealand does a good job, generally speaking. I am concerned, however, in relation to what I am told is a problem that that organisation causes in relation to the labelling of seafood. More than 10 years ago—almost 15 years ago—the Australian government introduced regulations to provide that seafood sold at retail outlets in Australia had to be labelled as to its origin. Prior to that, you would go into your local supermarket and there was fish for sale, but you would have no idea whether it was wild caught Australian fish, farmed Australian fish or imported from overseas. Fortunately, the
fisheries minister at the time, who was a pretty good guy, as I recall, changed the arrangements so that, in supermarkets at least, fish for retail sale had to be labelled. So if you go and do the shopping, as I occasionally do, you can see that the seafood in the display cabinet is barramundi that is wild caught in Australia or barramundi that is farmed in Australia or prawns that are caught and processed not in Australia but in Vietnam. There is nothing wrong with imported fish as long as Australians know and understand what they are buying. You will find that a lot of imported fish, such as vannamei prawns and basa, a catfish sort of thing that I think is produced in Thailand, is much cheaper than Australian fish. If people want to buy that that is fine, as long as they are well aware of what they are buying. That is why I think the move by the Australian government some time ago to make it compulsory to label where fish comes from was an important initiative. It has worked well and, as I understand it, has not caused any real problems with the supermarket retailers.

Australia has some wonderful fisheries in those few fisheries that are left. If the Greens had their way, there would not be any Australian fish caught in our country. The Greens seem hell-bent on shutting down every part of Australian waters that still produce fresh seafood.

At the moment up my way we are dealing with a marine protected area—an initiative, I might say, of the Howard government. Under the Labor Party, with Greens urging, before the last election, they were going to put in some plan for the Great Barrier Reef and the Coral Sea marine protected areas, which would have effectively stopped the very small amount of fishing that occurs in those areas. Fortuitously, the coalition made a promise before the last election that we would review the guidelines for that marine protected area, and I understand that process has been continuing.

I can tell the Senate that there is a new fishery out there. It is always going to be a very small fishery, but it is being developed by very serious fishermen who have a scientific background and who want to ensure that fish can be caught sustainably there. They are giving the Australian public the opportunity to have fresh seafood on their table. That is very important not only from an economic point of view but also from a health point of view. Fish is a commodity that, regrettably, Australians do not eat enough of. One of the reasons for that is a lot of the fish that is available in Australia is, of necessity, imported—the majority of fish eaten in Australia is imported. We should be encouraging the Australian industry rather than denigrating it, as very often happens—particularly by the Greens political party.

We have the Australian Fisheries Management Authority, which is made up of good fisheries regulators and scientists. They very carefully monitor our fisheries and our waters to make sure that anything that is done in our waters is done sustainably. But we then have American environmental groups, like the Pew organisation, coming in—having ruined their own country—trying to tell Australia how we should be managing our fisheries and our waters. It is hypocrisy to the highest degree. The day that Australian scientists and regulators need some American environmental organisation—who are funded by oil companies—coming in to tell them what to do is the day that Australia should give up. I know that Australia will never give up and, therefore, I hope that the Australian government will ignore the urgings of the Pew organisation and the Greens political party when it comes to shutting down productive fisheries in Australia.

Australians deserve to have fresh fish on our table. We cannot do that if the fishing grounds are continually locked off. Our fishing grounds and waters in Australia are very carefully
controlled and monitored by professional regulators and scientists to make sure that they are sustainable. We do not need the advice or the urgings of some third-rate American environmental organisation trying to tell our scientists and our regulators how to manage Australian waters.

What concerns me most about FSANZ and food labelling—and labelling of fish in particular—is that it is hard to get to the bottom of the issue. Perhaps, privately, the minister might be able to elucidate this some time. I would hope that what we do with fish in the retail area—ensuring that it is labelled as to country of origin—will happen in restaurants. If you go to a restaurant and order any sort of fish meal, you do not know whether it comes from Australia or from Vietnam or from the sewers of some South-East Asian country. You simply cannot find that out. You can ask the waiter, and I guarantee they will always say, 'Yes, this is Australian fish, Sir,' but sometimes you have suspicions that it is not.

I cannot understand why we do not require restaurants to label their menus with what the fish is that they are selling. I understand this happens in the Northern Territory. The Northern Territory has this as a territory regulation, within the borders of course of the Northern Territory. They do have that requirement. If you go to a restaurant in the Northern Territory, you will find that fish is labelled. The menu will tell you where the fish comes from. I understand that each state government could similarly regulate within their own borders, but it seems to me that this should be done Australia-wide.

When I have inquired about it, I have been told that it is FSANZ that are the problem. Some people say it is the Restaurant and Catering Industry Association of Australia, but I doubt that—although I have not made the inquiry myself. Although they may have to change menus, in this day and age of computers menus are printed on the spot as people walk in the door. I do not see that as a problem for the catering and restaurant industry. It would mean that people would have knowledge of what they are buying when they order a fish meal at a restaurant.

Very often my experience is that good fish meals do cost a bit more, but if you know where the fish comes from you then have the choice, as an Australian, on whether you want to buy fish that you know is fresh caught in Australia or pay a little bit less and perhaps have an imported species—as long as you know.

I would be hopeful that in the not-too-distant future we can get Australian regulations that require restaurants and fish shops to tell customers where the fish comes from. You can walk into a fish and chip shop and get some battered fish, which is not healthy but always tasty, but you never really know what is under the batter. But we could regulate Australia wide to say, 'You are required to tell people; by all means have imported fish and have it a little bit cheaper, but give consumers the option of knowing what they buy.' When I raised this with the former fisheries minister—without putting words in his mouth—my understanding was that it was Food Standards Australia New Zealand who were the problem with regulating labelling of the origin of fish in restaurants throughout Australia and New Zealand. I do not understand why—it is probably a bit too technical for me—but it seems to me that, on the face of it, there is no valid reason why restaurants and retail fast food outlets in Australia should not be required to label fish so that we know whether it is Australian caught or imported fish. I hope Food Standards Australia New Zealand and the forum under its new
name, with the greater flexibility this bill will give them, will be able to address those issues in a positive way.

With that, I do, as I mentioned previously, support the contents and the purpose of the bill and urge the Senate to pass it.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (12:01): I thank senators for their contribution to the debate. The Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015 amends the Food Standards Australia New Zealand Act 1991, the FSANZ Act. This legislation has been prepared after consultation with the governments of all states and territories and New Zealand. In summary, the amendments to the FSANZ Act include updates to the FSANZ Act to reflect current operations of Food Standards Australia New Zealand; a name change to the Australia and New Zealand Ministerial Forum on Food Regulation, the forum, which was previously known as the Legislation and Governance Forum on Food Regulation; improvements in the clarity and operation of the legislation, including in describing the relationship between the forum and FSANZ, such as when the forum can request FSANZ to undertake work and provide information to assist it to make relevant decisions; and describing when FSANZ must publicly notify the approval of a draft standard or draft variation.

There are also amendments intended to improve regulatory efficiency and provide greater clarification for businesses and FSANZ by removing uncertainty and improving consistency in the way in which the FSANZ Act outlines procedures for consideration of food regulatory measures. The current FSANZ Act requires FSANZ to consult with specified government agencies in undertaking its processes, which means that FSANZ must consult with over 20 agencies on issues that may not be relevant to them. This can delay processes and introduce inefficiencies. The bill amends the definition of 'appropriate government agency' to allow FSANZ to take a more targeted approach to consultation processes and expedite its work. Under the bill, 'appropriate government agency' would include the following: the relevant department of the Commonwealth, state or territory or New Zealand administered by a minister who is a member of the forum; any other body that has an officer on the Food Regulation Standing Committee; and any other body or officer of the Commonwealth, state or territory or New Zealand that FSANZ considers has a particular interest in the relevant matter.

The bill will provide flexibility for FSANZ to consult the Gene Technology Regulator on applications involving gene technology and related technologies. Greater flexibility relates to FSANZ notifying the Gene Technology Regulator about applications involving technologies that may not currently fit the definition of a GMO or GM product but are closely related. It is about future-proofing the notification process.

Several amendments in schedule 1 of the bill seek to clarify that FSANZ is only required to include a regulation impact statement, or RIS, in a report required by the FSANZ act if a RIS is applicable. In other words, FSANZ must include a RIS where the Office of Best Practice Regulation, the OBPR, requires FSANZ to prepare a RIS. A RIS may not be required for proposals or applications assessed by FSANZ where the impact of the proposed regulatory measure is of a minor or machinery nature. However, irrespective of whether OBPR requires FSANZ to prepare a RIS, the FSANZ Act still requires FSANZ to provide a summary of its cost-benefit analysis.
The current FSANZ Act also limits the organisations from which nominations for the FSANZ board can be sought. The bill includes several amendments relating to forum-endorsed recommendations regarding the composition of the FSANZ board, which include amendments that ensure that there are board members with expertise in consumer rights and consumer affairs policy in Australia, as well as board members with one or more fields of expertise in science, public health and the food industry. The amendments allow the minister to undertake the current nomination process, a competitive selection process or both. I intend to undertake both processes simultaneously for each vacant board member position to be filled to maximise the field for each nomination.

The government is streamlining the FSANZ Act to remove unnecessary red tape and to improve and reflect current food regulatory processes. Proposed amendments to the FSANZ Act will require consequential amendments to the Food Standards Australia New Zealand Regulations 1994. I thank senators for their contribution to the debate.

Question agreed to.

Bill read a second time.

In Committee

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (12:07): I table a supplementary explanatory memorandum relating to the government’s amendments to be moved to this bill.

By leave—I move government amendments (1) and (2) on sheet GB124 together:

(1) Clause 2, page 2 (table item 4), omit the table item, substitute:

4. Schedule 2 Immediately after the commencement of the provisions covered by table item 2.

(2) Schedule 2, heading, page 21 (lines 1 and 2), omit "commencing 1 January 2016", substitute "relating to Board".

This is procedural in nature, as the bill was due to be debated towards the end of last year but that did not proceed. This amendment changes the commencement date for the amendments to immediately after the day after this act receives royal assent, which will align with the other amendments in schedule 1, instead of commencing 1 January 2016.

Senator GALLAGHER (Australian Capital Territory) (12:08): The opposition will be supporting this amendment.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:08): As the minister said, these are procedural. We will be supporting these amendments. However, that is with the proviso that our other amendments get supported when we come to make a decision on the third reading.

The CHAIRMAN: The question is that government amendments (1) and (2) on sheet GB124 be agreed to.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:09): by leave—I move Greens amendments (1) and (2) on sheet 7774 together:
(1) Schedule 1, item 1, page 3 (after line 13), after paragraph (b) of the definition of *appropriate government agency*, insert:

(ba) the Gene Technology Regulator; or

(2) Schedule 1, item 4, page 3 (lines 24 to 29), omit the item, substitute:

4 Subsection 4(1) (definition of *New Zealand lead Minister on the Council*)

Repeal the definition.

I have covered the details of these amendments, so I do not intend to delay the chamber too long in explaining these again. I did cover the reasons for these amendments in my second reading contribution. We are deeply concerned about what impact removing the Gene Technology Regulator as an appropriate government agency would have in decision making and, in particular, in the process of how GM and GMO products are addressed by FSANZ and by the OGTR. These amendments, we believe, are important amendments that maintain the integrity of the current process. I do also appreciate that we will have to put them separately to the chamber.

I want to take a minute while I am on my feet to address some comments that Senator Macdonald made during his—let's say—wide-ranging contribution to this debate. It crossed my mind to raise a point of order because he went so far off the reservation and, in fact, so far away from the intent of this particular bill, to once again have a go at the Pew organisation and to have yet another go at marine protection, making completely false statements about the Greens position on fishing. I would clearly like to say that he was clearly making false statements and what he said was in fact not true—particularly the comments that he made about the Greens' position on GMOs. Let me just be really clear that he was in fact not quoting Senator Di Natale correctly, and let me make sure that people are aware that the Greens' policy was amended last year. There will not be any further amendments and we are not in any discussions about any changes to our current policy on this matter. Let me reassure the community on that, and let Senator Macdonald know that he has it wrong.

Having said that, this matter does particularly relate to the protections and measures that need to be maintained in order to ensure that GMO content of our foods is properly regulated. I do commend these amendments to the chamber.

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (12:12): I can indicate to the chamber that the government does not support these amendments. I certainly appreciate the detail with which Senator Siewert has applied herself to this piece of potential legislation. But the issue at hand is that the Gene Technology Regulator is not removed as an appropriate government agency. I think we need to be very clear about that. Of course, in the appropriate circumstances when there are issues that are related to the Gene Technology Regulator, FSANZ will still do that. Part of the new definition states:

any other body or officer of the Commonwealth, a State, a Territory or New Zealand that the Authority considers has a particular interest in the relevant matter.

That would clearly call the Office of the Gene Technology Regulator into any of those issues surrounding GMO, GM and indeed—as I indicated in my comments earlier—would future-proof any related matter, rather than having it restricted to those two fields.
Senator GALLAGHER (Australian Capital Territory) (12:13): The opposition will not be supporting these amendments either, largely for the reasons that the minister has just outlined. We are satisfied that the provisions contained in the government’s bill provide for the Office of the Gene Technology Regulator to be informed of relevant FSANZ decisions. We understand that should the OGTR request FSANZ inform it of all decisions there would be no reason why this does not occur. In its submission to the Senate inquiry into the bill, the Office of the Gene Technology Regulator said:

The OGTR does not operate in isolation from other product regulators and works closely with those agencies to ensure regulatory coverage but prevent duplication of oversight in relation to GMOs and GM products. Under the GT Act, I am required to seek advice from Food Standards Australia New Zealand (FSANZ) on risk assessments for environmental release of GMOs (sections 50 and 52).

The requirement for the Gene Technology Regulator to seek advice from FSANZ is not affected by the FSANZ Bill.

The gene technology regulator reaffirmed:

Interaction between OGTR and FSANZ is not limited to legislative requirements …

The two organisations exchange advice and information regularly, and a memorandum of understanding between the two agencies addresses the needs of the agencies to share information.

Labor was initially concerned by the provisions in the bill to remove the definitions related to GM from the act, which is why Labor specifically sought input on this through the Senate committee inquiry process. These provisions in the bill will not have any substantive change to the nature of regulation of GM foods or gene technology regulation.

The CHAIRMAN: The question is that Australian Greens amendments (1) and (2) on sheet 7774 be agreed to.

The committee divided. [12:19]

(The Chairman—Senator Marshall)

Ayes .................10
Noes ..................28
Majority.............18

AYES
Hanson-Young, SC
McKim, NJ
Rice, J
Simms, RA
Whish-Wilson, PS

NOES
Back, CJ
Canavan, MJ
Gallacher, AM
Ketter, CR
Lindgren, JM
Ludwig, JW
Madigan, JJ

Bullock, JW
Fawcett, DJ
Gallagher, KR
Leyonhjelm, DE
Lines, S
Macdonald, ID
Marshall, GM

CHAMBER
The CHAIRMAN: The question now is that item 11 of schedule 1 stand as printed.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:22): by leave—

The Greens oppose schedule 1 in the following terms:

1. Schedule 1, item 14, page 5 (lines 6 to 8), to be opposed.
2. Schedule 1, item 32, page 8 (lines 4 to 6), to be opposed.
3. Schedule 1, item 87, page 14 (lines 24 to 27), to be opposed.

I did listen to and note the comments the minister made about the regulation impact statement. Unfortunately, it does not address the issues of our concerns. We believe that this amendment would in fact strengthen the regulatory process and protections. As I said, often it is the best explanation of why changes are being made, so we believe that this amendment would be a stronger approach than the approach that the minister outlined during her contribution. I commend the amendments to the chamber.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (12:23): We as government do not support the amendment. So as not to take up any more time of the Senate chamber, I refer to my earlier statements in my summing up speech. We do believe that this is the most appropriate way forward.

Senator GALLAGHER (Australian Capital Territory) (12:23): Labor will not be supporting this amendment. We are satisfied that the provisions contained in the government bill provide for a regulatory impact statement to be prepared as appropriate.

The CHAIRMAN: The question is that amendments (1) to (3) on sheet 7817 be considered. The question will be that items 14, 32 and 87 of schedule 1 stand as printed.

Question agreed to.

Senator GALLAGHER (Australian Capital Territory) (12:24): by leave—I move opposition amendment (1) on sheet 7804:

(1) Clause 2, page 2 (table item 4), omit the table item.

We also oppose schedule 2 in the following terms:

(2) Schedule 2, page 21 (line 1) to page 26 (line 13), to be opposed.

I did cover off these amendments during my earlier speech. They relate to the composition of the FSANZ board and the fact that we are not supporting the changes to the composition of the FSANZ board. This is on the bases that it is currently finely balanced and we are concerned that the proposed amendments by the government give the minister discretion to...
appoint a bloc of members to the board from a range of criteria. Our concern is that, if the minister were to appoint a bloc of consumer rights members or people with industry background, that balance on the board would be lost. As for whether to admit the National Health and Medical Research Council, it could also diminish expertise in relation to the skills set that they bring to the board. They have contributed excellently to the board over the last 15 years, and we see no reason why they should not be included or maintain their position on the board. We are also concerned in the overall reduction in the number of public health and science based positions on the board. We accept that juggling the appointments to the board is not an easy challenge for the minister; however, we are concerned that, by granting so much flexibility, the board potentially could lose focus or its independence.

It is the key decision-making body in FSANZ. It is charged with developing and implementing the food code. The opposition's view is that its composition remain unchanged. These amendments seek to do just that.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (12:26): I indicate to the chamber that the government does not support these amendments. While I take on board the comments that have been made by both Labor and the Greens on this issue, the government does not agree with the amendments. The intent of this has been to open up the pool of potential candidates, while of course the intention is still to keep the balance in the mix on the board across consumer rights, science, public health and food industry board members.

Firstly, I note in particular that concerns have been raised about the NHMRC not being required under this to have a position on the board. That does not mean NHMRC are precluded from a position on the board. Indeed, it may well be that they will be the appropriate body to have that position. But this is about opening up the pool available for consideration for the board. To be very clear: NHMRC are not precluded and may well be considered. The total number of the board members with consumer rights, science, public health and food industry expertise is no different from the current membership.

I would also like to address the issue of ministerial discretion. I note Senator Siewert's comments earlier about not necessarily the government of the day but perhaps future governments having discretion. As chair of the food forum and knowing that the food forum has the final say over the appointment of the board and how that operates, I think that very much diminishes any possibility of ministerial discretion at any point in time weighting the board members given that that is a decision that goes back to all states, territories and New Zealand for their oversight. We will not be supporting the amendment.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:28): I do have to note my frustration that this is the same amendment that the Greens have. We are listed first on the grey, and I was actually on my feet and did not get the call.

These amendments are exactly the same as the Greens amendments. We have flagged our strong concern about these particular measures by the government. I am sorry; I am not reassured by the minister's comments on the future. I of course take what she has just said in terms of her particular approach, but you still cannot predict what a future forum, people on the forum and future ministers may do.
I think it is a dangerous move to change the make-up of the board. Its independence is particularly important. Having the experts there is particularly important. There is the potential, through this amendment bill, for an industry dominated approach, and we do not support that. As I said, stakeholders have expressed to me repeatedly their concerns about the influence of industry in this process already. This would potentially further entrench industry's influence over decision making, and we think that is a dangerous move, so we do not support the approach the government is taking. Despite the minister's best intent to reassure us, I am not reassured by the minister's comments as they relate to future decisions. These amendments will be in place for a long time, and I do not think that we can adequately ensure that there are the protections there in case of future decision making.

So we support these amendments to the bill. The Greens have exactly the same amendments, which I flagged during my speech on the second reading. Obviously, once we have dealt with these I will not be moving mine, but we do support these amendments.

The CHAIRMAN: Senator Siewert, in relation to your initial comments, I can just advise you that Odgers' does provide some guidance to the chair in matters like this in terms of the precedence for the call. It can be found on page 241 of Odgers', but I can advise you that an opposition senator leading for the opposition in relation to a bill or other matters before the Senate is usually given the call before other senators. I do note that both you and Senator Gallagher rose at the same time, and I applied Odgers' practice. I just hope that explains the decision I made.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (12:31): I will just briefly respond to the senator. I appreciate the senator's comment around how my approach would be in the current circumstances. However I just need to correct the record. It is not my approach; it is the legislation that requires it. New Zealand, as a member of the food forum, must be consulted, and the legislation requires that the food forum's non-New Zealand members—the jurisdictions of Australia—agree to the appointments. I think anybody that has had any involvement with that food forum would know that things are very robustly discussed. Reaching consensus on issues always is as a result of, as I say, very robust discussion and consideration. I am very confident that, even in a future iteration of government, that process would provide the surety to ensure that ministerial discretion did not allow a weighting of board appointments.

The CHAIRMAN: The question is that schedule 2 as amended be agreed to.

The committee divided. [12:37]

(The Chairman—Senator Marshall)

Ayes .................26
Noes ......................32
Majority .................6

AYES

Back, CJ
Birmingham, SJ
Canavan, MJ (teller)
Colbeck, R
Fawcett, DJ
Heffernan, W

Bernardi, C
Bushby, DC
Cash, MC
Cormann, M
Fifield, MP
Lindgren, JM
The CHAIRMAN (12:41): The question now is that the amendment be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with an amendment; report adopted.

Third Reading

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (12:41): I move:

That this bill be now read a third time.

The PRESIDENT: The question is that this bill be now read a third time.

The Senate divided. [12:45]
(The President—Senator Parry)

Ayes .................37  
Noes .................11  
Majority .............26

AYES

Back, CJ
Birmingham, SJ
Bushby, DC
Cash, MC
Fawcett, DJ
Gallagher, KR
Johnston, D
Lindgren, JM
Ludwig, JW
Madigan, JJ
McEwen, A
McKenzie, B
Moore, CM
Nash, F
O'Sullivan, B
Peris, N
Scullion, NG
Sinodinos, A
Wang, Z

Bilyk, CL
Bullock, JW
Canavan, MJ (teller)
Day, RJ
Gallacher, AM
Heffernan, W
Ketter, CR
Lines, S
Macdonald, ID
Marshall, GM
McGrath, J
McLucas, J
Muir, R
O'Neill, DM
Parry, S
Reynolds, L
Singh, LM
Smith, D

NOES

Hanson-Young, SC
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Xenophon, N

Lazarus, GP
McKim, NJ
Rice, J
Simms, RA
Whish-Wilson, PS

Question agreed to.  
Bill read a third time.

STATEMENTS BY SENATORS

The PRESIDENT (12:48): Order! It being past 12.45, we will now move to senators' statements.

Superannuation

Senator BACK (Western Australia) (12:48): I rise today to continue a conversation I commenced in December here in the chamber and have spoken about in the media in recent times, and that is the opportunity for young people from their mid-20s to their mid-30s to be able to, if they want to, opt in to access their superannuation funds to meet their Higher Education Loans Program debt. I will speak about three groups of people: first, those who are graduates now and have a HELP debt which they would like to relieve themselves of; second,
people in their mid-20s to mid-30s who did not avail themselves of a university education when they left school but would like to do so; and, third, those Australians overseas who have a HELP debt they want to pay back and want to use their Australian superannuation that is going backwards in their fund in Australia because administrative costs are exceeding the interest levels. They do not have access to their superannuation overseas and they want to use their Australian super for that purpose.

I will make some points. First of all, this is a scheme that people can if they want to opt into but simply, if it does not suit their purposes, they would not. The second point I want to make is that it would not be available to school leavers simply because, firstly, they have alternative options for higher education and, secondly, they would not have accumulated a superannuation dividend or a superannuation sum. So this is a scheme in which a person could use their own funds to improve their position financially and/or, hopefully, to improve their position in terms of higher education.

I want to speak firstly about graduates in their mid-20s to mid-30s and have a debt they are repaying. They might be on $70,000 or $80,000 a year and paying eight per cent, somewhere around $9,000 possibly per year, off their HELP debt. They could access that level of superannuation and pay down that debt and relieve themselves of the burden they face at that time—and it might be one associated with a young family, a home mortgage or whatever. They would do that in the knowledge—and I wish to make this point strongly—that at a later stage in their lives when the burden of debt is released from them they will repay the funds they have taken out of their superannuation scheme with compound interest so that by the time they retire they will have at least the same sum of money back in their super fund. Even those who have a degree have a requirement these days for retraining, for taking on new skills, for perhaps doing a master's degree to improve their circumstance. So that is the first group who would be assisted by this scheme. They opt in if they want to and if they do not want to they do not need to.

Our colleague the member for Fraser, Dr Leigh, asked in a tweet of Senator Back:

Hopeing @senatorback can explain the benefits of using tax-advantaged super, growing at 7%, to pay off HECS debts, growing at 2.5%

The answer is I can. I do not know what Dr Leigh's circumstances were, but I know what mine were in my early to mid-20s—I had a young family and was paying off the debt I had accumulated for my university degree; I was certainly cash poor. The value of those funds to a young person may well exceed the eventual value upon retirement. That is the situation that Dr Leigh addressed to me. In the memory again because he probably did not understand that one of the principles of this scheme is that the person does eventually repay. Over the next 20 or 30 years of their career they pay it back, so they have got at least as much in the scheme.

The other criticism I suffered was from our good Senate colleague Senator Carr who seemed to have the idea that I was attacking low-paid workers—which brings me to the second group and that is those who have now reached their mid-20s to mid-30s. They did not get a university degree. They may now be in an office where others around them are doing better financially and because of their qualifications are going to continue to do so. That person, again, may well have a debt. They may well have a young family. They cannot afford a university education. What a wonderful opportunity for them to be able to say: 'Yes, I can. I've got those $15,000 or $20,000 in my super fund. I am going to use those funds. I am going
to now go and study—possibly part-time—in the knowledge that when I graduate I can use those funds out of my super fund. I can pay off that HELP debt.'

If we all genuinely believe, as we say in this place so often, that a person with a degree will earn up to a million dollars more over their career than a person who has not got a university degree, I would say to Senator Carr in relation to his criticism of me: this scheme allows the lower paid worker, the person who is semi-skilled or unskilled, to increase their skill level, to cease being a low-paid worker if they want to be aspirational. Of course, we know that at retirement they have the obligation to pay that sum back. If we believe that a graduate will do better over their career, that person will have far more as a university graduate with a better job over their career than they otherwise would have.

I say again, it is a scheme in which if it does not suit that person to avail themselves of that opportunity, if they want to leave the funds in their super account and either not go on and study further or they want to in some other way find those funds—fine. All I am saying is it is the person's own money. This is an opportunity to improve their educational opportunity, to get a degree, or to get a higher degree. It is an opportunity for them to avail themselves of that chance so that throughout their career they can improve themselves, aspire to a higher position, a higher education and, therefore, a higher salary and a higher circumstance at retirement.

The point was made to me by the gentleman who really is the architect of this program, Mr John Adams. He finds himself in that same position and has allowed me to use him as a case study. He is married and has a young family. At the moment he has a debt of about $9½ thousand a year that he is paying back. He said to me that, if he had the opportunity to access some of his superannuation to relieve himself of that $9,000, or $770 a month now, he may well in fact—as his wife and he want to do—start a family. She could stop working. They would then have sufficient funds to be able to allow that circumstance, a circumstance in which he says at the moment he wants the value of those funds. To answer Dr Leigh's question—I do not know who is getting seven per cent on their super at the moment but nevertheless—he is happy to forgo the future benefit because he wants the immediate benefit now.

There is a third group who I believe would be assisted by this scheme. In this place, only in early December did we legislate to make it more applicable to Australians working overseas with a HELP debt—for the government of the day to actually recover those unmet costs. When I started speaking about this in the media in the last two to three weeks I had conversations with people in Scandinavia and in Asia who said to me: 'We know we have to pay back our HECS or our HELP debt. We have superannuation willowing away in Australia', because the administrative costs of their super fund exceed the actual interest that they are earning on it. They cannot access their Australian super to move it overseas to where they now reside. At least in the case of the Scandinavians, they said to me, 'I am not likely to come back to Australia. I realise I've got a debt. I want to pay the debt. I've got funds in my Australian superannuation account which are diminishing. Allow me to access the funds that are in my super fund in Australia to repay my debt to the Australian government for the higher education that I gained.'

It is the case that we have a substantial sum of money out there in unpaid HECS or HELP paid for, of course, by the Australian taxpayer. This would be a benefit to our bottom line. We
have a circumstance in which people with funds in their super account want to access it to either relieve themselves of the debt or, in the case of someone without a degree, to access it to improve themselves in terms of their higher education, or those who are overseas and want to discharge themselves of that debt. This is worth consideration. It is worth, in my view, the support of all sides. I for one would be very happy to engage further with Senator Carr and with others on what they see as the disadvantages of this scheme.

**Education Funding**

Senator O'NEILL (New South Wales) (12:58): I rise this afternoon in senators' statements to put on the record some remarks around the significant announcement that was made by the Labor leader, Bill Shorten, about reform that is needed to continue the improvements that have been implemented by Labor with the announcement of the Gonski funding reforms. The Leader of the Opposition, Bill Shorten, announced the 'Your Child. Our Future' suite of reforms around education that, I think, are absolutely vital for the future of this nation. It represents one of the most significant improvements in school education that we have seen in two generations in this country.

Labor understands that improving access to a quality education is the critical dimension of enabling the success of individual students through the school. So it is about your child; it is about your grandchild; it is about those individual children. But it is also about ensuring that the collective investment of the country in a fine education for each young Australian is a benefit to each one of us in this nation. These are the children of a nation—the children of families and parents, certainly, but the children of a nation—who will be our greatest resource going forward. We need to invest in them, and we need to do it in a way that is sustainable and a way that makes sure that that whole sector can plan for excellence in education for every single child. And I do mean every single child, no matter what their background, no matter where they live, whether it is in the city or the country or in remote or regional areas around the country, no matter whether it is in Catholic schools, independent schools, government schools or schools of any particular philosophical bent. We live in a country, a nation, where every student should be able to walk through the gates of any school and know that they are going to get a fine education. Sadly, that is not the case.

The government opposite promised in the lead-up to the last election that they would fund Gonski reforms in full. They had placards outside polling booths saying they would match—

**Senator Gallacher:** Dollar for dollar!

Senator O'NEILL: dollar for dollar the funding that was committed by the Labor Party for a full six-year cycle, which was a carefully consulted, carefully constructed response to the reality that inequity in Australian schools is growing and growing. They said 'dollar for dollar', but they did not put any of the fine print. They did not even bother to put fine print on that. How cynical they are! They did not bother to even put the fine print: 'Oh, we're going to match it for dollar for the first four years, but, sorry, for years 5 and 6, forget it; the deal's off.' That is what they are attempting to justify in their comments around education today and what we have heard from them in the last couple of weeks.

We know, and that is why we have committed to your child and our future: the opportunity for all students to benefit from a $37.3 billion investment in every child across the entire nation. I have been—as I am sure other senators sitting here today and you yourself, Acting
Deputy President Sterle, have been—to many, many schools where you see the investment of parents in trying to create safe and wonderful learning spaces for those children, with P&Cs that run barbecues and sausage sizzles one after the other. In terms of the energy that parents put into schools, it has got to a point now where we have seen parents fundraising for basic books for kids trying to learn to read in kindergarten. We see parents fundraising to try to get a speech pathologist to a regional school because children have clear and palpable needs. They do not need any more diagnosis; they actually need some funding to get a response. Where we have seen those Gonski dollars invested—and certainly I have witnessed it in the state of New South Wales—we have seen a transformation of outcomes for the schools where that money has been able to flow and to create that change of engagement with individual students.

I really want to speak, if I can, briefly, about the impact of being able to fund the right type of education for students when they need it. By focusing on every child's needs, we know that we are not just attending to the disadvantages that come from low socioeconomic background or the evidence that shows us that Indigenous students are finishing school up to three years behind others in their cohort, and we are not just responding to students with disability or students with limited English or small schools or rural or regional issues, although they are the elements on which the Gonski needs based funding is going to be delivered. By attending to the reality of those children, we improve the learning opportunities of every single child in a classroom because having the resources to help kids learn what they need to when they need to means that there will be more individual attention for every single student in those schools, more one-on-one support, more early intervention programs, so that students do not fall behind.

Once you have fallen behind, it is a hard thing to catch up, and it is hard for teachers when they see these needs and they cannot get their hands on the resources that they need. Those resources might be in the shape of a speech pathologist. They might be in the shape of a specialist teacher to come in and do a reading recovery program. There is genuine distress that teachers express to me—and parents too—when they know that a child would massively benefit from an early intervention of a reading recovery program and there is only funding for three students to get that program instead of the seven who need it.

That is what this funding package, 'Your Child. Our Future', is set to redress—that criminal abrogation of responsibility for making sure that every child in every school gets the needs based help that they deserve to make sure that they are able to continue their learning successfully after an intervention. We are talking about funding for remedial literacy and numeracy support in every school that becomes possible with the 'Your Child. Our Future' policy implementation from Labor. We are talking about extension classes to challenge students that are excelling in classes. We are talking about increased year 12 completion through more alternative and vocational pathways so that all students can leave school with the skills that they need for jobs. And we are talking about access to specialist allied health support, not just speech pathology but occupational therapy, a critical part of helping some young people at various ages re-engage with schools and get the skills that they need to be able to build on that success. Early intervention is critical. Early intervention for kids who need it benefits all the students in a classroom because it makes more learning possible for every single student.
There is so much more that I want to say about our policy, but I also want to take the opportunity right now to speak a little bit about one of the elements that has emerged in Mr Shorten's comments, around supporting children with disability. There was a report tabled over the holiday period here in the Senate—Senator Sue Lines was the chair of the inquiry—about disability and access, or limited access, for students with disability in schools. A significant amount of the problems with access is because there is not adequate money to provide for the needs of those students in our schools. I want to say that community acceptance and awareness of disability has come a very long way in many, many fields. Just a few decades ago, wheelchair access, disabled ramps, hearing loops and braille signs were all things that we did not think would become a common part of schooling, but they have become that. The problem now is that, while we have increased awareness and inclusion for the disabled population, in many places that is not happening at our schools.

The Senate Education and Employment References Committee inquired into this, and it is clearly time to end inaction. Also, it is clearly time to fund and redress the imbalance that exists with the inability of schools to support students with need. The inquiry found astounding evidence that students with disability are routinely refused enrolment. They are offered, if they are lucky to get inside the school gate, part-time engagement at school, and they are frequently bullied and abused. It was gruelling listening to hear story after story from parents and peak groups. The evidence they gave us was quite shocking. I go to a quote from Theresa Duncombe who said:

When you walk into a school, you get greeted by closed doors as soon as they know you have a child with disability… it is no good having policies, guidelines, disability standards and all the various acts and the human rights if at the school gate it does not happen.

Her comments were echoed by more than 300 submissions to hearings in Sydney, Melbourne and Brisbane last year. This culture of exclusion has often grown up and been facilitated by the financial pressure that schools are facing. So when those opposite pull out the argument that money does not make a difference, I ask them to read those 300 submissions and look at them carefully, because the truth is our kids, every single one of them, need better funding for education and it is only Labor that will deliver it. (Time expired)

Marine Pollution

Senator WHISH-WILSON (Tasmania) (13:08): Around three years ago, I did my first senator's statement on a burning issue that I care most deeply about—the threat of plastic pollution to our world's oceans and marine wildlife. I have campaigned on this issue for years and coming into the Senate I could not think of a bigger global pollution issue that we all face, but one that we talk so little about, know so little about and take almost no action to fix. I am pleased to report that three years later the issue is now starting to get some international attention, some traction, so to speak, but there is so much more we have to do and can do.

Only last week, the World Economic Forum released a report The new plastic economy: rethinking the future of plastics. This report produced some stark and stunning research. It estimated that there is approximately 150 million tonnes of plastic in the ocean today. If we continue with a business-as-usual scenario—that is, around eight million tonnes of plastic going into the ocean every year—then in 2025 the ocean is expected to contain one tonne of plastic to every three tonnes of fish. And by 2050 there will be more plastic than fish—that is right, by weight, in just over 30 years time the ocean will contain more plastic than fish.
Microplastics, plastic which breaks down into small pieces, is already found throughout our marine food chain—plastic in plankton, plastic in the stomachs of fish and other marine life. Given some plastic binds with dangerous toxic substances in the ocean, this also spells danger to human health, not just to our marine life. This fact was also recognised in the World Economic Forum report. What is most encouraging in this groundbreaking report is the recognition that the plastic pollution crisis we face is not just an environmental problem; rather it is also an economic one, an economic problem we can tackle at a governmental, individual and business level. This report was a global call to arms for all governments to tackle this problem head-on.

Plastic production has surged over the past 50 years—15 million tonnes per annum was produced in 1964 and in 2014 it was 311 million tonnes, and this is expected to double again in the next 20 years. Plastic packaging, most of which is single-use plastic—that is, plastic that is only used once—represents 26 per cent of the total volume of plastics used. Ninety five per cent of this plastic packaging material, estimated to be worth between $80 billion and $120 billion annually, is lost to the economy after its immediate use—in other words, it becomes rubbish. Only 14 per cent of all plastic produced globally is collected for recycling and only five per cent of that 14 per cent actually makes its way into a secondary or new product. What happens to the rest? It goes to landfill or to what is called 'leakage'—in other words, litter.

The negative externality created by this litter—that is, the damage it does to the environment and to community especially in the ocean—is estimated to cost $40 billion annually and this will grow with plastic production and future leakage. In other words, the 20th century's greatest invention is now one of the 21st century's biggest environmental and economic challenges.

Government leadership will be central to meeting this challenge. Redesigning packaging so it never becomes waste—rather, it re-enters the economy as a valuable technical or biological input—is the World Economic Forum's stated vision; in other words, create an effective after-use plastic economy. This will require investment and innovation that radically changes the economics, quality and uptake of recycling, a significant scale-up in the adoption of reusable packaging and industrially compostable plastic packaging for targeted applications. Additional measures will also be required to drastically reduce the leakage of plastics into natural systems such as the ocean.

What about Australia's role in cleaning up this global scourge? Marine debris is officially recognised in this country as a 'threatening process' under our EPBC laws. A threat abatement plan was put in place in May 2009. A statutory review of the success of this plan was due five years later in May 2014. However, this review was not completed until 28 June last year. What this review does is check what actions were carried out against the objectives described in the original plan. The review showed that we are not making anywhere near enough progress in addressing this problem locally. What we are now waiting for is direction from environment minister Greg Hunt about when he will be publishing a new draft plan for the public to comment on.

Australia cannot isolate itself from this global problem. We ourselves are impacting our oceans. Australia needs to find local solutions to the scourge of marine plastics and to work
with others—to show leadership like we did a decade ago in tackling climate change—to find better solutions for our region and the planet.

I am proud to say that Tasmania has shown leadership with a plastic bag ban, and we are seeing Queensland and New South Wales take tentative steps towards a container deposit scheme, a scheme that has been so successful in South Australia in reducing litter, especially plastic bottles. Incidentally, plastic bottles make up two-thirds of all plastic pollution found on the shores of Australia, according to a CSIRO report, so it is significant.

I want the Senate inquiry, which, I am very pleased to say, kicks off in a couple of weeks in Sydney, to put on the table all the evidence about marine plastics. I want to hear from Australian and global experts on this biggest of problems and where we can start to clean up our act. I want some clear recommendations about what we can do here and what leadership roles we can play globally.

Our oceans are under significant stress from climate change, ocean acidification, overfishing and now marine plastics. The ocean is turning into a plastic soup and we all risk choking on it. Given that the ocean is the womb of the earth, we need to do so much more to protect against choking this life source. I am very much looking forward to working with passionate stakeholders who agree with me on this through the Senate inquiry process.

We have had submissions from environment groups of all scales, local through to national and international. These include the Total Environment Centre, National Toxics Network, Clean Up Australia, Surfrider Foundation, which I used to be part of, Humane Society International, EDOs around the country, OceanWatch, Birdlife Australia, Australian Seabird Rescue Inc and the Boomerang Alliance, who do a fantastic job. We have heard from passionate experts like Emma Johnston from the University of New South Wales and Ian Hutton from Lord Howe Island. Local, state and federal government agencies have also had their say. There are now 190 submissions online. I thank everyone for the effort they have gone to to make those contributions. Hearings will kick off on 18 February in Sydney, and hopefully we will continue this process. This is a historic inquiry. As far as we know, it will be the first to bring together all the evidence and to hear from all the stakeholders about this critical issue. It is not before its time. This is the sort of consultation we hope the environment minister, Greg Hunt, will be doing to develop his threat abatement plan. I hope the Senate process can make a positive contribution towards that process.

I will finish with a reminder of the amazing Australian wildlife that has been officially recorded as being impacted by the scourge of marine debris. Starting with turtles: green turtles, olive ridley turtles, loggerhead turtles, flatback turtles, the critically endangered hawksbill turtle and the gigantic leatherback turtle are all heavily impacted by large marine plastic debris. With whales it is the humpback, the endangered southern right whale and Bryde's whale that are affected. All the dolphins are affected too, as are dugongs, Australian fur seals, New Zealand fur seals, Australian sea lions and even leopard and elephant seals.

Our seabird life has been affected the worst, including pelicans and penguins and several types of albatross. The stomachs of mutton birds and terns have been found overloaded with pieces of plastics. In fact, 100 per cent of mutton birds that have been dissected have had stomachs full of plastic. We know from statistics in the Pacific that hundreds of thousands of seabirds such as the albatross die every year from the ingestion of marine plastics. We know that fish and other species are not immune to microplastics.
In conclusion, we need a comprehensive national strategy to deal with the scourge of marine plastics. This Senate inquiry is critical in the process of developing this strategy and I am proud that I and the Australian Greens have instigated this important inquiry.

Queensland: Adani Carmichael Coalmine

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (13:18): Today, I would like to give praise to a decision made yesterday by the Queensland Labor government. It is not common, obviously, to give praise to other political parties, but I think it is worthwhile to give credit where credit is due. Yesterday, the Queensland government issued an environmental authority for the Adani Carmichael coalmine in the Galilee Basin. That is good news for Central and North Queensland, because these areas desperately need jobs and investment projects to get going.

The Adani Carmichael coalmine project has met all environmental approvals necessary at the state and federal levels—the federal environmental approvals were concluded last year. There is now no excuse not to issue this mine with a mining licence. The issue of a mining licence is controlled by the Queensland government and is the next step, but that next step no longer relies on any need for further environmental investigation or environmental approvals.

This mine is in a new area. It is in a largely unpopulated and undeveloped area of our country. Indeed, the closest town, Alpha, is more than 100 kilometres away. It is not a large town, in any case. Traditionally, since Europeans moved into the area, it has been used for raising cattle. It is not particularly productive land. There is no cropping in the area. It is probably the perfect place for a coal mine. Coalmines do disrupt the environment—that is why they require lots of environmental regulation—but of course we need to have jobs and a mining industry to keep paying for all the services we have in this country. We need to provide good, well-paying jobs for Australian men and women who may not want to go to university or who may not want to sit behind a desk all day but who want to work outside and do something with their hands. The mining industry provides that for such people. We need to make sure that we have a vibrant and productive mining industry in order to have a productive and prosperous economy and society.

This project will open up the Galilee Basin. It will be the first mine in that area. There are enormous amounts of good quality thermal coal in the region. It is more environmentally friendly than other sources of coal, particularly that from other countries such as Indonesia. We should get behind it and try to open it up. Obviously, though, being the first mover in multibillion dollar projects like this takes a lot at risk. This project amounts to a $16 billion investment. It is a hard decision for any business to make such a commitment up-front, particularly when it will be the first mine in the region. As the first one it will have to pay for the rail line and for upgrades to the ports without being able to share those costs with any other miners, at least in the short term.

However, as attractive and as welcome as this project is—bringing development and some investment to this region—I must say that the way these particular investors have been treated by our regulatory system is underwhelming and could be improved. The Adani proponent, the company behind this mine, initially applied for approval with the federal department on 22 October 2010. I believe they applied with the state government on a similar time frame. It has now been 1,930 days since 22 October 2010 and today, finally, we celebrate the conclusion of the regulatory approval process for the Adani coalmine. What country in the world would
take more than 1,900 days to say yes or no to a $16 billion project? This is a massive project. This is one-third of the size of the NBN in one small and undeveloped part of our country. The project could open up something and create something new on the frontiers of our nation. It could see more people moving there—not just stacking up people in Sydney and Melbourne, and to a lesser extent Brisbane. We have taken nearly 2,000 days to say, 'Yes, we want you to come here and spend $16 billion.'

Obviously the patience of Adani has been tested over that period. There is no guarantee now that they will necessarily proceed with the investment that they have spent a substantial sum of money on already—it is obviously a very big decision to spend $16 billion. The coal market is very different from what it was back in 2010. If we had made the decision within two or three years perhaps there still would have been a very attractive coal market and coal price, and most likely the project would have proceeded. It is a very different decision to make. It is one that will, hopefully, still get a positive decision, but it is a lengthy process.

Part of those delays have been federal environmental laws and part of those delays have been changes of mind by the Queensland government about what it would do. They were going to dump the spoil from dredging the port offshore originally, then it was going to come onshore and then the Queensland Labor government promised at the last election that they wanted to move it and not put it onshore near the Caley Valley wetlands; they wanted to put it somewhere else.

I want to sidetrack onto the Caley Valley wetlands now, because have got to know the Caley Valley wetlands very well. They sound pristine, they sound wonderful and they sound like something that we would like to protect, but, in fact, the Caley Valley wetlands are artificial—man-made—wetlands. The wetlands were made in the 1950s by locals who wanted to shoot ducks. They built a bund wall at Abbot Point, and that helped stop the water from flowing out to the ocean and created a swampy wetland area attractive to ducks, and they shot them.

Fortunately for the ducks, they are no longer shot. However, apparently, according to the Greens and according to the Queensland Labor government last year, these wetlands are so important to protect. It is absurd that we protect a man-made wetland created for duck shooting over and above a $16 billion project that can create 10,000 jobs. It is kind of Kafkaesque. You could not write this stuff and be believed.

We do have an opportunity now to proceed, and to proceed we need this mining licence to be issued. I hope the Queensland government will do this and take this next step. I have been heartened by some of the comments from the Queensland Minister for Natural Resources and Mines, Anthony Lynham. He said last year, 'Everyone deserves their day in court, but not their four years in court.' I could not agree with him more. He is absolutely spot on. Indeed, these Green activists have had five years in court and there are still some court cases going on. Those court cases will not prevent the Queensland government from issuing a mining licence. They should get on with the job now and issue that licence as soon as possible so we can start restoring some of the investor confidence in this nation and show people that we are open for business. While we do have very strong and proper environmental laws in this country, we are not going to be absurdly creating the situation again where we take nearly 2,000 days to make an assessment of those environmental laws and regulations.
There are still groups in the country that are opposing this project. The Queensland Labor government seem onside. The coalition want to see it get ahead. Obviously, the Greens are never going to support a coalmine; they do not believe in any coalmining in the country. They would bankrupt our nation if they were ever in charge. The Greens support these strong environment laws. They have voted for them in the past. They have argued for them in the past. We have very strong laws in our country, and we should have strong laws in our country to protect the environment. But the problem with the Greens is that they support these laws and then, when the umpire makes the duly-considered decision under these laws, they turn around and say: 'No, we don't agree with that. We still want to ban the coalmines.' For the Greens, this is not about protecting the environment; it is about stopping a coalmine. It is not about protecting threatened species or native vegetation or the Caley Valley wetlands—which they never would have heard of before this process—it is about stopping a coalmine. It is all about stopping jobs in the mining industry, because they do not want any coalmining.

The Greens need to be asked why they are disputing the umpires' decisions, umpires that they have argued before—people like the independent expert scientific panel, which they argued for in the Greens-Labor government and they got established. That committee has said this project can go ahead, and then they turn around and disagree with that umpire. They need to be held to account for that. They need to be asked: 'If you don't support this coalmine, where would you support a coalmine?' Where do they think we are going to get our energy needs to provide not just for this country but for the entire world. Where do they think we are going to get the high-quality coal we need to reduce carbon emissions in other countries? India is still going to build coal fired power stations. They are not going to care where the coal comes from. They are not going to say: Damn! We can't get that coal from Central Queensland. We're going to not build these power stations.' They are going to get them from Indonesia, and the ash content of the coal in Indonesia is much higher which will be much worse for carbon emissions which will be much worse for climate change. The Greens do not want to listen to those facts. They just do not like coalmining. They are ideological about it. They are not reasonable about it. I call now on the Queensland government to not listen to the Greens but to listen to the people of Central Queensland and North Queensland who want jobs.

**Automotive Industry**

Senator GALLACHER (South Australia) (13:28): I rise to take part in the statements and join Senator Canavan on his unity ticket about jobs. I suppose the only difference is that Labor is trying to pin a tail on a donkey of his colour about the destruction of jobs.

The headline is: 'Our 115-year road trip nears a sad end'. One hundred and fifteen years of manufacturing motor vehicles in South Australia, Victoria and other parts of this great country will come to an end in October this year, with Ford to shut its local factory, followed closely by Holden and Toyota. By 2017 Australia will become a sole importer of motor vehicles.

I have no problem with the macro-economic strategy that, if we cannot do something efficiently and people do not want to buy it, we probably should not be subsidising it. But, that said, in the argument it has not been well known that Australia has been a very successful exporter of motor vehicles. I just want to take a few moments of the Senate's time to put some absolute facts from our good friends at the Parliamentary Library on the record. In 2005-06,
there were $2 billion worth of exports of motor vehicles and components to the Middle East. In 2006-07, there were $2.144 billion of exports to the Middle East. In 2007-08, there were $2.112 billion of exports to the Middle East. In 2008-09, there were $1.7 billion or thereabouts. In 2009-10, there were $1.5 billion. In 2010-11, there were $1.1 billion. I will get to the point in a moment. In 2011-12 there were $1.105 billion, in 2012-13 $1.3 billion, and in 2013-14 $1.269 billion. But, most importantly, in 2014-15 we were growing back to $1.4 billion worth of exports to the Middle East, which comprises 20 per cent of our net trade with the Middle East. Twenty per cent or thereabouts of our net trade with the Middle East has been in the form of manufactured motor vehicles.

The reason I raise this and put this on the record is to underpin the great work that the manufacturing workers of Australia have done in producing a car of sufficient standard and interest that about $1.5 billion worth of exports to the Middle East every year for the last decade are attributed to it and it comprises 20 per cent of this nation's exports to the Middle East. In all of that decade, the critical factor has been the Australian dollar. When we look at the lower exports in that period, we know that the Australian dollar in 2009 was at about US88c for the entire year, in 2010-11 it was at US99c, it was at US$1.03 in 2012, in 2012-13 it was US$1.02 and in 2013-14 it was US91c. But importantly, in the year that we started increasing our exports to the Middle East, it was back down to US82c. So we know that the critical factor in all of that was the currency exchange.

Where is that exporting of motor vehicles to the Middle East going to be taken up from? It is probably going to come from Thailand, Indonesia or Malaysia. Those are the booming places for assembling Toyota Camrys and the like. And where do we sit in all of this? We have a government that raced in and told General Motors to commit or get out, and they promptly agreed and got out. But we have $700 million allocated for the Automotive Transformation Scheme, and we know that the budget papers for 2015-16 forecast that the government will only allocate $105 million between 2014-15 and 2020-21 in Automotive Transformation Scheme funding, and the remaining underspend will be moved to consolidated revenue. So they have decided we are not making motor vehicles. They have hounded the companies out of the country. We are now left with component manufacturers looking at an uncertain future—component manufacturers who are at the top of their game in a world-standard manufacturing chain. They are not able to access the money to move into the export chain into Thailand, Malaysia or Indonesia and still contribute valuable export dollars to Australia. They have not been encouraged to do that. In fact, $600 million is being taken out of the bucket and put back in consolidated revenue.

I may say that, were the motor-vehicle-manufacturing industry to have a decline or demise under a Labor government, we would not be walking away from people in the chain. We would not be walking away from innovative companies who could, with a bit of assistance, focus on exporting and becoming part of the global chain. It is a global chain now. We know that there are component manufacturers in China making axles for BMWs that are assembled in Malaysia or Thailand. We know these things, and anybody with any understanding, or who just picked up some industry literature, would know that. But we have a national government which looks different, because we have a new Prime Minister, but is exactly the same. There is still no money for our component manufacturers and nothing on the table to allow them to transition, keep their employment figures up, make some money and move into other areas.
This is a great quote in an article by Clare Peddie in the great, august journal the Adelaide Advertiser:

They are companies that just get on with life, they don't crave to be in the limelight, they're just getting on with business and doing a great job.

But they are not able to access a modicum of government assistance to do exactly that—to contribute to the global manufacturing chain in automotive vehicles. Their expertise is beyond question. Their ability to contribute is well proven. They just need to be able to link with Indonesia, Malaysia or Thailand. It is still a Toyota Camry or whatever it will be in Chevrolet terms. They are global cars, and our companies do it really well. They do it sufficiently well to have been at the top of the manufacturing excellence chain, and we have a government which under Abbott and—I was going to say 'Costello'—Hockey told them to get out of town, and they have moved out of town. Of $700 million that was allocated in 2011 to the Automotive Transformation Scheme, $105 million is now allocated and $600 million goes back to consolidated revenue. The companies are left in limbo.

That is before we go to the immediately affected workers who are looking down the barrel of redundancy and early retirement or getting themselves a job in an ever-changing economy. You might be 54 or 55 years old, and you have to go out there and battle for it until you are 67. Before we even talk about those people, they are not even helping the people who would be their natural constituents—innovative firms who are cracking along and are diverting now into medical technology and engineering in the defence space. They are not even giving them a leg up to take their workforces with them. They are just putting $600 million back into consolidated revenue. The small component manufacturers can go jump and the manufacturing workers can jump. It is pull the chain and sink or swim; if you cannot swim, bad luck! That is the attitude this government has towards South Australian manufacturing.

That is even before we get to the defence industry, which I have a lot of things to say about.

In the very short time I have left, to recap: these are great, world-leading, high-standard manufacturing component makers. These are excellent manufacturing workers. Their skills are beyond par. It is well known that GMH regarded the Elizabeth facility as being right at the top of their innovation. We have a Prime Minister that talks about innovation, but there is no money. The $600 million is going back into consolidated revenue. 'Sink or swim' seems to be the message to component manufacturers. 'Sink or swim' seems to be the message to those redundant workers. It is an absolute disgrace. This Prime Minister, if he really cares about innovation, should allow this sector to innovate and get into the global chain. We have designers who design stuff globally—we will retain them, we believe. Get the component manufacturers and those excellent manufacturing workers into the global manufacturing chain. Please give them an opportunity; release the $600 million.

**Housing Affordability**

**Senator DAY** (South Australia) (13:38): I rise today to commend the work of international research organisation Demographia and its directors: US urban planning and transport expert Wendell Cox and New Zealand urban planning consultant Hugh Pavletich. It was an honour to be asked to write the foreword to the recently released 12th Annual Demographia International Housing Affordability Survey.

The survey covers 367 metropolitan markets in nine countries including Australia, the United Kingdom and the United States. The survey is arguably the most comprehensive
metropolitan housing affordability survey on the planet. The survey rates middle-income housing affordability using the median multiple formula, which is the standard recommended by the World Bank, United Nations and Harvard University and is used by the OECD, IMF, The Economist and others. The world has been provided with a great service by this simple formula to measure true housing affordability—a multiple of household incomes.

By this formula, for more than 100 years the average Australian family was able to buy its first home on one wage. The median house price was around three times the median income, allowing young homebuyers easy entry into the housing market. The median house price has increased, in real terms, by more than 300 per cent, from an average index of 100 between 1,900 and 2,000 to an index over 300 by the year 2008. Relative to incomes, house prices have increased from three times median income to more than nine times income. During the life of a housing loan, that is $600,000 they are not able to spend on other things including clothes, cars, furniture, appliances, travel, movies, restaurants, children's education, charities et cetera. It is a similar story in other nations that Demographia has surveyed—the UK, US, Canada, New Zealand, Ireland and Japan.

The economic consequences of this have been devastating. Economic capital structures have been distorted to the tune of hundreds of billions of dollars. For those on middle and low incomes the prospect of ever becoming homeowners has now all but vanished. Housing starts are below what they should be and so have all the jobs associated with them: civil construction, house construction, transport, appliances, soft furnishings—you name it. Not to mention billions of dollars in lost taxes and other housing-related revenue to state and national governments.

This housing market distortion and misallocation of resources through supply-demand imbalance is enormous by any measure and affects every other area of a country's economy. New homebuyers pay a much higher percentage of their income on house payments than they should. Similarly, renters are paying increased rental costs reflecting the higher capital and financing costs paid by landlords. National housing industries have been decimated, as have industries supplying that sector.

Getting these distorted economies back into alignment is going to take some time but this realignment is necessary to rectify a terrible mistake. Homeownership has long been a feature of Western life. Homeownership levels rose sharply in the postwar period and became a symbol of equality, security and stability. Homeownership built family wealth and gave families a tangible stake in their nation—so much so that it was celebrated in the great Australian film, The Castle. For the vast majority, owner occupation of the home in which they live was, and remains, a great ambition.

So what happened? Why have house prices skyrocketed? While influential bodies in Australia like the Productivity Commission and the Reserve Bank focused on demand drivers such as capital gains tax treatment, negative gearing, low interest rates, readily accessible finance, first homebuyers' grants and high immigration rates, few looked at the real source of the housing affordability problem: land supply for new housing stock. Demand factors played an undeniable role in stimulating the housing market and those factors were, for the most part, in the hands of national governments. However, the real culprit—the real source of the problem—was local and state governments and their land management agencies refusing to provide an adequate and affordable supply of land for new housing stock to meet demand.
The massive escalation in land prices in Australia's five mainland capital cities has caused a multitude of detrimental impacts. Establishing affordable rental accommodation for those in greatest need becomes even more difficult for social and public housing authorities as they seek to purchase land and housing in a greatly inflated market. Road widening and major infrastructure projects experience cost blow-outs as land acquisition costs skyrocket. Establishing schools, community centres, health services and business facilities becomes difficult and, at times, impossible. The whole community suffers through increased tax, transaction, finance and establishment costs.

The so-called scarcity that drove up land prices is wholly contrived. It is a matter of political choice, not geographic reality. It is the product of restrictions imposed through planning regulation and zoning. Quite apart from the economic foolishness of it all, it is morally wrong for legislators to enrich some—that is, established home owners—while impoverishing others—first home buyers. We have to restore the conditions where a couple can pay off a mortgage on one income so they can start a family in their 20s, not in their late 30s or early 40s.

Governments which made home ownership the privilege of the few rather than the rightful expectation of the many have produced intergenerational inequity and breached that moral contract between generations. In human affairs this moral contract between generations dictates that we should leave things better than we found them. The home ownership moral contract has been breached. We have denied the next generation much more than a home; we have denied them the security and benefits that go with home ownership and the opportunity to build wealth that will provide them with options in later life. Many now defer having a family in the hope that they will somehow be able to put together the funds to buy a home later in life. If they cannot afford to buy a house, they certainly cannot afford to have children. And when retirement comes, those who own their homes have much more control over their lives than renters do. They can choose where they will live and how they will live.

I have talked with countless young families about their home-building dreams. Building companies will build homes whether they are on the urban fringes or in the so-called urban infill. The cost of building a house is unchanged. I say to Senator Gallagher: if we built cars in South Australia as cost-effectively as we build houses, we would have a thriving automotive manufacturing sector. The changed cost in housing is in land prices.

I ran on a platform of 'Every family: a job and a house' and until my last breath in this place I will champion that cause. Given the vast social and economic benefits that flow from home ownership, restoring housing affordability should once again become one of this nation's most important priorities.

Adoption

Focus ACT

Australian Capital Territory: School Awards

Senator SESELJA (Australian Capital Territory) (13:48): Again, I would like to bring to the attention of the Senate the issue of the need for reform in the area of adoption and out-of-home care here in Australia. It is an issue that I know that many in this place feel strongly about, and an issue that I and others refuse to put in the too-hard basket.
At the end of last year the Australian Institute of Health and Welfare released the *Adoptions Australia 2014-15* report, and it was damning. The report shows we had the lowest number of adoptions on record last year, with only 209 Australian child adoptions recorded as finalised. Two-hundred and nine adoptions last year—that is all we could manage as a nation, and I think it is an unacceptable state of affairs and one that is desperately in need of meaningful reform.

It is time that we streamlined the adoption process across all states and territories. It is imperative that children in the out-of-home care system be placed in stable environments where they can experience the permanency they need in their early years. It is time we put the rights and welfare of children before the rights of adults.

During 2013-14 there were over 50,000 children in out-of-home care—50,000 children. On average, those at-risk children experienced up to six different placements during their time in the system. It is a story I hear time and time again when I meet with constituents here in the ACT and well beyond. It was only last Friday that the coroner's report was handed down on the death of four-month-old baby Ebony in South Australia, a baby who was 'mercilessly and serially brutalised' to her death by a father who was known to care and protection authorities. Our care and protection systems around the country failed this innocent child and have failed many more like her. Of course, there was the case of Chloe Valentine, which was also in South Australia. I think we had a coronial report handed down there last year, where the coroner in that case talked about the need for reform in this area—including adoption reform.

Of course, there has been some wonderful advocacy work done by Adopt Change in this space. And this chamber, along with the other chamber, passed a motion late last year in favour of adoption reform. That was carried without dissent. I know there are some who do not agree, but overwhelmingly this chamber and the other place said that we need adoption reform in this country. I think it is critically important that we now get on with it—with the states and territories—to actually deliver meaningful adoption reform.

We know what the problem is and we know that there are no simple solutions, but one very important reform is to see adoption made a more realistic prospect for many would-be parents—many who are willing and able to take on children who are growing up in very difficult circumstances. The alternative in many cases, unfortunately, is children going from placement to placement to placement and, in extreme cases of course, being put in severe danger—in some cases even leading to death.

This is not good enough. This is a national tragedy and we now need to act, so I would encourage the state and territory governments. I know that Minister Christian Porter is committed to this issue and I look forward to the opportunity for the minister, this parliament and state and territory governments to work toward meaningful change in this area.

I want to get on record the 25-year anniversary of Focus ACT. On 4 December I joined with Torrien Lau and Wilhelm Harnisch, the chair, to celebrate a key milestone for the organisation at the Canberra Museum and Gallery. Focus ACT has delivered service to the community for some 25 years. It is a local organisation dedicated to improving the quality of life of people with intellectual disabilities. The event was a resounding success and a great opportunity for me, as the Focus ACT ambassador, to meet with the Focus board of directors and key stakeholders as well as clients, staff and family members. The event allowed the

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CHAMBER
Focus team and their clients to celebrate a record of excellent service to some of our community's most vulnerable.

As a key player in the disability sector, Focus prides itself as one of the leading providers of accommodation support for people with intellectual disabilities. Focus's portfolio consists of over 60 clients residing in more than 30 homes, 17 of which are headleased by the organisation. It provides six of these homes with 24-hour support to its residents.

Focus is an example of the important service which our support workers deliver to the ACT. Their commitment to helping others through a vocation as a support network is something that is rightly applauded. It was a privilege to join with Focus ACT for such an important occasion. I congratulate them on their service to our local community. The event saw long-service medals awarded to staff who have been with Focus for more than five, 10 and 15 years. I commend Torrien, Wilhelm Harnisch and all the team at Focus for their efforts in organising such as successful event; but, more importantly, I commend the many, many people who have made Focus such an important and successful part of our community for over 25 years.

Each year, I have the privilege of giving to various schools across the ACT academic excellence and community service awards. Whilst academic excellence is a crucial aim of our education system, participation in community service is another important opportunity and another important learning that our kids get from going to school. It is in the spirit of these two objectives of schooling that the awards recognise achievement, effort and distinction.

The Academic Excellence Award is awarded to a student who demonstrates exceptional academic performance, whilst the Community Service Award is awarded to a student who demonstrates leadership amongst their peers, demonstrates excellence in attitude and achievement, exhibits a commitment to the ethos of the school and is a strong and consistent participant in school and community activities. It was a privilege to attend schools across the ACT and deliver these awards to some outstanding students.

I want to make mention of some of the award recipients. From Erindale College in Wanniassa, the Community Service Award went to Grace West and the Academic Excellence Award to Georgina Evans. From St Monica's, the Academic Excellence award went to Indya Stirling. From Mount Stromlo, the Community Service Award went to Vivien Clarke and the Academic Excellence Award went to Emily Neuendorf. At Lanyon High School down in the southern part of Canberra in Tuggeranong, the Community Service Award went to Rachel O'Brien and the Academic Excellence Award went to Niraj Adhikari. From Hughes Primary School, community service awards were awarded to both Hannah Drew and Christopher Baker. At the Gold Creek School, the Community Service Award went to Nicholas Hodson and the Academic Excellence Award went to Tara Swanton. Finally, at Brindabella Christian College, the Community Service Award went to Sallianne Shelton and the Academic Excellence Award went to Katherine Thomson.

These students, like so many others, are outstanding examples of leadership in our schools here in the ACT. They are an absolute tribute to themselves, to their families and, of course, to the wonderful teachers who have helped to give them such great opportunities in so many wonderful schools in our community here in Canberra. I commend each of those students and I commend the wonderful school communities that they are a part of.
Goods and Services Tax

Senator POLLEY (Tasmania) (13:56): Prime Minister Turnbull has said, 'There's never been a more exciting time to be an Australian,' but, when it comes to most Australian families, it could be argued—and in fact I will argue—that that only applies in this country under this government when you are well off. How big a credit card you have will dictate what sort of education your children will have and what sort of health care you will have.

We have a local paper in Launceston known as The Examiner. It is a fantastic local newspaper. It has a warning today for the local member for Bass. The headline reads 'Nikolic's thin skin may hurt at polling booths', but actually the article itself is about the GST and previous Liberal governments and members losing their seats as consequences. There is a warning here for Mr Nikolic that the GST will not be tolerated by his electorate.

But we know because we have heard time and time again those opposite carping on about the GST being firmly on the table because, if it were not, the Prime Minister would say so. We know it is there. I am speaking as a Tasmanian senator because my home state has disproportionately more lower-income families and we will be hit much harder, but those on the other side do not want to listen to anyone else's point of view. It is quite clear. You could come into this chamber. The Prime Minister could very clearly resolve this issue and say there will be no increase to the GST. We on this side know as the Australian community knows that a 15 per cent GST on everything is going to hurt every Australian family.

Why should Australian pensioners have to pay more for the services that they need? Why should older Australians who are looking for support to be able to stay in their homes have to pay an extra 15 per cent? Why should Australian families have to pay 15 per cent on health care or education? We will never support an increase to the GST. We will never support any change to the GST. It is lazy policy development. It is lazy and unacceptable to the Australian people. If there is going to be an increase to the GST, as I have already said, the local newspaper—which is not a friend to this side of the chamber—has warned its local member. I am quite happy to table this, because there is some interesting reading here about Mr Nikolic and his thin skin.

Senator Bernardi: Mr President, I rise on a point of order. I am loath to interrupt, but the use of props is inappropriate in the chamber, and Senator Polley, having been here for a long time, would know that, I am sure.

The PRESIDENT: Thank you, Senator Bernardi. Senator Polley, you have 17 seconds left, and the use of props is disorderly.

Senator POLLEY: Tasmanian families are all going to be expected to pay in excess of $6,200 more on essential things like fresh food, schools, health, education. This is unacceptable, and we will not support it. (Time expired)

QUESTIONS WITHOUT NOTICE

Education Funding

Senator McALLISTER (New South Wales) (14:00): My question is to the Minister for Finance, Senator Cormann. I refer to the minister's statement last night that the Turnbull government's school-funding formula beyond 2018 is:
... essentially CPI plus a growth factor for enrolment growth purposes, and that is the number that is currently reflected in the budget, and that reflects the government's policy position.

Does he stand by this statement or does he agree with Minister Birmingham that these budget figures are 'indicative only'?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:00): I thank the senator for that question. As senators would be well aware, the budget is a reflection of policy decisions of the government. It is very simple.

**Senator McALLISTER** (New South Wales) (14:01): Mr President, I ask a supplementary question. I refer to the government's leaked talking points—leaked to the media yesterday— which state that the government will decide an indexation rate that better reflects the increasing cost of schooling. Do the current figures reflect the Turnbull government's current position on school funding beyond 2018 or not?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:01): The budget reflects the current policy position of the government. Our position is as we clearly articulated before the last election. We said that we would honour the Gonski funding commitments—so-called—for the initial four years, the period of the published forward estimates at the time of the last election, and of course we did better than that: we put an additional $1.2 billion into schools in WA, Queensland and the Northern Territory, which Bill Shorten, as education minister, had ripped out of those schools. In the period beyond the published forward estimates, in a very tricky way, Labor promised an unsustainable and unfunded, pie-in-the-sky spending growth trajectory—never funded—and what we have done in government is put the school funding growth on a more sustainable, more affordable trajectory for the future. Now Labor is at it again, and none other than the South Australian Labor Premier, Jay Weatherill, has belled the cat. *(Time expired)*

**Senator McALLISTER** (New South Wales) (14:02): Mr President, I ask a further supplementary question. Are the government's $30 billion school cuts on the table or not?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:03): I completely disagree with that characterisation, because, in order to characterise what the senator refers to as 'cuts', the money would have had to have been there in the first place, and of course Labor never funded their unaffordable, pie-in-the-sky spending growth trajectory that they promised on the never-never in the period beyond the published forward estimates at the time. At a time when they knew they were about to lose the election, they made an unaffordable promise. They knew they would never have to pay for it. They knew it was not affordable. In fact, the state premiers and the chief ministers knew it was not affordable.

Just to go back to an element of the senator's first question: it is always open to the government to change a policy position, but there is a process to do so. If the government were to change policy position down the track, our fiscal discipline is that we would have to pay for that by finding savings in other parts of the budget.
Asylum Seekers

Senator LINDGREN (Queensland) (14:04): My question is to the Attorney-General and Leader of the Government in the Senate, Senator Brandis. Will the Attorney-General acquaint the Senate with the High Court decision this morning on the M68 case?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): Thank you very much indeed, Senator Lindgren. Yes, I can. As honourable senators would no doubt be aware, this morning the High Court delivered its judgement in the M68 case. That is the case in which the regional processing centre arrangements between the government of Australia and the Republic of Nauru were challenged. The case was resolved in the government's favour by a majority of six justices to one.

Specifically the court held that the entry into the memorandum of understanding of 3 August 2013 between the respective governments was a valid exercise of the executive power of the Commonwealth under section 61 of the Constitution. The court held that the conduct of the Commonwealth in giving effect to that arrangement was constitutionally valid, it being authorised by section 198AHA of the Migration Act, which the court found was itself a valid exercise of the aliens power under section 51(xix) of the Constitution. Furthermore, the court held that the conduct of the Commonwealth in securing funding and participating in the plaintiff's detention at a regional processing centre on Nauru was, for that reason as well, a valid law of the Commonwealth.

It has been asserted in this place—not, I should say, in fairness, by the opposition but by the Greens—asserted time and time again, that these arrangements were not constitutionally valid. The High Court has now authoritatively, by a six to one majority, decided that the arrangements are lawful, are constitutionally valid, and I would hope that the Greens, in particular, respect the decision of the court.

Senator LINDGREN (Queensland) (14:06): Mr President, I ask a supplementary question. What light does the High Court decision shed on regional processing arrangements in Nauru?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:06): Thank you, Senator Lindgren. One of the claims that was made by the Greens—ignorantly, I am bound to say—that was that the detention centres on Nauru were conducted by Australia, that Australia was in fact the nation that detained people at those processing centres. A majority of the court held clearly, as a matter of law—not as a matter of politics, Senator Hanson-Young, as a matter of law—that that was not so. In the joint judgement of the Chief Justice and Justices Kiefel and Nettle, they said this:

… the restrictions applied to the plaintiff are to be regarded as the independent exercise of sovereign legislative and executive power by Nauru.

Justice Keane said:

The plaintiff's detention in Nauru was not detention in the custody of the Commonwealth. … The plaintiff’s detention in Nauru was in the custody of the Republic of Nauru. That is because the legal authority by which she was held in custody in Nauru, an independent sovereign nation, was that of Nauru and not that of the Commonwealth.
Senator LINDGREN (Queensland) (14:07): Mr President, I rise to ask a further supplementary question. What does the decision mean for Australia's successful border protection policies?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:07): What it means, in short, is that those policies have been validated from a legal and constitutional point of view. The government was always confident that the amendments, in particular the amendments to the Migration Act, which were so strenuously resisted by the Greens, did have a sound legal and constitutional basis.

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator BRANDIS: But this is now—Senator Hanson-Young and those of your colleagues from the Greens who I hear interjecting—beyond the political argument, because this issue has now been decided by the High Court by majority to be a matter of law. So please let us not hear any more bleating from the Greens that this is really Australia detaining these people, because the High Court has decided, as a matter of law, that these unauthorised arrivals are being detained on Nauru by the government of Nauru. (Time expired)

Education Funding

Senator LINES (Western Australia) (14:08): My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to the now Prime Minister's statement in relation to the 2014 budget when he said, 'I support the reforms to higher education.' Does the Prime Minister still support university fee deregulation?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): I think I saw on the television this morning that today is Groundhog Day. I think I did see that and I fear that we are today going to have Groundhog Day in the Senate that I anticipate will have the same kind of question from you as we had from Senator Wong yesterday. All I can say to you is the Prime Minister stands by all statements that he has made, as do all ministers.

Senator LINES (Western Australia) (14:09): Mr President, I ask a supplementary question. Does the Prime Minister still support cutting more than $12 billion from university funding, as detailed in today's Parliamentary Budget Office report?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): The Prime Minister supports all decisions of the government.

Senator LINES (Western Australia) (14:10): Mr President, I ask a further supplementary question. Can the minister confirm that the Mid-Year Economic and Fiscal Outlook showed that the government has simply delayed its unfair and unnecessary higher education changes, not abandoned them?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:10): I think that is a gross misrepresentation of what the MYEFO says.
Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:10): My question is to the Attorney-General representing the Prime Minister, Senator Brandis. As we have already heard from the Attorney-General, today the High Court declared the way to remove 267 people from here in Australia and send them to Nauru. One of those people includes a five-year-old boy who was brought here because he was sexually assaulted during his time in detention on Nauru. He came here for medical treatment. Doctors have said this boy should not be returned to the island. Will the Prime Minister allow this boy to be sent to Nauru or will he allow him to stay?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:11): Now that the High Court has definitively upheld of the laws under which these arrangements were made, the government will be adhering to the laws. These decisions are decisions for the Minister for Immigration and Border Protection, and I will make an inquiry of him.

Senator HANSON-YOUNG (South Australia) (14:11): Mr President, I ask a supplementary question. There is a second person in this group of 267 people, a young woman who had her baby in Australia only recently after being brought here because having the pregnancy in Nauru was unsafe and the mother is suicidal. Her doctor has said she should not be removed from Australia and should not be returned to Nauru. Will the Prime Minister stop her from being returned?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:12): I hope you do not think I am being pedantic, but the legislation actually does require these decisions to be made by the designated minister—that is, the Minister for Immigration and Border Protection—not the Prime Minister. Nevertheless, it is a matter for the Minister for Immigration and Border Protection, and I am sure he will make these decisions in accordance with the law.

Senator HANSON-YOUNG (South Australia) (14:12): Mr President, I ask a further supplementary question. Another woman in this group of 267 people is a woman who was raped by locals on Nauru. She has been brought to Australia. She is receiving medical treatment. Her doctors have said she should not be removed. Will the Prime Minister intervene and ensure she is not sent back to the island where she will face her rapists?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:13): I am not familiar with the case to which you refer. Therefore, I have no reason that no whether the way in which you have described it is accurate or not. It would not be appropriate for the Prime Minister to direct another minister in the manner of the exercise by him of a statutory discretion. I am sure the Minister for Immigration and Border Protection will exercise his statutory powers appropriately and lawfully.

Economy

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:13): My question is to the Minister representing the Treasurer, Senator Cormann. Can the minister explain why the government's economic reform agenda is so important to the nation?
Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:13): I thank Senator Fawcett for that question. As I indicated to the Senate yesterday, our economy is in transition. We continue to grow but we need to generate stronger growth and create more jobs to help us afford, as a nation, the important services provided by government. So why is our economic reform agenda so important? It is important to put Australia on the strongest possible economic and fiscal foundation for the future. It will help ensure that people right across Australia have the best possible opportunity to get ahead, in particular, young people across Australia. It will help to ensure that we are as resilient as possible in the face of inevitable global economic headwinds coming our way from time to time. And it will help us ensure that as a nation we are in the best possible position to take advantage of the many exciting opportunities coming our way in this part of the world.

As the Prime Minister often says, this is the most exciting time to be an Australian. To achieve this we need to ensure we are as competitive, as productive, as innovative, as agile and as nimble as possible. That is why we continue our work to take unnecessary costs out of the economy through our ambitious deregulation agenda. That is why we continue to look for opportunities to make our tax system more growth friendly, building on the abolition of the mining tax and the carbon tax and building on the small business tax cuts we delivered in last year’s budget. That is why we continue to work to help our exporting businesses get better access to key markets in our region through free trade agreements with China, South Korea and Japan. That is why it is so important that the legislation to bring back the Australian Building and Construction Commission is passed by the Senate as quickly as possible—in order to boost productivity in the construction sector, in order to bring down costs in the construction sector and to help strengthen growth and create more jobs. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:15): Mr President, I ask a supplementary question. Can the minister also explain why it is so important to the nation that the government gets the budget back into balance as soon as possible?

Opposition senators interjecting—

The PRESIDENT: On my left!

Opposition senators interjecting—

The PRESIDENT: Order on my left.

Government senators interjecting—

The PRESIDENT: On my right as well. Order! You are holding up question time.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:16): As a country we are still working to digest Labor’s last serial spending binges in government and of course we are working to get the budget back on track, back into balance, as soon as possible, but not with any help from the Labor Party. The Parliamentary Budget Office report released today shows the cost of Labor standing in the way of us fixing the problems that they left behind. Lower spending helps to reduce the tax burden on hardworking Australians. Reducing the tax burden on hardworking Australians provides an incentive for people to work more, save more and invest more. That helps to strengthen growth and to create more jobs, and of course the stronger growth over time will
help deliver stronger revenue flows for government, which will help ensure that as a nation we can afford the very important services provided by government from— (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:17): Mr President, I ask a further supplementary question. Is the minister aware of any alternative approaches?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:17): Labor's approach in government under the Rudd and Gillard governments and again now in opposition under Mr Shorten is to spend too much. That is then followed by borrowing too much and that is then followed by playing catch up with higher and higher tax grabs on what Labor think are easy targets across the community. That is how Labor does it. Of course in the last term of the Labor government they put more and more burdens in our economy, making our economy less competitive internationally at the worst possible time.

Right now under Labor the budget would be about $50 billion worse off. On the weekend there was Mr Burke complaining about the fact that we pointed out that under Labor the budget would be $50 billion worse off. He said, 'They have added in everything that we have ever complained about.' So I say to Labor: tell us where you really did not mean it when you complained about our savings. You tell us where you are not going to restore spending when you complained about our sensible savings measures. (Time expired)

Building and Construction Industry

Senator WANG (Western Australia) (14:19): My question is to the Minister representing the Prime Minister in the Senate. A joint media release by the Prime Minister, the Attorney-General and the employment minister on 30 December summarised the Heydon royal commission's findings as revealing a widespread and deep-seated culture of lawlessness in the construction industry and beyond and stated:

This corrupt and illegal conduct will not stop unless there is immediate and effective Parliamentary intervention, meaningful reform and strong leadership.

As evidenced by the increasing public concern about corruption and lawlessness within a range of organisations, such as doping in sports and match fixing, the systematic exploitation of foreign workers, the abuse of political entitlements and so on, it is clear that misconduct and lawlessness are not confined to the building and construction industry. Does the government believe that the range of misconduct I have just mentioned satisfies its definition of either 'corruption' or 'lawlessness' and, if not, why?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:20): Senator Wang, it may, depending on the circumstance of the particular case, and in general, yes, it does. Senator Wang, you rightly point out the very serious matters which were found by the Heydon royal commission to be part of what the royal commissioner concluded to be a widespread culture within the trade union movement.

Senator Cameron: Rubbish! Absolute rubbish!

Senator BRANDIS: I hear Senator Doug Cameron interjecting volubly over there. Senator Doug Cameron probably has more to be ashamed of than most people. Senator Wang, that is why this government is committed to giving effect to the recommendations of the
Heydon royal commission. Might I point out, as has been observed by others, that the recommendations of the Heydon royal commission are not based upon any contentious factual disputes. The findings of the—

Senator Conroy: Defamatory slurs. They are smears, smears, smears. It is not based on any evidence.

Senator BRANDIS: I will take that interjection, Senator Conroy. Senator Conroy said that the findings are not based on any evidence. Senator Conroy, they are based on admissions. Not only are they based on evidence; they are based on uncontroverted evidence, undisputed evidence, confessions and admissions. So, listen, there is no area of factual contention in relation to the findings of the royal commissioner Mr Heydon. There is a test of character now—

Senator Conroy interjecting—

Senator BRANDIS: for the Leader of the Opposition, Mr Bill Shorten, because Mr Shorten—

Opposition senators interjecting—

Senator BRANDIS: Very serious findings like the Clean Event case were found. Mr Shorten is uniquely well placed—(Time expired)

Senator Cameron: Mr President, I rise on a point of order. During the Attorney-General's response he indicated that I have 'more to be ashamed of than most'. This was in the context of corruption and bullying in the building and construction industry. This is clearly an aspersion on me. I think my record as a union official and my record in public life is clear. I have always stood up against bullying and intimidation. I have always stood up against corruption, and my record is clear on that and that should be withdrawn—

The PRESIDENT: Senator Cameron, you have made your point. Senator Brandis, it would assist the chamber if you wanted to withdraw that remark.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:23): If you wish, Mr President, I will.

Opposition senators interjecting—

The PRESIDENT: Order on my left! I gather, Senator Brandis—(Time expired)

Senator WANG (Western Australia) (14:23): Mr President, I ask a supplementary question. Will the government provide the immediate and effective support required to establish a national anticorruption agency to prevent, to investigate and to prosecute widespread corruption and systematic illegal conduct?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:24): The government's view is that we have strong laws in relation to corruption which are enforced by a skilful and honourable
Australian Federal Police as well as state and territory police agencies. There has not been any indication of a culture of corruption in Australian public administration. There has not. In fact, the instances where in either political life or in Australian public administration there have been instances of corruption are notably rare. The same cannot be said of all state governments and all state public administration but it can be said, and I think we should be very proud of this, of the Commonwealth.

Senator Wang, the point at which you began identifies one area of Australian public life where there has been an identified and well-demonstrated culture of corruption, and that is the union movement — *(Time expired)*

**Senator Wang** (Western Australia) (14:25): Mr President, I ask a further supplementary question. If the government secures the necessary support to re-establish the Australian Building and Construction Commission, in the interim, will the government commit to the future establishment of a properly constituted national anticorruption agency?

**Senator Brandis** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): With respect, let us take one thing at a time and let us not confuse two issues. I just said to you that in Australia our public administration and our politics—certainly at a federal level—have been remarkably free of corruption. There have very seldom been instances of either corrupt members of federal parliament or corrupt public servants. There have been one or two—very rare indeed. However, the same cannot be said of the building industry. That is why, by the way, one of the reasons we set up the Heydon royal commission is that there was an enormous volume of evidence that a culture of corruption across the trade union movement—not affecting all trade unions, I hasten to add, but affecting many—was endemic and widespread, and that is exactly what the royal commissioner found on the basis of uncontroverted evidence, admissions and confessions.

**Building and Construction Industry**

**Senator Johnston** (Western Australia) (14:26): My question is to the Minister for Employment, Senator Cash. Can the minister inform the Senate of any benefits that an improved culture in the building and construction sector would bring to Australians?

**Senator Cash** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:26): I thank Senator Johnston for his question and, yes, I can. I think all Australians know that the construction industry is critical to a productive Australia, and a more productive Australia equals more jobs for Australians.

The construction industry is Australia's third-largest employer. It employs over one million people in this industry, and those one million people are employed by the hundred thousand plus predominantly small and medium businesses. The reintroduction of the Australian Building and Construction Commission has great potential to make the sector, as I said, more productive, and a more productive economy means more jobs for Australians.

In terms of evidence, the Productivity Commission in 2014, in its public infrastructure inquiry, highlighted the link between lower industrial disputes and the existence of the Australian Building and Construction Commission. Even Julia Gillard's own hand-picked
advisor who looked at the ABCC, former Justice Murray Wilcox, in 2012 when he handed down his report concluded this:
The ABCCs work is not yet done. Although I accept there has been a big improvement in building industry behaviour during recent years—the ABCC years—some problems remain.
The ABS data, what does that show? It shows that in the years that the ABCC existed the labour productivity index rose by 20 per cent. Here are some other facts: in the five years before the ABCC was established the industrial dispute rate in the construction sector was five times the all industry average. When the ABCC was in operation this dropped to twice the all industry's average. When it was abolished it rose to four times the industry's average. So the ABCC supports a more productive economy and more jobs for Australians—(Time expired)

Senator JOHNSTON (Western Australia) (14:28): Mr President, I ask a supplementary question. Is the minister aware of any misrepresentation that is occurring in relation to the re-establishment of the Australian Building and Construction Commission?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:29): Yes, I am. You only needed to watch the shadow minister Brendan O'Connor last night on Lateline—some described it as a train wreck. He has been caught out deliberately misrepresenting the facts during his interview. The first untruth was:
… the laws are excessive. Remember, it denies people's rights of representation. You could be compelled to give testimony without legal representation …
That is wrong. The ABCC bill includes an explicit right to legal representation for witnesses, and I refer those who are interested to section 61(4) of the bill. What Mr O'Connor has also forgotten is that the current regulator, which is Labor's regulator, has exactly the same compulsory information-gathering powers.

Second untruth: the powers are excessive. Well, if they are excessive, the powers of the ACCC and ASIC and other civil regulators are also excessive, and I do not see Labor trying to change them. (Time expired)

Senator JOHNSTON (Western Australia) (14:30): Mr President, I ask a further supplementary question. Lastly, can the minister advise the Senate how a separate industrial regulator—

A government senator interjecting—

The PRESIDENT: Order!

Senator JOHNSTON: could change the culture of unlawful behaviour—

Senator Sterle interjecting—

Senator JOHNSTON: in the building industry—

Senator Sterle: You grub!

The PRESIDENT: Senator Sterle, withdraw that please.

Senator Sterle: Out of due respect to you, Mr President, I will.
The PRESIDENT: Thank you, Senator Sterle. Senator Johnston, would you like to start again?

Senator JOHNSTON: Thank you, Mr President, yes, I would. Can the minister advise the Senate how a separate industrial regulator could change the culture of unlawfulness in the building industry?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:30): Re-establishing the ABCC is about introducing meaningful consequences for unlawful conduct in the building and construction industry, whether this conduct is undertaken by an employer or a union in the construction sector. In terms of the Cole royal commission, almost a decade ago now, and now the Heydon royal commission, both support the need for a separate specialist building regulator to ensure that workplace laws, laws that all Australians need to abide by, are actually abided by in that particular sector.

There are currently 73 CFMEU representatives before the courts around Australia. That is a staggering statistic. Flagrant breaches of workplace laws on such a scale are quite frankly unacceptable. It is a sad day when those on the other side are continuing to stand for unlawful behaviour in the construction sector, as opposed to standing, alongside those on this side of the chamber, for lawful behaviour. (Time expired)

International Development Assistance

Senator DAY (South Australia) (14:31): My question is to the Leader of the Government, representing the Minister for Foreign Affairs, on Australia's aid budget. The Howard government committed itself in 2000 to reach 0.7 per cent of gross national income spent on aid. In opposition, the current government committed to a 0.5 per cent target. The Millennium Development Goals target, an OECD target, is for nations to reach 0.7 per cent of GNI. However, the largest saving in the government's first budget was to reduce aid spending by some $7 billion. Australian aid today stands at 0.25 per cent of GNI, and the Parliamentary Budget Office indicates that aid will steadily decline to 0.18 per cent of GNI by 2025-26. Will the government (a) insulate Australian aid from more cuts and (b) commit to increasing aid over the forward estimates as the budget is repaired?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:32): Thank you very much indeed, Senator Day, and thank you for the courtesy of giving me advance notice of this question. I can give you some information. I acknowledge, by the way, your longstanding interest in this area and the important contribution you make to the public discussion of it. I can give you some information. I acknowledge, by the way, your longstanding interest in this area and the important contribution you make to the public discussion of it. In 2015-16, Australia will provide an estimated $4 billion in official development assistance. That makes Australia the 13th largest donor in the OECD.

Senator, you will understand that the current level of spending in this and other areas is in the context of the budget position left us by the Labor government and imposed by Labor through their current irresponsibility. Despite the budget constraints imposed by Labor's legacy of debt and deficit, the coalition is delivering a responsible, affordable and sustainable aid program. We remain committed to ensuring that appropriate funding flows to the most effective programs and will continue to focus on priorities outlined in our aid policy, Australian aid: promoting prosperity, reducing poverty, enhancing stability.
In addition to maintaining a generous aid program, the government is committed to improving the real outcomes of our foreign aid. We have introduced new performance benchmarks to enhance accountability and ensure a stronger focus on results and value for money in the aid program. In March 2015, the Minister for Foreign Affairs launched a $140 million InnovationXChange within the Department of Foreign Affairs and Trade to transform the way we deliver aid.

Australia is continuing to make a strong contribution to humanitarian efforts globally. The Emergency Fund remains at $120 million. We have also established a competitive Gender Equality Fund of $50 million to enhance women's participation in decision making and leadership, promote women's economic development, and help end violence against women and girls in our region. (Time expired)

Senator DAY (South Australia) (14:35): Mr President, I ask a supplementary question. Australia now ranks 13th in OECD economies in its aid contributions. The UK government was the first G7 donor to reach a 0.7-per-cent-of-GNI target. Chinese aid is now larger than Australia's. Why can other nations prioritise aid, but we cannot?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:35): Senator Day, I think Australia should be proud of being one of the world's leading foreign aid donors, as we are. You said so yourself: 13th. Of course, I am not in a position to comment on the aid policies of the United Kingdom and China, but I can tell you, Senator, that the coalition is committed to delivering an aid program which is not only generous but also targeted and effective.

I do have to mention that, sadly, the government has had to deal with a budget position inherited from the Labor Party. The aid program will continue to contribute to international efforts to achieve the Sustainable Development Goals. The Foreign Minister recently led the Australian delegation at a special UN summit in New York, in September of last year, which reached consensus on the 2030 Agenda for Sustainable Development. We cannot commit to a prescriptive, time-bound aid target as a percentage of GNI until Australia is in a fiscally strong position to support that aspiration. (Time expired)

Senator DAY (South Australia) (14:36): Mr President, I ask a further supplementary question. The government made an announcement to coincide with the recent Paris climate conference that at least 20 per cent of Australian aid—that is, over $1 billion—will be repurposed for so-called climate relief. When the UK government did similarly, they were accused of robbing Peter to pay Paul. Which poor Peter countries is Australia going to rob to pay climate Pauls?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:37): Senator Day, it is indeed true that at the leaders event during the UN climate change talks in Paris the Prime Minister announced that Australia would provide at least $1 billion to build climate change resilience and reduce emissions over the next five years. That commitment is equivalent to around five per cent of the aid program for each of the next five years.

These funds are from our overseas development budget and will fund programs that work towards the achievement of the overarching goals of that aid program, to drive economic growth and reduce poverty in our region. There are already significant climate related
programs underway within the aid program. No aid programs have been scaled back to fund these climate activities. Future activities will be financed according to priorities agreed with partner governments. The Australian government is working with developing countries to ensure the greater predictive ability of finance flows. *(Time expired)*

**Goods and Services Tax**

**Senator BULLOCK** (Western Australia) (14:38): My question is to the Minister representing the Treasurer, Senator Cormann. I refer to the Treasurer's commitment that a higher GST will not lead to an increase in the total tax-take and ask: will every additional dollar raised by a higher GST be spent on tax cuts and compensation?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:38): The government has not made a decision to increase the rate of the GST. As such, I reject the premise of the question. What the government is focused on are measures to make our tax system more growth-friendly so we can strengthen growth and create more jobs.

**Senator BULLOCK** (Western Australia) (14:38): Mr President, I ask a supplementary question. I am surprised, Mr President, given that the premise of the question was a commitment by the Treasurer; nevertheless, the finance minister can reject it. My supplementary question is will the tax to GDP ratio increase faster than projected in the last budget as a result of the Liberal's GST tax hike?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:39): I, again, refer to the premise of the question. The government has not made a decision to increase the rate of the GST. As such the question is hypothetical.

**Senator BULLOCK** (Western Australia) (14:39): Mr President, I ask a final supplementary question in the same vein, I am afraid. Will there be an increase in the government's spending as a percentage of GDP due to the Liberal's GST tax hike?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:39): I refer the honourable senator to my previous two answers.

**Innovation and Science**

**Senator BACK** (Western Australia) (14:39): My question is to the Minister for Education and Training, Senator Birmingham. Can the minister advise the Senate how the government's National Innovation and Science Agenda will promote collaboration between universities and business to seize economic opportunities for Australia?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (14:40): I thank Senator Back for his question and his longstanding interest and contribution to innovation and education policy—and, indeed, the contribution of many of his colleagues, especially from Western Australia. As the Senate is well aware, the Prime Minister together with Minister Pyne launched the government's National Innovation and Science Agenda on 7 December last year. The Turnbull government is providing an additional $1.1 billion over the next four years to support research collaboration, to incentivise innovation and entrepreneurship and to reward and encourage risk-taking. This is building on work, particularly undertaken by Dr Ian Watt, who undertook a review of research policy and
funding last year. A number of Dr Watt's key recommendations were taken up in the innovation and science agenda.

One of those important recommendations was to drive greater research industry collaboration through new research block grant funding arrangements for universities, which will reward industry and end-user engagement by those universities. This responds to the fact that we are, as a nation, in the top 10 globally when it comes to our research effort—a fact we should be proud of; unfortunately, we are amongst the bottom of the nations in the OECD when it comes to business collaborating with research institutions.

The Turnbull government are providing some $127 million as part of our package here to reward university engagement with industry and to assist the transition of those universities to new arrangements, particularly in relation to block grant funding. We are going to encourage improved collaboration and focus on research that directly benefits Australians and, of course, ultimately leads to the creation of more jobs and opportunity in Australia. And responding to the business feedback, we are changing the process for Australian Research Council linkage grants to an open, year-round formula to ensure that there is greater opportunity for business to engage with universities at a time that best suits them.

Senator BACK (Western Australia) (14:42): Mr President, I ask a supplementary question. Will the minister update the Senate on how the government has responded to calls from researchers to provide funding certainty for national-scale research infrastructure?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:42): A very important component of the National Innovation and Science Agenda is the very long-term security and certainty it provides to our research sector. The Turnbull government has committed to invest $2.3 billion over the next decade in national-scale research infrastructure, including, importantly, sustainable operational funding for the National Collaborative Research Infrastructure Strategy.

Last year, I heard from many people who wanted funding certainty for NCRIS who wanted to be taken off the drip-feed that in particular those opposite had put NCRIS on with funding cliffs. So by providing this long-term certainty, we can be confident we will better retain research talent in Australia, better leverage industry engagement and funding, support the network of some 35,000 researchers through the 27 projects that employ some 1,700 highly skilled technical experts, including in all states of Australia—yours as well, Senator Back, in Western Australia like the Pawsey Supercomputing Centre.

Senator BACK (Western Australia) (14:43): Mr President, I ask a further supplementary question. Can the minister inform the Senate about the science, technology, engineering and mathematics, STEM, elements of the Turnbull government's National Innovation and Science Agenda?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:43): The National Innovation and Science Agenda is a comprehensive policy document. It recognises that 75 per cent of the fastest growing industries require STEM skills. It does not just focus on some of the research aspects that I spoke about before but steers more investment in STEM and digital literacy initiatives at school and in early learning environments. It includes $65 million to help inspire curiosity and develop science and maths knowledge particularly in early childhood but also throughout education, new online
computing challenges for year 5 and 7 students nationally and investment in ICT summer schools for year 9 students. This is all in addition to the work that we have provided in getting the national curriculum focused and delivering in areas like coding, and funding for particular coding programs, as well as the expansion of opportunities for teachers to learn, such as funding for the University of Adelaide's massive open online courses in digital literacy that are helping to boost the skills of teachers right around Australia and to help them deliver the knowledge and information that will empower students in the future.

**Taxation**

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:44): My question is to the Minister representing the Treasurer, Senator Cormann. I refer to the minister's statement yesterday that the government has made no decision to increase the rate of the GST and to the Prime Minister's statement last week that changes to the GST are being actively considered by the government. Is the government actively considering broadening the GST base?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:45): Both statements are true and not inconsistent with each other. The government has not made a decision to increase the rate of the GST but, as we have said very clearly, we have been engaged in a conversation with the Australian people and with the state and territory governments for some time about how our tax system can be made more growth friendly. Unlike the Labor Party, which ruled things in and out right from the word go, what we have said is that we will look at the tax system as a whole. When I last looked, the GST was actually part of the tax system. So when you are having a conversation about how you can improve your tax system that necessarily will involve a conversation about the GST and whether there are some improvements that can be made in the tax mix overall.

Let me confirm again that no decision has been made by the government to increase the rate of the GST. What we have decided is that we want to continue to strengthen growth and create more jobs and we want to build on the progress we have made over the last 2½ years in a second term of the Turnbull government, subject to the trust and the confidence of the Australian people. Of course, between now and the election we will be making our case on how we propose to strengthen growth and create better opportunities for people to get ahead, and people will see how Labor has not learnt the lessons of the past. It is at it again. It is yet again spending money it has not got. We as a country are working to digest Labor's last spending binge. This is not the time to go back to a spend, borrow, tax Labor government.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:47): Mr President, I ask a supplementary question. Is the government actively considering the plan by the Liberal Premier of New South Wales to increase the rate of GST to 15 per cent?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:47): We have been very interested to see the very constructive and positive engagement that we have had with the South Australian Labor Premier, Jay Weatherill, and, yes, the New South Wales Premier, Mike Baird. Unlike the destructive and negative federal Labor Party led by a weak leader in Mr Shorten, we welcome the fact that stronger leaders like the South Australian Labor Premier and the New South Wales Premier, Mike Baird have constructively and positively engaged with us, working with us on how we can put our country on a stronger economic and fiscal foundation for the future. Of course, as
part of that conversation it is very important that we continue to work through proposals on how we can make our tax system more growth friendly.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:48): Mr President, I ask a further supplementary question. I note the minister's refusal yesterday to guarantee that the white paper on tax reform promised in 2013 will be delivered by the election in 2016. Will the Turnbull government deliver a tax white paper in this term and will it include a Liberal plan to increase the GST to 15 per cent?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:48): It is funny to see how Labor is getting so obsessed with process. What I can assure Senator Bilyk and what I can assure people across Australia is that in good time before the next election this government will release our policy to improve our tax system, which we would intend to implement after the next election subject to receiving the trust and confidence of the Australian people at that election. We have not made any decisions yet. We have not reached any landing point yet on how we can best improve our tax system moving forward. When we are in a position to make relevant announcements, of course we will.

Northern Australia

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (14:49): My question is to the Minister for Indigenous Affairs representing the Minister for Resources, Energy and Northern Australia. Will the minister update the Senate on its signature Northern Australia Infrastructure Facility? How will this create jobs and growth in my state of Queensland and right across Northern Australia?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:49): I thank Senator Canavan for his question and acknowledge his longstanding passion for developing one of Australia's most promising regions. As the senator is well aware, Northern Australia has huge untapped potential. It has an abundance of energy and resources and invaluable proximity to our key trading markets in Asia. The government is committed to partnering with the private sector to unlock this potential, creating jobs and growth right across Northern Australia. Last week, the Minister for Resources, Energy and Northern Australia released the exposure draft of the enabling legislation for the Northern Australia Infrastructure Facility, which is a key part of the government's strategy for developing Northern Australia. The facility will provide concessional loans to build economic infrastructure in energy, water, transport and communications and will support the development of critical infrastructure in Northern Australia. It is expected to be on track by 1 July this year.

The draft legislation will see an independent board made up of financial and infrastructure experts across a range of projects. While decisions about funding of individual initiatives are obviously a matter for the board, recipient projects may include, to the delight of all Territorians and Queenslanders, the Mount Isa to Tennant Creek railway, the Townsville port expansion and the expansion of the Outback Way linking Western Australia with Queensland. We will also be encouraging Northern Australia by putting in place a range of services that will assist investors in their decision making. An office of the Major Projects Approval Agency has already been established in Darwin. It is co-located with the Office of North Australia, which has also recently been moved to Darwin by this government, delivering more
jobs for this city that has so much potential. The government is absolutely committed to proceeding with its agenda for Northern Australia as an area not only with potential for development and industry but as a hub for innovation and scientific research.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (14:51): Mr President, I ask a supplementary question. Can the minister also advise the Senate on other ways in which the government is supporting investment and the development of critical infrastructure in Northern Australia?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:52): The government has been driving both international and domestic interest in investment in north Australia through a number of measures aimed at capitalising on north Australia's development potential and opportunities for the region to be an innovation hub. As many would know, there was substantial interest in this place late last year when the Minister for Resources, Energy and Northern Australia and the Minister for Trade and Investment welcomed some 350 investors to Darwin to discuss a range of investment opportunities in the region. The government is also expanding its investment in key transport infrastructure through the $100 million beef roads initiative.

One understands—with 11.7 million cattle in northern Australia, nearly 45 per cent of the national herd, and cattle exports worth $3 million a year—these upgrades are critical to connect product with markets. The $600 million northern Australia roads package will partner with the three northern state and territory governments, in addition to the funds already provided through the nationwide investment in transportation infrastructure, including the $2 billion of upgrades to the Bruce Highway to demonstrate how we are putting investment in northern Australia. (Time expired)

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (14:53): Mr President, I ask a further supplementary question. Will the minister also advise the Senate on the ways in which the government is capitalising on northern Australia's potential as a hub for innovation and scientific research?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:53): The government is not only keen to see Australia as an area leading development in industry; we are passionate about supporting northern Australia as the hub for innovation and world-leading research. We have recently appointed leading grazier, John Wharton, as interim Chair for the Cooperative Research Centre for Developing Northern Australia. This new CRC will encourage collaboration between research organisations and industry. It will be focused on the food, agriculture and tropical health sectors.

Beyond the work of the CRC, the government is investing in a renewed focus on tropical health and medicine. We recently committed $42 million to the Australian Institute of Tropical Health and Medicine at James Cook University for a range of research facilities. Northern Australia is the gateway to the tropics, which will be home to half the world's population by 2050. We are well placed to be a leader in tropical health going forward. It is an exciting time to be in northern Australia.
Member for Fisher

Senator JACINTA COLLINS (Victoria) (14:54): My question is to Senator Brandis, the Minister representing the Prime Minister. I note the minister's refusal to answer my question about the Special Minister of State yesterday, so I will ask it again. On 19 November last year the Prime Minister said that he had 'confidence in Mr Brough', yet he was stood aside as Special Minister of State on 29 December. What changed between November and December?

Opposition senators interjecting—

The PRESIDENT: Order on my right.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:54): Senator Collins, if you ask me the same question today as you asked me yesterday, you must expect that the answer today will be the same as the answer was yesterday. I refer to that answer.

Senator JACINTA COLLINS (Victoria) (14:55): Mr President, I ask a supplementary question. I am not surprised that there is no answer again today. But it does make the point, Senator Brandis: what are you running from? Did the Prime Minister ask the Special Minister of State, Mr Brough, to stand aside while he continued to assist the Australian Federal Police with their inquiries into the Ashby affair, or did he give up his office voluntarily?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:55): Mr President, this is the first time I can remember an opposition running out of questions during question time. I have never seen that before. Senator Collins, the answer to the question you asked, which is the same question you asked yesterday, is the same answer as yesterday.

Senator JACINTA COLLINS (Victoria) (14:56): Mr President, I ask a further supplementary question. I note that the minister has refused to answer whether Mr Brough stood aside voluntarily. I refer to the Prime Minister's statement that Mr Brough has 'done the right thing to stand aside while investigations are ongoing'. But, given that the Minister for Industry, Innovation and Science, Mr Pyne, and the Assistant Minister for Innovation, Mr Roy, are also assisting the AFP in their inquiries, why has the Prime Minister not asked them to stand aside? (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:56): I have nothing to add to the answer I gave to the honourable senator yesterday.

Trade

Senator WILLIAMS (New South Wales) (14:56): My question is to the Cabinet Secretary, Senator Sinodinos, representing the Minister for Trade and Investment. Will the Cabinet Secretary outline for the Senate the benefits to Australia of the historic World Trade Organization agreement to abolish agricultural export subsidies?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:57): I thank Senator Williams, my colleague from New South Wales, for his question and for his longstanding interest in agricultural matters, and indeed for the expertise he has in that regard. Sadly over time there have been fewer people in this place with that direct expertise, and I look forward to him passing that expertise on in due course to other younger people in this place.
I am happy to report that as a result of the 10th World Trade Organization Ministerial Conference in Nairobi, the 163 members of the WTO have agreed to abolish all agricultural export subsidies. This is going to be very important for Australian farmers. This is a historic achievement. As anybody with an understanding of Australian politics, with an understanding of the battles in the 1970s and 1980s over tariffs and agricultural policy, will know that one of the touchstones of that battle was the removal of agricultural subsidies, because as a very efficient exporter we have been disadvantaged by the subsidies that other countries, big blocs like the European Union, have had. What that does is dilute returns to efficient producers and it floods the market with excess supply, and that is to the disadvantage of countries like Australia.

We have one of the most efficient agricultural sectors in the world. Our farmers are amongst, if not the most, efficient in the world. For us this is a red-letter day. Export subsidies are being phased out for all sorts of commodities: sugar, beef, pork, lamb, dairy, wheat, rice, wine, fruit, vegetables, processed foods and cotton. Their abolition will permanently remove a longstanding source of distortion in global agricultural markets. It is a remarkable historic agreement which will bring to an end more than $15 billion worth of agricultural subsidies in a major win for Australian farmers. (Time expired)

Senator WILLIAMS (New South Wales) (14:59): Mr President, I ask a supplementary question. I thank the Cabinet Secretary for his good news answer. I ask the Cabinet Secretary to explain what impact this will have for our exports, particularly in agriculture?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:59): This is unalloyed good news for our exporters, particularly in agriculture, because competing export nations will now be forced to remove more than $15 billion of market-distorting export subsidies from their agricultural producers. When we started cutting tariffs, that was important to take cost imposts off our agricultural sector. Our manufacturing sector was protected by tariffs. This is also freeing up our agricultural sector by taking away unfair competition in overseas markets. It is very important for us to understand that Australia's unwavering support for free trade is now paying dividends as our agricultural sector becomes relatively much more competitive on the world stage. This is a great result for Australian farmers and for regional Australia.

Senator WILLIAMS (New South Wales) (15:00): Mr President, I ask a final supplementary question. Can the Cabinet Secretary explain how this WTO agreement will complement recently ratified free trade agreements such as the China-Australia free trade agreement?

Senator SINODINOS (New South Wales—Cabinet Secretary) (15:00): This gives us a double whammy of benefit. We have the benefit of the China-Australia free trade agreement, which entered into force on 20 December last year, removing more than 86 per cent of Australia's goods exports to China from tariffs. That is worth more than $90 billion. Also, tariffs on $1 billion worth of other goods exports have been reduced. Once the agreement is fully implemented, 96 per cent of Australian goods will enter China duty free. So ChAFTA combined with this WTO agreement means a double victory for Australian farmers. It is a great tribute to someone whom I now regard as probably the best trade minister in a generation, and that is my colleague in the House Mr Robb.
Senator Brandis: Mr President, I ask that further questions be placed on the Notice Paper.

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 2630, 2631 and 2632

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:01): Pursuant to standing order 74(5), I ask the Minister representing the Minister for Infrastructure and Regional Development for an explanation as to why answers have not yet been provided to questions on notice 2630, 2631 and 2632. It has been more than 60 days since I put these questions on notice. They were submitted on 20 November 2015. I understand that it has been the holiday break, and I hope that those responsible for answering these questions were given a break. But, nonetheless, it has been two months since the submission of these questions and there has been nothing in response. I understand some notice has been provided to the minister representing the minister, and I would like some answers on these matters.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (15:02): The notice that Senator Ludlam is talking about has not been given to me, unfortunately. I will undertake, though, to see what I can find out and come back to the senator as quickly as possible.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:02): I do not propose to detain the chamber for long on these matters. Notice was certainly provided to—

The DEPUTY PRESIDENT: Senator Ludlam, you need to move a motion.

Senator LUDLAM: I move:

That the Senate take note of the minister's response.

I acknowledge the minister's response, sketchy though it might have been. I recognise that Senator Colbeck is in a representative capacity. I think it is a shame that the department did not see fit to provide him with the brief.

The questions that I have put on notice relate to the documentation provided to the federal government—or not, as the case may be—by the Western Australian government on the Perth Freight Link. I think it is appropriate that this issue is raised in the first sitting week of parliament for 2016 because this is going to be a very big issue. It could be put to bed very rapidly, either at a state level or at a Commonwealth level, or it could explode into a federal and then state election issue in Western Australia.

The fact of the matter is that I have never seen greater incompetence in an infrastructure funding decision at a state level than that which has attended the proposed Perth Freight Link in Western Australia. In case senators from outside Western Australia are not aware of what I am talking about, there is a proposal for four or, by some accounts, six lanes of tarmac through the Beeliar Regional Park and the Beeliar Wetlands that would flatten an area of wetlands that is a very important cultural place for the Aboriginal people of the region and has been for tens of thousands of years. It then proposes to smash through just under 100 hectares of urban bushland—almost pristine and intact banksia woodland.
This is a freeway project that was put in the planning scheme in Western Australia in 1955. Those lines that were marked on a map in the mid-1950s in the Stephenson-Hepburn plan are still being used as an excuse in the early 21st century for why we should be hammering this urban bushland and wetland. It is a proposal that has put neighbourhood amenities at risk in Bibra Lake, North Lake and Palmyra. It is a road to nowhere. I have never seen greater incompetence in a proposal for a publicly funded infrastructure project than what has been pursued by Premier Barnett and transport minister Dean Nalder, who, quite frankly, should have been sacked months ago over this debacle and the stress that it has put people through.

The EPA approval was knocked over late last year in the Western Australian Supreme Court. That was a rare judgement, but it was a strident judgement in condemnation of the EPA's conduct over this issue. The Commonwealth, as I said, has a remedy very easily at hand. The Commonwealth can tell Premier Barnett—it could do it this afternoon with a phone call by Senator Mathias Cormann—that there will not be a dollar of Commonwealth taxpayers' money going to this project. It has been hammered in the state Supreme Court. It is under attack in the Federal Court. It is politically massively unpopular. There is an extraordinarily powerful mobilisation of community groups, environmental campaigners, Aboriginal elders and families. This project will not be going ahead. If the federal government wants to save itself and the hapless Premier Barnett a world of misery through this forthcoming election campaign, it simply needs to turn off the funding tap.

I will turn very briefly to the three pages of questions. I am not going to go through them in any kind of detail. I hope that Senator Colbeck is able to update the chamber either later today or tomorrow. Three different numbers emerged from the cost-benefit analysis that was submitted by the Western Australian government in a rather feeble attempt to justify the project. Nobody outside the bureaucrats who crafted it or the consultants that they had put it together has ever seen the workings or the assumptions that resulted in these imaginary numbers. So we are seeking some information to be put into the public domain as to how the Barnett government came up with some of these imaginary numbers.

Can you imagine a project that proposes a four-fold increase in truck traffic onto local roads out the back of Fremantle; increased carcinogenic air pollution and reduced neighbourhood amenity; the impact on liveability; the loss of 100 hectares of irreplaceable banksia woodland; the hammering of the Beeliar Wetlands; the loss of recreation and amenity? Somehow, these costs end up erased from the balance sheet, and the benefits end up being overinflated. One of the ways in which we believe they did it is that the department gives benefits a weighting of 80 per cent but costs a weighting of 20 per cent. So you have some imaginary numbers for benefits. Apparently the business case is meant to say that there are $70 million in carbon savings. This is a government populated by people who can barely bring themselves to acknowledge that global warming is even real, and yet they model $70 million in carbon savings by smashing a four-lane freeway through wetlands and bushland—and somehow these benefits end up on the benefits side of the equation for a project such as this.

I want to get an understanding, and the public—the people of metropolitan Perth and WA more broadly—want to get an idea of how the department modelled the costs for a project that barely even exists; for a project where the minister cannot decide from one minute to another whether he wants a freeway, once this atrocity hits the Stock Road interchange, or whether he
wants a tunnel; how it is proposed to get into Fremantle; and when the Fremantle port might actually be at capacity and, then, leading to the need for overflow container capacity in Cockburn Sound. How do you model the costs for the cost side of the cost-benefit equation, when you do not even know what your project is? Yet the department comes forward with these very confident sounding gestures that the costs will be this, the benefits will be that, and therefore the project is worth building. It is based on imaginary numbers on a project that will not get built.

That is why we have put these very serious questions to the Commonwealth minister, because this is not just a problem for Western Australian taxpayers; this is $2 billion that cannot then be spent helping the people of the Hunter Valley adapt to climate change, or put into schools or put into further work on high-speed rail. The entire taxpaying public of Australia stand to lose billions of dollars through this debacle if Premier Barnett gets his way. Senator Cormann, Minister Truss, Prime Minister Turnbull—who professes, and I see it on the internet a fair bit, to be a fan of public transport—should be looking at genuine public transport options for Western Australia, at freight rail solutions and at a future-proof strategy to take the container pressure off Fremantle port.

The solutions are very well at hand. What we do not have are answers. What we do not have is transparency. This is going to be a very significant problem for the Liberal-National Party if they are seriously proposing to torch more than $2 billion on this road to nowhere in the middle of an election year. So I hope Senator Colbeck, on behalf of the responsible minister, is forthcoming with some answers, because, if he is not, this will not be the last time that this is raised in this place.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Education Funding

Senator DASTYARI (New South Wales) (15:10): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator McAllister today relating to school funding.

I rise to take note of answers given by Senator Cormann to a question asked by Senator McAllister. Just to remind the Senate, this was a particular question to Senator Cormann in relation to what is becoming a growing discrepancy between what the Minister for Finance and the Minister for Education have been saying about the future of education funding and the future of school funding.

What it really represents is the quagmire that this government has found itself in, when it has been trapped between what it said before an election and what it has been trying to do since an election. Let us not forget that, before the election, Minister Pyne said that you can vote Liberal or Labor and you will get exactly the same amount of funding for your school. That has now been patently shown to be untrue. In particular, what we have seen is a discrepancy between what the Minister for Education has said and what the Minister for Finance has said. The documents are very clear and the budget documents are very clear. These are documents that have no need to be tabled in this place, as they are already publicly available, but the documents and the budget documents say:
From the 2018 school year onwards, total recurrent funding will be indexed by the Consumer Price Index, with an allowance for changes in enrolments.

That is what the documents say. Yet you have a discrepancy when the minister is out there floating that there will be some kind of a change and that this is not set in stone. There is a discrepancy between what the Minister for Finance has been saying and what the Minister for Education has been saying. Clearly, there is a division at the moment within the government on what and how they intend to fund the future of our schools and future school investment. I am always a bit careful about necessarily believing everything that is in the media, but there was a story today—

**Senator Conroy:** That is because you usually put it in!

**Senator DASTYARI:** Those pieces are the bits that tend to be true, Senator Conroy! I try to be careful about believing everything that is in the paper, but it appears that the government may even be backflipping, and there is talk of the government backflipping on their $30 billion of cuts in education. Let me be clear. That is something that someone like myself would actually welcome. I hope they do backflip. I hope they do reverse their changes. I hope they do end up finding a way of funding the Gonski school model, because that would be the best outcome for Australia. Unfortunately, however, there seems to be no intention by the government to do this. What there seems to be are a couple of flippant lines, flippant comments and throwaway statements. But in the dead of the night in the lead-up to the Christmas period we saw the government abandon the Gonski proposals.

So, on one hand, we have heard a lot of rhetoric from the government, talking about the importance of school funding and the need to improve schools but, on the other hand we have not seen the government put any actual money or the necessary resources on the table. There has been a straw man argument that has been thrown up by the government that says, 'The answer to everything is not funding.' That is true: the answer to everything is not funding. But you cannot fix the fundamental problems within our education system if you are not funding schools properly. The funding is a start, and the Gonski model demonstrated how you can make the best use of funding to get the best outcome and deliver the best results for our students.

We now have a government in disarray when it comes to its education policies. It is a government where one side is not talking to the other and there is a clear division being drawn between those who are responsible for policy development and those who are responsible for finance. We see a growing clear division between the Minister for Finance, Minister Cormann, and the Minister for Education and Training, Minister Birmingham, around how this needs to be funded.

The reality is that there is a proposal on the table. There is a plan on the table that is supported by teachers, by teachers' representatives, by principals and by students. That plan is out there and needs to be funded. Labor has come to the table with a fully costed plan on how to fund that proposal, but all we have seen from the conservative side of politics is disunity and division.

**Senator BERNARDI** (South Australia) (15:15): This is one of those rare occasions when I find myself agreeing with an utterance from Senator Dastyari, and that utterance was: funding isn't everything. But those on the other side of the chamber are prepared to throw any amount of money into any pit that they fancy without determining the efficacy, the effect of
that money and the priorities and outcomes that should be delivered. This is typical of the socialist end of the political spectrum: they are happy to spend other people's money until there is none left. It does not matter about the results.

If you want to look at the results in the education system, I am one of those people who lament the decline in literacy standards and student outcomes that have been evident over recent years. I read the other day in the newspaper that the number of children starting school without adequate numeracy skills is rising. The problem is not that we have not got enough money in education—education funding has increased by 100 per cent over the last 20 or 30 years while student enrolment has grown by only about 18 per cent—but that student outcomes have declined.

Throwing cash at a problem may be the easy way out, but actually structuring a program that is going to deliver results that is much more important. The government have, to their credit, identified this. They have said that teacher quality is absolutely paramount, and it is. It strikes me as incongruous that you can go into teaching with perhaps the lowest ATAR or tertiary education score and yet you are responsible for teaching the next generation. We should be expecting much higher standards for those seeking to teach our children.

School autonomy is also very, very important, because schools can make determinations that are in the best interests of their students. They do that, and they should do that, by engaging the parents in the education system. Too many parents think that the school can do it all themselves. That is not the case. We have got to make sure that parents are spending time with their children, that they are helping to develop their skills so that they can be built upon in the school and then enhanced in a practical environment. I want to give an example of that. When I was a publican and we employed a school graduate as a part-time person to work in our cafe, that person was unable to calculate the change from a $5 note for a cup of coffee. That was when coffee cost less than $5. They could not do that manually without the benefit of a cash register, and that was a year 12 graduate in the early 1990s. That is simply unacceptable and yet we are now risking going even further down that path if we deny that we have to get absolute outcomes. Throwing money at the issue is simply not going to solve the problem.

The final plank of the government's approach—and I think this is very important—is strengthening the curriculum. It is not good enough to teach shades of grey. There are some absolutes that are important in education. Being able to read is an absolute prerequisite. Being able to write is an absolute prerequisite. Being able to think for yourself is a prerequisite. Research abilities and things of that nature are important, as is the historical basis for things—such as learning the times tables. Students will ask, 'Why do we have to do that? We can just google or get a calculator.' It benefits people in development of their brains and everything else as we go along. We should not be just chasing new methodologies and ditching the things of the past simply because we might think they are anachronistic. They are not. It is about the development of our children and the education system.

There is a lot we can do that does not involve new money. We need to ensure that teachers are the best they possibly can be. It is about giving schools and parents a real investment in their children's education and making sure that schools can provide the services and the sorts of facilities that are most necessary and, of course, it is about strengthening the curriculum. Strengthening the curriculum means building around the core. It means establishing the basics
so that children can learn to the best of their ability, and that is ultimately what we want from our education system. Right now, the statistics show that over successive years the system has not been doing the best it possibly can for our children.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:20): Prime Minister Turnbull's $30 billion cuts to education are a clear broken promise to Australian students, parents, teachers and the broader community. Pathetically, as Senator Dastyari mentioned, he was hoping that by breaking this promise during the Christmas and New Year period, when Australians were enjoying their holidays and time with their families, no-one would notice. Can I tell those opposite: people have noticed. Australian people have noticed and they are not happy. The cuts to our classrooms are the equivalent of ripping out one out of every seven teachers. That is not good enough. I did not actually disagree with what Senator Bernardi said about the curriculum, but what is the point in having any sort of curriculum if you have not got the teachers and the funding there to be able to implement the curriculum? On average the government has ripped $3.2 million out of every school in every state and every territory, and the impact of that is enormous.

Let's look at what that actually means. It will mean fewer subject choices and less support for students with disability, literacy and numeracy programs being cut. We just heard from Senator Bernardi about how important literacy and numeracy are, and I absolutely agree with him. What is the point of cutting them? They have to be there, because to get Australia back working in the way it should be we need to have people who are properly educated and employable. Learning supports will be cut, and we know that there will end up being less support and training for teachers. The deep uncertainty about the future of schools funding is already limiting the ability of school systems and principals to start programs and to plan to improve education.

It is quite clear that only the Labor Party is really taking the challenge of improving Australian education seriously. I say to senators opposite that your plan to cut education will most certainly result in worse education outcomes. Before the last federal election Minister Pyne trumpeted his unity ticket on Gonski. As we heard yesterday, there were posters and all sorts of claims, such as 'You can vote Liberal or Labor and you'll get exactly the same amount of funding for your schools.' Well, that is clearly not true. It was a complete con, because those opposite knew that Gonski was the best outcome, and they wanted to ride on the Labor Party coat-tails of Gonski to make sure that they could get elected.

It is absolutely typical of this government that the cuts will hurt those who are least well off. The students who have suffered the most are those who are in remote schools, in disadvantaged schools and, of course, Indigenous children. In contrast, every child in every school in every state and territory in Australia will benefit from Labor's plan. The 'Your Child. Our Future' plan will mean better trained teachers, more resources for our schools and support students with special learning needs. We will fund the Gonski school reform in full, because there is nothing more important that a government can do than invest in education and invest in our schools.

It is a complete farce that Mr Turnbull talks about innovation all the time, but at the same time he is cutting funding to every school across the nation. If you are deadly serious about education policy, then you have to be able to fund that policy and make sure that those on the ground are able to deliver that policy properly. And that is what Labor plans to do. As I said,
we hear a lot of talk about innovation from the other side but, without education, all that is is just more talk.

We need real investment in the programs that make a difference to increasing Australia’s educational levels. Labor's policy, 'Your Child. Our Future', is fully costed and it guarantees long-term education for all Australian children. Just this week schools are going back in Tasmania. I strongly believe, as does the Labor Party, that every child should have the same chance of succeeding at school, no matter what their background, no matter where they live and no matter what type of school they go to. It is a Labor government— (Time expired)

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (15:25): It is really quite interesting that after question time, when you have the opportunity to get up and take notice the questions that are asked by those opposite, there seems to be an underlying theme in the response, and that is: what about responsible fiscal management? Like everybody else in Australia, I would like to be spending more money on things like education, health and a lot of other things that we would like to have as our way of life. I notice that Senator Bilyk in her contribution was chastising the Prime Minister, Mr Turnbull, about his innovation agenda.

Senator Bilyk interjecting—

Senator RUSTON: It is economics 101. Senator Bilyk, let's start with this: if we have an agenda in this country and a policy platform by the government that creates jobs and creates growth in the economy, the next thing that flows from that is obviously higher revenues that come back to the government. It is those revenues that allow us to be able to afford the highest levels of education and health and all of the other things that Australians like to think should be part of the basket of activities that they can expect to come from their government.

What you see instead is the misinformation, scaremongering and carry-on that went on over the last few minutes about education funding. Let's not forget that it was the promise of the government of which I am a member that said it would honour the Gonski funding to 2018. What those on the other side fail to mention in their contribution in this place is the fact there were two states and a territory that did not have any funding under Gonski. Whilst we continue to honour our undertaking for education funding, we have also had to find an additional amount of money to fund the two states and one territory that were not funded under the model that they proposed prior to the election.

The cynics amongst us might suggest that they never expected to win the election, and so they thought they would go out with all these grandiose, unfunded promises and to hell with it. Unfortunately for them, they did not win government—fortunate for the country they did not as well—but the fact of the matter is that, if you go out with unfunded promises and you want to be a responsible fiscal manager, sometimes you actually have to go back and say to the Australian public, 'We cannot actually afford to honour all of these extreme increases in budget.' We are not talking about cuts in budget, we are talking about extreme increases in budgets. You also need to remember that, when you talk about cutting funding, just because you do not honour some unfunded commitment by an opposition, it does not necessarily mean that you are cutting funding. I think we need to be very careful that we get our nomenclature correct.
The same issue arises with the scaremongering and false information that we are getting in the debate about GST, which is another of the questions asked by the opposition of the government today. I do not understand why this opposition is so scared about having a mature debate about a tax system. The best thing we can possibly deliver for this country is a fit for purpose taxation regime. We have a tax regime that has been in place for 30 or 40 years, and many things have changed in that time. The marketplace does not look the same as it did when many of the current tax measures were introduced. Who would have imagined 30 years ago, 20 years ago or even 10 years ago the size of the internet economy and online sales? To refuse to have a mature debate and to just go completely hysterical about the GST is once again showing the irresponsible behaviour of those opposite.

I also say quite clearly: there has been no announcement and there is no policy of the government which is running in the Australian economy at the moment—that is, the Turnbull coalition government—to increase the GST. There is no proposal to increase the GST. So I do not know how any opposition can manage to get itself so totally overexercised in having a discussion around a whole heap of matters that are really important for the ongoing prosperity of this country that it would seek to derail a sensible debate about tax reform, hysterically scoring political points about the GST.

A renewed taxation system that allows for growth and for opportunities which generate jobs is going to be extraordinarily good for the country. We have also promised that there will be no net increase in the amount of tax. So I really do not know what those opposite are going on about.

**Senator BULLOCK** (Western Australia) (15:31): Like Senators Dastyari and Bilyk before me, I rise to speak on the motion to take note of answers, such as they were, to questions regarding education. Western Australia is a resources state. For years, the resources industry has underpinned our state's prosperity, with high wages, the nation's lowest unemployment rate and, at least under the great Labor Treasurer Eric Ripper, prior to the 2008 election, an economy in which prudent efforts were made by the state government to ensure that the benefits of the mining boom were shared across the population while maintaining the state's AAA credit rating.

The resources industry is, of course, cyclical. The situation in Western Australia is very different today as a result of a combination of the collapse of commodity prices and the profligate spending of the current government, which has been the state lose its AAA credit rating and which has seen average wages fall, house prices slump and unemployment rise to 6.3 per cent—well above the national average of 5.8 per cent. Each week seems to bring worse news with respect to the state's economy, courtesy of the mismanagement and misdirected priorities of the current state government. The question must be asked: what are the long-term measures which need to be undertaken to broaden the state's economy, to insulate us from the commodity cycle and to underpin the future prosperity of our great state?

Only Labor can be relied upon to have the long-term vision for a prosperity in which we can all share, and that vision is founded on an education system fit to equip our children with the skills needed to face the challenges of the future. Labor has always been the party of education. Education is the key to opportunity. It provides the tools necessary for individuals to achieve their potential.
Last week Labor leader Bill Shorten ensured his place in the pantheon of great Labor leaders with respect to his vision for education, with the announcement of his detailed 'Your Child. Our Future' plan for education. It is an ambitious plan, with a commitment to the expenditure of an additional $4½ billion over the 2018 and 2019 school years and a total provision of over $37 billion over a decade. It is a plan which has been fully costed by the Parliamentary Budget Office. But, notwithstanding the enormous investment which it constitutes in the future of our children, in the future of our economy and in the future of our nation, it is an investment which falls comfortably within the detailed savings measures which have already been announced by Labor in the areas of multinational tax avoidance, inequitable superannuation tax concessions, progressive tobacco taxes and the scrapping of the Emissions Reduction Fund. It is a policy which is therefore not only visionary and not only necessary in terms of securing our future but economically feasible and responsible. It is a policy which people understand only a Labor government can be relied upon to deliver.

Senator Williams: Are you serious, Joe?

Senator BULLOCK: I am serious. The Shorten Labor plan for improving educational outcomes is comprehensive. It comprises a number of elements: a focus on every child's needs, which will address the particular disadvantage of any student, whether it be disability, remoteness, poverty or limited English, with tailored support; an emphasis on improving literacy and numeracy, with one-on-one support, early intervention and remedial and extension classes, with early intervention available to every child who needs it so that they do not fall behind and stay behind; working with universities and the profession to ensure the best quality teachers with access to the greatest professional support, technological support and professional development, with a particular emphasis on science, technology, engineering and maths so as to best equip our children for the jobs of the future—this is consistent with Labor's already announced commitment to supporting STEM teachers; more and better targeted resources to give schools flexibility to choose programs which will deliver the best results for their students, with the opportunity for more meaningful engagement with parents; and, finally, more support for students with special learning needs.

Labor has a long-term vision for Australia's future, a fundamental element of which is a commitment to education, backed up by a funding package that you can believe in, and Labor remains committed to the full implementation of Gonski reforms. The government, by contrast, has broken all of its education commitments, has abandoned Gonski and has, as its only policy, cuts to education at all levels. (Time expired)

Question agreed to.

PETITIONS

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

Criminal Code Amendment (Animal Protection) Bill 2015

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

As a supporter of In Defense of Animals, an animal protection organization with over 200,000 supporters, and a person concerned about social justice, we oppose the 'Criminal Code Amendment (Animal Protection) Bill 2015' which is not an animal protection bill at all.

Investigations by animal activists and animal protection groups are virtually the only means of detecting animal cruelty within animal industries. Preventing activist investigations will limit the
public's ability to be informed of matters of public interest, and significantly diminish the constitutionally implied freedom of political communication.

We are deeply concerned about the recent passing of the 2015 NSW Biosecurity Act which is an excessive effort to criminalize whistleblowing. The Animal Protection Bill 2015 is no different, only that instead of just one state, it aims to silence concerned Australians on a national scale.

Present efforts at monitoring and enforcing compliance with animal protection laws are inadequate, resulting in an over-reliance on undercover investigations to expose horrific acts of animal cruelty.

Without the evidence that undercover video provides, the worst abuses committed by the animal agriculture industry would go unseen and unpunished.

The Criminal Code Amendment (Animal Protection) Bill 2015 is a clear attempt by animal agriculture interests to suppress exposure of severe animal abuse. If the animal agriculture industry is not responsible for any wrongdoing and has nothing to hide, it should not be concerned about undercover investigations.

Our petitioners ask that the Senate oppose the Criminal Code Amendment (Animal Protection) Bill 2015.

by Senator Rhiannon (from 5,005 citizens)
Petition received.

STATEMENTS
Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015

Senator MOORE (Queensland) (15:36): After discussion between the two sides of the parliament, I wish to seek leave to make a short statement about the passage this morning of the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. The Leader of the Government in the Senate agreed that this would be an appropriate time to do it.

Leave granted.

Senator MOORE: I wish to make a short statement about the passage of the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. As was made clear in the contributions from opposition speakers on the bill, the opposition opposed the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. Labor opposed the bill because it puts the cart well before the horse. It is true that the ACT government has announced its intention to leave Comcare. The ACT is committed to designing a new workers compensation scheme. The design of any new scheme will take a significant period of time, so there was no need to rush this legislation, as the Abbott Turnbull government has done.

Labor's first priority is always to ensure that employees are not worse off as a result of the government's proposed bill, and the decision we took to oppose the bill is firmly on that basis. Labor wanted to be certain that this bill will not enable the federal government to make its own Commonwealth workers worse off. On 9 June 2015, the Minister for Finance, Senator Cormann, signalled that the Abbott-Turnbull government could give its Public Service heads the freedom to walk away from the Comcare workers compensation fund. It is entirely possible that the passage of that bill could assist in facilitating further exits from Comcare, which the finance minister has foreshadowed. There remain a number of unanswered
questions about the application and possible consequences of this legislation. We sought to make clear our position on this bill at that time.

NOTICES

Presentation

The following notices were given:

Senators Canavan and Macdonald: To move on the next day of sitting — That the Senate —

(a) notes:

(i) that the Queensland Government has issued an environmental authority for the construction of the Carmichael mine,

(ii) that the Queensland Government has acknowledged that, following 5 years of approval processes, there is no legal impediment stopping it from issuing a mining lease for the Carmichael mine,

(iii) that Townsville's Labor Mayor, Ms Jenny Hill, the Queensland Resources Council and elders of the Wangan and Jagalingou people have all supported the benefits this mine will bring to Central Queensland, and

(iv) the statement of the Queensland Minister for Natural Resources and Mines, Mr Lynham, that 'Everyone deserves their day in court, but not their four years in court'; and

(b) calls on the Queensland Government to get on with the job of issuing this mining lease, providing a much needed economic boost to the people of Central Queensland. (general business notice of motion no. 1016)

Senator Hanson-Young: To move on the next day of sitting — That the Senate calls on the Turnbull Government to grant amnesty to the 267 men, women and children in Australia as part of the M68 High Court challenge, and allow them to stay. (general business notice of motion no. 1017)


Senators Lazarus, Moore and Waters: To move on the next day of sitting — That the Senate acknowledges, congratulates and thanks all 99 Queensland 2016 Australia Day Award recipients for their outstanding service and contribution to Queensland and more broadly Australia:

(a) Young Australian of the Year — Nic Marchesi and Lucas Patchett;


(c) Conspicuous Service Medal — Andrew Baker, David Bromwich, Stephen Brooks, Gregory Clive, Brad Graham and Claire Pearson;

(d) Conspicuous Service Cross — Robert Brennan, Gavin Keating, Natasia Pulford and Martin White;

(e) Emergency Service Medal — Andrew Bickerton and George Hill;

(f) Ambulance Service Medal — Michael Day, Mark McDonald and Jan Tooth;
(g) Member of the Order of Australia – Ralph Devlin, Carol Dickenson, Nigel Du Pre Chamier, Ross Dunn, Vlasis Pitsonis Efstathis, Ronald Fritschy, Michael Gardner, Ashley Gunder, Karen Healy, Ralph Hultgren, Paula Penfold, Frederick Pitt, Napau Stephen, Kym Stuart, Neil Summerson and Michael Veivers;

(h) Public Service Medal – Nicola Doumany, Helen Gluer, Bradford John, Bridget Mather, Glen Potter and Katherine Schaefer;

(i) Commendation for Distinguished Service – Danielle Huggins;

(j) Officer of the Order of Australia – Gwendolen Jull, Tracey Moffatt, Peter Sly and Susan Spence;

(k) Companion of the Order of Australia – Rodney Laver;

(l) Distinguished Service Cross (Australian) – Steven Roberton; and

(m) Australian Fire Service Medal – Fabian Stangherlin and Bruce Trickey.

(general business notice of motion no. 1018)

Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 12 May 2016:

The causes and consequences of the collapse of listed retailers in Australia, with particular reference to:

(a) the conduct of private equity firms prior to, during and after corporate takeovers;

(b) the role of the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission in overseeing corporate takeovers;

(c) the effect of the appointment of external administrators on secured and unsecured creditors, including employees and consumers of retail businesses;

(d) the effect of external administration on gift card holders and those who have made deposits on goods not delivered;

(e) the desirability of the following proposals in the event that gift card holders are unable to redeem their gift cards following the appointment of external administrators:

(i) placing an obligation on external administrators to honour gift cards,

(ii) a requirement that funds used to purchase gift cards be kept in a separate trust account by businesses,

(iii) directors to be personally liable for the value of gift cards purchased; and

(f) any related matters.

Senator Moore: To move on the next day of sitting—That the Senate opposes the plan by the Turnbull Government to increase the goods and services tax rate to 15 per cent and broaden its base to include fresh food, education and health. (general business notice of motion no. 1019)

Senator Rhiannon: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Federal Government has approved coal seam gas mining in the Pilliga Forest near Narrabri in New South Wales, with Santos planning to develop an 850-well field,

(ii) the Pilliga Push is an ongoing civil disobedience campaign against this mining led by the Gamilaraay and Gomeroi peoples, the Knitting Nannas and other grassroots action groups in New South Wales, and

(iii) the Narrabri coal seam gas project presents an unacceptable risk to the region's groundwater and the Great Artesian Basin; and

(b) calls on the Federal Government to:
(i) condemn the New South Wales Police Force's use of pepper spray against the protesters, and
(ii) withdraw its approval of the Narrabri coal seam gas project. (general business notice of motion no. 1020)

Senator Dastyari: To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee on School Funding Investment, be established to inquire into and report by 30 August 2016 on the effect of reduced Commonwealth funding for state and territory provided schools, with particular reference to:

(a) the impact of the cuts announced in the 2014-15 Budget and confirmed in the 2015-16 Mid-year Economic and Fiscal Outlook;
(b) the impact on schools and students in regional, rural and remote areas;
(c) the impact on students acquiring the job skills of the future, including science, technology, engineering, arts and maths; and
(d) any related matter.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens, and 1 nominated by other parties and independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator, and
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(4) That 3 members of the committee constitute a quorum of the committee.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair one of the members nominated by the Leader of the Opposition, and a deputy chair.

(7) That the deputy chair shall act chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
(12) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 1021)

Senator Xenophon: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that the proposed sale of Australasia's largest and most productive dairy farm holding, Van Diemen's Land Company, to Moon Lake Investments, is currently before the Foreign Investment Review Board,

(ii) the critical importance of Van Diemen's Land Company to Australia for food security and our international reputation as a high quality dairy product producer,

(iii) the significant environmental importance of the Van Diemen's Land property with its remnant vegetation, refuge to the last disease-free population of Tasmanian devil in the area and habitat to rare, threatened and endangered native fauna and flora species, and

(iv) the opportunity for this iconic and strategically-important agricultural and natural asset to be brought into Australian ownership for the first time; and

(b) calls on the Government to consider:

(i) the potential economic, social and environmental benefits that may flow from a viable alternative Australian-based bid for Van Diemen's Land Company when considering the Moon Lake Investments proposal, and

(ii) the following as part of a national interest test when examining the proposed sale of Van Diemen's Land Company to Moon Lake Investments:

(A) the potential for transfer pricing, including any potential loss of revenue to the Commonwealth,

(B) commitments to the local workforce in terms of the business plan being proposed, and

(C) any expansion plans of the overseas bid compared to the local bid. (general business notice of motion no. 1022)

Senator McKim: To move on the next day of sitting—That the Senate—

(a) acknowledges the impact of recent fires on the Tasmanian Wilderness World Heritage Area (TWWHA);

(b) notes that:

(i) over 12 000 hectares inside the TWWHA has already been burned, and that many fires are still burning inside the TWWHA,

(ii) the time which elapsed between the fires starting on 13 January 2016 and the activation by Minister for Justice (Mr Keenan) of Emergency Management Australia provisions was at least 12 days, and possibly as long as 2 weeks,

(iii) the Commonwealth Government is a signatory to the World Heritage Convention, which binds it to responsibly manage the TWWHA, and

(iv) scientists are predicting that it is likely that the TWWHA will experience hotter, drier conditions, and more dry lightning, in the future due to the impacts of global warming; and

(c) calls on the Australian Government to work with the Tasmanian Government to establish and adequately resource an independent inquiry to examine the response to the current fires in the TWWHA, and the planning for, management of, and response to future fire events in the TWWHA, to seek submissions and hold public hearings, and to examine, report and make recommendations on relevant matters, including:
(i) the impact of global warming on fire frequency and magnitude,
(ii) the availability and provision of financial, human and mechanical resources,
(iii) the adequacy of fire assessment and modelling capacity, and
(iv) any other related matters deemed necessary by the inquiry. (general business notice of motion no. 1023)

BUSINESS

Leave of Absence

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): by leave—I move:

That leave of absence for personal reasons be granted to Senator Carr for today, 3 February, and tomorrow, 4 February 2016.

Question agreed to.

COMMITTEES

Economics References Committee

Reporting Date

The Clerk: An extension notification has been lodged by the Economics References Committee in respect of its inquiry into forestry managed investment schemes until 7 March 2016.

The PRESIDENT (15:39): Does any senator wish to have that question put? There being none, I shall now proceed to the discovery of formal business.

Legal and Constitutional Affairs References Committee

Reference

Senator LAZARUS (Queensland) (15:40): I move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 June 2016:

The need for a nationally-consistent approach, negotiated, developed and delivered by the Federal Government together with all state and territory governments, to address and reduce alcohol-fuelled violence, including one-punch related deaths and injuries across Australia, with particular reference to:

(a) the current status of state and territory laws relating to:

(i) bail requirements and penalties surrounding alcohol-related violence, and
(ii) liquor licensing, including the effectiveness of lockout laws and alcohol service laws;

(b) the effectiveness of the current state and territory:

(i) training requirements of persons working within the hospitality industry and other related industries, and

(ii) educational and other information campaigns designed to reduce alcohol-related violence;

(c) the viability of a national strategy to ensure adoption and delivery of the most effective measures, including harmonisation of laws and delivery of education and awareness across the country, and funding model options for a national strategy;

(d) whether a judicial commission in each state and territory would ensure consistency in judgments relating to alcohol-related violence in line with community standards; and

________________

CHAMBER
(e) any other related matter.
I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator LAZARUS: I would like to offer my sincere condolences to the family of Cole Miller, a fine young Queenslander who sadly lost his life to an unprovoked, alcohol fuelled coward punch only a few weeks ago in Brisbane. In honour of Cole Miller and others who have lost their lives or been injured as a result of alcohol fuelled violence I would like to establish an inquiry to investigate the need for a national strategy to address and reduce the scourge of alcohol fuelled violence. No parent should ever have to endure the pain and suffering that Cole's parents are currently dealing with. The community desperately wants action, and I am determined to see that change happens. I have been overwhelmed by the support for this inquiry from members of the community, including St Vincent's Hospital and the Police Federation of Australia, and I hope that this motion will be supported.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:41): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: I thank the chamber. We see too many young lives lost or injured as a result of alcohol and drug fuelled violence and otherwise. The Commonwealth government continues to work with states and territories, parents, communities and the alcohol industry to tackle alcohol related violence. In 2014-15 $200,000 was provided to the Danny Green foundation to support the successful campaign One Punch Can Kill to reduce and raise awareness about alcohol related violence. This campaign has been extended for another year. A new ministerial drug and alcohol forum will be formed to oversee the development, implementation and monitoring of Australia's National Drug Policy framework. The forum will initially meet in the first half of 2016, and alcohol-related violence will be a key focus for this forum.

Question agreed to.

MOTIONS

Bushfires

Senator BACK (Western Australia) (15:42): I, and also on behalf of Senator Reynolds and Senator Smith, move:

That the Senate—
(a) notes the severity of recent catastrophic bushfires across Western Australia, South Australia, Victoria and Tasmania, and extends its deepest sympathy to the families of those who have lost their lives, livelihoods, homes, property and livestock;
(b) acknowledges the impact of devastating bushfires on the community;
(c) urges the Government to work closely with the states and territories in bushfire prevention, preparedness, response and recovery;
(d) recognises that, in forests throughout Australia, combustible fuels have accumulated to levels that severely challenge safe fire suppression;
(e) encourages state and territory authorities to focus on bushfire prevention when developing strategies to protect their communities and the environment;
(f) recalls the practice of mosaic burning of the bush practised by Aboriginal peoples extending back thousands of years; and

(g) calls on more focussed work by fire agencies and research institutions to minimise the impact of devastating bushfires in affected communities.

Senator RICE (Victoria) (15:42): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RICE: In supporting this motion we express our sympathies to everyone who has lost lives, homes, property and livestock to fires this summer. We also mourn the damage done to the World Heritage alpine areas of Tasmania and are enormously grateful to the people who put their own lives at risk fighting these fires. But the issue of bushfires is more complex than suggested in this motion. How severe fires are depends not just on fuel, but also, critically, on the dryness of our forests and grasslands and how extreme the temperatures and winds are. Increasingly, severe fires and the longer fire seasons that we are experiencing are consistent with the drier and hotter conditions that are already occurring and are expected to continue to increase in severity because of global warming. This underlines the urgency of reducing our use and mining of coal, gas and oil. Protecting people, homes, property and our precious natural heritage in a hotter, drier climate is a massive challenge. It is not going to be met by relying on simplistic solutions of more planned burns. We welcome the call for greater research, including acknowledging the contribution of climate change in determining how we respond.

Question agreed to.

Ovarian Cancer

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:44): At the request of Senators Polley and Bilyk, I move:

That the Senate—

(a) notes that:

(i) February is Ovarian Cancer Awareness Month,

(ii) the campaign for 2016 urges Australians to 'Know Ovarian Cancer', and

(iii) only 43 per cent of women diagnosed with ovarian cancer each year will survive; and

(b) urges federal, state, territory and local governments to take leadership in encouraging Australian women to become more aware of the signs and symptoms of ovarian cancer, to know their family history and where to get help, and to create communities where people openly talk about ovarian cancer.

Question agreed to.

Western Australia: Bushfires

Senator WANG (Western Australia) (15:44): I wish to inform the chamber that Senator Back will also sponsor the motion. I, and also on behalf of Senators Cash, Bullock, Sterle, Siewert, Lines, Ludlam, Cormann, Smith and Back, move:

That the Senate—

(a) acknowledges the devastating impact of the bushfires in Yarloop, Waroona, Wagerup and surrounding communities in Western Australia from 6 January 2016, which sadly:

(i) claimed the lives of Mr Les Taylor and Mr Malcolm Taylor,
(ii) caused injury to a number of community members, volunteers, emergency workers and firefighters,
(iii) damaged more than 70 000 hectares of property,
(iv) destroyed 180 buildings and infrastructure in totality, of which 162 were family homes, and
(v) left many residents without essential services, including water and electricity, for days;
(b) expresses sincere condolences to:
(i) the family and friends of Mr Taylor and Mr Taylor for their loss, and
(ii) members of the Yarloop, Waroona, Wagerup and surrounding communities for the losses they have suffered as a result of the disaster;
(c) extends sincere gratitude to:
(i) all the firefighters and emergency services workers who braved the perilous conditions to save lives and property, and
(ii) the volunteers and community members who risked their lives in an attempt to lessen the effects of the disaster and offered support throughout the disaster, including those responsible for operating evacuation centres;
(d) notes that the Insurance Council of Australia labelled the bushfire as a 'catastrophe' resulting in insured losses of more than $57 million and that not all losses suffered will be insured;
(e) commends the establishment of an independent inquiry to examine a number of important factors, including but not limited to:
(i) the effectiveness of pre-incident bushfire prevention and mitigation activities,
(ii) the effectiveness of emergency management plans and procedures,
(iii) protection of essential services infrastructure and access to essential services (power, transport, water and communications) by emergency services organisations and the community,
(iv) the effectiveness of public messaging, including the adequacy and timeliness of emergency warnings issued to residents and visitors, and
(v) the lessons learned from prior bushfire emergency situations in Western Australia; and
(f) calls on the Western Australian Government to undertake an extensive consultation process with members of the Yarloop, Waroona, Wagerup and surrounding communities to determine the best course of action in respect of rebuilding each respective township.

Question agreed to.

Sex Discrimination Commissioner

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (15:45): I seek to add the name of Senator Moore as a co-sponsor for the motion. I, and also on behalf of Senator Moore, move:

That the Senate—
(a) notes that:
(i) it has been over 150 days since the former Sex Discrimination Commissioner, Ms Elizabeth Broderick, stepped down at the end of her term,
(ii) during that time, there have been multiple high-profile examples of sexism and sexual harassment,
(iii) in October 2015, the Attorney-General (Senator Brandis) told a Senate committee that the selection process to appoint the next Sex Discrimination Commissioner had been under way for 'some months', and
(iv) there is no longer a full-time Disability Discrimination Commissioner; and
(b) calls on the Federal Government to appoint a female full-time Sex Discrimination Commissioner without delay.
Question agreed to.

COMMITTEES
Public Accounts and Audit Committee
Foreign Affairs, Defence and Trade Joint Committee

Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:46): I seek leave to move general business notices of motion Nos 1009 and 1010, relating to committee meetings, together.

Leave granted.

Senator BUSHBY: At the request of Senators Smith and Fawcett, I move:

(1) That the Joint Committee of Public Accounts and Audit be authorised to meet, as follows:
(a) to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 4 February 2016; and
(b) to hold public meetings during the sittings of the Senate from 10.45 am, as follows:
   (i) Thursday, 25 February 2016,
   (ii) Thursday, 3 March 2016, and
   (iii) Thursday, 17 March 2016.

(2) That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:
(a) Thursday, 4 February 2016, from 12.45 pm, to take evidence for the committee’s inquiry into the role of development partnerships in agriculture and agribusiness in promoting prosperity, reducing poverty and enhancing stability in the Indo-Pacific region;
(b) Monday, 29 February 2016, from 10 am, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty;
(c) Tuesday, 1 March 2016, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty; and
(d) Tuesday, 15 March 2016, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty.

Question agreed to.

National Capital and External Territories Committee

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:46): At the request of Senator Brown, I move:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, as follows:
(a) Thursday, 4 February 2016;
(b) Thursday, 25 February 2016;
MOTIONS

Western Australia: Australia Day Honours

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (15:47): I, and also on behalf of Senators Reynolds, Johnston, Cormann, Back and Cash, move:

That the Senate—
(a) congratulates the 37 worthy Western Australians who were recipients of Order of Australia awards on 26 January 2016 for their outstanding achievement and service; and
(b) particularly notes the following recipients:
(i) Mr Murray Davidson Nixon OAM for service to the Parliament, to the agricultural sector and to the community of Western Australia,
(ii) Mrs Wendy Ireland OAM for service to public administration in Western Australia and to the community,
(iii) the Honourable Norman Frederick Moore AM for significant service to the Parliament of Western Australia through a range of portfolio responsibilities, to education and to the community, and
(iv) Mrs Elsia May Archer OAM for service to local government and to the community of the West Kimberley.

Question agreed to.

Centrelink

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:47): I would like to add the name of Senator Cameron as a co-sponsor of this motion. I, and also on behalf of Senator Cameron, move:

That the Senate—
(a) notes that:
(i) in the 2014-15 financial year Centrelink had 62,691 complaints, an increase of 18.8 per cent on 2013-14,
(ii) the top complaint was difficulties with phone services, and
(iii) the Government has a clear policy of driving people to telephone and online services;
(b) recognises the mounting frustration of Australians who experience difficulties with Centrelink and the Department of Human Services, particularly using telephone services and the myGov website; and
(c) calls on the Government to address Centrelink's service delivery failures, including telephone wait times, and provide appropriate support to the millions of Australians who rely on Centrelink and the Department of Human Services.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:48): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: I thank the chamber. The government acknowledges the critical importance of continuing to improve the delivery of health and welfare payments and services to Australians. That is why nearly 1,500 staff are being recruited to front-line roles in the
Department of Human Services. The coalition government is also implementing its transformative Welfare Payment Infrastructure Transformation Program and has already invested just over $60 million in the first tranche of work. According to the ANAO, over 1,100 telephony staff were cut between 2009-10 and 2013-14. We are committed to undoing these cuts, which led to call wait times increasing from three minutes and five seconds in 2010-11 to 11 minutes and 45 seconds in 2011-12. Australians want modern, up-to-date services that connect them when they need it, and that is exactly what this government will deliver.

Question agreed to.

Road Infrastructure

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:49): I propose to add Senator Glenn Sterle's name as a co-sponsor of the motion. Before I move the motion on behalf of myself and Senator Sterle, I seek leave to make a very brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: I thank the chamber. I will be very brief. This is not a move that we take lightly. This motion proposes and requests a reference to the Auditor-General to investigate the funding decisions that were made that led to proposed funding for the WestConnex project in New South Wales and the Perth Freight Link in Western Australia. On the proposal for the Auditor-General to investigate these two projects, I wrote to the Auditor-General last 9 July and then met with the Auditor-General on 12 August, proposing a reference on these very matters on the basis of the Auditor-General's excellent work on the East West Link project that effectively changed a state government in Victoria. We do not take this sort of step lightly, and in fact I think this is probably the first time that I have done something like this through a Senate motion. We think the debacle over the Perth Freight Link and WestConnex project funding absolutely is a prime candidate for the Auditor-General's careful scrutiny, and I commend this motion to the chamber.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:51): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: I thank the chamber. There are currently more than 90 active large projects across the country. The Perth Freight Link is a good project. Infrastructure Australia has identified that the project will address a nationally significant problem, aligns with strategic priorities and delivers economic benefits. WestConnex is also a good project. The economic benefits to New South Wales are estimated to exceed $20 billion. Recent enhancements to WestConnex are designed to improve the performance of the overall Sydney motorway network—for example, by adding a connection for a future western harbour road crossing. Infrastructure Australia is currently reviewing the revised business case and has considered earlier business cases. Both Perth Freight Link and WestConnex have been funded after project evaluations.

The PRESIDENT: Thank you, Senator Ryan. Just to be technical, Senator Ludlam, could you now move your motion.
Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:51): I would be delighted to, Mr President. I, and also on behalf of Senator Sterle, move:

That the Senate—

(a) notes the findings of the Federal Auditor-General's report that examined approval and administration of federal funding for the East West Link project, including:

(i) the commitment of $3 billion funding went against 'clear advice' from the public service that the project had not been justified and was not ready,

(ii) neither stage of the project had proceeded fully through processes that have been established to assess the merits of nationally significant infrastructure investments prior to the decision to approve $3 billion in Commonwealth funding,

(iii) at the time the commitment was made it was not considered to have yet demonstrated strong strategic and economic merit by Infrastructure Australia, and

(iv) the payment came just months after the Coalition promised not to fund infrastructure projects worth more than $100 million without the publication of a proper cost-benefit analysis;

(b) notes that the Federal Government funded the East West Link project at the same time as it cancelled existing investment in public transport projects like the Perth Light Rail project and the Melbourne Metro Rail project—both of which had been assessed and included by Infrastructure Australia on their infrastructure priority list; and

(c) requests that, given the almost identical characteristics, the Auditor-General investigate the Commonwealth funding approvals and decisions taken for the Perth Freight Link and WestConnex projects.

The PRESIDENT: The question is that notice of motion No. 1014 moved by Senator Ludlam be agreed to.

The Senate divided. [15:56]

(The President—Senator Parry)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
</tr>
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<tbody>
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<td>37</td>
<td>30</td>
<td>7</td>
</tr>
</tbody>
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**AYES**

Bilyk, CL  
Cameron, DN  
Conroy, SM  
Di Natale, R  
Gallagher, KR  
Ketter, CR  
Leyonhjelm, DE  
Ludlam, S  
Madigan, JJ  
McAllister, J  
McKim, NJ  
Moore, CM  
O'Neil, DM  
Rhiannon, L  
Siewert, R  
Singh, LM  
Urquhart, AE  
Waters, LJ  

Bullock, JW  
Collins, JMA  
Dastyari, S  
Gallacher, AM  
Hanson-Young, SC  
Lazarus, GP  
Lines, S  
Ludwig, JW  
Marshall, GM  
McEwen, A (teller)  
McLucus, J  
Muir, R  
Peris, N  
Rice, J  
Simms, RA  
Sterle, G  
Wang, Z  
Whish-Wilson, PS
Question agreed to.

**Gold Coast Airport**

**Senator RHIANNON** (New South Wales) (15:58): I move:

That the Senate—

(a) notes that:

(i) the Federal Government has approved an Instrument Landing System (ILS) for the Gold Coast Airport (GCA) at a cost of $10 million,

(ii) Qantas Group head of safety and compliance, Mr Mark Cameron, has written to former GCA Chief Operating Officer, Mr David Collins, stating Qantas does not support the ILS proposal, claiming it is not value for money and will likely be outdated technology,

(iii) residents from Coolangatta to Surfers Paradise will experience more noise pollution due to a new flight path associated with the ILS, particularly if a runway extension results in larger aircraft flying over the Tweed,

(iv) the former New South Wales Deputy Premier and New South Wales National Party Leader, Mr Andrew Stoner, granted the GCA an 84 year lease over the New South Wales Crown Reserve for public recreation/conservation for any and all airport facilities, including works associated with a runway extension (New South Wales Government Gazette, No. 138, 18 October 2013),

(v) under the Air Services Act, the ILS is exempt from any New South Wales land use laws or regulations protecting the environmental assets of the Crown Reserve, and

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**Ayres**

Xenophon, N

**Noes**

Back, CJ
Birmingham, SJ
Canavan, MJ
Cormann, M
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Lindgren, JM
McGrath, J
Nash, F
Parry, S
Reynolds, L
Ryan, SM
Seselja, Z
Smith, D

Bernardi, C
Bushby, DC (teller)
Colbeck, R
Day, RJ
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
McKenzie, B
O’Sullivan, B
Payne, MA
Ruston, A
Scullion, NG
Sinodinos, A
Williams, JR

**Pairs**

Brown, CL
Carr, KJ
Polley, H
Wong, P

Cash, MC
Abetz, E
Brandis, GH
Ronaldson, M
fishing industry representatives are concerned that the clearing of the Cobaki wetlands and saltmarsh required for the ILS would impact on Class 1 fish breeding habitat; and

(b) calls on the Federal Government to defer its approval for the ILS installation to allow an investigation to be held into the New South Wales Crown Land lease, and the availability of more cost-effective and environmentally-friendly technology.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:59): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: I thank the chamber. The Deputy Prime Minister approved the installation of an ILS at Gold Coast Airport last month to improve reliability of landings in adverse weather conditions. The approval has been granted and there is no provision for it to be deferred, as suggested by the motion.

Regarding aircraft laws: the Deputy Prime Minister has instructed Airservices Australia to minimise the use of the ILS while meeting air safety requirements. On fine weather days, the ILS is expected to be used no more than 10 per cent of the time. Maximum use will occur on extremely bad weather days—around 10 days per year.

On environmental issues: the ILS major development plan was subject to the usual environmental process under the Airports Act, and was referred to the Department of the Environment, which approved the installation of the ILS.

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

The Senate divided. [16:01]

Ayes .................10
Noes .................45
Majority.............35

AYES

Di Natale, R
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Waters, LJ

Hanson-Young, SC
McKim, NJ
Rice, J
Simms, RA
Whish-Wilson, PS

NOES

Back, CJ
Birmingham, SJ
Cameron, DN
Colbeck, R
Cormann, M
Edwards, S
Ferraravanti-Wells, C
Gallacher, AM
Johnston, D
Lazarus, GP
Lines, S

Bernardi, C
Bushby, DC
Canavan, MJ
Collins, JMA
Day, RJ
Fawcett, DJ
Fifield, MP
Gallagher, KR
Ketter, CR
Lindgren, JM
Ludwig, JW
Question negatived.

NOTICES

Postponement

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:03): by leave—at the request of Senator Lambie, I move:

That general business notices of motion nos 1004 and 1005 standing in the name of Senator Lambie for today, relating to nuclear programs in North Korea and Iran and to poker machine licensing, be postponed till the next day of sitting.

Question agreed to.

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 2630, 2631 and 2632

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (16:04): by leave—Senator Ludlam asked me after question time about a response to a question on notice, question on notice No. 2630. I can advise the chamber that I wrote to the Clerk on 23 November with advice and with an accompanying letter from Minister Fletcher, who has carriage of the matter, responding to the question on notice.

MATTERS OF PUBLIC IMPORTANCE

Turnbull Government

The PRESIDENT (16:04): At 8.30 am this morning Senator Siewert and Senator Leyhonhjelm each submitted a letter in relation to standing order 75, proposing a matter of public importance. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that Senator Siewert's letter has been received:

Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The Turnbull government's lack of courage on matters of importance to everyday Australians.

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

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

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:05): I rise to speak to today’s matter of public importance. There was a national sigh of relief when Tony Abbott was replaced by Malcolm Turnbull. Most Australians gave the new Prime Minister the benefit of the doubt. We were pleased to see the end of Tony Abbott’s divisive politics. We hoped that it would mark a turning point on so many critical issues—issues like climate change, getting children out of detention and marriage equality—that we would finally be able to transition our economy and set ourselves up for those industries of the future—

Senator Bernardi: Mr President, I rise on a point of order. It is appropriate for the honourable senator to refer to members in the other place by either an appropriate title or with the prefix of ‘Mr’.

The ACTING DEPUTY PRESIDENT (Senator Back): Thank you, Senator Bernardi. I am sure that Senator Di Natale will take note of that.

Senator DI NATALE: We hoped that Prime Minister Turnbull would help transition our economy to set ourselves up for those industries of the future and that we would end the attacks on the poor, the sick and the unemployed—on ordinary working people. But here we are, only months out from an election, and very little has changed.

With each week that passes, it is becoming more and more apparent that this Prime Minister lacks the courage and the vision so desperately needed to stand up against some of the dinosaurs inside his own party, that he fails to act with the courage and conviction that is so desperately needed to ensure that his beliefs and priorities prevail over the dinosaurs of his party.

Let’s start with the issue that will define this election: catastrophic global warming. Here we are, in January, the middle of summer, and we have seen extreme weather: bushfires in Victoria, in South Australia, in Western Australia and now in the World Heritage area of the precious wilderness between Cradle Mountain and the Walls of Jerusalem. At Lake Bill we are seeing an ecosystem never before exposed to fires, with species being wiped out. We are seeing pencil pines and cushion plans that will be destroyed by these fires—the loss of some of the most precious biodiversity anywhere in the world. In Queensland the Great Barrier Reef is on track for a catastrophic bleaching event. We are seeing the impacts of climate change right now in this country and we must act.

We are seeing the health impacts of climate change manifest themselves right around the world with the spread of vector borne diseases, and there are alarm bells now with the Zika virus, something that we know will be vulnerable to changing temperature and those vectors that will increase their spread. We already know that in northern Australia the mosquito that carries that virus has the potential to spread with catastrophic climate change.

But this is not just an issue about the impacts of climate change on the environment, health and our social systems; it is also an issue of how we manage to transition our economy from those polluting sources of the past to those industries of the future. The Prime Minister talks a
lot about innovation. He talks a lot about being flexible, agile and nimble. But, when it comes to global warming, there is absolutely no commitment to innovation, flexibility or agility.

I was in Paris, where I saw the Prime Minister and indeed the Minister for Foreign Affairs defend Tony Abbott's pathetic emission reduction targets, making us the laughingstock of the world. He is still committed to taking the axe to the Clean Energy Finance Corporation and to the Australian Renewable Energy Agency, two agencies that are driving innovation in the renewable energy space. Just today we saw the commitment to open up new coalmines: again there was the huge, polluting coalmine in the Galilee Basin, something for which Senator Larissa Waters has been a champion to try to protect that precious community and environment and to prevent the impacts of catastrophic global warming.

Why is Prime Minister Turnbull backing the opening up of that coalmine? Why is he committed to abolishing those agencies that are driving investment in renewable energy? It is because he lacks the courage and vision to take us on a different path. It requires vision to understand the opportunities that are opening up before us if we embrace the renewable energy revolution. It requires courage to stand up to those industries that are fighting for the status quo, that are holding us back, that incidentally are huge donors to both the coalition and the Labor Party—those industries of the past that are holding back the industries of the future.

On the issue of people seeking asylum in this country—in innocent people fleeing persecution, seeking our protection and seeking refuge in Australia—just today we learned of the High Court's decision. But this is not a legal question; this is a moral question, and it can never be acceptable, regardless of the problem, to have a solution that locks up young children who are innocent, causing them tremendous grief and suffering, forcing them to self-harm and damaging those people's lives permanently. And here we are, with Malcolm Turnbull facing a decision about whether he will deport children who are born here in Australia to that system of offshore detention camps to continue to inflict that suffering on vulnerable people. So far, the signs on that issue are not good.

On marriage equality, a question of ending prejudice and discrimination, we now see the farce that is the plebiscite that this government is committed to. Even members of that government say they will not stand by the decision of the Australian people. Let's not have a plebiscite. Let's have a vote, let's do it now and let's end prejudice and discrimination in marriage once and for all.

On the question of the republic, a person who says that this is his life's work, who has campaigned on an issue that defined his entry into politics, is now vacating the space, saying that it is up to the Australian people to lead the charge. We have three leaders of our main political parties in this country who are committed to a republic. It is not the fault of the Australian people that we do not have a timetable towards a republic; it is a failure of leadership. And this nonsense that we need to wait until the reign of the Queen is over: that is the point. The point of a republic is that we make our decisions independent of the monarchy.

We have now a debate around tax reform in this nation—a debate that is about what it means to live in a civilised society: investing in health care, investing in education, investing in the social safety net and ensuring that we look after people who are vulnerable. We have the opportunity to do that by ending unfair tax breaks and ensuring that tax reform starts at the top and not at the bottom, and yet here is a government committed to raising the GST because it wants to protect its mates at the big end of town and would rather go after those people on
low and middle incomes, further increasing this huge and growing gap between the haves and have-nots in Australian society, between the super-rich and those people who are struggling. The issue of tax reform is not some dry economic debate about whether we can balance the budget; it is about the society we want and whether we are prepared to live with the growing inequality that has become a major problem within Australian society.

It is a debate around getting our investment setting right so that we do not continue to give preferential tax treatment to the property sector and the mining sector and that we drive the innovation that is so desperately necessary in advanced manufacturing, in the renewable economy, in the health sector, in the education sector and in being a service based economy, which is where our future lies.

So it is an election about courage and vision, and the Greens have laid out an optimistic, forward-looking road map for how to transition Australia from an old economy to a modern, prosperous, confident 21st century Australia. Just last year we launched our plan, a detailed blueprint to renew Australia—to have 90 per cent renewable energy by 2030, generating jobs and investment in this country; to end the system of offshore detention and to have a much more humane way to look after innocent people who are seeking our protection; to deliver marriage equality and to deliver it now; and to ensure that, when it comes to raising revenue, tax reform starts at the top rather than the bottom. We want a corruption commission, a corruption watchdog, rather than targeting one sector of society. We have been courageous. We have been visionary. We have provided the leadership in this country that is so desperately lacking from this government, and we will do that right up until the next election.

(Time expired)

Senator WILLIAMS (New South Wales) (16:16): I look forward to this MPI debate put forward by the Greens here: 'The Turnbull government's lack of courage on matters of importance to everyday Australians.' One of the tragedies we have just seen in many states is the fires through the summer in Western Australia and South Australia, where I grew up, from Pinery through to Mallala through to the Freeling area et cetera. Senator Di Natale talks about the fires in Tasmania. I have warned them; I have told them; I have moved motions in this place: when you lock up country and you leave it and you do not manage it, you are going to get savage fires. Look at Tasmania: six million hectares, 52 per cent, locked up. You are not allowed to graze it. No. Just let the fuel levels grow and grow. Once you get more than five to 10 tonnes a hectare, a 40-degree day and a 50-kilometre wind, you are out of control. It will happen in the red gum forests down in Deniliquin. There is nothing surer. They have now prevented grazing. They managed it for 100 years. The truth may affect some over there. They do not like it. If you lock up the country and you leave it and you will not reduce the fuel levels, that is what you are going to get. ‘Oh no; we can't allow grazing. The cattle and sheep have got hard hooves on their feet.’ It is all right to have the brumbies, the deer, the wild pigs, the goats—you name it. They do not run around in ugg boots, but it is all right for those to graze there. But do not control-graze the national parks.

I would like to put a question to the Greens. How many of you have actually fought a bushfire? How many of you have been out there with a knapsack, with a shovel, on a fire truck? Put your hands up. Have you ever been to a fire? Thank you, Senator Lines; I was referring to the Greens. Mr Acting Deputy President Back, you and I have been to plenty. Good on you, Senator Siewert. But get out there amongst those savage fires and have a look
at what they are doing. When fuel levels get up, the fires are that hot they get into the crowns of the trees and kill the trees. They travel so fast the animals have no time to escape. I am very pleased—I often put it on my Facebook—that there are koalas at our farm, in the front garden and down the creek, and they are safe. They will not burn, because we graze the country around and we keep the fuel levels down. They are protected. I have done my share of firefighting, especially when I lived in South Australia for the first 25 years of my life. Until you learn this, you are going to destroy the environment. You are going to lock up country and leave it. The National Parks Association are pursuing their agenda right around the nation: lock up more country and leave it; do not graze it; do not keep the fuel levels down. If there are not enough resources for hazard reduction burning, this is what you are going to get every seven, eight or 10 years: savage fires destroying the environment. One day, when it is all destroyed, you will learn and you will listen. Until you get on board with this, you are doing the wrong thing—100 per cent.

Let us talk about marriage equality. Two men married will never be the same as a man and a woman. There will never be equality. They cannot have children, for a start, so they will never be equal. But what I really endorse is equal respect, equal rights—

Senator WILLIAMS: Get another tune. When we have the plebiscite, if it is voted down are you going to drop your agenda? No, you will not drop your agenda if it is voted down. Are you going to do what the people want if it is voted down? Of course you will not. You will pursue your issues.

The ACTING DEPUTY PRESIDENT (Senator Back): Through the chair, Senator Williams.

Senator WILLIAMS: My sincere apologies, Mr Acting Deputy President.

Let me turn to the global warming debate. What do we produce—1.3 or 1.4 per cent of the world’s emissions? It is quite amazing. China just did some figures. They made a mistake about the coal they burnt last year. They actually burnt 17 per cent more than they calculated for. The 17 per cent more they burnt—now they have done their figures again—put out more CO₂ than the whole of Australia does in a year. That is just through their one error of burning more coal. China is actually a net exporter of coal, a lot of it of very poor quality, of course. But is bringing in a carbon tax, as we saw the Labor Party and the Greens do before, going to save our nation? We could shut down all emissions in Australia, but, unless the big emitters act, it is not going to make one ounce of difference. We do not have a tent over our country. We actually are linked to the globe. And yet you expect us to suffer all of the financial pain. That is what those opposite want to do going to the next election. They will bring back the emissions trading scheme, the carbon tax: ‘We’ll bill you like we did before, and we’ll save the planet.’ No. The emissions are going up. You need to get those big emitters to actually do their bit.

I commend the Turnbull government for the way they have progressed trade agreements around the world—great for agriculture, great for regional and rural Australia. I put a question to Senator Sinodinos today about the some 180 countries that are now dropping their export subsidies. We have seen America for decades with their Export Enhancement Program. You would be well aware of it, Mr Acting Deputy President Back—how they are taking our wheat
market. They are subsidising their product into markets that traditionally we would hold and taking away our markets. They are gone. What is happening with the free trade agreements? Our exports into South Korea are increasing enormously for wine, grapes, almonds and all sorts of nuts. Beef exports to Japan have gone up by 24 per cent in 12 months alone. And now we see record beef prices coming to people out there in the rural areas. I remember 15 years ago cattle hit $2 a kilo live weight. Eighteen months ago they were $1.60. Who else in Australia had a 40 per cent reduction in their wage from 15 years ago? No-one. But now we have got it right. Congratulations to the government, to Minister Barnaby Joyce and especially to Trade Minister Andrew Robb for the great work they have done.

This is a farcical matter of public importance from the Greens. This is leading with their chin. I am sure more will have plenty to say. If we went down the Greens' road, we would just go broke and we would destroy the environment anyway.

Senator LINES (Western Australia) (16:22): I too rise to speak in support of this MPI. If we needed any confirmation that Mr Abbott and Mr Turnbull were the same, it came in question time today when Senator Brandis confirmed the Turnbull government was on exactly the same path as the former Prime Minister, Mr Abbott. The same wrong, misguided policies which have hurt ordinary Australians under the prime ministership of Mr Abbott and will continue to hurt ordinary Australians under the prime ministership of Mr Turnbull. Whether those Australians are young or old, working or pensioners, almost no-one is spared, except, of course, the big end of town. Wasn't this one of the reasons why Mr Abbott was deposed—that he had lost touch with ordinary Australians and that his first budget was way too harsh? And yet, if we needed that confirmation from Senator Brandis that Mr Turnbull was on exactly the same track, it came unequivocally during question time today.

Let us have a look at what is happening here. There is an attack on workers in Australia and on penalty rates. In fact, Senator Cash confirmed on Monday in the media that penalty rates were a part of the agenda. The Turnbull government has confirmed that they want to take penalty rates away from working Australians. Why would you do that? Why would you reduce the take-home pay of a group of workers who are already low paid? Complete nonsense. Why do they want to do that? Because they are on the side of the employers. Because John Hart from Restaurant and Catering Australia is their good friend. He was on a working committee that Mr Abbott proposed and put up, and I am sure he is still on that committee. He has the ear of Mr Turnbull and has said, 'Penalty rates have got to go.' That affects, by 30 per cent, the take-home pay of those workers. Those opposite have no idea over there because they always mix with the big end of town.

Industry super: one of the first things the government did in a little side deal with the crossbenchers was to let the leading employers—again, their mates—off the hook to freeze superannuation contributions. And how short-sighted was that? Because that affects people's retirement incomes. That affects how much money people have to retire on. And who will have to pick up the shortfall? The government of the day. But it does not bother the government because again they were looking after their employer mates at the big end of town. They said, 'Sure, we will save that money.' It was farcical to say that somehow those savings would end up in workers' pockets. Well, of course it has not. It stayed in the boss's pockets—wining and dining and Liberal Party donors, no doubt.
We see today that this bill is back here, watering down industrial relations laws. Never mind that the government have said, 'Work Choices is dead, buried and cremated.' It is not. It is sneaking into this place under another name. These industrial laws in the bill before the parliament will again make it easier for employers to reduce the working conditions and trade off entitlements. Under the Turnbull government's proposal, you can trade a pizza for a penalty rate. What a disgrace. They want to take weekend penalty rates, reducing income from about 30 per cent, and now they want to be able to do little side deals. Let me tell you, when the employer sits down with a low-paid worker, it is not even playing field and that is why you need strong unions in this country—so that workers have a proper voice and proper representation.

But the attack does not stop on workers. The attack is on pensioners. The Greens have got a responsibility here, because in a dirty deal with the government they have cut part pensions. The Greens said that was knocking off high-paid people. Well, it is not, because in a few years time down the track again—absolutely short-sighted, it shows that the Greens are still on the L plates when it comes to the economy—it will hurt middle Australians. And again, who will have to rescue them? It will be the government of the day having to try and find money to prop up pensions, because the part pension decision that the Greens made with the government will hurt ordinary Australians into the future. The facts are there for all to see.

Yes, we want to increase the pension age to 70. Again it shows how out-of-touch the Turnbull government is; they have never met a builder's labourer or a cleaner. They have probably never seen the people who clean their offices—the invisible workers. Imagine saying to those cleaners that they are going to be carting heavy things, they are going to be vacuuming floors and they are going to be scrubbing and polishing until you are 70—how out of touch is that? It is an absurd suggestion for people who do manual work in this country to work until they are 70. If you choose to work that long, good on you, but to actually make it a condition is a disgrace and it shows once again how out of touch those opposite are.

Let us have a look at the attacks on young people, another group. We have got workers, pensioners, and now we have got young people. The government want to punish young people who cannot get a job. The unemployment rate in Western Australia has gone sky-high, partly due to the absolute mismanagement by Colin Barnett and finally the West Australian is even attacking him. This bloke could not manage his way out of a brown paper bag. We have record-high youth unemployment, and what does the Turnbull government want to do? It want to make those people go without money. First of all they had a suggestion of six months. It is now down to six weeks. They think somehow that mum and dad can just stump up for looking after that young person who, through no fault of their own, cannot get a job. But, of course, they do not believe that. They think young people are lazy. In fact, they have said that young people lie on the sofa playing with their Xbox—again, totally out of touch. It is very difficult in Western Australia to get a job. And remember, if you get a job, the Turnbull government are the people who want to take your penalty rates away. If you get a job, and you are on junior wages, you are not going to be paid very much at all. Thank you to the Turnbull government!

Of course, for those young people who want to go on to universities, the Parliamentary Budget Office confirmed today that the $100,000 degrees are still there. They want to burden young people with $100,000 of debt—imagine that. It is unimaginable if you are a 17 or an
18-year-old entering university that you are going to have to carry that debt. In fact, I think
government ministers under Mr Turnbull have said, 'It is just shelved.' Well, they are still
there—$100,000 degrees. So, if you are unemployed or you want to go to university and you
are a young person, forget about support from the Turnbull government.

Then there are the attacks on families. There are the cuts to family payments that they want
to put through. What about their parental leave proposition? Remember the imaginative too
expensive scheme that Mr Abbott put forward that would massively advantage people on high
incomes—again, their mates—leaving ordinary Australians worse off? Well, that got
scraped. His backbenchers revolted. Under Mr Turnbull we have had people accused of
being double dippers: women who get some maternity leave from the workplace and then are
topped up by Labor's scheme—Labor introduced the paid parental scheme. We are now
seeing that being watered down so women who want to return to the workforce will be forced
to go back much sooner because they will be worse off, so they are hit with family payments
and they are hit because the Turnbull government has taken away their paid parental leave—
and that is their intention.

Almost from day one the Abbott-Turnbull government attacked Medicare. Again today the
Parliamentary Budget Office confirmed there will be more hits to Medicare through
pharmaceutical benefits. That is where they want to go next. It is bad enough that they are
now forcing most people to pay up-front for pathology and radiography services—and they
do not come as single items. Women with breast cancer and women who require Pap smears:
that is who they are continuing to disadvantage.

Climate change: again today it was confirmed that for the first time in 10 years our
greenhouse gas emissions are on the rise. Their failed payoff to the big end of town, their
failed direct action policy—there is the proof: greenhouse gas emissions are rising in
Australia for the first time in 10 years.

What about employers? We have seen what they want to do on super. Under the Turnbull
government they give the big banks access to workers' funds to try to water down boards and
then in the latest move we have a five per cent failure rate on contributions. What do we see?
We see the minister wanting to reduce penalties to give employers a way out when they do
not pay workers' entitlements on super. It is very clear who the Turnbull government stand
for: it is the big end of town.

**Senator WANG** (Western Australia) (16:32): Proposals for a national integrity or
anticorruption agency in Australia date back to the 1980s. At first they had been quietly
repeatedly rejected by the party political duopoly that runs this country. A decade ago a joint
study by Griffith University and Transparency International Australia recommended 'a new
independent statutory authority to be tasked as a comprehensive lead agency for investigation
and prevention of official corruption, criminal activity and serious misconduct involving
Commonwealth officials', including, sadly, members of parliament. Transparency
International Australia also called for a national anticorruption body after claims of corruption
in Centrelink leases in 2013. The government itself has also spent the past few years talking
about the need for a corruption watchdog and I acknowledge members of all political parties
who have advocated publicly or privately for such an agency.

Meanwhile, Australia's international reputation for being relatively corruption free is
waning—dropping from a global ranking of the seventh least corrupt nation 20 years ago to
the 13th, ranking behind countries like Canada, New Zealand and Singapore in the Transparency International Australia 2015 corruption perceptions index. Similarly, Hong Kong was known as one of the most corrupt places on Earth 50 years ago but within five years of the start of its Independent Commission Against Corruption all overt and syndicated corruption was eradicated and Hong Kong is now regarded as one of the most corruption free societies in the world. The Hong Kong ICAC was among the world's first to effectively enforce protection against private sector corruption and is an active partner in promoting international cooperation.

Given the very important work done by our own agencies—ICAC, for example—it is not easy to believe that corruption does not exist in governments and parliaments in this country. Add this to an era in which we are corporatizing all of our government institutions and there is overwhelming evidence at hand to show that now is the time for bipartisan support for a national integrity watchdog. Domestic experience and international best practice models have shown that political leaders must forge broad political coalitions that can endure organised opposition if they hope to prevent systematic corruption. As such I call on the government and the opposition to reflect the will of the wider Australian public— (Time expired)

Senator BERNARDI (South Australia) (16:35): Before I address the grab bag of demands from the Greens and the Labor Party I do want to express my sentiment with Senator Wang in the sense that you would have to be naive to think that elements of corruption and misuse by public officials do not take place in parliaments across Australia. As evidence I ask Senator Wang to have a close look at Mr Clive Palmer. Mr Clive Palmer, who of course is the leader of the Palmer United Party, said in the media just the other day that his companies—and one of them is now in administration—received good value for their millions of dollars in donations to the Palmer United Party because of the Palmer United Party's decision to support the abolition of the carbon tax. That to me is a tantamount admission that that money bought results from a political party. If that is not corruption, it is very close to it, Senator Wang. I understand completely your desire to stamp out corruption and crookedness. I support you in that, but the pot is calling the kettle a little bit black unless you acknowledge the transgressions of Mr Palmer in this space.

Now let me return to the grab bag of demands and grievances. It is like national grievance day in here. We had Senator Di Natale standing up talking about the virus de jure, the Zika virus. Last year it was Ebola and this year it is the Zika virus. Then he talked about catastrophic global warming while North America is suffering under metres of snow. We are finding them talking down the Great Barrier Reef, one of the great assets of Australia's tourism industry. Rather than talking it down, they should be talking it up and getting as many tourists to go there as they possibly can—but on and on we go. It is about more demands for more money, more government control and more intervention in the economy. The Greens know best and they are ably supported by the Labor Party.

We heard Senator Lines with her grab bag of demands as well. One of the things Senator Lines said was not lost on me. She suggested, in some way, shape or form, that the coalition were intent on doing deals with big business to disadvantage workers. I think Senator Lines got a little bit confused. I think Senator Lines was confusing the evidence from the trade union royal commission and the slush funds that were given to Mr Shorten and his union in exchange for trading-off worker benefits. That is the documented evidence, yet Senator Lines...
dares to come in here and say that this side of the chamber is not working to advantage workers. Nothing could be further from the truth.

If we want to get ourselves out of the problems that were created by those on the opposite side, including their colleagues the Greens—which are that the country is now mired in debt, our growth is stagnating and we have higher unemployment—we need to grow our economy. We need to cut the size of government, we need to lower taxes and we need to grow our economy, because that is the only way we will provide more jobs for more Australians. It is the only way we will be able to export competitively. It is the only way we will be able to sustain a strong and healthy safety net in this country without restricting or deflating our economy under the yolk of heavy burdensome taxes, and the coalition government has a plan for exactly that.

We want to get the government out of people's lives as much as possible. We want to be there to support them when they are desperately in need; give them a hand up and lift them, so that together everyone in this country can avail themselves of the opportunities. But you do not do that by reducing the businesses that are going to provide those jobs. You do not do that by making government bigger. Government is an imposition on our economy. Government only has money to spend that it takes from other people or that it borrows from future generations. That is what is lost. With all these big spending promises—the billions here, the $10 billion there, the unfunded Gonskis and whatever else they want to go with—they are robbing from future generations, because that money has to be paid back.

What a dark day it was when Mr Rudd became Prime Minister of this country. There was no net debt in this country. When Mr Rudd finished as Prime Minister of this country there were hundreds of billions of dollars' worth of debt. It is a trajectory that we have not been able to arrest because of the intransigence of this place and because of the pie-eyed wish list we have heard so much about today.

We have to confront reality in this country, and the reality is that we need more people working. We need more people paying taxes. We need to grow our economy. And the best way to do that is to get government out of the way. Let us encourage our tourism industry by talking up the Great Barrier Reef and its great benefits. Let us talk up our manufacturing industries—what is left of them—by saying we can produce top quality at a competitive price, because people are prepared to pay for quality. Let us talk up our export industry, not by demonising coal but by celebrating the fact that it provides cheap, effective and efficient fuel to billions of people across the globe to lift them out of poverty by providing them with electricity. Let us celebrate our iron ore exporters as people that are generating tens of billions of dollars' worth of revenue for this country and taking huge risks along the way. Let us continue to celebrate success rather than try and make government the centre and the focus of it all—

Senator Cameron: Not paying their fair share of tax.

Senator BERNARDI: I note Senator Cameron talks about people not paying tax. You know what, Senator Cameron—through you, Mr Acting Deputy President—yes, we want people to pay a fair share of tax but they are complying right now with our existing tax laws. If you do not like it, do not put the tax rates up, change the laws to prevent the loopholes. That is the simple way to do it. Those on the other side will never do that, because they hate industry.
Senator CAROL BROWN (Tasmania) (16:42): What a contribution we had there. It was not a contribution that sought to defend his government. We know he is a bit lacklustre in his support of the Prime Minister, Mr Turnbull. He may be right; quite frankly, it is a different salesman but it is absolutely the same policies. Senator Bernardi talked about how this government is all about helping Australians. What this government did when they first got in was demonise Australians by calling them ‘leaners’. They came out with the most appalling first budget of 2014 that saw off Prime Minister Abbott and saw poor old Mr Hockey's career down the drain.

That happened because there was no honesty in the Abbott campaign. There was no honesty in the Abbott campaign that saw them come to government. They did say that they were not going to cut health, education and the ABC. They did say there were on a unity ticket with Gonski. But unfortunately, with the change of Prime Minister, Mr Turnbull has shown a lack of courage in the face of ultraconservative elements in the coalition party room. It really should come as no surprise that his government have also failed to show any courage. They have failed to show courage on the issues that matter to Australians, on the matters that shape the lives of individuals, families and communities across this country.

All these Australians ask is some honesty in this government. They never saw it under Mr Abbott. They expected to see it under Mr Turnbull, but that has not come. That has not come. We hear it each and every day from the ministers of this government: ‘Nothing has changed. Our policies are the same. Nothing has changed under this government.’ So Australians should be disappointed, and they are disappointed. They are disappointed that this new Prime Minister, Mr Turnbull, has not come in here and tried to put some honesty back into the election commitments that this government gave.

The Turnbull government has shown that it is no better than the Abbott government, adopting the same cuts and out-of-touch policies. In fact, in many cases, unfortunately, the Turnbull government is now going further. Just before Christmas, the Turnbull government ripped a further $2.1 billion out of health by slashing bulk-billing for diagnostic imaging and pathology.

Senator O'Sullivan: Nonsense!

Senator CAROL BROWN: It is not nonsense, Senator O'Sullivan. It is not nonsense. Get out there. Listen. Listen to the people who use pathology. Listen to the sector. It is not nonsense. This is what you did. You have ripped $2.1 billion out of diagnostic imaging and pathology, and you are gutting crucial health workforce training programs. That is what is happening out there. I know you have been away; you might not have caught up. But that is what is happening.

That cut just builds on the $60 billion in health cuts—health cuts they said they would not do—made by the Abbott government, cuts which have been gleefully adopted by the Turnbull government. It is clear that, regardless of who the leader of the coalition is, our health system is at risk under the coalition. Our hospitals are at risk under the coalition. Patients are at risk under the coalition. And, under the coalition, Medicare will always be at risk because the Liberal government believe that your access to quality health care should be determined by your ability to pay.
The Liberal government would also happily see your ability to pay determine your access to education. Before the election, again, it was 'no cuts to education', a 'unity ticket' on Gonski, but what we saw when they came into government was $30 billion ripped from our schools. Different salesman, same policies. (Time expired)

**Senator MADIGAN** (Victoria) (16:47): I am pleased to contribute to today's debate on the Turnbull government's lack of courage on matters of importance to everyday Australians. Yesterday, with Senator Xenophon, I co-sponsored a motion that called for an inquiry into bullying within the Australian medical profession. This motion was passed by the Senate, and I applaud Senator Xenophon for his work on this important issue.

I was pleased to stand beside him because of the actions of the Australian Health Practitioner Regulation Agency against the small number of doctors who are treating patients in Australia presenting with Lyme disease—or, as referred to in this place, a Lyme-like illness. Chief Medical Officer Professor Chris Baggoley told the Senate hearing last year that the Department of Health and the Medical Board of Australia did not support a policy of warning off doctors from treating patients with suspected Lyme disease. Professor Baggoley said AHPRA did not have an official position on Lyme disease, and it was not its role to adjudicate treatment of the condition.

But this is not true. Seven doctors treating patients for Lyme disease have been or are currently being bullied and harassed out of their profession. Camberwell doctor Geoffrey Kemp, a GP of more than 40 years experience, has treated more than 350 patients for Lyme symptoms and is now unable to continue because of severe—some would say outrageous—restrictions on his practice. These include being only allowed to work in a group practice approved in advance by the Medical Board of Australia, not using homeopathic medicine, not practising without a workplace supervisor who is approved in advance by the board and submitting to a fortnightly audit of his patients' files. AHPRA's campaign against Dr Kemp commenced mid last year but reached a climax in December with a formal hearing at the disruptive time of just before the Christmas holiday break.

I call on the Minister for Health, Sussan Ley, to rein in her AHPRA attack dog. I call on the government to insist that AHPRA immediately stop targeting doctors treating patients with Lyme disease. This campaign of harassment and bullying is creating medical refugees out of thousands of sick Australians who now cannot obtain treatment or who must go overseas to do so. I put on the record my enthusiasm for the forthcoming Senate inquiries into both the prevalence of Lyme-like illness in Australia and bullying in the medical profession.

**Senator O'SULLIVAN** (Queensland) (16:50): I do not want to make a practice of this, but I do have to open today, in the interests of transparency, with a confession. My confession is that I do not often get excited by anything that the Greens party says, but today I simply could not believe it when they wanted to invite a debate with my government on the question of courage. Well, I can tell you: we are up to it, so sit up, kick your shoes off and have a listen.

It took a lot of courage to implement policies in this nation to increase jobs—last year, under the coalition, over 300,000 new jobs. That is in the face of a party that wants to have a discussion about courage—an antijobs party, a party that publishes on its own website that in the next five years it wants to get rid of the hundreds of thousands of jobs in the coal industry,
wiping places like Central Queensland, Mackay, Rockhampton and Gladstone off the face of the map without any regard to the hundreds of thousands of families and the economies of all of those communities. So I am happy to have a discussion with you about courage in relation to that. Sixty per cent of the jobs that were created by us last year were full-time jobs—180,000 jobs. That is 180,000, probably, mums and dads and other forms of family structures around the country who now have a better standard of living because our government has had the courage to implement those decisions and those policies that are job-creating. So I am happy to talk to you about courage there.

I am also happy to have a discussion with you about courage when you are a pro unlawful immigration party. You actually promote unlawful immigration. So if you want to talk about courage, there is the courage of our government to stop the boats, to save the 1,200 deaths on the high seas—a fact you have never mentioned. I have been here two years and not once have the Greens and Labor made reference to the fact of that terrible loss of life. Under our government, under the courage it takes to stop the boats, not one death on the high seas. So if you want to talk about courage, I am happy to talk about courage.

Let's talk about courage with children in detention—1,992 children were in detention under the Greens and Labor. We have had the courage to reduce that, to put in place policies and measures to reduce that now to fewer than 100. They are the sorts of things that take courage if you want to have a discussion.

We have committed, in somewhat difficult financial times, to a $50 billion infrastructure plan. That is over three times the commitment to the Snowy River scheme, in difficult economic circumstances. We have got the courage to go ahead and do it. We have got the people who are going to manage the economy to make sure that we deliver on it. That is courage if you want to have a talk about courage.

If you want to talk about courage: the development of northern Australia. This is the place where you want work practices to change, where you want things in the agricultural industry to change to make it almost unviable. This is the place where you, with the Labor Party, wiped off hundreds of millions of dollars of value across family farms and enterprises right across northern Australia and brought a billion dollar industry to its knees in less than one hour. You want to talk about courage, I will tell you what courage is: to restore that industry. Courage is to bring it back from death's door, as we have done, as this government have done in our term and restore it to where it is now—an absolutely viable industry, allowing some of those people to have survived.

I am happy to talk to you about courage today and any other day. It was a mistake for you to put the word 'courage' in your motion. If you want to talk about courage, it takes courage for a country under this government to go ahead and finalise three major trade agreements and the TPP when you and the Greens for seven years resisted it. It has increased—

\[\text{Senator Whish-Wilson interjecting}\]

\[\text{Senator O'Sullivan: I know you don't like to hear this. It has increased the value of agricultural exports by 29 per cent—over$10 billion. So now we have thousands of families, my heart constituency, who are far better off living in northern Australia and right across agricultural sector. This year alone, we have had a 29 per cent increase in the volume of agricultural exports in certain classes. Barley, canola and chickpeas are all up. Chickpeas are}\]
It takes courage for a government to fast-track and enter into those relations to make sure that they produce a deal that is in the interests of their country.

It would be unfair if I did not mention the fact that our friends in the Greens party also have courage. It takes courage to mislead the Australian people on the impacts of climate change, to frighten people so it impacts on their business plans. It takes courage to mislead the Australian people on kangaroo populations to a point where it makes it difficult for us to get the kangaroo harvesting industry up and going. It would provide 4,000 jobs in the bush and over a hundred million dollar boost in to economies and communities all across western Queensland, New South Wales and a little bit of Victoria. It takes courage to come out and say you are going to destroy the coalmining industry and all the tens and tens and tens of thousands of jobs and the knock-on jobs for families that that will have.

It takes courage to go to the Australian people and tell them you are going to advocate the introduction of death duties—if you ever find your way into a position to be able to do it. It takes courage to elevate policy positions that will destroy economies and economic activities in rural communities in your antijobs and antidevelopment approach.

In closing, any time, any place, here or outside, that you want to have a debate with this government about what we have done and what you have not done, make sure you plant the word 'courage' fairly in the sentence and make the job of turning you down as easy as it has been. Thank you for the opportunity.

Senator GALLACHER (South Australia) (16:57): Welcome back, Senator O'Farrell. I trust your sojourn in New York was—

The ACTING DEPUTY PRESIDENT (Senator Back): Order! Senator O'Sullivan it is.

Senator GALLACHER: Yes, Senator O'Sullivan. Anyway, you did well in New York by the sound of it. The courage that I want to talk about is the courage of conviction. I think that that is what the matter of public importance is about today:

The Turnbull government's lack of courage on matters of importance to everyday Australians.

That is the courage of our convictions. Someone told me, 'The art of politics is achieving what is possible.' I suppose that that is probably correct, but most of us in this place have convictions. Most of us have the courage of our convictions and we will not easily be dissuaded from that conviction.

However, if you knew nothing about the Prime Minister, the Hon. Malcolm Turnbull, and you googled him, you would find out that he was the leader of the Australian Republican Movement for seven years. I imagine that in seven years you would have an irrevocable conviction that there should be an Australian republic and that if you ever got in a position where you could actually influence that outcome—that is, being the Prime Minister—you would probably not walk away from that conviction. But it appears as if the current Prime Minister has walked away from his conviction that Australia should be a republic. He has not been at the forefront of that debate. He has not initiated any initiatives that would bring that closer, despite the fact for seven years he was the leader and was publicly out and about seeking an Australian republic.

If you wikipediated 'the honourable Prime Minister Turnbull' you would probably come up with a whole lot of stuff on climate change. Climate change was in his DNA until it threatened his opportunity to occupy the Lodge. It was there. He was on the front foot.
was leading with conviction, until two things happened. The first thing was that he was done in as opposition leader and the second thing was that he was able to get the Lodge. It would appear that the Hon. Malcolm Turnbull does not have the courage of his convictions in respect to two very important matters that you cannot move around Australia without talking to everyday voters about. Climate change and the Australian republic are well worn paths. People in the street want to know where you stand on those two issues. You could have been mistaken for thinking you knew where the honourable Prime Minister Turnbull stood with conviction on climate change and the republic. However, he has been able to walk away from that conviction.

The other issue which is gaining some publicity is marriage equality. Before he became Prime Minister, he was out there advocating one position, but as soon as he became Prime Minister he adopted the Hon. Tony Abbott's position. So on three quite easily distinguishable, recognisable policies he has not had the courage of his convictions.

I will put on the record a quote from the Hon. Malcolm Turnbull on Meet the Press on 4 October 2009:

I mean, Tony thought he was going to go to an election and he'd be saying "great big tax" and Kevin Rudd would be saying "save the planet" but instead Rudd just walked away from it and looked like a man who believed in nothing and his support - as Rudd himself confesses and Howard said - his support just fell off a cliff, because people, Kerry, in politics, the public, will forgive you for a certain amount of incompetence. You don't want to stretch their patience on that. But they will never forgive you if you are seen to believe in nothing.

Because if you believe in nothing why are you there?

So if he has abandoned his convictions on these three basic items, why is it not abundantly apparent to all that he has traded his convictions for the job? If you want to have a look at convictions, start with the alphabet: Abbott, Abetz, Andrews, go on to Bernardi. They never lack the courage of their convictions; their positions are always out there. I do not agree with them, but at least you can hear and understand them. (Time expired)

Senator LAMBIE (Tasmania) (17:02): I rise to contribute to today's matter of public importance, whose subject is the Turnbull government's lack of courage on matters of importance to everyday Australians.

I have to agree that up to today the Turnbull government has displayed a lack of courage to many issues of importance to everyday Australians, but I make this point: it can change. I have just had a meeting with the PM and I have taken to him some very important issues, including the plight of SAS soldier Evan Donaldson and former Army officer Marcus Saltmarsh. I thank him for the time he gave to me today. Talking to him is always pleasant. He is a very good listener and talker, but it is actions that I judge him by.

With reference to the harm and damage that have been clearly done to Evan Donaldson and Marcus Saltmarsh, the PM has agreed to support genuine mediation processes for those gentlemen. I can only hope that that happens extremely quickly. That would be the best and easiest way of ensuring they are compensated for the incredible harm they have suffered for 7 years and 16 years, respectively.
I also spoke to the PM about the $650 million of Medicare cuts. He did not promise to lift them but he did promise to speak with Tasmanian medical scientist Richard Hanlon who warned about the $30 pap smears Australian women are faced with if the Liberals' cuts to Medicare go ahead. I hope the PM shows common sense and courage and abandons the cruel Liberal cuts to women's cancer checks and Medicare bulk-billing.

Other areas where this government can show some courage is to stop their freeze on federal assistance grants, grants the rural and regional local governments of Australia are heavily reliant on. These assistance grants are central to a council's budget and are intended to help build and maintain roads. Why did the coalition freeze these grants? As if rural Australians were not struggling enough, now their rates have increased. With rates at an all-time high, families will be incapable of achieving the Australian dream and own their own home.

That leads me to the Tasmanian municipality of King Island, an island that relies heavily on exporting its produce. Within 12 months their only shipping service will be taken out of the game, and neither the federal or state Liberal governments will contribute the necessary $60 million to upgrade the deepwater port at Grassy to ensure King Island. Without this upgrade, King Island will not be able to continue to export its world renowned products. Every person on King Island is crying out for help, but the Turnbull government and the Hodgman government have ignored their desperate pleas.

Now let us talk about Tasmania's public health system. My state is in the grip of an extreme health crisis, but the state Liberal government has no feasible plan to nurse the system back to health. In fact, the state Liberal government plans on reducing the number of hospital beds and medical staff instead of providing a much needed increase. The hospitals are operating at more than 100 per cent capacity, and Tasmania already lags behind the national average on bed numbers. Tasmania needs a further 150 beds to service its population. Only last week, The Mercury reported that a 95-year-old woman was left vomiting for hours on the floor of the Royal Hobart Hospital because there were no available beds. This woman had nothing but a blanket to lie on. It is not the fault of the healthcare workers. Tasmania's hospital staff are wonderful, highly skilled people. They simply do not have the resources. To make matters worse, Tasmanians are already waiting four times longer for elective surgery than any other Australian and are dying between one and two years earlier, on average, than their mainland counterparts. The only way to save the Tasmanian health system is to start by opening another 150 beds and, in the long term, place a third, fully serviced, hospital on the north-west coast. In the meantime, I ask the Minister for Health, Susan Ley, to stop making the health crisis in Tasmania worse by introducing $650 million worth of cuts to bulk-billing incentives on cancer and diabetes checks, which will mean people will not seek help until it is too late, which can only mean hospitals will be inundated with cases that could have been prevented. (Time expired)

**DOCUMENTS**

**Consideration**

The government documents tabled today and general business orders of the day Nos 1-5 relating to government documents were called on but no motion was moved.
COMMITTEES
Scrutiny of Bills Committee
Report

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:07): At the request of Senator Polley, the Chair of the Senate Standing Committee for the Scrutiny of Bills, I present the first report. I also lay on the table Scrutiny of Bills Alert Digest No. 1 of 2016.

Ordered that the report be printed.

Regulations and Ordinances Committee
Delegated Legislation Monitor

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:08): At the request of Senator Williams, Chair of the Senate Standing Committee on Regulations and Ordinances, I present the Delegated Legislation Monitor No. 1 of 2016.

Ordered that the report be printed.

Human Rights Committee
Report


Ordered that the report be printed.

Senator SMITH: by leave—I move:
That the Senate take note of the report.

Senator SMITH: I seek leave to have the tabling statement incorporated into Hansard.
Leave granted.

The report read as follows—
I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights’ Thirty-third Report of the 44th Parliament.

The committee's report examines the compatibility of bills and legislative instruments with Australia's human rights obligations. This report considers bills introduced into the Parliament from 30 November to 3 December 2015 and legislative instruments received from 13 November to 10 December 2015. The report also includes the committee's consideration of three responses to matters raised in previous reports.

Twenty-four new bills are assessed as not raising human rights concerns and the committee will seek a response from the legislation proponents in relation to three bills, as well as a further response on a number of legislative instruments. The committee has also concluded its examination of two bills.

The report includes the committee's continued consideration of a number of instruments made under the Autonomous Sanctions Act 2011 and the Charter of the United Nations Act 1945. The committee, in considering 30 instruments made under these Acts, has focused its analysis on measures that freeze the assets of designated persons or prevent declared persons from travelling to, entering or remaining in Australia. These instruments expand the operation of the sanctions regime and so, to assess whether the
instruments are compatible with human rights, it is necessary to assess whether certain aspects of the sanctions regime are compatible with human rights.

The committee recognises the importance of Australia acting in concert with the international community to prevent egregious human rights abuses, and agrees that laws designed to prevent such abuses pursue a legitimate objective under international human rights law. The committee also acknowledges the information provided by the Minister for Foreign Affairs and her advice that in her opinion the sanctions regime only imposes limitations on human rights that are proportionate. However, notwithstanding this advice, the committee considers that further specific information is required to conclude that the process of designation of persons under the sanctions regimes is proportionate to the stated objective.

While the committee is unaware whether anyone in Australia has been affected by these measures, I note that the committee's mandate is to examine Acts and legislative instruments for compatibility with human rights and whether legislation could be applied in a way that would limit rights. It is on this basis that the committee has applied its usual analytical framework to engage in a constructive dialogue with the minister in relation to this matter.

This report also includes the committee's consideration of the Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015. Schedule 3 of the bill seeks to amend the Social Security Act to provide that in assessing a full-time study load for Youth Allowance or Austudy, two or more courses of education cannot be aggregated to satisfy the undertaking full-time study requirement.

The committee considers that this amendment engages the right to social security and education, a position accepted by the bill's statement of compatibility. However, the committee does not believe that the statement of compatibility sufficiently justifies the limitation for the purposes of international human rights law. As such, the committee seeks the advice of the Minister for Social Services on this point.

Lastly, the committee concludes its consideration of the Federal Courts Legislation Amendment (Fees) Regulation 2015 in this report. Schedule 1 of the regulation increased the costs in all fee categories by 10 per cent for all proceedings in the federal courts. This includes the costs of commencing an application or appeal and the costs for the hearing of the application or appeal. The committee noted in its previous report that this engages and may limit the right to a fair hearing because it may prevent access to justice for some individuals.

Of course, the imposition of reasonable fees in relation to Court proceedings does not, of itself, constitute denial of access to justice so as to limit the right to a fair hearing. Nevertheless, the committee sought the advice of the Attorney-General as to whether there is any ability for an applicant to seek to have the fees waived if the fees would effectively prevent them from accessing the federal courts.

The committee welcomes the advice provided by the Attorney-General on the availability of fee exemptions, waivers and deferrals available for individuals suffering financial hardship. In light of this information, the committee considered that the regulation does not indiscriminately prevent access to justice, and is likely to be compatible with the right to a fair hearing.

As always, I encourage my fellow Senators and others to examine the committee's report to better inform their understanding of the committee's deliberations.

With these comments, I commend the committee's Thirty-third Report of the 44th Parliament to the Senate.

Question agreed to.
Legal and Constitutional Affairs References Committee
Government Response to Report

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:08): I present the government’s response to the report of the Legal and Constitutional Affairs References Committee on its inquiry into work undertaken by the Australian Federal Police’s Oil for Food Taskforce.

The documents read as follows—

Australian Government response to the Senate Legal and Constitutional Affairs References Committee report:

Work undertaken by the Australian Federal Police's Oil for Food Taskforce

FEBRUARY 2016

Introduction

On 26 June 2014, the Senate referred the matter of the work undertaken by the Australian Federal Police's (AFP) Oil for Food Taskforce to the Legal and Constitutional Affairs Committee for inquiry and report by 4 September 2014. On 18 March 2015, the Senate granted an extension of time for reporting until 24 March 2015.

The terms of reference for the Inquiry were:

(a) the work undertaken by the AFP's Oil for Food Taskforce;
(b) the level of resourcing that was provided and used by the taskforce; and
(c) any other related matters.

The Legal and Constitutional Affairs Committee handed down its report 'Work undertaken by the AFP's Oil for Food Taskforce' on 24 March 2015. The report included one majority recommendation and four minority recommendations.

The Australian Government's response to the Report is set out below. The response addresses all five recommendations contained in the Report.

Majority Report Recommendations

Recommendation 1

1.29 Having heard the evidence and read the submissions, the majority of the committee is persuaded that this matter should not further exercise the resources of the Federal Parliament

Agreed.

The Government notes that the matters identified by Commissioner Cole's Inquiry into certain Australian companies in relation to the UN Oil-for-food Programme have been investigated through a number of different forums, including an independent investigation by the Australian Securities and Investments Commission (ASIC) which resulted in civil convictions and the imposition of substantial penalties.

The Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity's 2013 inquiry into the Integrity of overseas Commonwealth law enforcement operations also discussed the AFP's Oil for Food Taskforce. As part of its inquiry, the Committee questioned both the Department of Foreign Affairs and Trade and the AFP about the Oil-for-Food Programme and the Taskforce. The Committee's final report did not make any adverse findings or recommendations on the work of the AFP's Oil for Food Taskforce.

Chair's Minority Report Recommendations

Recommendation 1
6.29 The Chair recommends the Australian Commission for Law Enforcement Integrity launch a broad inquiry into the structural, recurrent failings of the AFP to properly investigate and prosecute foreign bribery and corruption and the merits of establishing a specialised agency to investigate and prosecute the commission of white-collar crime by Australian individuals or corporate entities regardless of where the alleged crime took place.

Not agreed.

The Integrity Commissioner, supported by the Australian Commission for Law Enforcement Integrity (ACLEI), is responsible for investigating corruption issues involving staff members of law enforcement agencies specified in the Law Enforcement Integrity Commissioner Act 2006 (LEIC Act), including the AFP.

Under the LEIC Act, the Integrity Commissioner is responsible for deciding whether or not to commence a corruption investigation or inquiry. ACLEI, on behalf of the Integrity Commissioner, has advised that there is no indication that an investigation is warranted in the circumstances described.

The Government has also established structures to strengthen the Commonwealth's ability to investigate and prosecute corporate offences, particularly fraud and corruption.

For example, in July 2014, the Minister for Justice announced the establishment of the AFP-led Fraud and Anti-Corruption Centre (FAC Centre). The FAC Centre is focused on the following objectives:

- strengthening law enforcement capability to respond to serious and complex fraud, foreign bribery, corruption by Australian Government employees and complex identity crime
- providing a coordinated approach to prioritising the Commonwealth operational response to these matters, and
- protecting Commonwealth revenue.

In 2014 and 2015, the FAC Centre's multi-agency approach and flexible response model contributed to bringing corruption prosecutions to court. For example:

- A Commonwealth employee was charged and prosecuted for attempting to disclose Commonwealth information. The employee was sentenced to six months imprisonment, released on a recognisance to be of good behaviour for two years and fined $1,000.
- A Commonwealth employee was paid to release sensitive data for private gain. The employee and his associate were charged with insider trading, corruption, identity fraud and proceeds of crime offences. The employee received a head sentence of 3 years, 3 months and his associate received a head sentence of 7 years, 3 months.

Recommendation 2

6.37 The Chair recommends that the Commonwealth government consider amendments to section 29 of the Public Interest Disclosure Act 2013 (Cth) to expand the definition of 'disclosable conduct' to include conduct by Australian individuals or corporate entities, regardless of where the conduct took place.

Not agreed.


ASIC has responsibility for enforcing the majority of Corporations Act provisions, including those providing protection to corporate whistleblowers. To support the implementation of the Corporations Act protections, ASIC has established an Office of the Whistleblower, which will monitor the handling of all whistleblower reports, manage staff development and training and handle the relationship with whistleblowers on more complex matters. The Office builds on improvements that ASIC has made to its whistleblower arrangements by adopting a centralised monitoring procedure.
The Australian Prudential Regulation Authority (APRA) has responsibility for enforcing the whistleblower protections under the Banking Act, Insurance Act, Life Insurance Act and SIS Act. To support this role, APRA has put robust processes in place for handling whistleblower complaints relating to the institutions regulated under those Acts. Information on APRA’s policy and process is available on its website: <http://www.apra.gov.au/aboutapra/pages/information-on-being-a-whistleblower.aspx>.

**Recommendation 3**

6.43 The Chair recommends that the Senate order the AFP to produce the legal advice provided by Mr Hastings QC to the AFP, or parts thereof, that show the legal grounds and reasons for the closure of the Taskforce.

*Not agreed.*

The AFP engaged Mr Hastings QC to undertake a review of the Oil for Food Taskforce and provide advice on the likelihood of any successful prosecutions.

The AFP does not waive legal professional privilege on legal advice obtained during the course of an investigation. **Recommendation 4**

6.48 The Chair recommends that a federal anti-corruption body be established to investigate and report on corruption and/or gross negligence within the Commonwealth Parliament and government agencies, including the Australian Federal Police.

*Not agreed.*

The Government has a zero tolerance approach to corruption and is committed to stamping out corruption in all its forms. Transparency International consistently ranks Australia as one of the least corrupt countries in the world. Many other countries also identified as some of the least corrupt in the world do not have national anti-corruption commissions, including Canada, New Zealand and the United States.

At the Commonwealth level, there is an effective multi-agency approach to preventing and combating corruption. Australia’s robust multi-agency approach vests specialised functions and responsibilities in a number of agencies including:

- the AFP and the AFP-led FAC Centre which investigate serious and complex crimes against Australian laws including fraud and corruption
- the Integrity Commissioner, supported by ACLEI, who has law enforcement and coercive information-gathering powers and specialised resources to detect, disrupt and deter corrupt conduct in Commonwealth law enforcement agencies
- the Commonwealth Ombudsman’s Office, which handles complaints regarding government maladministration, carries out specialised oversight tasks and can receive reports of suspected wrongdoings within Australian Government agencies, and
- the Australian Public Service Commission, which regulates employee conduct in the Australian Public Service.

**DOCUMENTS**

**Order for the Production of Documents**

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (17:09): I table a document relating to the order for the production of documents concerning training for estimates hearings undertaken by public servants.
COMMITTEES
Membership

The ACTING DEPUTY PRESIDENT (Senator Seselja) (17:09): The President has received a letter requesting changes in the membership of committees.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:09): I seek leave to move a motion to vary the membership of committees.

Leave granted.

Senator RUSTON: I move:
That senators be discharged from and appointed to committees as follows:

Environment and Communications Legislation Committee—
Appointed—
Substitute member: Senator Dastyari to replace Senator Singh on 9 February 2016
Participating member: Senator Singh

Finance and Public Administration Legislation Committee—
Appointed—
Substitute member: Senator Moore to replace Senator McAllister on 12 February 2016
Participating member: Senator McAllister.

Question agreed to.

BILLS

Broadcasting Legislation Amendment (Digital Radio) Bill 2015

First Reading

Bill received from the House of Representatives.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:10): I move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:10): I move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2015

The Broadcasting Legislation Amendment (Digital Radio) Bill 2015 will reduce the level of regulatory complexity faced by the radio broadcasting industry by implementing reform in the digital radio regulatory framework, and will facilitate the rollout of digital radio in regional Australia.
On 8 July 2015, the then Minister for Communications tabled in the Parliament the Digital Radio Report which was prepared by the Department of Communications in response to two statutory reviews on the digital radio framework.

The report recommended that industry members and the Australian Communications and Media Authority (ACMA) establish a Digital Radio Planning Committee for Regional Australia to focus on the rollout of digital radio to regional areas where it is commercially feasible to do so. The Planning Committee has now been established and includes key industry stakeholders. It is currently considering the rollout of digital radio in regional areas, and is giving priority to the licensing of permanent digital radio services in Canberra and Darwin.

Another key recommendation in that report was that the Government provide a simpler, more flexible process for the planning and licensing of digital radio in regional Australia. This move is supported by commercial, national and community radio sectors. The Government considers that the commercial radio sector is best placed to determine the areas where digital radio services can be successfully rolled out and the optimal timeframe for doing so. However, the Government can assist by streamlining digital radio planning and licensing processes.

A licence area’s ‘digital radio start-up day’ is the day on which relevant licensees are authorised to commence providing digital radio services in that licence area. Currently, the ACMA is required to ensure that the digital radio start-up day for a licence area is the day specified in a legislative instrument made by the Minister. It is proposed to remove the requirement for a legislative instrument made by the Minister – effectively removing the role of the Minister and leaving the setting of commencement dates for regional digital radio services to the ACMA. This simpler process is consistent with the Government’s regulation reform agenda. In setting the start-up day for a particular licence area, it is expected that the ACMA will take account of industry willingness to invest in the required infrastructure and to provide digital radio services in that area.

The datacasting licence category was intended to encourage the development of new and innovative services which were distinct from traditional broadcasting services. In 2007, the restricted datacasting licence category was introduced to allow service providers to use the digital radio platform to provide information-only or educational programs. To date, no restricted datacasting licences have been issued by the ACMA. Removing this sub-category of licence will simplify the digital radio regulatory framework across both the Broadcasting Services act and Radiocommunications act, while not preventing the service providers from continuing to offer new and innovative digital radio services to listeners.

Digital radio has been operating in the five mainland capital cities since 2009. Until 30 June 2015, there was a legislated moratorium on the issuing of any new commercial digital-only radio licences in those markets. This digital radio moratorium period was put in place to provide incumbent commercial radio broadcasters with a level of stability and certainty during the digital radio investment phase. The six year moratorium period in these metropolitan licence areas has now expired. However, it will commence in regional areas if and when they start digital radio services. The Digital Radio Report found there was not a strong argument for retaining this provision, noting that the protection from competition offered by the six year digital radio moratorium period has not provided sufficient incentive for commercial radio broadcasters to extend digital radio services into regional licence areas. The bill therefore removes the digital radio moratorium period.

Digital radio broadcasters utilise two types of licence: the broadcasting licence which authorises them to provide their broadcasting service, and the ‘digital radio multiplex transmitter licence’ which licences the shared transmission infrastructure they use. Multiplex licences are allocated in three categories, each authorising a different combination of commercial, national and community digital radio services. Category 3 multiplex licences authorise the transmission of digital national radio
broadcasting services and/or national restricted datacasting services and may, essentially, only be held
by either or both of the national broadcasters, the ABC and SBS.

These licences currently fall within the definition of 'non-foundation digital radio multiplex
transmitter licence' in the Radiocomms act. A practical impact of this is that category 3 multiplex
licensees (that is, the ABC and SBS) are excluded from applying for renewal of their licence. It is
proposed to amend the definition of 'non-foundation digital radio multiplex transmitter licence' in the
Radiocommunications act so that it excludes category 3 multiplex licences. This is a technical
amendment to address an unintended consequence of the existing drafting.

As digital radio was a developing technology when the digital radio legislative framework was being
developed, statutory review provisions were included in both the Broadcasting Services act and the
Radiocommunications act. These reviews were aimed at monitoring the regulatory and technological
developments of digital radio. As these reviews have been conducted and the report addressing both
reviews was tabled in Parliament in July this year, these provisions can be removed from both acts.

The Government remains committed to streamlining and reforming the digital radio framework in
consultation with regulatory and industry players. The Digital Radio Planning Committee may identify
further elements of the digital radio regulatory framework that could be simplified to further facilitate
the rollout of digital radio in regional Australia in the future.

I commend this bill to the House.

Debate adjourned.

Migration Amendment (Complementary Protection and Other Measures) Bill 2015

First Reading

Bill received from the House of Representatives.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water
Resources) (17:11): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water
Resources) (17:11): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

MIGRATION AMENDMENT (COMPLEMENTARY PROTECTION AND OTHER MEASURES)
BILL 2015

The Migration Amendment (Complementary Protection and Other Measures) Bill 2015 is the final
installment in a package of legislative reforms that implements the Government's election commitments
to ensure a more effective and efficient onshore protection status determination process.

Following the passage of the Migration and Maritime Powers Legislation Amendment (Resolving the
Asylum Legacy Caseload) Act 2014 (the Legacy Act) in December last year and the Migration
Amendment (Protection and Other Measures) Act 2015 in March this year, this Bill amends the statutory framework in the Migration Act relating to the determination process for persons seeking protection on complementary protection grounds.

Complementary protection is the term used to describe a category of protection for people who are not refugees, as defined in the Migration Act, but who cannot be returned to their receiving country (that is, their country of nationality or country of former habitual residence if they do not have a nationality) because there is a real risk that they would suffer a certain type of harm that would engage Australia's international non-refoulement (or non-return) obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture, and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT).

Specifically, this Bill will amend the Migration Act to more closely align the statutory complementary protection framework with the statutory refugee framework, as recently inserted by the Legacy Act.

Without these amendments, there is an inconsistency between the two frameworks. In particular, a person who would be refused protection under the current refugee framework for one of the new exceptions to the refugee test relating to internal relocation alternatives, effective protection measures or behaviour modification, could satisfy the complementary protection test because those exceptions are not yet included in the complementary protection framework. This Bill addresses this inconsistency, and in doing so, will restore Australia's intended interpretation of Australia's complementary protection obligations.

To be clear, as is the case under the current statutory complementary protection framework, non-refoulement obligations will not be engaged in every case in which a person claims that they will suffer some type of harm if returned to another country. This Bill will not alter the requirement that in each case there must be substantial grounds for believing that, as a necessary and foreseeable consequence of being returned, there is a real risk that a person will suffer significant harm of a particular type as contained in the relevant human rights treaties, namely:

- the arbitrary deprivation of life;
- having the death penalty carried out;
- being subjected to torture;
- being subjected to cruel or inhuman treatment or punishment; or
- being subjected to degrading treatment or punishment.

Rather, the Bill will clarify the interpretation of various concepts used to determine whether a person will face a real risk of suffering significant harm so as to give rise to a non-refoulement obligation.

This is now necessary as there have been instances of several persons having been found to meet the complementary protection criterion on a wide variety of grounds, such as selling adult movies and drinking or supplying alcohol in countries which severely punish those activities, despite the fact that the Government, consistent with our international obligations, did not intend for such cases to be covered by the legislation. There have also been several persons who have been found to meet the complementary protection criteria where they have been involved in serious crimes in their home countries, or are fleeing their home countries due to their association with criminal gangs. Therefore, in tightening the various tests that determine whether there is a real risk that a person will suffer significant harm, this Bill will diminish the likelihood of such persons being granted Australia's protection.

I will address the amendments to each of these concepts in turn.
First, this Bill will clarify that, in relation to complementary protection, a real risk of significant harm needs to relate to all areas of a receiving country. This amendment aligns the criteria for complementary protection with the existing criteria under the refugee framework in the Migration Act.

In the case of complementary protection claims, a person who could relocate to a safe part of the receiving country upon their return to that country would be found not to face a real risk of significant harm. In considering whether a person can relocate to another area of the receiving country, a decision-maker is required to take into account whether the person can safely and legally access an internal flight alternative, such that it would mitigate a 'real risk' of 'significant harm' to the person. This test is consistent with international jurisprudence on Australia's non-refoulement obligations under the ICCPR and the CAT.

Second, this Bill amends the provision relating to a generalised risk, to put beyond doubt that complementary protection is only available where the real risk of significant harm is faced by a person personally, rather than being an indiscriminate risk of harm faced by the population in the receiving country generally.

This amendment is not intended to elevate the level of risk which must be demonstrated to satisfy the 'real risk' test under complementary protection grounds. Rather, and consistent with international jurisprudence on the interpretation of the ICCPR and the CAT, this amendment clarifies that while the existence of a consistent pattern of gross, flagrant or mass violation of human rights in the relevant country is a relevant consideration, such circumstances of themselves will not meet the necessary threshold of constituting a 'real risk' of 'significant harm' for the purposes of complementary protection.

There may be occasions, however, where levels of generalised violence in a country can become so dangerous, consistent or targeted towards groups, as to pose significant harm to individuals. It may be possible in such circumstances that the level of risk faced by a person in an area of generalised violence may crystallise into a personal, direct and real risk of harm in their case. This amendment ensures that such issues are taken into consideration of an analysis of a person's complementary protection claims.

Third, the Bill will amend the provision relating to state protection measures when determining whether a person faces the relevant risk of harm relating to complementary protection, to clarify that a person will not face a real risk of significant harm if effective protection measures are available to the person through State or non-State actors in a receiving country.

This amendment aligns the criteria for complementary protection, relating to state protection measures, with the equivalent provisions in the new refugee framework, and makes clear that when determining whether a person engages Australia's complementary protection obligations, consideration must be given to the level of effective protection available in the receiving country to ascertain if such protection will mitigate the risk of harm towards the person. The intention of this amendment is to clarify, consistent with Australia's non-refoulement obligations under the ICCPR and the CAT, that the level of protection offered by a country to a person must only be sufficient so as to mitigate a 'real risk' of 'significant harm' to them, rather than provide them with 'perfect' or preferred circumstances under which the person might wish to live.

Finally, the Bill will introduce a provision to exclude a person from complementary protection who could take reasonable steps to modify their behaviour so as to avoid a real risk of significant harm in a receiving country, other than a modification that would conflict with the person's innate or immutable characteristics, or which is fundamental to the person's identity or conscience.

The aim of this provision, an equivalent of which exists in the refugee framework, is to reflect that some harm could be brought about by a person's own voluntary actions, for example, by breaking the law upon their return to the country, and that in some circumstances it is reasonable to expect a person not to engage in such actions so as to avoid a real risk of harm.

To be clear, while this Bill makes several changes to the framework for assessing protection claims on complementary protection grounds, it does not, however, affect the substance of Australia's...
adherence to its non-refoulement obligations. Australia's non-refoulement obligations under the ICCPR and the CAT are absolute and cannot be derogated from. Therefore, even if a person is considered ineligible to be granted a protection visa, for example, on character-related grounds, Australia would still be bound by its non-refoulement obligations not to remove that person to their receiving country in respect of which there are substantial grounds for believing that, as a necessary and foreseeable consequence of the person's removal to that country, there would be a real risk that the person will suffer significant harm. The Government will continue to comply with these obligations and Australia remains bound by them as a matter of international law.

Further, this Bill does not amend the risk threshold for assessing Australia's non-refoulement obligations under the ICCPR and the CAT. The "real chance" risk threshold for assessing complementary protection in the Migration Act will remain intact. It currently applies to both the refugee and complementary protection contexts and is not amended in either context by this Bill.

I wish to foreshadow that the Government will no longer be proceeding with the amendments in the Migration Amendment (Regaining Control Over Australia's Protection Obligations) Bill 2013 (the Regaining Control Bill). The House would be aware that the Regaining Control Bill was introduced into the Parliament in December 2013 and has remained on the Senate notice paper since this time. The Regaining Control Bill seeks to repeal the complementary protection provisions from the Migration Act in their entirety. Consequently, Australia's non-refoulement obligations would be managed through an administrative process, either as part of pre-removal procedures undertaken by departmental officials to assess whether the removal of an asylum seeker could engage Australia's non-refoulement obligations or through the use of the Minister's discretionary and non-compellable intervention powers under the Migration Act.

In determining to discharge the Regaining Control Bill from the Senate notice paper, the Government has considered the concerns raised by the Parliament and its relevant Committees on certain aspects of the Bill. On balance the Government considers that the best way forward is for the complementary protection provisions to remain in the Migration Act, but be modified slightly as per the terms of this Bill. This will ensure that Australia continues to align with the practices of other like-minded countries, including New Zealand, Canada, the United States of America and many European countries.

Since the introduction of complementary protection into Australia's protection visa processes in March 2012, various judicial interpretation issues have arisen in the current legislative framework which has resulted in the broadening of Australia's complementary protection obligations in a way that goes beyond current international interpretations. As a result, and as foreshadowed earlier, there have been instances in which an individual's claims have been found to meet the complementary protection criterion, despite the fact that the Government, consistent with its international obligations, did not intend for the legislation to cover such cases.

It is therefore necessary to restore and strengthen the intended interpretation of the complementary protection provisions in the Migration Act, so as to ensure that only those who are in need of Australia's protection will be eligible for a protection visa on complementary protection grounds. One such notable example of this is of women who may be at risk of genital mutilation or so called 'honour killings' in their receiving country, who may not otherwise meet the tests under the refugee framework on the basis of fleeing persecution for reasons of race, religion, nationality, social group or political opinion, but would continue to meet the real risk of significant harm test under the proposed changes to the complementary protection framework in this Bill. This Bill achieves this purpose.

This Bill also makes several technical amendments to the statutory framework in the Migration Act relating to protection visas and related matters, following the commencement of the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 and the Migration Amendment (Protection and Other Measures) Act 2015. These amendments will ensure that
the existing provisions in the Migration Act work as originally intended and will not change the substance of the amended provisions.

The ACTING DEPUTY PRESIDENT (Senator Seselja):  In accordance with standing order 115(3), further consideration of this bill is now adjourned to 18 February 2016.

Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015

First Reading

Bill received from the House of Representatives.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:11): I move:

That this bill may proceed without formalities and be now read a first time.
Question agreed to.
Bill read a first time.

Second Reading

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:11): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

MIGRATION LEGISLATION AMENDMENT (CESSATION OF VISA LABELS) BILL 2015

I move that this Bill be now read a second time.

Visa labels are placed in passports as physical evidence of a non-citizen having a visa for Australia. They have not been required as evidence of a visa since comprehensive changes to migration legislation were made in 2012.

The 2012 changes dramatically reduced the number of visa labels issued.

In 2014 demand for visa labels was driven down further by way of an increase to the visa evidence charge. In August 2015 only 2,816 visa labels were issued, compared to 100,000 labels per month in 2011.

With demand for visa labels at an all-time low and the success of more innovative methods of evidencing visas by way of digital systems, amendments were made to the Migration Regulations on 1 September 2015 which effectively discontinued the issue of any new visa labels.

Consultation with industry has been ongoing for years about these changes. The amendments in this Bill are the final step in the transition to "label-free" visas.

The changes are in line with the Australian Government's digital agenda to make services more accessible and efficient for the clients by providing them with reliable digital alternatives.

From a regulatory reform perspective, the changes will result in savings for businesses and individuals as a consequence of not having to pay for visa labels. It is estimated that the total regulatory saving per year following the cessation of visa labels is at $2.89 million. The use of digital services is more sustainable into the future with the increasing demand for immigration services.

I commend this Bill to the Chamber.
The ACTING DEPUTY PRESIDENT (Senator Seselja): In accordance with standing order 115(3), further consideration of this bill is now adjourned to 25 February 2016.

COMMITTEES

Corporations and Financial Services Committee
Joint Standing Committee on Treaties

Membership

The ACTING DEPUTY PRESIDENT (Senator Seselja) (17:13): The President has received a message from the House of Representatives notifying the Senate of changes in the membership of the following committees: Joint Standing Committee on Treaties, and Parliamentary Joint Committee on Corporations and Financial Services.

Finance and Public Administration Legislation Committee
Legal and Constitutional Affairs Legislation Committee

Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:14): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation as listed at item 19 of today's order of business, together with documents presented to the committees.

Ordered that the reports be printed.

Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (17:14): The Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015 seeks to amend the Social Security (Administration) Act 1999 to support measures that the coalition government announced in its 2015-16 budget. The bill contains five measures which the government says will improve job seeker compliance with participation obligations: firstly, remove the possibility of waiver of the eight-week nonpayment period imposed on job seekers who refuse a job offer; secondly, provide for job seekers who fail, without a reasonable excuse, to enter into an employment pathway plan to have their payments suspended immediately and for the suspension to continue until they enter into a plan, with no back payment for the period in which they fail to comply; thirdly, provide for job seekers who fail, without reasonable excuse, to attend all required appointments to have their payments suspended immediately until such time as they attend a rescheduled appointment, with no back payment for the period in which they failed to attend the appointment; fourthly, provide for job seekers who act in an inappropriate manner to such an extent that the purpose of a required appointment is not met to have their payments suspended immediately and not reinstated until such time as they attend a scheduled appointment and conduct themselves in an appropriate manner, with no back payment for the period of the suspension; and, fifthly, provide for job seekers who fail,
without reasonable excuse, to undertake adequate job search efforts—which are to be specified in a legislative instrument—to have their payments suspended immediately, the suspension to continue until they meet their job search requirements. In this case, the job seeker will be back-paid when the suspension period is ended.

Labor will support some of the proposed measures in this bill that more closely align the date of reasonable penalties and suspensions with the date of noncompliance, but Labor will not support punitive measures which will put vulnerable people at risk, and we will never support measures that undermine the capacity of Australians to participate in meaningful work. It is in this area that the coalition has a record of vindictiveness towards job seekers. Labor will always fight to protect job seekers from unfair attacks on them from those opposite. This is what we did last year when we opposed the government's proposal for job seekers who are under 30 and on Newstart to go without any payment at all for six months. We did it again when this government tried just last month to get the Senate to agree to leave job seekers with nothing to live on for one month. Labor opposes having job seekers live with no support payments for long periods of time. Unlike those opposite, we understand the consequences of having no money to live on. We also fought the government's ridiculous attack on job seekers when it tried to force job seekers to apply for 40 jobs per month. In that case, there was clear evidence that it would create a large and unnecessary administrative burden on businesses and, at the end of the day, achieve nothing. Labor stood up for vulnerable job seekers when the government sought to change the definition of what constitutes a reasonable excuse for job seekers who are not meeting their obligations. Labor has a proud record of standing up for the basic rights of the unemployed.

As I have said previously, there are a number of measures in the bill which Labor will support because there is clear evidence that they will lead to better employment outcomes for job seekers whilst ensuring adequate support: namely, Labor will support the proposed measures in this bill that more closely align the dates of suspensions and penalties with the actual date of noncompliance—that is, job seekers will become aware sooner of their noncompliance and will be in a position to respond to it much faster. The Social Security Legislation Amendment (Stronger Penalties for Serious Failures) Bill 2014 legislated the 'no show, no pay' principle to provide a stronger incentive for job seekers to attend their appointments. Labor supported the bill on the basis that we were able to protect the right of job seekers to review decisions in which payments were suspended. It is again worth noting that this is a right that the Abbott government sought to remove. Labor acknowledges that a more immediate and apparent connection between a breach of a job search requirement and any penalty or suspension that is a result of a fair process is a better outcome for the job seeker than a penalty or suspension applied much further down the track.

I note that the former assistant minister, in his second reading speech, advised that the less punitive measure, as supported in the past, has been effective in ensuring job seekers are continuing to engage and get support designed to assist them into work. As a result, the average payment suspension duration fell from 5.2 business days in September 2014 to 3.1 in March 2015. This is also a win for the broader community, as it means more Australians are engaged in looking for work. It is a benefit for job seekers because it means they are spending less time without the support that they need. These measures also appear to have increased the engagement of job seekers, with the former assistant minister advising that over 90 per cent of
job seekers attended a rescheduled appointment after missing their initial appointment, compared to 65 per cent in 2013-14. It is for these reasons that Labor will seek to support the measures in this bill that will ensure that a timely suspension or penalty is most effective and will encourage job seekers to re-engage more quickly.

Similarly, Labor will support measures in the bill requiring the imposition of more immediate penalties when a job seeker fails to undertake adequate job search efforts. Currently it can take many weeks after a noncompliance before a penalty is applied. This bill will allow payment to be suspended immediately when a job seeker fails to undertake adequate job search efforts without a reasonable excuse. This will again encourage job seekers to re-engage more quickly and will also result in immediate and full back pay. Again, with the safeguard that a job seeker is able to provide a reasonable excuse for their conduct and with a timely and adequate notification of a breach, this amendment will support job seekers and the broader community.

However, this is where Labor's support for the bill ends. I turn to one of the smaller—but no less significant—amendments in this bill relating to what is known as a jobs plan. The government is proposing that a recipient of Newstart or another relevant payment will be financially penalised if they refuse to sign their job plan at their first employment service provider appointment. Currently the system only allow participants to be financially penalised by an employment service provider for failing to agree to their job plan after the second refusal to sign. Such a penalty can be imposed until a job seeker does enter into a job plan.

It does not appear unreasonable to allow a job seeker to refuse immediately to sign and agree to a job plan. A job plan can require a person to make significant changes to their daily routines for the period that the job plan is in place. The current provisions are adequate and appropriate, and the government has provided no real evidence as to why this measure should be supported. A job plan clearly sets out the mutual obligations that a job seeker and a service provider must both meet. It would therefore promote greater engagement with a job seeker to allow them time to review and reconsider their obligations under a job plan, rather than requiring immediate agreement. It is difficult to conceive of any other transaction where a person is required to agree immediately to a set of obligations without having at least a reasonable time to consider them and the impact they may have on their daily routine. The current system provides job seekers with the right to take their job plan home and review it carefully before being required to sign it.

The current system also provides job seekers with protections from employment service providers who may be seeking to impose obligations that are inappropriate or wrong. Unfortunately, with the introduction of the coalition's jobactive system, this appears to be becoming an all too frequent occurrence. An employment advocate recently reported that a job seeker aged 55 was directed by their provider to undertake work for the dole. In fact, the jobactive guidelines make it clear that job seekers aged 50 to 59 cannot be required to do mandatory work for the dole. Similarly, a constituent as the sole carer of two children—one with a disability—meeting her activity requirements by working casual jobs was told by her provider that she would lose her payment if she did not agree to undertake work for the dole, despite being exempt from these obligations.

Similarly, Labor has significant concerns with the government's move to introduce a power to enable the secretary to suspend a job seeker's payment if the secretary determines that a job
seeker acts in an inappropriate manner during an appointment. The government asserts that employment service providers are reporting that job seekers are not behaving appropriately at their appointments. However, there seems to be no concrete evidence of how widespread this behaviour is. For this purpose the legislation appears to be creating a new term—inappropriate behaviour—which currently is not defined and which would be determined in a legislative instrument made by the secretary. Currently, department guidelines give some indication as to what behaving inappropriately might mean, including failing to behave according to commonly expected standards, not following reasonable instructions or being uncooperative. Given the not uncommon report that some job seekers in the jobactive program are being given incorrect advice and are being threatened with payment penalties for refusing to undertake activities despite not being required to, it would seem that there would be many occasions where it would be entirely justifiable for a job seeker to be uncooperative. When there are people within the system acting well outside of the guidelines to the detriment of job seekers, it may not be helpful to provide them with an even bigger stick.

I turn to Labor's biggest concern about this bill: the measure in the bill that seeks to reverse changes Labor made during its term of government, where it improved the former Howard government's measure to ensure that job seekers who suffered a penalty for failing to accept suitable work were encouraged to re-engage in seeking employment and/or training. Under the current job seeker compliance provision in the Social Security (Administration) Act 1999, job seekers receiving a participation payment—for example, Newstart, youth allowance or parenting payment—may incur an eight-week non-payment penalty for failing to accept suitable work. This non-payment penalty may be waived if the job seeker agrees to re-engage and complete extra activity requirements. The legislation also currently provides that the non-payment period may also be waived if the job seeker would be in serious financial hardship if this non-payment period were not ended. These waiver provisions are important because they encourage job seekers to re-engage in the process after noncompliance by allowing the non-payment period to be ended if that job seeker re-engages with their participation obligations.

This bill is the coalition's second attempt to make changes so that job seekers who incur an eight-week non-payment penalty for refusing suitable work will no longer be able to have their penalty waived. Labor opposed that provision previously and we oppose it again. It means that job seekers who have their payment cut for eight weeks would not be able to re-engage at all during the eight-week non-payment period and not be subject to any connection requirements during this period. Surely it would be a better outcome to have job seekers doing more intense job search activities and actively looking for work rather than not doing anything; but apparently not, according to this government.

Labor also believes that an eight-week penalty period is severe and will result in financial hardship. The former assistant minister, in his second reading speech, indicated that the department in the 2013-14 financial year waived 78 per cent of those receiving eight-week penalties for refusing to accept a suitable job. That means that 78 per cent of job seekers are re-engaging in the process of finding sustainable work. Is this not exactly what we want them to do? Why would we prefer to have someone have no payment for eight weeks rather than have that job seeker more engaged?

Labor wants to see every Australian who is capable of work in a decent, safe and sustainable job, and we want the government to provide the support that unemployed
Australians need to find work. That is why we support the elements in this bill that show clear evidence of increasing the chances of job seekers to find work and that increase the support they can access in that process. While supporting the second reading of the bill, Labor will move committee amendments to remove the objectionable measures in this bill to which I have referred. Should these amendments not be agreed to, we will oppose the bill at the third reading.

It is about time that the coalition stopped vilifying job seekers in this country. It is about time the coalition stopped targeting job seekers for penal provisions that do nothing to help those job seekers find work in what is a very difficult situation for many job seekers around the country to actually find work. These are provisions that would leave people absolutely impoverished—absolutely impoverished! My problem, and the Labor Party’s problem, is when people have never experienced impoverishment. Many in this chamber have never had to struggle to put food on the table. Many in the government have never been unemployed. So simply to target job seekers—to vilify them, to treat them as second-class citizens and to treat them as people who need penal provisions applied against them consistently and even more thoroughly every time the coalition comes to power—demonstrates a lack of understanding of the problems that job seekers face. It shows a complete misunderstanding of how difficult it is to find a job for many Australian citizens. It demonstrates a lack of care towards our fellow Australians, which Labor finds objectionable and reprehensible.

We should stop vilifying people who are down on their luck, people who may have mental health conditions, people who may be in regions where there are no jobs available and people who may have physical disabilities in accessing jobs. What we do continually under this government is simply seek to provide more and more penal provisions, and to attack and vilify these people.

In the DHS portfolio, the only time you hear the minister talk in the public arena is when they have attacked more people, to stop them getting benefits. There has to be a balance in terms of caring for people who are down on their luck—the poorest people in our community; the people who need support to get a helping hand to ensure that they can get a fair go in the future.

To simply say to people, ‘We are introducing legislation that will mean you won’t be getting any support from government for up to eight weeks,’ is just unacceptable. No-one, even in this Senate, would not feel the effect of eight weeks without income. We would survive, but many struggling Australians would not. So this is a bill that is penal in its nature and a bill that typifies the approach of the coalition against unemployed people in this country. It shows that nothing has changed under the new leadership of this government from that which prevailed under the Abbott leadership.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:34): I rise—for the third time today!—to speak on a bill. In this instance I do very much want to make a contribution to the debate on the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015. It is little over a year ago that we debated the Social Security Legislation Amendment (Strengthening Job Seeker Compliance Framework) Bill 2014. As I said at the time of that initial bill, rather than supporting people to find work what this is really about, once again, is keeping the compliance burden on people—demonising vulnerable people and increasing hardship. We see, yet again, the government...
taking an approach that seeks to demonise and vilify and, by the nature of the measures in this bill, attempt to blame those on income support and job seekers for not being able to find work. As if it is their fault that they cannot find work, when we know that the work simply is not there!

These measures are unacceptable to the Greens. We will not be supporting them. Unlike Labor, we will not seek to amend this bill, because it is not fixable! The measures in this bill will have unfair impacts on some of the most vulnerable members of our community. They will not help people to find work; they will, in fact, have a counterproductive impact on job seekers and make it even more difficult for people to find work. In fact they will plunge people into absolute poverty, with no means of support.

If you ask anybody on income support, it is already difficult enough to survive without having these extra burdens piled on them and without extra threats of being dumped off income support completely. In particular, many of the measures in this bill, if it gets the support of this chamber, will make job seekers even more subject to the whim of job service providers and now, in fact, to third-party providers. Unlike Labor, we will not be helping to facilitate, in any way with any of these measures, the government's punitive approach to job seekers. We will not be supporting this bill.

We are here again, having a go at job seekers. We in fact have a different Prime Minister this time but we have the same agenda. Here is Malcolm Turnbull pursuing the Abbott agenda that demonises job seekers. Let's not forget all those comments about people just sitting on the couch or their attempts to throw people off income support for six months at a time. This is the same agenda. The only reason that that did not get through is because this chamber held strong. The Greens, the crossbench and Labor said, 'No, we will not support those harsh measures.' And yet here we are again, with the Turnbull government pursuing policies that are counterproductive and will hurt some of the most vulnerable members in our community—attacking vulnerable people, singling them out for cruel and punitive measures. There is not one measure in this bill that is worthy of support.

There are in fact many things the government could be doing to help people on income support in our community. They could, for example, fix Centrelink. I talked for some time in the chamber last night about the problems we are seeing in this country with Centrelink and the Department of Human Services. The Senate has just passed a motion calling on the government to fix Centrelink.

People on income support struggle to get by. I have spoken on many occasions in this place about the need to increase Newstart by $50 a week. In fact I have been calling for that for a number of years. Each year, the situation for people on Newstart gets worse as they fall further and further behind the cost of living. This measure to increase Newstart is not only supported by the peak community bodies in this country but is also supported by the Business Council. They can see the sensible need for those sorts of increases. They also, I presume, look at the evidence that shows that people living in poverty find it even harder to find work. It is yet another barrier to work; hence my concern that these measures are counterproductive. Dropping people into poverty and even further entrenching poverty by dropping them completely off income support—clearly the government aims to drop as many people as possible onto nothing—will not achieve their supposed aim of trying to help job seekers into work.
Instead of helping the most vulnerable members of our community, this bill yet again takes a punitive approach which will hurt vulnerable people on income support even more. The first measure that I will talk about is the measure that suspends people on income support if they do not agree to enter into an unemployment pathway plan. I should also add that I did participate in the Senate inquiry. We had some very valuable evidence during the Senate inquiry into this bill. Some of that evidence was focused on all the measures, but it also talked about employment pathway plans and canvassed the various reasons why somebody may not in fact agree to their employment pathway plan. If they refuse to enter then their payment is suspended.

There are a number of reasons why people may not enter into an employment plan, and one of those is because a lot of service providers just cookie cutter them out. They are not addressed to a person's particular needs. 'We've done this for Fred, so we'll do it for James.' I come to this next example because it has also been used as an example for another measure in this bill. You have a service provider that has a training arm, and the service provider recommends in the employment pathway plan that the person goes for training—heavens above!—in that training organisation. What happens if that person is savvy enough to realise they are being sold a pig in a poke and says no? What happens if the service provider does not listen to the person about their employment pathway plan? Perhaps they have undertaken activities that they were suggested to undertake anyway and think that is a waste of time, preferring to do something else?

This puts too much power in the employment service provider's hands. It makes them the decision maker over that person's future. They have the capacity to drop them off income support. What do you do when faced with that? Maybe you sign up to a plan that is completely useless and that is just a fundraising process for the organisation that is referring that job seeker to the training organisation which happens to be part of their business. Once again, it is putting service providers in positions they should not be put in and also putting job seekers in positions that they should not be put in.

Job seekers deserve the right to consider a plan. They deserve the right to ask for amendments. They deserve more than simply being told to sign whatever they are given, which is what this is designed to do. They deserve to have input and to have a meaningful plan that meets their individual needs, because the evidence of what works shows that addressing somebody as an individual human being is part of how you help people find work. This particular measure will make it harder for job seekers.

This bill also has measures about inappropriate behaviour and the penalties that will apply there. I will note at the outset of my comments in this area that the Parliamentary Joint Committee on Human Rights noted that this measure would limit human rights and that the statement of compatibility does not sufficiently justify the limitation for the purposes of international human rights law. This change fundamentally shifts the dynamic between the job seekers and those who are supposed to be helping them. It gives the powers to others in this situation, without appropriate safeguards. There is not enough protection for the job seekers. It reflects the mindset of a government that believes that anybody who is down on their luck should just be told what to do and suck it up. This will not help job seekers and it puts them at the mercy of the service providers.
What is the determination of 'inappropriate behaviour' that may be applied? It is a fundamental concern. The National Welfare Rights Network made a very valuable submission to this inquiry and presented valuable evidence. In their submission, they pointed out a case example, of a particular customer's complaint:

John had been seeing an employment services provider for two years with no problems but had to change providers when he was forced to find new rental accommodation after the house he was in was sold.

When John began to see a new service provider, he was frustrated by the service he received. He felt that his caseworker was forcing him to do a course that would not improve his work prospects and that some sort of work placement, or another course which builds on his existing skills would be more appropriate. He was concerned that the only reason he was being sent to the course was—this refers back to the other point I was making—because the course is run by the same company as the provider. When he raised his concerns with the caseworker, she became defensive and hostile. John then became upset and began to raise his voice. He asked to see the manager but was told that the manager was in a meeting. John told her she was incompetent and unprofessional. She replied that he had behaved inappropriately and she was making a recommendation to Centrelink that his payment be suspended and a financial penalty applied for inappropriate behaviour at an appointment.

That is just one example of what could go wrong. There is another example provided in the papers as well, and the National Welfare Rights Network make points about the potential impact of this particular measure. It is an inappropriate measure that should be rejected and not supported. We oppose it because this measure is cruel and unnecessary. It limits the discretion available and is not supported by the Welfare Rights Network and others that that made submissions to the inquiry.

One of the measures that I understand that the Labor Party is supporting is to suspend payments immediately when job seekers do not attend any appointment. This will extend the existing penalty to third-party-type appointments. Currently, where a job seeker misses their appointment with an employment service provider, their payment is suspended until they attend another appointment. They do not receive back pay. This bill will extend that penalty to other types of appointments. We understand this might include appointments with career advisers, training providers or for medical or psychological assessments. This is a much broader penalty and it applies more widely. It is another example of this government making things harder for those on income support and for job seekers.

I cannot understand why the Labor Party is supporting this. During the committee inquiry, very strong concerns were raised about this particular measure, about just who those different third-party providers and entities would be and about the fact that it was giving far too much control over the job seeker to parties that are not strongly connected to the system. At least Job Services providers have, or should have, a very intimate knowledge of how this process works. Third parties may not. We also were provided with examples of where wrong appointment times were made by third parties, where people were not given adequate notice. There are a range of issues that come into play when you start extending these sorts of penalties to third parties.

The Australian Council of Social Service, in their submission, noted that the last review was in 2009, for compliance reforms that were introduced by the Labor government. Since
that review, the Liberal government has made major changes to the compliance framework, and they are in the process of being implemented. The impact of these changes is still to be determined and yet we are going ahead—or the government is going ahead—to make a whole series of other amendments that may have very significant consequences. We are particularly concerned about extending to third parties the measures that suspend people's payments.

We are also concerned about job seekers who reject a suitable job offer on an eight-week penalty. We believe that this may have unintended consequences. Senator Cameron referred to a particular example that I would have referred to, which was in a submission and was brought up during the Senate inquiry. What the government is not taking into account is the impact that this has on job seekers who are genuinely looking for work. In our inquiry into this bill, job seekers presented evidence that showed that these measures will have a counterproductive impact on workers. It is not only the examples I have raised here. The measures will also have an impact particularly on older workers—and the example that Senator Cameron explained was about the impact on older workers—on CALD community workers, on more vulnerable community members and on Aboriginal and Torres Strait Islander job seekers.

We know, from a lot of information that has become available during estimates, that many of these measures have a disproportionate impact on Aboriginal and Torres Strait Islander community members. It is even harder to find work in regional areas. I know that there is another bill that is going to come before this place very shortly on CDEP, so I will not comment on that particular issue. But, of course, most Aboriginal job seekers actually live in the metropolitan area. This could potentially have significant impacts for Aboriginal job seekers.

This bill fundamentally shifts power even further into the hands of job service providers and now into the hands of third parties. It takes away even more rights from job seekers to actually have a say over the programs that impact on them and to have a say over how they interact with job service providers. Now they will just have to sit and take it because they know that if they say anything it will be counted as inappropriate behaviour. If they try and bring up why they, in fact, may have rejected job offer, will they be believed? Unlikely. Will they be able to have an effective input into their employment pathway plan? No. Because they know that if they continue to reject it, they will get suspended. So, of course, they will be forced to accept something that they do not even have any say in or ownership of.

It is important that job seekers have ownership over their employment pathway plan—or whatever we are going to be calling it into the future, whether we keep using 'employment plan' or 'employment pathway plan'. To encourage and be more supportive of job seekers so that they have ownership over the decision making is really important, but these measures discourage it. These measures discourage people who actually engage in that, because what is the point? They will get suspended if they make any comments. None of these measures are worthy of support. We will not be supporting this bill or any of the measures in any way. I urge the government to look again at their approach to how they treat people who are trying to find work because, overwhelmingly, they want work.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:54): At the beginning, I totally reject the accusations from Labor and Greens senators that somehow the government is attempting to demonise people, that somehow the government is
trying to blame job seekers for the predicament that they are in and that somehow, through this legislation and other initiatives, we are vilifying job seekers. Nothing could be further from the truth. I just want to challenge Senator Cameron's contribution where he suggested that perhaps the personal experiences and the professional experiences of people on this side, and indeed their families did not allow them to bring any authority or any personal experience to these particular issues. To put it simply: what would Senator Cameron know about that?

You will not be surprised to know that I have got an alternative perspective on this issue. This is an important piece of legislation, one which builds on some of the reforms put in place by this government earlier in its term and which strengthens the support systems in place for job seekers so that they are receiving the support they need but also making sure that support is not being taken for granted. When it comes to providing support for job seekers, I would contend that Australia is a generous nation. We have struck a pretty good balance over the years, particularly when you examine the more limited support available to job seekers in some other places around the globe. But that support is not a one-way street. Certainly since the election of the Howard government almost 20 years ago, there has been a recognition that the support we provide to job seekers rests on a principle of mutual obligation. In other words, the financial support provided to job seekers, courtesy of Australian taxpayers, imposes upon them a certain degree of personal responsibility.

Certainly this government believes that job seekers in receipt of support from taxpayers are entitled to a reasonable demonstration of good faith from those job seekers. They should be attending appointments with labour market service providers and working with them to make the transition from income support into paid employment as soon as is practical.

The legislation before us today is designed to build on some of the reforms that have already had a positive impact, both for job seekers and for Australia taxpayers. When this government took office in late 2013, only 65 per cent of job seekers who missed an initial appointment with their job service provider actually turned up for their second rescheduled appointment. That was indicative of a problem, a certain entitlement mentality or, at a minimum, a complacency amongst some job seekers. This government then made changes to the system, which applied a 'no show, no pay' principle that gave a stronger incentive for job seekers to attend their appointments. There were, predictably, howls of outrage—of course, we expect that—about how this was unfair. Perhaps the most misused word in public discourse today is the word 'unfair', but that is a debate for another time. The point the government made at the time was we needed a system that was fair to job seekers but also fair to Australian taxpayers.

Ultimately, of course, the fairest system for job seekers is one that helps them find a job as quickly as possible. Given that employment service providers exist wholly for that purpose, incentivising attendance at appointments can only be of benefit to the job seeker. Remember what I said a moment ago: before the government's changes came into effect, only about 65 per cent of job seekers were attending rescheduled appointments after they missed one. By June of last year, that figure was significantly up to around 90 per cent of job seekers. In policy terms this is very much a win-win scenario, both for job seekers and for taxpayers. In terms of job seekers, it means more Australians in need of work are using the support system available to them to its fullest advantage and working with professionals who are dedicated to connecting them with job opportunities that will best suit them.
Of course, there is also an advantage for the employment service providers themselves. Higher rates of compliance with requirements from job seekers mean providers are spending less time dealing with the administrative tasks that flow from non-compliance. That means they can spend more time doing what they need and want to be doing—helping job seekers find employment opportunities.

There is further evidence that the incentives this government has introduced have been effective in making certain job seekers comply with their obligations under the system. For example, job seekers who have missed an appointment are re-engaging more quickly with their provider. There has been a reduction in the length of payment suspensions by 40 per cent. Between September 2014 and March 2015 the average payment suspension duration fell from 5.2 to 3.1 business days. That is a positive development and it means that job seekers are taking their obligations seriously.

Because the government's initial reforms have shown these encouraging signs what we now seek to do with the legislation before us today is broaden that successful approach and apply the same principles to other aspects of mutual obligation. These changes will further strengthen our system to make it more effective for job seekers and make sure that those benefiting from the system take a responsible attitude towards the support that is being offered to them.

Although mutual obligation was a key element of the reforms to income support made by the Howard government during its term in office, I think it is worth noting that aspects of the Keating government's Working Nation package earlier in the 1990s did place some obligations on job seekers in return for assistance. I note that simply to point out that mutual obligation has been embraced by governments of both political persuasions—it being a measure of accountability to the system and makes it more effective for job seekers.

An integral element of that system has long been that in return for receiving income support we expect Australian job seekers to undertake certain tasks which are designed to make their job search activities better targeted and more effective. To take one example, those who are in receipt of Newstart allowance are required to enter into a job plan. It sets out those activities that a job seeker must undertake in return for their income support, such as actively looking for work, attending appointments or participating in activities like work training or work for the dole programs.

Of course, different job seekers have different needs and circumstances and the system does take those things into account. It is neither unreasonable nor inflexible. Regrettably, though, there are some job seekers who flatly refuse to enter into a job plan. Now that is a breach of the principle of mutual obligation, but as things stand there is no penalty for this. If taxpayers are going to provide income support then it is reasonable for them to expect that job seekers will be proactive about taking the steps needed to find employment. This bill will underscore the importance of the job plan by implementing a payment suspension which will apply until the job seeker accepts their plan.

If a job seeker does not have a good reason for refusing to enter into a job plan they may incur a financial penalty each day until they accept their plan. As we have seen with the no-show no-pay changes introduced last year in relation to missed opportunities with job service providers, payment suspension is a very effective way to encourage job seekers to comply with the principles of mutual obligation. More than that it also sends an important signal to
taxpayers that their contribution to supporting the activities of genuine job seekers is valued and is not being taken for granted. That is crucial in maintaining general public confidence and support for our income support system because if that confidence is not maintained it can lead to significant problems down the line and undermine the bonds of trust that are critical to maintaining our fundamental social cohesion.

Again I stress that these changes are not seeking to impose a rigid set of rules or a one-size-fits-all approach for job seekers. There are safeguards in the system that take account of job seekers' circumstances and no-one will be penalised for refusing to enter into a job plan that is manifestly unreasonable. Likewise, some job seekers are required as part of their program to attend appointments with training organisations or to participate in work for the dole activities.

Remember these are activities supported by taxpayers in the interests of developing a job seeker's skill set, making them more attractive to a wider range of potential employers. Given that, it is simply unacceptable that some job seekers feel they are entitled to not attend those appointments or behave in a non-cooperative or inappropriate manner whilst attending and yet believe they should still receive the income support that is offered to them in an unfettered way. Again, this is not what mutual obligation is about.

Under the current system it can take up to five weeks for a financial penalty to be applied after a job seeker misses an activity or a job interview. Ultimately, such long lead times end up rendering the penalties less effective. This legislation will remedy that situation by providing that job seekers who do not attend activities and do not have a reasonable excuse for their failure to attend will have their penalties deducted from their next fortnightly payment. Again, this change applies the same principle as in the bill last year to establish a more immediate link between a non-compliant action and its financial consequences.

Ultimately it is in the job seeker's own interests to take advantage of every opportunity the system affords them to support their search for employment, including training opportunities. Our system must be designed so that participation in these activities is incentivised to the fullest extent possible. However, job seekers who currently do not make an adequate effort to look for work rarely face meaningful sanction because the current system is too slow and is ineffective. It often takes months of inadequate job search efforts before a job seeker faces any real payment consequence. This bill will change that process so that job seekers who do not make adequate job search efforts without justifiable cause will have their payment immediately suspended until they demonstrate adequate job search efforts.

It is also a fundamental requirement of our social security system that job seekers must accept the offer of a suitable job when it is made. It is an important principle that a person in receipt of benefits has an obligation to accept suitable work when it is available. Granted, it may not be their dream job but our system was not designed to support people until they find their dream jobs. It exists to support them until suitable work is found. As we all know, once people find a job it becomes easier to source different employment—employment more in line with their personal preferences and perhaps even employment more in line with their dream job.

The government is aware of concerns that exist in the community that some people in receipt of benefits are able to refuse a suitable job. The term 'job snob' is sometimes used—people who feel they should be able to pick and choose while still receiving income support—
but that is not the system's purpose and that is not the essence of mutual obligation, and the rules that govern it should reflect this fact. Under current compliance arrangements an eight-week non-payment penalty can be applied to job seekers who refuse work without good reason or who fail to start a job as planned. Unfortunately, amendments introduced by the former Labor government means that job seekers can have this penalty completely waived just by agreeing to undertake some extra activity. This has led to the system being manipulated, the system being gamed, in ways that were never intended.

There is evidence that suggests, unfortunately, that job seekers are taking advantage of these waiver provisions to remain on income support rather than to accept a suitable job offer. In 2009-10 when the waiver provisions were introduced by Labor only 45 per cent of penalties for refusing a suitable job were waived and 55 per cent were served by the job seeker. By comparison, in 2013-14, 78 per cent of penalties for refusing a suitable job were waived. It is clear that these penalties are now failing to provide an adequate deterrent for refusing work because job seekers know they are able to return to payment with virtually no consequence.

Again, it is important to emphasise here that these are not jobs being turned down because the job seekers are physically incapable of performing them, or pose some other risk to health and safety, or massive personal inconvenience. In some cases these jobs are being turned down because the job seeker says the role is beneath them, or the hours proposed would interfere with their social life, or disrupt something else they would rather be doing.

Again, the system that supports our job seekers was never intended to be manipulated in this way. The changes contained in this legislation will help to make sure that it is not. Under the terms of this bill the waivers will be removed so that any job seeker who refuses an offer of suitable work without an acceptable reason will receive an eight week non-payment period. This change will ensure that job seekers face immediate and real consequences for turning down offers of work.

This measure is about fairness for taxpayers. It is about honesty in the pursuit of jobs. After all it is hardly reasonable to ask those people who make the effort to go to work and pay their taxes to support others who are clearly capable of working but believe they have a right to eternal income support instead.

Again, I should stress at this point that the government is not out to make life needlessly difficult for job seekers. These measures are about improving the integrity of our system. Within that we recognise that some job seekers are especially vulnerable and these changes will still take account of that important fact. Job seekers with particular personal circumstances or vulnerabilities will continue to be flagged on the IT systems used by the Department of Human Services and employment service providers. As is currently the case, job seekers who give prior notice of a reasonable excuse for not complying with an obligation will not have payment suspensions or penalties applied. This means the penalties will not impact on those whose failure to meet a requirement is beyond their control. For instance, if they are suffering from an illness or are required to care for family members and where they have given reasonable notice of those personal circumstances. Not surprisingly, this is an element of the reform—a very fair element and a generous element—that has not being mentioned by Labor senators thus far and that has not been mentioned by Greens senators.
thus far. If they want to make an honest contribution, they will recognise this particular element of the package.

In addition, employment service providers will still have the discretion not to report a failure to Human Services but use other servicing strategies to re-engage job seekers instead. All decisions involving financial penalties will continue to be made by the Department of Human Services. If a job seeker is not happy with the outcome they will, of course, retain options to appeal.

As I noted earlier in my contribution, the principle of mutual obligation has enjoyed support from both major parties in some fashion for the past couple of decades. What the government is proposing in the legislation now before us is to further strengthen those principles to make sure that job seekers are taking full advantage of all the support, including training, that our system offers to them. Compliance with the rules is ultimately in the best interests of job seekers themselves.

At the same time, these changes are a demonstration to Australian taxpayers that the contribution they willingly make to financially support job seekers is respected and appreciated by both the job seeker and the government alike.

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (18:11): Having spoken on various job seeker compliance bills put forward by this government, I am noticing a very clear and consistent theme in the way they approach this issue. We have a government that tries to move beyond practical and fair compliance measures, and beyond the principles of mutual obligation, to a job seeker compliance regime that is harsh and punitive.

Once again, it falls to Labor in the Senate to try to rein in this government's extreme approach to job seeking compliance and to ensure a more sensible regime is adopted. This is the government that tried to implement a six month non-payment period for young job seekers. That is six months that they expected people to be able to survive with no income and no support. Thank heavens we scuttled that one. Six months in which job seekers would struggle to feed, clothe and shelter themselves before they even began to think about how they would meet their participation requirements. I am still at a loss to understand what possible purpose these non-payment periods could serve except as a punishment for being unemployed. If anything, rather than helping and encouraging job seekers to secure employment, withdrawing financial support would take away their means of seeking employment—printing resumes, making phone calls, travelling to job interviews and buying clothes to be able to look presentable.

I remind those opposite that there was evidence provided to a Senate inquiry that many young job seekers subject to the non-payment period would have no choice but to turn to crime to support themselves. Having failed in their quest to make job seekers starve for six months, the government attempted to make them starve for one month—slightly less cruel maybe than their original proposal but still completely and fundamentally unfair.

It was also this government that tried to introduce the ridiculous policy of requiring job seekers to apply for 40 jobs a month. They pursued this despite evidence that it would place a huge administrative burden on business. This ludicrous idea was defended with comments like those immortal words: 'When jobs are sparse, it means that you've got to apply for more
jobs to get a job.' It was a statement that illustrated perfectly how out of touch this
government is when it comes to the challenges faced by job seekers in Australia.

I will say it again—I have said it many times speaking on similar bills to this—this
government's attitude to job seekers is motivated by one thing: shifting the blame. In
opposition the Liberals boldly claimed they would fix the economy when in fact under Labor
the economy had experienced strong growth while most other advanced economies were
shrinking. Instead, they have doubled the deficit. That is right; they have doubled the deficit.
Unemployment is up and continuing to climb while wage and GDP growth have fallen to
record lows. It is a symptom of this government's failure to put forward a comprehensive plan
that will grow the economy and create jobs. What is the government's answer for their failure
on the economy? What is their answer for their failure to create jobs? To try and shift the
blame to job seekers and punish them for being unemployed.

I think the government would get better outcomes for job seekers, businesses and job
service providers if they acted to help rather than trying to punish job seekers. And job
seekers are going to find it harder to meet their obligations with the government closing
Centrelink offices like the one near my office in Kingston in Tasmania. Job seekers would
also find it easier to meet their obligations if the 22 million phone calls to Centrelink that
went unanswered last financial year under the Liberal government were actually answered.
Instead of looking to try to 'incentivise' job seekers through punishment, they should look at
their own approach to service.

And let us remember: each time that the government have had to back down on their unfair
and punitive attacks on job seekers, they did so not because they suddenly found a heart, not
because they discovered a conscience and certainly not because they had some road-to-
Damascus conversion and realised the error of their ways. No, they did so because they could
not get their harsh, punitive measures through the Senate, because Labor forced them to adopt
a just and reasonable approach.

Each time the Abbott-Turnbull government puts forward these harsh, punitive measures,
regardless of what is ultimately accepted by the Senate, we should remember what the
government sought to introduce in the first place. I certainly hope that, when it comes to
election time, people out there do remember the cruel measures that would be in place right
now had the government got its way. And let us imagine what cruel measures will be in place
should the government get its way sometime in the future. The only reason why job seekers
are not condemned to poverty, as I said, for six months of every year—or even one month—is
that Labor, with sufficient crossbench support, opposed the government's cruel changes.

In considering all the job seeker legislation this government has put forward, Labor has
taken the consistent approach of accepting fair and sensible measures which would lead to
greater engagement by job seekers and better employment outcomes. Where possible, we
have sought to introduce checks and balances to ensure that job seekers' rights are not
compromised. Other measures which are so harsh and punitive that they cannot be improved
we have, rightly, rejected outright.

For example, the Social Security Legislation Amendment (Stronger Penalties for Serious
Failures) Bill 2014 passed the Senate with Labor's support, but only on the condition that the
government agreed to our amendments. That bill legislated the no-show no-pay principle, but
Labor's amendments protected the rights of job seekers to review decisions in which
payments were suspended. We also insisted on protecting the rights of job seekers to justify, with a reasonable excuse, breaches of their obligations and ensured that no job seeker would have their payments stopped without first being notified. I would like to remind anyone listening to or reading this speech that these basic rights were protected because of Labor's insistence, whereas the government had sought to deny job seekers these rights.

We do not share the government's enthusiasm for heavy-handedness when it comes to job seeker compliance. When it comes to the concept of 'mutual obligation', this government appears to understand 'obligation' while unfortunately being deaf to the other word in that phrase: 'mutual'. You see, mutual obligation is a two-way street. We do expect job seekers to do what they reasonably can to give themselves the best prospect of being engaged in meaningful employment, but at the same time there is an obligation on the government to provide a safety net and the necessary support to be able to secure a job.

So Labor will take the same approach to this bill, the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill, as we have to previous bills. That is, we will support measures that lead to better employment outcomes while still ensuring adequate support for job seekers. But let me make this very clear: Labor cannot and will not support this bill if our amendments are not agreed to. Specifically, Labor supports those amendments that more closely align the dates of penalties and suspensions with the actual date of noncompliance. We also support the renaming of penalties for consistency, provided that there are no changes to penalties or other unintended consequences.

I will now outline in detail the measures that Labor will not support. Firstly, this bill seeks to allow a job seeker's participation payment to be immediately suspended if that job seeker fails to agree to a job plan at the first appointment. The suspension would continue until they entered into a plan, with no back payment for the period of the suspension. We simply cannot and will not support this provision, because we believe that job seekers should have the opportunity to negotiate a fair and reasonable job plan. Currently, a job seeker does not receive a financial penalty unless they fail to agree to a job plan on the second appointment. This allows job seekers the opportunity to take their job plan home and review it before agreeing to sign it. The provision in this bill means that job seekers could be pressured to sign a plan that they do not understand or do not agree to.

In her speech on the second reading speech of this bill, my colleague over in the other place Julie Collins, the shadow minister for employment services, cited two examples of job seekers who were wrongly directed by their providers to undertake Work for the Dole. One of the job seekers was aged 55, and the guidelines clearly provide that job seekers aged 50 to 59 cannot be required to do mandatory Work for the Dole. The other was the sole carer of two children, one with disability. She was told by her provider that she would lose her payment if she did not agree to undertake Work for the Dole, even though she was exempt from this obligation. In both these cases, these job seekers were able to seek further advice and confirm that the original advice from their providers was wrong. If they had had to sign on their first appointment, they would have been denied that ability.

This bill has been through a Senate inquiry, and I would like to read a quote from a caseworker that was cited in the submission from the National Welfare Rights Network. The caseworker said:
Too frequently we see people who have been told to sign a Job Plan without understanding what is in it or what they are required to do. We have also had people ask to have something changed or added who have been told that the Job Plan can’t be changed. Frequently the Job Plans are not individualised and tailored to assist a person to gain employment but rather a standard plan “one size fits all”.

The examples I just cited and the submission from the National Welfare Rights Network demonstrate why it is important for job seekers to have the right to initially refuse to sign a job plan without any financial penalty. While Labor accepts that the bill will retain the 48 hours 'think time' before any payment suspensions or financial penalties are submitted, we do not believe that 48 hours think time is sufficient to allow a job seeker to reflect and seek assistance to determine the appropriateness of their job plan to their personal needs.

Labor also has concerns about the provision of this bill that allows the secretary of the department to determine that a job seeker has acted 'in an inappropriate manner'. While the government asserts that some job seekers are treating service providers with contempt by not behaving appropriately at appointments, we have yet to see evidence of such behaviour. The term 'inappropriate behaviour' is not defined in the legislation, so the secretary will be given a great deal of discretion to determine what constitutes appropriate behaviour.

Labor are especially concerned at the potential for a subjective judgement of inappropriate behaviour that could put vulnerable job seekers at risk. What if there are factors not being taken into account such as mental illness or things happening in a job seeker's personal life that are causing them to be distressed or upset? What if the job seeker is justifiably uncooperative because their service provider is giving them bad advice or acting outside the guidelines? Similar concerns were raised about this provision by the National Welfare Rights Network, and we will be opposing this provision.

Finally, the government is making its second attempt to change the provisions around penalties for refusing suitable work, and Labor will be opposing these changes. Currently, job seekers receiving a participation payment will incur an eight-week non-payment penalty for failing to accept suitable work. This penalty may be waived if the job seeker chooses to re-engage and complete other activity requirements or if they were to experience financial hardship if the non-payment period was not ended. We see no compelling reason to change the current arrangements.

Penalties for refusal to accept suitable work are quite rare. Out of 800,000 job seekers, only 699 received a penalty for refusing suitable work in the last financial year. Furthermore, the majority of job seekers penalised for refusing suitable work—about 73 per cent in the last financial year—had their penalty waived, meaning they re-engaged in the process of finding suitable work. Surely, this is what the government wants—to encourage job seekers to re-engage.

As Jobs Australia pointed out in their submission to the inquiry:

If the argument is that too many penalties have been inappropriately waived, then that is something that may best be dealt with by reviewing the training and guidance offered to the decision-makers rather than simply removing the waiver altogether.

This proposal is typical of the sort of approach this government takes to penalising job seekers. It seems to be less about encouraging engagement and more about dishing out punishment.
As I mentioned earlier, there are measures in this bill that Labor will support, but we will only support the passage of this bill if our amendments are accepted. We support the provision that a job seeker's payment be suspended if they fail to undertake adequate job search efforts, and it is appropriate that a job seeker receives full back-pay once adequate job search efforts are resumed. We support provisions that provide a more immediate link between non-compliance by job seekers and the penalty for non-compliance, applied through an appropriate and fair process. And we also support the renaming of penalties in regard to consistency.

I reiterate what I said at the beginning of this speech that Labor supports fair and sensible measures which encourage mutual obligation for job seekers and lead to better employment outcomes. But what we do not support are heavy-handed, punitive measures—measures which trample on the rights of job seekers, deny them fair process, drive them into poverty and hardship and cause them to disengage from participation. Like many such bills the government has introduced to this place, this bill has elements of both.

Labor will seek to amend the bill to ensure that only those measures which are fair and effective pass the parliament. If our amendments are not accepted, then we will not be voting in favour of this bill. I must conclude, however, by pointing out that the best way to get unemployed Australians into work is to create more jobs, a task this government has comprehensively failed. Recent data from the Australian Bureau of Statistics show that for the first time in over 20 years more than 800,000 Australians are unemployed. Over 100,000 Australians have joined the jobs queue since this government came to power. By contrast, when Labor was in government, we created one million jobs while dealing with the greatest global economic downturn since the Great Depression.

The problem with this Abbott-Turnbull government are that they have no plan for jobs and no plans for the Australian economy. They failed to save jobs in our automotive industry; in fact, they practically dared the auto industry to leave our shores. They failed to stand up for Australia's submarine workers by sending work on our submarine fleet offshore. They failed our renewable energy industry by attacking the renewable energy target and causing investment to fall by 90 per cent. They failed Australia's digital competitiveness by switching to a second-rate broadband technology, at the same time causing the construction of Australia's National Broadband Network to grind to a halt. And they failed Australia's trainees and apprentices by cutting $1 billion from traineeships and apprenticeships.

The government takes a heavy-handed approach to job seeker compliance because Australian job seekers are being used as a scapegoat for this government's economic failures. That is this government's strategy: blame the unemployed, blame penalty rates, blame the trade unions, blame everybody else—blame anyone you have to if it helps divert attention from the fact that you have absolutely no strategy for growing the economy and creating employment in Australia.

We on this side of the chamber know that this government's failure to create jobs is their own fault, not the fault of Australia's job seekers, the overwhelming majority of whom are trying as hard as they can to gain meaningful employment. We will seek to excise harsh and punitive measures from this bill, while supporting the passage of the more sensible elements. At the same time, we will continue to remind job seekers, some of the most vulnerable and disadvantaged people in Australia, how they would be treated if this government had its way.
In closing, for anyone considering voting for this government at the next election, I remind people that this is the government which proposed subjecting young Australian job seekers to six months of abject poverty. And remember that they only abandoned this plan not because they realised it was too cruel to even contemplate but because they could not get their cruel plan through the Senate—thank heavens. Given their continued failure to create jobs and their continued quest to punish job seekers for this failure, imagine what depths of cruelty they will plunge to if they win the next election.

Senator XENOPHON (South Australia) (18:29): I cannot support this bill, the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015, in its current form. At the outset, I acknowledge the importance of and bipartisan political support for the concept of mutual obligation. Mutual obligation means that if you are a job seeker you have an obligation to look for work. The government, on the other hand, has an obligation to support you, the job seeker, to find employment. This support is financial but also practical. Job seekers expect and deserve to be able to access practical assistance in identifying suitable jobs and then applying for them.

I suggest that there is another concept that needs to be part of the debate. That is the role of government, the sensible, targeted role of government to ensure that our country has a strong manufacturing base. Contrasting what has happened in this country over a number of years with, say, Germany, we see that manufacturing as a share of GDP in this country has gone down from some 12 per cent in 2004 to under seven per cent now. We are bumping just above Botswana at six per cent and Rwanda at five per cent. I do not pick on those countries. They are wonderful countries, I am sure, but they are countries that have not had a large industrial base, as we have had in the past. Yet it seems that, in the next few years, unless we are careful, with the demise of the automotive sector we are going to go below countries that have never been manufacturing or industrialised countries. That is something we need to take into account and something I will refer to shortly.

I think government has a role to play in targeted, sensible investment to assist industry. By contrast with what has occurred in this country, the German government has an industry policy. It understands the importance of manufacturing. Today in Germany, the industrial powerhouse that it is, 22 per cent of that nation's GDP is based on manufacturing. Germany exports its technology to the world. It exports its motor vehicles and other industrial output to the world. It value adds. It has advanced manufacturing. It has a highly skilled, well-paid workforce. That is a model that we in this nation should be looking at, not a race to the bottom. We got lazy and complacent with the mining boom. I am not against the mining boom, but we got lazy and can placement. The warnings of the great Donald Horne, the author of The Lucky Country, before he died in 2005, in his last interview with Peter Hartcher from The Sydney Morning Herald, said that the mining boom made us lazy and complacent in terms of planning for the future, pushed up the exchange rate and made manufacturing less competitive. These are factors that we need to take into account in the context of this bill.

The government argues that this bill will create a simpler and more effective compliance framework to ensure job seekers are meeting their obligations under the mutual obligation requirements. However, I believe that this bill is too harsh on job seekers. I believe it goes too far and will result in vulnerable people having their Centrelink payments suspended for inconsistent and potentially arbitrary reasons.
Let us start from the beginning and put this bill in context. In my home state of South Australia we have the highest unemployment rate in the country. In December 2015, unemployment was at 7.2 per cent. That is 62,300 men and women who do not have a job to go to, who are missing out on not only the financial benefits of work but also the sense of dignity and self-worth that flows from having a job. A job should be a social right in a good society. We ought to do everything we can to make sure that those who are willing to work hard have a decent job to go to.

These unemployment figures are actually quite misleading, because a number of years ago the criterion for determining whether a person was employed or not was changed. The benchmark used to be working some 15 hours per week, as I understand it. Now if you work more than one hour per week you are no longer deemed to be unemployed. The level of underemployment can be very material as well, because you are not going to be able to afford to buy a car or take out a personal loan, let alone take out a home loan, unless you have a job that is not casual but is full-time and pays well.

The level of youth unemployment in South Australia is reaching crisis point. In December last year, the unemployment rate for South Australians aged between 15 and 24 was 20.1 per cent. That is the unemployment rate for those who actually do not have any work at all. If you have more than one hour of work a week you are in the underemployment category. That level can be much greater. The South Australian youth unemployment rate of 20.1 per cent compares to the national average of 15 per cent. The Conversation in a piece published in 2015—I do not have access to it now—talked about the underemployment, underutilisation and unemployment rate amongst young people being in the order of 32 per cent for females and 25 per cent for males. Those are significant figures. They are figures that we cannot ignore.

General Motors Holden, along with Toyota, is expected to close its doors as an auto manufacturer at the end of 2017. Ford in Geelong is only a few months away in 2016. There is still uncertainty as to where our fleet of future submarines will be built, whether it will be a local, hybrid or overseas build and whether the coalition's promise of 12 future submarines being built in South Australia will be honoured or not. These are uncertain times in my home state, but they have national ramifications. We need to work hard to identify ways to stave off this jobs crisis, to try and stop the tsunami of job losses that is looming not only over South Australia but over the nation, particularly in Victoria. We know about the Bracks review. The University of Adelaide studies by Professor John Spoehr talk about something in the order of 200,000 jobs being lost in the automotive sector unless we act urgently to stem those losses and their flow on effects in the automotive components sector. These are big issues.

At this stage, I thank my colleague Senator Kim Carr, who has worked with me to advocate for Australia's car-making industry. I acknowledge the work that the Minister for Industry, Innovation and Science, Christopher Pyne, has done in relation to this. Along with Senator Carr and me and others, he has been quite hopeful that we should do everything we can to encourage the proposal by Punch Corporation of Belgium and its CEO, Guido Dumarey, who was here in Australia, in Canberra, on Monday and Tuesday meeting with a whole range of people. He met with the Minister for Industry, Innovation and Science, Mr Pyne, he met with the Prime Minister, Mr Turnbull, and he met with Opposition Leader, Mr Shorten, as well as a number of others. Hope has not been lost in relation to this. It is difficult to try to revive a
sector where a decision has been made by General Motors Holden to end manufacturing. But Punch Corporation, and there are others out there, genuinely want to engage with General Motors Holden to see what can be done to take over that plant and to revive auto manufacturing. With the Australian dollar hovering around 70 cents to the US dollar, this is something that we should not dismiss and this is something that we should encourage.

I hope that, when members of the South Australian government and the South Australian Premier meet Mr Dumarey and his team tomorrow in Adelaide, they will be doing all they can to encourage—to fight for an opportunity to explore this and to give it a fair go, an opportunity to succeed. This will require the involvement of state and federal governments, but we should not give up on our auto sector. We should not give up on a sector that is so important to this country and that has such a long history—it does have a future. I will not give up on it.

There are those who say, 'Don't give workers at General Motors Holden false hope.' I understand that, but how are you giving people false hope if you are giving it your best shot to try to revive the auto sector in this country and, with it, save many thousands of jobs?

I believe that the federal government will do all it can and I believe that the federal opposition will do all it can to encourage this proposal. I am encouraged by that. I hope that the South Australian government will do all it can and not take a negative approach to this, because this is very important. They should listen to their federal counterparts, both the government and the opposition, in terms of their approach to this proposal.

Job creation is just one piece of the puzzle; what the government does to support job seekers into employment is another. This bill aims to strengthen and streamline the job seeker compliance framework. That, in itself, is not a bad thing. Amongst other things it does this by enabling job seeker support payments to be streamlined, but it also has a number of nasties in it: it seeks to support a job seeker's support payments to be suspended immediately if they fail to comply with a number of requirements. Mutuality requires that you do your best to find a job. But under the current framework payments will only be suspended in the fortnight following a no-show no-pay failure. The rationale behind this delay was to give job seekers time to organise their finances and their budget so as to reduce the negative impact of the penalty, because there are others involved in relation to that: family members who rely on those Centrelink payments, including children.

The government has argued that this delay is problematic. That it places too much distance between the behaviour that caused the penalty and the penalty itself. I understand what the government is trying to do by changing the system so that payments are suspended immediately, but I have real problems in agreeing with it. I have reservations about the consequences of this and the unintended consequences of this. For example, a job seeker may have children or other dependants who rely on those Centrelink payments. Stopping those payments immediately may place families in a situation in which food and other necessities cannot be bought.

During the Senate Education and Employment Legislation Committee's inquiry into this bill, the National Welfare Rights Network also raised concerns that immediate payment suspension may, in fact, result in additional penalties from third parties. This would be the case where there is not enough time for a person to vary the timing of direct debits. It has a cascading effect. It could be that they have something that they are paying on a lease or a
rental arrangement, where they have their goods repossessed. It could be that they are evicted from their home and forced into homelessness—and goodness knows what the social and economic costs of that would be.

Another aspect of this bill that causes me concern is the requirement for a job seeker to enter into an Employment Pathway Plan within 48 hours of their first appointment with their employment service provider. Currently, a job seeker is able to negotiate their plan with their provider and is given the opportunity to consider it in detail before they sign it. In my view, imposing an obligation on job seekers to sign an Employment Pathway Plan within 48 hours of their first meeting or risk having their payments suspended immediately does not lend itself to realistic and workable plans being agreed to. Additionally, a job seeker will not be paid back any of their missed payments even once they have entered into an Employment Pathway Plan.

Jobs Australia, the national peak body for not-for-profit organisations that assist people into work, raised concerns during the Senate inquiry in relation to this measure. In their submission Jobs Australia wrote:

In relation to the failure to enter into a Job Plan, there is some risk that frontline employment services staff may seek to use the new rules to compel job seekers to enter Job Plans that have not been adequately negotiated and explained. A Job Plan is meant to be a document that is negotiated with the job seeker and tailored to their needs, rather than a standard set of requirements dictated by the provider.

I acknowledge the government has indicated that job seekers will be allowed 48 hours 'think time' before any payment suspensions are imposed. However, I am concerned that this, in some cases, may not be a reasonable amount of time for a job seeker to obtain advice or assistance in renegotiating a plan.

The bill also states that a job seeker's payments can be immediately suspended if they act in an 'inappropriate manner' during any required appointments and the purpose of the appointment was not achieved. Worryingly, the bill does not define what behaviour might be considered 'inappropriate'—I think it ought to. The bill does provide that the secretary is able to determine, by legislative instrument, matters that must be considered by the secretary when deciding whether a job seeker has acted in an 'inappropriate manner' at an appointment. However, the bill does not require that such an instrument be made, and that concerns me. The bill ought to require that such an instrument be made so that we know what the framework is and we know what the rules are. If there is going to be a new set of rules, we at least need to know what they are—rather than being completely ill-defined.

The Department of Employment has advised that there are various safeguards in place to ensure job seekers are not unfairly penalised. According to the department, penalties would not apply where the inappropriate behaviour was outside of a person's control due to a psychological or psychiatric condition. That, in itself, could be problematic as to how that is determined. Would there be appeals to the Social Security Appeals Tribunal or would there be appeals to the Administrative Appeals Tribunal in order to settle what those conditions would be and how it would apply? Despite this assurance, I remain concerned about the application of this measure. I agree with the Australian Council of Social Service, who say that sanctions for inappropriate behaviour 'are likely to be applied inconsistently and to penalise behaviour related to underlying mental health, alcohol and drug or other underlying complex issues'.
Can I just say that we do have a significant issue with substance abuse in this nation. OECD reports indicate that we have very high levels of substance abuse and that our level of crystal methamphetamine use, particularly in some communities, is quite shocking. These factors need to be taken into account. It breaks my heart to speak to constituents who have had to take out loans on their homes or have cashed in their super because they cannot get help for their loved ones with a serious crystal methamphetamine problem, and they need to get them into a proper and decent rehabilitation program. These are people who do not have money to throw around but who, in desperation, take out large loans, in the tens of thousands of dollars, to get their loved ones in a comprehensive rehabilitation program either here or overseas.

The Australian Unemployed Workers' Union were similarly unconvinced by the government's proposed safeguards, raising concerns that the ability to impose sanctions would exacerbate the already uneven power dynamics between job seekers and employment services providers.

Another measure in this bill which makes me uneasy is the removal of waivers for serious financial penalties applied under the act when a worker refuses to accept a job. I think there must be some reasonableness and some flexibility in this. Under the current system, a person is subject to an eight-week nonpayment period when they refuse to accept a suitable job. However, a waiver to that nonpayment period can be obtained. I acknowledge that there does appear to be a concerning upward trend in the number of penalties applied to job seekers who fail to accept suitable work. Figures from the department of education show that the number of serious failures for refusing or failing to accept suitable work has more than doubled from 644 in 2008-09 to 1,412 in 2014-15. I think we need to look at how that waiver system works, but I believe that removing the waivers altogether is not necessarily the best way to go about addressing the issue of job seekers not accepting jobs, particularly some of the entrenched underlying issues at stake. In fact, removing the ability to grant waivers may have the perverse outcome of job seekers becoming further disengaged from the system, as there is no opportunity for them to engage in an activity to address their noncompliance and deal with those underlying causes.

To me, this bill seems to be all stick and no carrot. It does not provide encouragement for job seekers to improve their engagement with employment service providers. I have real difficulty in supporting this bill in its current form. If I can go back to what I said at the outset, the best way to deal with this issue is to make sure that we have good jobs—real jobs—and that involves governments being involved at a state and federal government level to ensure that there is appropriate industry support, taking a leaf out of the book of the German government. Manufacturing is 22 per cent of that nation's GDP. It is an industrial powerhouse with good, well-paying jobs, where they make things that the rest of the world wants, with advanced manufacturing. Here we are slipping to well under seven per cent of our GDP being based on manufacturing, compared to 12 per cent just a decade ago, and that could slip to well below five per cent in coming years unless we have an active jobs plan that involves not just manufacturing but a strong approach to government procurement policies so that there is a 'buy Australian first' policy in respect of the tens of billions of dollars that Australian governments—state, federal and local—spend on procurement in this nation.
With those remarks, I can indicate that I believe the bill needs to be amended significantly in order for it to pass. I will support the second reading of this bill, but I have real concerns about the third reading in its current form.

Senator SESELJA (Australian Capital Territory) (18:48): I am pleased to add my voice in support of the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015 today. Before I get into some of the detail of the bill, I would like to go to the more general and important point about the motivations of the government in encouraging people into work, why that is so important, and why it is so corrosive, in my opinion, when we see creeping into parts of our community and our society an anti-work culture—a reluctance to work. This is not the overwhelming experience of Australians who are seeking work, but there are some who do not seem to have that willingness to work, and I think that that is a real concern.

When I look at measures like this—measures that are about encouraging people into work and encouraging people to fulfil their mutual obligations when they are receiving support from the taxpayer—of course there are fiscal considerations when we seek to encourage people into work, because someone working and contributing is going to create wealth not just in the short term but in the long term for themselves and for our community and, of course, will not be a burden on taxpayers if they are able to look after themselves and their families. The ability to do that is so fundamental to who we are as human beings. It is not possible for everyone, of course, and that is why we need to have such a generous welfare safety net, but that safety net is not designed to be there for people who are capable of looking after themselves but appear to be unwilling to look after themselves. It is not only taxpayers who suffer as a result of that. As I say, I do not look at it primarily as a fiscal issue. Human dignity suffers. We only have to look at the worst examples, where we see massive amounts of welfare dependency in communities and how soul destroying that becomes for individuals and families. So for me, when I look at these challenges, this is about the value of work to human dignity. Those who are capable of doing it, of course, are much better off in a job, working hard, looking for opportunities, bringing in an income and growing that income over time. That should be our focus, and that is the focus of this government. It should be the focus of these measures.

We should always look after those who cannot look after themselves. That is not what this is about. This is about some people who unfortunately are not taking responsibility. They are capable of work and for whatever reason they are choosing to reject perfectly good jobs. I will get into some of the detail of that. It is an important project for us as a nation to continue to value work. As I say, it is important fiscally, but that is not the most important consideration. It is important to our communities, it is important to individuals and it is important to families because of the dignity that comes with a job—even, in some cases, jobs that would not be our first choice or our second choice, necessarily. But those jobs are important.

This bill builds on the previous work of the coalition in strengthening the rules around job seekers receiving government payments, particularly the Social Security Legislation Amendment (Strengthening Job Seeker Compliance Framework) Bill 2014, which was passed by the parliament at the end of 2014. These bills are founded on this basic principle of Australia's welfare system—that of mutual obligation. We support a proper, targeted and generous welfare system. When someone loses their job, when someone cannot find work
through circumstances outside their control or when people are simply in need for other reasons, we want to look after them. Australians want to look after them, and our system seeks to do that.

Of course, that safety net also comes with responsibility. Those who are able to work have a responsibility to be looking for work. They should be accessing the services available to find work, and if a job offer comes they should be taking it. I think this is a completely reasonable expectation. I think those who go out there and work hard, sometimes in very difficult jobs, to look after themselves and their family and who then pay taxes have a very legitimate expectation that others in the community will always seek to do their bit, will seek to look after themselves and will seek to better themselves as best they can. This does mean accepting an appropriate job offer even if—as I say—it might not be their first choice. Many of us have taken jobs that were not our dream jobs. I recall taking jobs in the cleaning industry, in fast food, in retail and in various areas. Some of those are great jobs, some of those are very challenging jobs that are not always where you want to be but they are jobs. They are valuable, they provide a service to other people and they come with a wage and the dignity and skills that go with that.

John Howard used to say it often: the best form of welfare is a job. During one of the hearings we had into this, I questioned Lin Hatfield Dodds about this and she said words to the effect of, 'The best form of welfare is good welfare.' No. The best form of welfare is a job. It is much better for an individual—where they can—to be working and to be earning a living rather than to be on welfare. Welfare should be there only for those who need it, not for those who are choosing not to take steps to look after themselves—legitimate and reasonable steps that we expect for people to look after themselves and to look after their families. The community should come with them to assist them, to provide opportunities, to provide training, to provide support and guidance—that is legitimate and we do that. There is money there from the government for all of those sorts of programs, but there are some people who unfortunately do not take those opportunities and who deliberately choose to reject those for various reasons.

There are numerous examples out there. Let's go through some of the examples provided by the department. These are the kinds of instances we are talking about: a 19-year-old male refused a job because he wanted to follow his dream and become an actor; a 25-year-old male refused a job because he was going on holiday; a 22-year-old male refused full-time work because he only wanted part-time work so that he could continue flying lessons; a 32-year-old male stated he was too busy to start work; a 26-year-old female refused a cleaning job because she believed it was below her; a 58-year-old male refused part-time Monday to Sunday work because he plays golf on Sundays and stated he would be better off on the dole; a 33-year-old male refused a car washing job because it was too difficult; and a 19-year old male refused work after one day labouring, stating that he was too sore and also wanted to concentrate on getting fit to apply to the Navy.

Again, I would stress that this bill is targeted at those who can work—those who are deemed to be job-ready—but who, through their own choices, are not fulfilling their obligations to their fellow Australians to genuinely seek work. That is a legitimate expectation of our community. It is a legitimate expectation of those who do pay their taxes that those who are receiving benefits will do all they can to help themselves before they seek assistance.
from the taxpayer. We understand that a job will not always come straight away. It does take time, and in some areas in Australia it is more difficult than in others. We know that. That is why it is important that we assist and that we also have policies to grow the economy and to create those jobs. That is what we have seen in recent times. There were over 300,000 jobs created just in the last year. That is something to celebrate. We heard statistics from the Department of Employment survey of employers that 30 per cent of employers found it difficult to fill positions in low-skilled jobs. So in many areas there are positions to be filled and there are people—in some cases, on benefits—choosing not to fill them for various reasons.

I want to go through the elements of the bill. There are a number of elements to further strengthen the system so that people can get into work. The first measure is a technical one that aligns compliance arrangements for failures to attend appointments with specialist providers or refusing to enter a job plan with the new rules for provider appointments. In 2013-14: 18,099 failures were reported and 6,890 failures were applied for failing to attend a specialist provider appointment; 1,973 failures were reported and 980 failures were applied for failing to enter an EPP; and 19,140 failures were reported and 14,333 were applied for not attending a CCA appointment.

Secondly, this measure provides for cancellation of payments when there is a second refusal to enter a job plan. The additional step of cancelling payment for a second consecutive refusal to enter a job plan is warranted because it is a basic qualification requirement that a job seeker must enter a job plan when required. The job plan sets out all of the job seeker's mutual obligation requirements, and refusal to enter one indicates that the job seeker is not willing to meet their requirements.

Again, I would ask senators: isn't it reasonable to expect that a job seeker receiving a payment from the government enters into a job plan? That seems to be a basic part of mutual obligation. But I go back to my first point: this is about this person helping themselves. This is about this person being encouraged to help themselves so that they can have a better life and so that they do have a better chance of getting a job—of getting a job and making their way through the world, looking after themselves and looking after their loved ones. That is an integral part of the lives of most Australians. Those who are capable of working go out there, find a job and face all the challenges and difficulties that go with that, but get the fulfilment of being able to achieve things—of being able to learn new skills and to learn how to lead people; to learn to deal with people and customers and to learn new skills. These are critical to most peoples' lives and are a way that people get ahead. They are a way that people improve their lot in life and become great contributors to our nation.

And so when there are policies that look the other way or excuse the behaviour of people who simply refuse to take basic steps to try to seek work then it is undermining human dignity. We as a nation and we as a government are entitled on behalf of taxpayers to say that we will have some basic standards. We will have some basic requirements of people; we will require certain things. These are not onerous requirements. Entering into a job plan is not an onerous requirement; it is just a basic building block if you are fair dinkum about getting into the workforce. I think that taxpayers have every right to expect that people will do that. When we have low standards and expectations, not only does that end up costing taxpayers it also ends up failing those people who should be getting out there and helping themselves.
The bill also allows for payment suspension and possible penalty for job seekers who show up to appointments but who behave inappropriately. We have seen examples of this. I think that Senator Xenophon talked about the definition not having to be included in the disallowable legislative instrument. But my expectation would be that it will. I note that there are existing penalties for misconduct in some of these situations and that the definition of 'misconduct' is not contained in the legislative instrument. The government's view is that 'misconduct' is a more clearly-defined concept. Generally, it includes serious things, like being uncooperative, violent, offensive or disruptive, harassing other participants or behaving in a dangerous manner. Determining inappropriate behaviour and activities is potentially more subjective and therefore requires a clear and agreed definition.

This bill also allows for more immediate penalties for job seekers who fail to attend activities they have been designated to. It has long been the case that in addition to job-seeking requirements welfare recipients who are capable of work are required to attend certain activities, such as training or Work for the Dole. Work for the Dole is a key part of the government's agenda to improve employment services and to improve job seekers' employment prospects. To ensure that this is successful we need to make sure that job seekers are attending their activities through effective penalties applied in a timely manner when they are not doing so.

In 2013-14, 99,167 no-show no-pay failures were applied to 51,824 job seekers, primarily for failing to attend activities. This component of the bill would not introduce any new penalties. Job seekers who fail to participate in an activity without a reasonable excuse will still lose one day's pay for each day they fail. The bill will just mean that the penalty can be deducted straight away. Under the current arrangements it can take up to five weeks from the day a job seeker fails to attend an activity until the penalty is actually deducted from their income support. It can be longer if the job seeker is difficult to contact. Again, these are fairly basic requirements.

I was quite interested when I quizzed the department on these issues to hear about the number of opportunities that people get before penalties are applied. These are not people who just fail to do the right thing once; in most cases these are people who are simply showing an ongoing reluctance to cooperate and to take basic steps in terms of their mutual obligations or to take basic steps to genuinely seek work and to accept jobs that are on offer. This is not onerous.

Similarly to what I have just described, this bill allows for more immediate consequences for inadequate job searches. Getting job seekers into jobs is the key purpose of employment services, but despite this there are significant weaknesses in compliance arrangements for job seekers who have not made real efforts to look for work. The numbers clearly show that there are issues with ensuring compliance in this area. In 2013-14, 4,342 job-search-related failures were applied, though none resulted in the application of a financial penalty. Under the current system it takes months to apply a financial penalty. It is interesting. You have a situation where 4,342 job-search-related failures were applied, though none resulted in the application of a financial penalty.

Again I say: what is the message that we are sending to those job seekers who are simply refusing to take the basic steps to seek a job? What has unfortunately applied in many cases is that there are no real consequences for that. The government, which pays the bills and which
hands out significant money in welfare, when people do not take seriously their mutual obligations, has in some cases no consequence for that. I again ask senators to apply the test to workers they know in their neighbourhoods and communities—people working hard, earning $30,000, $40,000 or $50,000 a year. How would they feel if you said to them: ‘You’re paying your taxes. There are some people who are refusing to meet basic requirements and there is no sanction for that.’ I think we know what the answer to that would be.

I think we know that most Australians absolutely are generous and will be generous to people who need a helping hand but they have little tolerance for people who are quite capable and have every opportunity but are choosing not to take those opportunities or basic steps to look after themselves. Australian taxpayers deserve that. I think this bill is a part of the equation of having expectations, enforcing them and giving as many Australians the dignity of a job as is humanly possible.

Senator LINES (Western Australia) (19:08): I rise to put my comments on the Social Security Legislation Amendment (Further Strengthening the Job Seeker Compliance Framework) Bill 2015. As we have heard from other senators this evening, Labor has put forward a number of amendments to this bill but certainly does not support the bill in its current form, because it is way too punitive.

It is fine for members of the Turnbull government to say these are simple measures and this is a simple matter. It is not. If it were a simple matter, we would not have such high youth unemployment and indeed we would not have increasing unemployment across the country. It is now getting to the point in Western Australia where unemployment is the highest it has been in a very long time. So this is not a simple issue. How people are dealt with in the system is also not a simple measure or a simple thing to do, because people are not all the same. They have different circumstances. They have different backgrounds. They have different needs. Whilst Labor is not opposed to mutual obligation—in fact the bill seeks to make harsher penalties on the sort of regime that Labor put in place, so we do believe in mutual obligation—we also have a real respect for job seekers and a real understanding that it is not a simple measure, that it is not going to work simply by taking this punitive approach to people being found employment.

We have seen right from day 1 with this government, no matter whether it was Mr Abbott or Mr Turnbull as the Prime Minister—and it was certainly confirmed today by Mr Brandis in question time—that the same policies are there. We have seen this punitive approach taken in a whole range of areas, not just in relation to job seekers. What is being proposed here tonight needs to be taken in the full context of what is on offer by the Turnbull government. We know that, in addition to this bill, they are talking about the introduction of a 15 per cent GST, which would certainly be something that job seekers would not be able to handle. We know that penalty rate are on the table. We have heard many senators in here—Senator Smith is a great advocate—

Senator Smith: Thank you.

Senator LINES: for reducing penalty rates, which just makes life much harder for people. It shows again how out of touch this government is. You cannot take punitive action against job seekers, force them to take an job, reduce the penalties, impose a big, fat new tax through a GST and somehow at the end of that sing Kumbaya, haven’t we done well. That is not realistic, and the sorts of measures being proposed by the Turnbull government demonstrate
very clearly that it is a government without a plan. It does not have a comprehensive plan. It
does not understand what it takes to get a job.

Of course we have not seen good job creation by the Turnbull government. The jobs that
are being created are casual and part time. You never hear them say that.

Senator Scullion: They're jobs.

Senator LINES: It is not a job at any cost. If you are a young person or indeed an adult,
according to the Turnbull government, and a casual job is being offered 100 kilometres or
even further from where you live, they expect you to uproot yourself and take that casual job.
Study after study, report after report—

Senator Scullion interjecting—

Senator LINES: Look at them nodding. Yes, that is exactly what they expect: take up the
casual job that might just last a couple of months. It's a job! Their mantra is a job at any
cost—not a job that is going to create a good future for the person who takes it up but a casual
job. So they uproot themselves at great cost. It costs hundreds of dollars to move even if you
do it yourself. You still have to incur a cost. Then take up a casual job that is going to last a
defined period, and then suddenly you find yourself unemployed. It will be a low-paid job—
there are not too many casual jobs that pay really well—and, if they get their way, it will be a
job without any penalty payments. That is the kind of picture that they paint.

We know how they feel about young people in particular. There were those outrageous
comments made in the other place labelling young people as lazy and wanting to just lie on
the lounge and play their games—though actually you have to sit on the lounge. I'm not sure
I've seen too many people lying on the lounge; you have to sit up and do it! But that is the
kind of label they applied: young people are all bad and should be forced to take up any job. If
and when they do not, there will be these punitive measures put in place.

Of course I think there are good part-time jobs out there, but generally speaking they are
not jobs people stay in for their lives. You only have to look at the cleaners here in Parliament
House, who are living on poverty wages. That is the sort of job the Turnbull government
seems to think young job seekers should be forced to take up.

We have not seen the government do anything at all to put a better focus on jobs and job
training. They certainly cannot stand up and point to any schemes that they have put in place
that are about job creation or that focus on jobs. They believe in a trickle-down economy, and
we know that that is a failed strategy. We know—through their inability and their
unwillingness to go after multi tax avoiders, their unwillingness to really put pressure on
those that are currently abusing the system, their big mates at the big end of town—that they
are not serious about job creation. But Labor knows that jobs, particularly for young people,
in many parts of the country are just not there. They do not exist, particularly in my state of
Western Australia. There are pockets right across the country now where youth
unemployment, particularly, is at alarming levels. And what have the government got? Work
for the Dole. That is really the only thing on offer.

I just want to go through some of the programs that Labor had in place particularly targeted
at young people which were slashed and burnt and cut to ribbons by the Turnbull
government—and they should be ashamed of themselves. It is completely unacceptable. I will
say that I think everyone in this place is on the same page about getting people into work. We
recognise the value of work, that it brings dignity and respect and so on. I do not think we disagree on that. However, where we really disagree, in quite divergent ways, is about how you get young people into jobs. There is no acknowledgement from the Turnbull government that actually jobs are pretty tight at the moment. It is unacceptable to have high youth unemployment levels and the only plan on the table from the Turnbull government being one to blame young people and punish them for not being able to get a job, even though, for many, no jobs exist.

Quite frankly, the government's efforts in getting young people into work have been lame—no thought-out policies. Early in the term of the government, with very little warning, the government abolished Youth Connections, an amazingly successful program and a cheap program—much, much cheaper than Work for the Dole. The program was inexpensive to run and had very high success rates right across the country. You could point to a Youth Connections in any state or territory and you would see the success rate of that program. That program worked at an intensive level, because it accepted that getting people into work was not just a simple equation of: 'There's a job; you have to take it or we'll punish you.' It recognised that it was much more complex than that, that often people come from disadvantaged backgrounds or have had a bad start or have been sacked from work a few times and that they might need their confidence levels increased or indeed they might need to go back to study to increase their skills. The sorts of proposals on the table from the Turnbull government do not recognise any of that.

That program re-engaged those young people. You never hear that word, 're-engage', from those over there. It is all about punitive actions. That program re-engaged young people with work, study or school, and they were successful. That was a very successful program. Like many Labor senators, I really believed, as we got closer and closer to the end of that program, that somehow the Turnbull government would see the folly, the bad move, of defunding that program and would see the effects that that would have. But, no, they did not. They just cut it without any warning. There was no evaluation—but of course we know, through everything they do, that they never bother about the facts and figures. They never bother about that. It is just a flick of the pen and, 'Let's get rid of it.' So that funding disappeared. Why would any government that is really serious about engaging young people in work or study ditch a program with a very high success rate? That just does not make any sense, but again it is pretty hard to work out anything the Turnbull government does that make sense.

Early in its term, the Turnbull government—it was the Abbott government then—made life harder for apprentices. Apprenticeships are on the decline in this country, so you would think we would be doing whatever we could to lift that great opportunity for young people to skill them up for their future.

Debate interrupted.

**ADJOURNMENT**

**The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson)** (19:20): Order! I propose the question:

That the Senate do now adjourn.
Trade

Senator O'SULLIVAN (Queensland) (19:20): Whilst I do not want to take too much of my time in making reference to the contributions by our colleagues across the chamber, I have noticed a trend since I have returned, and that is: every time they speak, it is negativity followed by negativity followed by negativity, with absolutely zero reference to an alternative plan. The reason they cannot put an alternative plan is that, if they did so, it would be held up against the reference point of their performance before the change of government and they would be exposed for being the inadequate economic managers they are. But that was not the reason I secured the opportunity to speak tonight.

I want to talk on a subject that is close to my heart—and, indeed, I know is close to Senator Sterle's heart—and that is the economic wellbeing and security of large parts of our country. It is close to your heart too, Senator Smith, and to the heart of any senator, indeed, who represents a large state, as you do with Western Australia and I do with Queensland. We want to see that we have got viable communities and viable economic programs assisting all of those sectors that work.

A fact of life, a reference point that we need to start from, is that we are a trade-exposed nation. Well over 60 per cent of all the soft commodities that we produce are traded, and therefore our fortunes are intrinsically linked to the performance of our nation in developing trade opportunities and then maintaining them.

Australian farmers and producers are amongst the best in the world for innovation, for the use of technology and for labour practices. This, of course, is borne out of the massive amount of foreign investment that occurs in our nation. Other countries and other interests want to invest in our country because of the fact that we have a very solid and stable sovereign risk environment. We have a very settled nation without any border conflicts and so we are very attractive destination. Nonetheless, at the end of the day, we are a trade exposed nation.

I say—and I want to continue to talk about this over the coming months—as a government and as a parliament as a whole, we need to now start to look thoroughly at what we can do to support those who produce the trade. Obviously, one of the first things we need to do is expand our markets. This government, to date, has a terrific track record with the free-trade agreements with Korea, Japan and China, and hopefully, eventually, when the US makes a decision, the adoption of the TPP.

There are winners and losers in all of this but, by and large, when I say there are losers, there are people whose fortunes in life are sectors—sugar is one—whose fortunes did not really increase. The FTAs have not diminished the existing opportunities for many of the sectors, but there are some who have not grown under it. There are so many, as I mentioned in a speech earlier today, that we have seen an increase about 27 per cent in the value of our exports in this preceding year, where the figures are kept.

The gross value of farm production is forecast to increase by eight per cent in 2015-16 to around $57 billion. Now eight per cent, of course, in any economy is a leap. That is higher than what the Chinese economy is growing at—it is about 6½ per cent. Our farm economy is growing very strongly in the face of some very severe difficulties such as drought. We have to do some things in relation to competition policy. My colleague Senator Sterle very
competently, I must say, chaired a references committee into some competition issues within the sugar industry in my home state. At the end of the day, he got it right when he signed off on recommendations in relation to what we might do to solve some market problems.

We have to expand the markets of the soft commodities because we are transitioning from a resources market. This same area of our nation—away from the metro centres, away from the high populated eastern seaboard, and away from the south-western seaboard of Western Australia—is feeling the impact of the economy coming off from the resources sector. Many of our areas, large tracts of land in both our states and indeed to various degrees in the other states, are starting to feel the impact of this transition from the resources sector. The only solution is the increase in the agriculture sector, so it is an old economy that has come good. It still faces the challenges I talked about such as droughts. The Panama race 4 is a great example of how we can go to bed one night with an entire industry—the North Queensland banana industry—and wake up with what is possibly a serious crisis in that sector.

Farmers are very resilient. We know that primary producers are very resilient. They have dealt with droughts and they have dealt with these biosecurity challenges before and they will continue to do so. But they deserve our government, my government, with the support of others in this place, to assist them to be able to take advantage of these increases that we are starting to see in the farm sector. We are travelling at about 70 per cent higher than the average $50 billion over the five years 2014 in nominal terms according to the ABARES agriculture commodities report. So we are really on the lift. What we have to look at are the things that are keeping some of these sectors and individual enterprises within the sectors back. It is very important that we never abandon the concept that much of these sectors need to be populated by farm family enterprises, primary production enterprises and generational businesses in many cases. I am not against corporate farming. I think that it has a place. I am not against foreign investment as long as, of course, foreigners do not come in and vertically integrate their operations and take their commodities offshore across our road networks and out through our port networks without making a significant and just contribution to the economy of the nation through the tax receipts.

But there are so many things that we have to do. We have to visit upon the issue of farm finance and we have to get much more flexible farm finance products in place. I have often said that the only thing a poultry farmer living next to a sunflower farmer living next door to a feedlot have in common is gravel from the grid to the house, and perhaps a big hat. But when they go in for farm finance arrangements, someone reaches around and pulls down a gumboot—not a thong, not a pair of slippers, but a gumboot—and simply asks them what size gumboot they want. They try to fit all these things into the one finance product. That has to change.

We have to support some of our larger regional councils and we must certainly continue to keep an eye on those services that we, as the government, have an obligation to provide: communication, rural health, education. We also have to support some of our more remote communities. Our Aboriginal communities continue to need the assistance to be viable to continue to grow their contribution to the country's economy in these remote areas.

The time that I am allowed does not give me the opportunity to put a lot of detail under each of the subjects, but in the coming weeks and months I intend to unpack these issues through this place. My behaviour outside this place will be to start, with the cooperation of
others, to try and push to get some solutions, particularly in the farm finance sector. We have all had constituent farmers and primary producers come to us. If you look at their problems, many times it is as a result of the restricted nature of the arrangements that they have with the banks.

Now I am on meeting No. 6 with the major banks in this country. They have entertained me—and I must pay them credit for that—as we have talked about the prudential regulations that they say are inhibiting their ability to provide a more flexible finance product to our primary producers. I hope to come in here and talk about that in the not too distant future when we have a settled position. In effect, I am simply using this opportunity tonight to put on notice that I intend to now carefully pursue resolution to many of these issues over this calendar year and I look forward to the support of this Senate in that journey.

Workplace Relations

Senator STERLE (Western Australia) (19:30): It is with great dissatisfaction that I come before you again to discuss the anti-union behaviour of an iconic Australian transport company in the United States. As members of the Transport Workers Union here in Australia are preparing to negotiate a new contract this year that fairly rewards and values our nation's transport workers with the wages and benefits their hard work deserves, it is difficult to comprehend that many of their professional counterparts in the USA do not enjoy the same living standards or working conditions that befit Australia's truck drivers. The disturbing reality is that in America if it is your job to safely command the wheel of a 42½-tonne rig with a container full of hazardous materials or imported consumer goods from the wharf to the warehouse you can only expect to earn just under AU$40,000 for a 60-hour work week. Can you imagine hauling everything from mattresses to MP3 players or televisions and tennis shoes to Myer or David Jones for that miserable, unsafe wage? In fact, in America the thought that you would have access to health care and a pension for working in such a dangerous but important industry in the global economy is sadly a joke. There are over 110,000 port truck drivers in the US who are devalued this way.

I raise this again, as I did in 2011, because the culprit behind this American exploitation is that iconic Australian company the Toll Group. Yes, Toll. You know the one. All the green trucks you see on roads throughout this country. They operate at US ports in Los Angeles, New York and Miami. In 2011 Toll Group hired union busters to fight the Los Angeles drivers in their effort to form a union. Despite significant investment by Toll Group to keep the union out, the workers voted overwhelmingly to join the International Brotherhood of Teamsters. A contract was signed in January 2013 which improved working conditions and wages of over 100 drivers who work at the Toll Los Angeles facility.

In 2013 Toll drivers in New Jersey also voted overwhelmingly to join the Teamsters but, instead of negotiating a contract with the Teamsters in good faith that would cover its New Jersey drivers and mechanics, Toll fought its workers at every turn in their effort to achieve a fair contract with good wages and benefits. Last month I was in New Jersey and I met with many of these Toll drivers and mechanics, who described in graphic detail the hardship they and their families have endured because of Toll's abusive behaviour.

The conduct of the Toll Group management in New Jersey is horrifying and it is no wonder that the United States National Labor Relations Board is charging Toll Group with repeated illegal behaviour. The United States government just issued an amended complaint, which I
have here, that details the numerous unfair labour practices. To remedy Toll's illegal actions, the United States government is seeking a court order to require Toll back to the bargaining table to negotiate a contract with the Teamsters. Toll faces its trial before an administrative law judge on 8 March.

Toll has refused to bargain with the Teamsters for almost a year now. It makes me question if Toll is going to begin behaving like this in Australia. Here are a few of the charges that the National Labor Board is alleging against the Toll Group: Toll illegally withdrew union recognition; Toll illegally failed to bargain over its decision to fire pro-union driver Imber Espinosa—following a trial, a judge agreed and ordered Toll to reinstate Mr Espinosa with full back pay—Toll illegally engaged in surface bargaining, which is intentionally negotiating in such a way to avoid reaching an agreement; Toll illegally subcontracted work without first bargaining with Teamsters Local 469; Toll illegally failed to provide Teamsters Local 469 with information necessary to bargain a good contract; Toll illegally agreed with one of its customers called Big Lots not to use union drivers to pick up or deliver material to Big Lots' stores; Toll illegally laid off Toll drivers and failed to bargain with the union; and Toll illegally fired Imber Espinosa for a second time.

I heard firsthand the effect that this illegal conduct has had on the New Jersey Toll drivers and their families. Since Toll began their anti-union campaign in New Jersey, nearly a quarter of the drivers have quit the company because of anti-union hostility, harassment and poor conditions. On 1 July 2015 Toll got up and left the bargaining table stating that the company 'no longer recognised the union as the collective bargaining representative'. Needless to say a company cannot suddenly decide that there is no longer a union—this is a choice to be made by the workers. Toll's actions violate the law and they are being charged by the National Labor Relations Board.

This past November Toll laid off a third of their employee union drivers right before the Christmas holiday while they kept non-union owner-operators working. Toll management has particularly targeted union supporters by harassing them with unfair discipline and cutting their pay by reducing their work. Phil De La Cruz, a former union shop steward at Toll, was told that he should not be wearing a union vest on the job. And take for example Mary and Earl Workman. Mary and Earl were long-distance drivers who had worked for Toll since 2007. They are paid by the mile. When Mary hurt her knee and was out of work in 2012—listen to this—Toll fired her and made her reapply for her job when she was ready to come back. They also started her back as an entry level employee with a new hire rate of pay and less sick and holiday time even though she had been earning much more before her injury.

When Earl became shop steward for the Teamsters in 2015 the company began to retaliate against Earl and Mary—giving them fewer and lower paying loads and reducing their income. In addition, Earl and Mary had to pay a significant amount of money out of their pockets for benefits like health insurance and for supplemental disability, which they purchased through Toll.

When Earl became sick in late 2015 he applied for disability benefits through Toll's provider Cigna. Although Cigna was supposed to pay Earl 60 per cent of his weekly earnings while he was disabled, they tried to pull a fast one on him by only paying $149 per week based on the earnings that Toll reported for him. Fortunately, the union was able to help Earl get his full benefit after some lobbying on his behalf.
We cannot let this poisoned, antiworker mentality thrive at a company that has such a significant presence in our country. We need to send a very strong message to Toll that this type of abusive, antiworker behaviour will not be tolerated. We have a responsibility to raise our voices, as the workers in America raise theirs, and demand justice on the job. It is our responsibility to ensure that Toll upholds Australian values, no matter where it operates. We must help Phil, Earl, Mary and their co-workers achieve the labour standards that Toll Group employees receive here in Australia. For we cannot protect model standards in the global economy if we do not do our part to put an end to the abuse and injustice these workers face elsewhere.

Instead of addressing these concerns as it expands to America, Toll shows what it truly thinks of its workers. They hired labour consultants—we call them union busters—like one Richard Pacheco and another Ken Cannon. Even after its drivers voted to join the Teamsters, Toll refuses to bargain in good faith so its workers can negotiate a fair contract.

The Teamsters union has engaged in a remarkable campaign for the past several years to bring dignity and respect to port drivers across America. If Toll is able to deny these drivers their right to join the Teamsters, it will only be a matter of time, I believe, before they will try and crush their drivers here in Australia. This is why I will work with the TWU to help these American workers—as a part of my commitment to uphold the standards for Australia’s transport workers—to protect and improve their livelihoods. I will stand with my mate Tony Sheldon and the members of the TWU. Colleagues, I can only ask the same of you here in this parliament.

It is highly and totally unacceptable for an iconic Australian company—the largest transport company in this nation—to head offshore and think that it can operate under the radar by refusing to negotiate after the employees have voted to join a union, failing to recognise the wishes of the employers and dropping their standards to the terrible standards of American operators off the port.

To those members of the Teamsters that I met in New Jersey—and I will meet them again when I am back in New Jersey in July at the invitation of the Teamsters—I will be standing with them. Good luck to the Teamsters members.

Australian Broadcasting Corporation

Senator McKENZIE (Victoria) (19:40): A big issue for me and many of the people I talk to throughout rural and regional Victoria is the concern about the lack of local content in media programming, particularly in their local ABCs. The ABC used to be the benchmark in country areas for local news, current affairs and for many locally produced programs which are sadly now gone.

Since 1 July 1932, when the ABC radio first came on air, the Australian Broadcasting Corporation—created by this parliament—has played an integral and essential role in in serving communities from all corners of the Australian federation. The evolution of a diverse but cohesive Australian polity contributed significantly to the creation of a distinctive Australian identity and has been a critical guarantor of the quality and strength of Australian democracy.

The ABC’s charter states the broadcaster shall:
Contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australian community.

It is wonderful tonight to actually have the ABC showcasing and speaking about their obligations to the wider Australian community, and to hear once again the rhetoric by their managing director Mark Scott about the ABC's commitment to pursuing regional local content.

Over the course of the time that I have been in this place I have heard continually that the reason for the restriction of the ABC, and the retraction of their services, is budgetary restraints. Budgetary constraints are the reason there has been an increasing lack of local content and the reason programming is now centred on our capital cities. Let's get real, Mr Scott. Out of a total budget of a whopping billion dollars, the ABC in its wisdom allocates just $24.6 million to the provision of services across rural and regional Australia for the radio services. That is less than two per cent of the total budget of the ABC.

Older Australians lament to me that the ABC used to be a strong local identity, one they relied on for their news, which was reported to them by locally based, knowledgeable reporters. And our local ABC presenters still attempt to live up to that cultural tradition, but the expectation is becoming increasingly difficult as their footprint as local radio providers is being increased and increased over time with a decrease in people and infrastructure for them to actually do their job.

I know it is not just the ABC that has virtually pulled out of local coverage. The commercial TV stations have slashed television news coverage dramatically over decades, closing news bureaus throughout rural and regional areas. The commercial sector is also now crying out for media reform, which may mean the removal of the reach rule and the three-out-of-four ownership laws, which I would argue should not occur without being accompanied by a suite of regulatory options that protect the provision of locally produced content.

As part of a suite these may include, for instance, licencing provisions which enshrine locally produced content, ensuring that our ACMA regulations are clear about our communities' expectations about what broadcasters should and should not be providing as consumption, and amending the Broadcasting Services Act. I think until the conversions of the media platforms actually occur there is a significant gap not only in the provision of internet out there in the regions—that may allow regional Australians to access their news, current affairs, entertainment, information and weather in an appropriate and individualised and local way—but also there are cultural issues out there about who has access to the internet, how they use it and how often et cetera. So, until full conversion does occur, there do need to be some mechanisms to ensure that rural and regional Australians have access to information that is locally produced and locally relevant.

That is exactly why I introduced my private senator's bill, the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015. That is to deal with the ABC. Obviously, it is up to Minister Fifield to examine ways that he can look after local content but also ensure that our commercial providers in the regions are commercially viable. As a result of my private senator's bill, the workings of the ABC in regional areas have now been referred to the Environment and Communications Legislation Committee for inquiry and reporting. We will be conducting inquiries right around Australia over coming months. Submissions do not close until the 26th of this month, so I encourage anybody out there who
has an interest in this area to get submissions into the secretariat as soon as you can. We would love to hear your views.

With the expected changes in media law, the regional media landscape is about to change forever. Regional Australia needs the ABC to rise to the occasion and provide serious commitment, not just rhetoric, and resources to regional Australia in a climate that is now even more tenuous for our communities. The ultimate aim should be to fulfil the specific role that public broadcasters are created for and to be an ABC for all Australians. It is interesting to note the ABC's own comments on this issue from its annual report in 1997. It stated:

Regional Services embodies the ABC's commitment to localism and to providing services which respond to the needs of the diverse State regional and rural audiences throughout Australia. This commitment was reinforced in the Mansfield Review which confirmed the importance of the ABC 'maintaining a regional presence' and providing 'programming with a regional focus'. So what has actually happened? Twenty years on from those comments, most of the localism which the ABC so proudly proclaimed is no more, with a number of regional newsrooms closed or severely downsized. The ABC, many could say, has lost its way. It needs to re-embrace its sense of purpose.

I think it was great to hear tonight the managing director's commitment. In a converged media environment, who is going to tell the stories of regional Australia? It is not going to be the huge international corporations. The Netflixes of the world are not going to tell me what has happened in the Bendigo football or netball league grand final. It is going to be a local internet provider that will put that up, and I am going to be able to access that. But, until we get to the point where I have the infrastructure and the know-how to do that, and indeed the entrepreneur to provide that information to me, there has to be a stopgap to ensure that I have locally produced content.

Rural Australia loves its ABC. A survey of ABC audiences has revealed that 91 per cent of those surveyed said that access to local content was important or very important, and 63 per cent of those surveyed accessed local content on their local ABC radio at least weekly. The findings of this research lead to a number of conclusions. Locally produced content is clearly important to regional Australians. We run our businesses by it. We interact with our communities by it. We understand who we are by it. It is somebody from our community talking about our community to our community. We do not want that coming out of Sydney or Melbourne. ABC local radio and online services are important components of the media mix in regional Australia. That is what that research shows us.

In estimates in 2013 the ABC stated that it had 'an enduring relationship with rural and regional communities and an unrivalled commitment to providing news and information for and from regional Australia' and that that was all part of its charter obligations. A commitment to rural and regional communities that have been so loyal to the ABC for so long is being given little consideration as budgets are drawn up in Sydney or Melbourne with city audiences and ratings—which I keep hearing every estimates, from a public broadcaster. Ratings are somehow more important than ensuring that my communities get the essential information they need to run their businesses, live their lives and connect. The regions should not be expected just to tag along with this. We need only go to some of the celebrity—shall I say—wage packets across the ABC to see that millions of dollars are being spent on ratings, when I would like a few more local radio stations opened.
The ABC does not need to and should not concentrate on ratings. Leave that to the big commercial networks that have the finances to compete for international cricket, tennis, netball or football matches. Women's sport, so long neglected by all of the networks, is, I am glad to say, finally being recognised for the top spectacle that it is. Go the Southern Stars, the Matildas and the great Diamonds! Let us expose these top athletes to more radio and television time on the ABC. The audiences love it. Back in the day, I loved getting up on a Sunday morning to watch the Australian netball team—because no-one else would show it. Now they are getting the money they need to develop their sport from commercial broadcasters because the ABC gave them the chance. Leave the cricket to the commercials. Give women's sport a chance. I hope that the new CEO, Michelle Guthrie, renews the ABCs commitment to rural and regional Australia.

Senate adjourned at 19:50

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[L]egislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—

Exemption — carriage of cockpit voice recorders and flight data recorders—CASA EX17/16 [F2016L00078].

Exemption — Pearl Aviation Australia Pty Ltd — low-level rating requirement—CASA EX22/16 [F2016L00081].

Retirement Life – Critical Components—AD/ENST 28/1 Amdt 6 [F2016L00071].


National Health Act 1953—

National Health Determination under paragraph 98C(1) (b) Amendment 2016 (No. 1)—PB 3 of 2016 [F2016L00077].

National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2016 (No. 1)—PB 6 of 2016 [F2016L00080].


National Health (Listed drugs on F1 or F2) Amendment Determination 2016 (No. 1)—PB 7 of 2016 [F2016L00082].

National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2016 (No. 1)—PB 1 of 2016 [F2016L00075].

National Health (Originator Brand) Amendment Determination 2016 (No. 1)—PB 8 of 2016 [F2016L00083].


National Health (Price and Special Patient Contribution) Amendment Determination 2016 (No. 1)—PB 2 of 2016 [F2016L00073].

Tabling
The following documents were tabled pursuant to standing order 61(1)(b):
Animal welfare—Puppy farms—Letter to the President of the Senate from the Victorian Minister for Agriculture (Ms Pulford), dated 22 January 2016, responding to the resolution of the Senate of 30 November 2015.
Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 1002018, 1002114, 1002148, 1002155, 1002161, 1002162, 1002163, 1002169, 1002170, 1002171, 1002183, 1002185, 1002272, 1002315, 1002327, 1002355, 1002483, 1002507, 1002547, 1002556, 1002576, 1002561, 1002868, 1002881, 1002957, 1002958, 1002959, 1002959, 1002950, 1002956, 1002961, 1002962, 1002963, 1002990, 1002999, 1003005, 1003050, 1003063, 1003067, 1003119, 1003121, 1003139, 1003140, 1003160, 1003161, 1003175, 1003180, 1003181, 1003182, 1003206 and 1003309—Commonwealth Ombudsman's reports, dated 3 February 2016.
Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for 1 July to 30 September 2015.
Work of Committees—Year statistics: 1 January to 31 December 2015; and half-year statistics: 1 July to 31 December 2015.

Tabling
The following documents were tabled by the Clerk pursuant to order:
Departmental and agency appointments and vacancies—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—
Department of Human Services.
Department of Veterans' Affairs.
Environment portfolio.
Foreign Affairs and Trade portfolio.
Prime Minister and Cabinet portfolio.
Departmental and agency grants—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—
Department of Human Services.
Department of Veterans' Affairs.
Prime Minister and Cabinet portfolio.
Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16 (Supplementary)—Statements pursuant to the order of the Senate of 25 June 2014—
Australian Centre for International Agricultural Research.
Department of the Prime Minister and Cabinet.