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SITTING DAYS—2019

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FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General
His Excellency General the Hon. David John Hurley, AC, DSC, FTSE (Retd)

Senate Office Holders
President—Senator the Hon. Scott Ryan
Deputy President and Chair of Committees—Senator Susan Lines
Temporary Chairs of Committees—Senators Askew, Bernardi, Bilyk, Brockman, Brown, Faruqi, Fawcett, Fierravanti-Wells, Gallacher, Griff, Kitching, Polley, Sterle and Stoker
Leader of the Government in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Government in the Senate—Senator the Hon. Simon Birmingham
Leader of the Opposition in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon. Kristina Keneally
Manager of Government Business in the Senate—Senator the Hon. Anne Ruston
Deputy Manager of Government Business in the Senate—Senator Jonathon Duniam
Manager of Opposition Business in the Senate—Senator Katy Gallagher
Deputy Manager of Opposition Business in the Senate—Senator Kimberley Kitching

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Liberal Party in the Senate—Senator the Hon. Simon Birmingham
Leader of The Nationals in the Senate—Senator the Hon. Bridget McKenzie
Deputy Leader of The Nationals in the Senate—Senator the Hon. Matthew Canavan
Leader of the Labor Party in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Labor Party in the Senate—Senator the Hon. Don Farrell
Leader of the Australian Greens—Senator Richard Di Natale
Deputy Leader of the Australian Greens in the Senate—Senator Larissa Waters
Chief Government Whip—Senator Dean Anthony Smith
Deputy Government Whips—Senators James McGrath and Slade Brockman
The Nationals Whip—Senator Perin Davey
Chief Opposition Whip—Senator Anne Elizabeth Urquhart
Deputy Opposition Whips—Senators Raff Ciccone and Malarndirri McCarthy
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives:

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<th>Senator</th>
<th>Party</th>
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(1) Chosen by the Parliament of Victoria to fill a casual vacancy (vice S Conroy), pursuant to section 15 of the Constitution.

(2) Chosen by the Parliament of South Australia to fill a casual vacancy (vice N Xenophon), pursuant to section 15 of the Constitution.

(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice S Dastyari), pursuant to section 15 of the Constitution.

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

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

(6) Chosen by the Parliament of Victoria to fill a casual vacancy (vice M Fifield), pursuant to section 15 of the Constitution.

(7) Vacancy created by the resignation of Senator Arthur Sinodinos on 11 November 2019.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
CA—Centre Alliance; CLP—Country Liberal Party; IND—Independent;
JLN—Jacqui Lambie Network; LNP—Liberal National Party;
LP—Liberal Party of Australia; NATS—The Nationals;
PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—C Surtees
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—J Wilkinson
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<td>Prime Minister</td>
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<tr>
<td>Minister for the Public Service</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon. Marise Payne</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service and Cabinet</td>
<td>The Hon. Greg Hunt MP</td>
</tr>
<tr>
<td>Minister for Indigenous Australians</td>
<td>The Hon. Ken Wyatt AM MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister and Cabinet</td>
<td>The Hon. Ben Morton MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development</td>
<td>The Hon. Michael McCormack MP</td>
</tr>
<tr>
<td>Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management</td>
<td>The Hon. David Littleproud MP</td>
</tr>
<tr>
<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td>Minister for Regional Services, Decentralisation and Local Government</td>
<td>The Hon. Mark Coulton MP</td>
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<tr>
<td>Assistant Minister for Road Safety and Freight Transport</td>
<td>The Hon. Scott Buchholz MP</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon. Andrew Gee MP</td>
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<tr>
<td>Assistant Minister for Regional Development and Territories</td>
<td>The Hon. Nola Marino MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Josh Frydenberg MP</td>
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<tr>
<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon. Michael Sukkar MP</td>
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<tr>
<td>Minister for Housing</td>
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<tr>
<td>Assistant Minister for Superannuation, Financial Services and Financial Technology</td>
<td>Senator the Hon. Jane Hume</td>
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<tr>
<td>Minister for Finance</td>
<td>Senator the Hon. Mathias Cormann</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>
<td>Senator the Hon. Zed Seselja</td>
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<tr>
<td>Assistant Minister for Finance, Charities and Electoral Matters</td>
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<tr>
<td>Minister for Agriculture</td>
<td>Senator the Hon. Bridget McKenzie</td>
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<tr>
<td>Assistant Minister for Forestry and Fisheries</td>
<td>Senator the Hon. Jonathon Duniam</td>
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<td>Minister for Foreign Affairs</td>
<td>Senator the Hon. Marise Payne</td>
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<td>Minister for Trade, Tourism and Investment</td>
<td>Senator the Hon. Simon Birmingham</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
<td>The Hon. Alex Hawke MP</td>
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<td>(Leader of the House)</td>
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<td>The Hon. Greg Hunt MP</td>
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<td>Minister for Aged Care and Senior Australians</td>
<td>Senator the Hon. Richard Colbeck</td>
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<td>Minister for Youth and Sport</td>
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<tr>
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<td>Multicultural Affairs**</td>
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<tr>
<td>**Assistant Minister for Customs, Community Safety and Multicultural</td>
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<td>Affairs**</td>
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<tr>
<td><strong>Minister for Communications, Cyber Safety and the Arts</strong></td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Ministers are sworn to administer the portfolio in which they are listed under the ‘Minister’ column and may also be sworn to administer other portfolios in which they are not listed. Assistant Ministers in italics are designated as Parliamentary Secretaries under the Ministers of State Act 1952.
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Tuesday, 26 November 2019

The PRESIDENT (Senator the Hon. Scott Ryan) took the chair at 12:00, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: I table documents pursuant to statute as listed on the Dynamic Red. Full details of the documents are recorded in the Journals of the Senate.

COMMITTEES

Meeting

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

Corporations and Financial Services—Joint Statutory Committee—private briefing on Thursday, 28 November 2019, from 9.50 am.

Finance and Public Administration Legislation Committee—public meeting on Tuesday, 26 November 2019, from 3.30 pm, for the committee's consideration of the Supplementary Budget Estimates 2019-20.

Financial Technology and Regulatory Technology—Select Committee—private briefing on Wednesday, 27 November 2019, from 11.30 am and from 12.45 pm; and Wednesday, 4 December 2019, from 11.30 am.

Foreign Affairs, Defence and Trade References Committee—public meeting on Monday, 2 December 2019, from 3.30 pm, to take evidence for the committee's inquiry into Australia's declarations made under certain international laws.

Human Rights—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 27 November 2019, from 11.30 am.

Regulations and Ordinances—Standing Committee—private briefing on Wednesday, 27 November 2019, from 1 pm.

The PRESIDENT (12:01): I remind senators that the question may be put on any proposal at the request of any senator. There being none, I call the Clerk.

BILLS

Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019

Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019

In Committee

Bills—by leave—taken together and as a whole.

Senator STEELE-JOHN (Western Australia) (12:02): In respect of the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019, I move amendment (1) on sheet 8823:

(1) Clause 2, pages 2 and 3, table items 2 to 4, omit the table items, substitute:

2. Schedule 1 If the Peru-Australia Free Trade Agreement,
done at Canberra on 12 February 2018, enters into force for Australia—the first day that bilateral side letters exchanged between Australia and each other party to the Agreement agreeing that the part of the agreement which deals with investor-State disputes does not apply in relation to an investment in Australia by an investor of the other party are in force for Australia.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.

3. Schedule 2  If the Indonesia-Australia Comprehensive Economic Partnership Agreement, done at Jakarta on 4 March 2019, enters into force for Australia—the first day that bilateral side letters exchanged between Australia and each other party to the Agreement agreeing that the part of the agreement which deals with investor-State disputes does not apply in relation to an investment in Australia by an investor of the other party are in force for Australia.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.

4. Schedule 3  If the Free Trade Agreement between Australia and Hong Kong, China, done at Sydney on 26 March 2019, enters into force for Australia—the first day that bilateral side letters exchanged between Australia and each other party to the Agreement agreeing that the part of the agreement which deals with investor-State disputes does not apply in relation to an investment in Australia by an investor of the other party are in force for Australia.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.

This amendment deals with the very pernicious clauses within these agreements that give corporations the right to sue governments. People might not be aware—although we've previously covered it pretty comprehensively in the debate—so I'll make it very clear: this deals with the inclusion of ISDS clauses, so the pathways through which corporations are able to sue governments for taking action in relation to regulating in the public interest. Australia has had more experience than many nations of the potential impact of these clauses. We have had the experience very close to hand of the way in which Philip Morris utilised an ISDS
clause in a previous agreement with Hong Kong to pursue the Australian government in relation to plain-packaging laws after we had had that legislative decision upheld by the highest court in our land.

There are arguments made by the major parties in this place that the Hong Kong free trade agreement, which we are partially facilitating the implementation of today, includes a revamped ISDS clause, with many wonderful protections against the occurrence of these particular situations. Once again, however, as my colleague Senator Whish-Wilson so clearly put to the chamber yesterday, there is, in fact, no such thing as a properly revamped ISDS clause. It is one of those great legal fictions that continues to pervade us. These mechanisms were created and are always inserted within these agreements for the sole purpose of enabling corporations to get away with the pollution of our environment, the undermining of our labour standards and the violation of our human rights, and it is continually the case that they have the practical effect of a legislative chill upon our government.

This amendment does something very simple. I would hope, given the contributions of so many members to these debates yesterday, that some of it has sunk in, particularly to the Labor Party's mind, in relation to this amendment. There are very clear statements that have been made by the ACTU, by the electrical trade unions, flagging the concerns over these clauses, and our amendment seeks to simply make the implementation of these agreements contingent upon the removal of these clauses. Highly practical, it should be a rather non-controversial move that the chamber could make. I remind the chamber that the EU and the US are, at the moment, in the business of excluding ISDS clauses from many of their agreements, precisely because of the danger that they pose to national sovereignty, and are working their way out of these agreements. I commend this amendment to the chamber and would ask all parties to consider, deeply, supporting it.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:06): Very briefly, the government will not be supporting this amendment. Australia has had ISDS arrangements in place for over 30 years. During that time, only one ISDS case has been brought before Australia in tribunal. That, indeed, is the one that Senator Steele-John referenced, in relation to Philip Morris, which I note the government successfully defended. I further note that, in terms of ISDS provisions, further safeguards have been built in to modernise ISDS provisions that would see even that case, which we successfully defended, not get as far as it did, in the future.

In contrast, the government is aware that at least five Australian companies have made ISDS claims against other governments in relation to the protection of investments that were threatened by those governments, often in the case of places that don't have the same type of respect for sovereign risk and other practices that Australian governments tend to have. Removing ISDS from these three free trade agreements, as this amendment proposes, would not remove ISDS with these countries. Instead, it would simply leave in place older provisions. The new provisions are far superior and ought to stand.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:08): The Labor Party won't be supporting these amendments in relation to ISDS provisions. The improved ISDS clauses in these agreements include safeguards on the public interest, which allows Australia to regulate on legitimate public welfare objectives. This includes the protection of public health, safety and the environment. Australia will be
protected from actions against important prudential reform, such as those stemming from the banking royal commission, and, with the new ISDS clauses, tobacco company Philip Morris—which I know has come up in debate a lot through this bill—would not be able to sue the Australian government for its plain cigarette packaging legislation, as they did previously under the existing Hong Kong bilateral investment treaty. If these agreements are not ratified, Australia will be objectively worse off with regard to ISDS. The government, in writing, confirmed to Labor that it would seek to review other old-style investment provisions in existing agreements.

In relation to labour market testing, all of the agreements uphold Australia's WTO obligations, signed and entered into by the Keating Labor government, and have applied since 1995. There is no waiver of labour market testing for contractual service suppliers in any of the three agreements, and the government has confirmed that it will not use the provisions of article 12.9 of the Indonesian agreement to propose or introduce any additional labour market testing waivers. Labor will continue to hold them to account on this commitment.

Senator STEELE-JOHN (Western Australia) (12:09): I want to respond to some of the observations put by the Labor and Liberal parties through the course of that exchange. First of all, to the minister's statement that these clauses have been used by Australian companies no less than 15 times—

Senator Birmingham: Five times.

Senator STEELE-JOHN: Five times—you're absolutely right, Minister. They have been used five times, including by OceanaGold, a WA based mining company, to take the El Salvadorian government to a tribunal process for no less than the entire budget of El Salvador for one year. It was a case which commenced in 2009, ceased in 2016 and was chucked out. The crime of the El Salvadorian government for which they were taken to a tribunal under this process was simply asking a mining corporation to clean up after themselves. I will make it very clear to the chamber that our opposition to these clauses and their use absolutely stands in relation to the use of them by Australian corporations to bully sovereign nations into allowing those corporations to pollute their lands.

In relation to the commentary made by the Labor Party, through Senator Gallagher, I'll make this very simple point, which should be clear to any of those who followed the JSCOT process closely: we are dealing with the implementing legislation for three separate free trade agreements here. There may well be so-called revamped ISDS clauses used in relation to the Hong Kong free trade agreement, flawed as they are. However, that is not the case in relation to the Peruvian and Indonesian free trade agreements. I would specifically point out that there exists in neither of those agreements specific carve-outs in relation to tobacco. They do not exist in the Indonesian or Peruvian free trade agreements, which is why civil society is concerned by the prospect of us entering into an agreement with a country that plays host to large tobacco corporations, who are ready, willing and waiting to re-litigate, potentially, the plain packaging debate that we've had in this country, as is absolutely open to them to do under ISDS processes.

Again, in case you haven't been paying attention, precedence does not operate in ISDS tribunals. They sit outside usual procedural justice norms here in Australia, so cases may be litigated and re-litigated under these processes. There is an additional concern that tobacco may well use these clauses with Indonesia to fight any potential future vaping legislation that
may be put forward by this place or another. There can be no doubt that these clauses present an unacceptable risk to Australia's sovereignty and the ability to legislate in the public interest. That is why I would remind the Labor Party that the ACTU oppose these deals. The Electrical Trades Union opposes these deals so stringently, in fact, that they have said that they are going to have nothing more to do with you.

We are simply asking you folks to stick to the manifesto under which you went to the election. We are simply asking you to stand by the platform that you apparently spent three or four years formulating. It's not a large ask. It's just a tiny piece of opposition that is being asked from the Labor Party today. I would again urge them to reconsider their position on this particular amendment.

Senator LAMBIE (Tasmania) (12:14): I just want to say a few things about this. Obviously the bills, which enact agreement made between the Australian government to Peru, Indonesia and Hong Kong, all include an investor state dispute settlement, once again, which means foreign investors will be ineligible for compensation under the agreements if the Australian government tries to regulate them. They can sue if they don't get what they want—no surprises here. That's why I oppose the bills. As usual, the major parties are handing over more power to the big corporations. As usual, they're taking power away from the Australian workers.

I have to say it's pretty ironic that I'm one of the ones standing up for workers here today, when the unions have been at me for months. It's strange, isn't it, that they're happy to blast my office, take up calls and take time away from those who are vulnerable and who actually need services from my office, and yet here we go. I don't see any billboards and I don't see any pages running in newspapers about what the Labor Party is doing to them. Honestly, where's that ad campaign? It suits the CFMMEU and the ETU, but when it has to go on at their own and taking their political donations—I'm telling you, it just blows me away. I don't even know how you're supposed to take these two unions seriously anymore.

So I'm calling Labor out for walking away from the workers they're supposed to represent, because obviously the CFMMEU and the ETU won't do the job. Labor used to be the party of the worker. These days they're the party of foreign investors. They're the party of rolling over for the government. I've come to expect the government to wave this sort of stuff through, but for it to come from Labor? I tell you what—it's a pathetic day for Australia today. Do they even know what they stand for anymore or who they actually stand for? That's the question.

I can tell you who I stand for. I stand for the workers in Tasmania whose jobs have disappeared overseas. I stand for the people who are languishing on Centrelink because the industry in their town has shut down. I stand for the Tassie farmers who are watching the land around them get bought up by Chinese developers. I stand for the people who are horrified that their government is handing control to foreign investors who can sue if they don't like policy change. Who does that? Who does that to their own country? Who does that?

Labor, you should be standing up here with me. You should be standing against the coalition. It isn't good enough for them to say, 'We have an agreement with the government.' The government has agreed to what exactly? All I can see are vague commitments to nice ideas. Where's the concrete action? How are we going to protect the people who will feel the impact of these free trade agreements? There are no protections. What, more reviews when the deal has already been done? That's not going to help people in towns who are struggling
now. It's not good enough to note the importance of ensuring there are public interest checks on the ability of foreign investors to sue our government. The fact is, these provisions shouldn't exist at all. It just isn't right. No-one should be willing to let multinational corporations hold our government hostage. I believe that you're going to regret this action in years to come, I can tell you. And I'll be one of the ones standing up here saying: 'Ha, ha! What do you know? The crossbench told you so. What do you know?'

Labor, you should actually see that, and frankly I'm surprised that you don't. I don't know why you would do these deals, and I don't know why the unions keep giving you political donations. If you're not doing the job to help their workers, then why do they bother? They're going at crossbenchers like me, Centre Alliance and One Nation over an integrity bill, yet they don't have the guts to stand up to you people and say, 'Hey, you're taking thousands of jobs off us.' This is what's going on here, and I'm supposed to take the CFMMEU and the ETU seriously? You've got to be kidding me today. They're just as shameful. They're not standing up for their workers; they're out there standing up for their thugs, and, quite frankly, I think Australia's had a gutful of it.

Senator STEELE-JOHN (Western Australia) (12:18): I want to follow along from the contribution made by Senator Lambie and draw some real clarity for anybody following this debate at home—because we can all see those little broadcast lights on, letting us know that the Australian public are watching what we are doing. You may well hear from the Labor Party that these—

Senator Lambie interjecting—

Senator STEELE-JOHN: Apparently they are in here, Senator Lambie. I struggle to see them sometimes. You may well hear sentiments like: 'These deals are done between the executives of both countries. There's nothing the Senate can do.' I want to really clearly point out for the community the vagaries and the falsehoods around that position. Yes, deals are done between executives, and we in the Greens have extraordinary issues with the way in which trade deals are negotiated in this country. If we were in America—if we were in Trump's America—we would at least, as a legislative body, have the opportunity to scrutinise these deals line by line so that we knew exactly what we were signing our communities up to. Senator Lambie would have the opportunity to scrutinise these trade deals in relation to, for instance, their impact on Tasmania. We would be able to go through it together and understand exactly what the implications of these deals were. Well, not so in Australia, and that urgently needs to change.

However, the Senate does have the authority—the ability, the granted power—to make the implementation of these trade deals, as is outlined in these bills, contingent upon certain modifications to them. That is what these amendments seek to do. They seek to say that if you want to enact these relevant sections of these trade deals—if you want to bring them into force, if you want to make them workable—then first you've got to go back and say: well, actually, do you know what? Corporations are not going to be able to have a back door through which they are able to sue the Australian government when it acts in the public interest. And yes indeed we will deny that same ability to Australian corporations operating in Hong Kong—or in Peru, or in Indonesia—because we as a Senate have no desire to see Australian corporate entities become global environmental humanitarian or labour market
vandals. That's not who we are. That's not what we want from Australian business when it operates overseas.

So, let's be very clear. We have the power to ask the government to make that change and to make the implementing legislation and its coming into force contingent upon those changes. I want to make that very clear for everybody who is following along at home. That is a choice that the Australian Labor Party—which it seems is rapidly morphing into 'Her Majesty's constructive consultation feedback group'—could actually take this afternoon. They're making an active decision not to stick by the unions that have supported them, not to stick by the nature of the policy platform that they put to the Australian people, but in fact to buckle before they even had an argument. I read through in detail the so-called concessions the Labor Party feel they've won from the government—brave red lions that they are!—and it's basically a wish list of nonsense. Half of the list that I had prepared, next to the analysis page of the document that came back from the Parliamentary Library, says 'does not have an effect on the relevant deal'. They've basically taken window dressing, because they don't want to have a fight about it, because they're too busy navel gazing—too busy wondering existentially what their point is, about what role they have to play. I'm honestly unclear as to why you folks want to end the year stabbing the union movement in the back and buckling to the corporate agenda of this government. These guys—this is their MO. This is why they got into politics, or got put into politics: to be the shells of large corporate Australia and to do that process. That's what the LNP is for.

I've been accused, probably accurately, of lecturing the Labor Party in the past, and I would like to confirm this afternoon that I am indeed lecturing you—and you're not very well in my class so far! There's going to have to be some improvement if you're going to pass at the end of the term, folks, because this is not good enough. It is really—softly, quietly, firmly—not good enough. That is why your supporters are so disappointed with you this afternoon. It's why they're so much in pain over these decisions. I shouldn't have to remind you that people give their lives to political organisations. They give their heart and soul. Many do that because they feel that the Labor Party is the party of working people. Well, not this afternoon, and that is a real shame. But you could still take this opportunity, right here, right now, to vote for this amendment and to at least make sure that we don't open up a back door through which corporate Australia can sue the Australian government when they feel that a regulation threatens the public interest. It's not a high bar to jump over, folks, and I really urge you to back this amendment.

The CHAIR: The question is that amendment (1) on sheet 8823, as moved by Senator Steele-John, be agreed to.

The committee divided. [12:30]

(The Chair—Senator Lines)

<table>
<thead>
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<th>Ayes</th>
<th>13</th>
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<tr>
<td>Noes</td>
<td>36</td>
</tr>
<tr>
<td>Majority</td>
<td>23</td>
</tr>
</tbody>
</table>

AYES

Di Natale, R          Faruqi, M
Griff, S              Hanson-Young, SC
Lambie, J             McKim, NJ

CHAMBER
Question negatived.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:33): Minister, could you please update the chamber as to the status of the termination of the Agreement between the Government of Australia and the Government of the Republic of Indonesia concerning the Promotion and Protection of Investments, the existing bilateral investment treaty?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:34): I can inform you that those discussions are well underway with the government of Indonesia. The government of Indonesia has agreed its willingness to do so, alongside our government's determination to do so. I expect that to proceed and ultimately be presented to the Joint Standing Committee on Treaties over the coming months.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:34): Is that the best you can provide the chamber with in terms of any specific time frame for resolution?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:35): Our ambition is to sign the exchange required for termination very early in the new year. As I said, it would then proceed promptly through JSCOT. I expect termination of this treaty to be a minor treaty action that...
shouldn't require further examination, given that JSCOT has already recommended that that occur.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:35): Can you also update the chamber as to what steps have been taken to review older-style bilateral investment treaties and replace antiquated investment provisions with modern safeguards, and do you have any time frame for this process?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:35): The government and the Department of Foreign Affairs and Trade are working through a schedule in terms of how to approach that and the resourcing implications of doing so. The government is firmly committed to providing that resourcing for DFAT to be able to undertake this work, which will, given the number of countries involved, run over the course of several years. I give a firm commitment that the government is committed to providing additional resourcing, as required, to the department to undertake that work and to get that started within the next 12 months.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:36): So the process will start within the next 12 months, but it will be an ongoing process. Is that the correct interpretation of your answer? The scoping is a long piece of work. Is that what you're saying? And how that work then flows out would happen after that 12 months?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:37): There are multiple investment treaties with multiple governments. Firstly, we will have a look at who we think will be most receptive to moving as quickly as possible in relation to updating those bilateral investment treaties, and we'll get work underway with them and conclude it as quickly as we can with those governments. Other governments may take longer to agree to commence those negotiations, which is why we expect it will take a few years. It's not a long process that takes a number of years for anything to be concluded. During that time we would be striving to conclude agreements along the pathway of those few years.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:37): Are you aware of other FTA partners doing the same work as we've just been talking about?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:38): As the opposition should be aware, through the JSCOT process, we've already concluded one of these updates of bilateral investment treaties, with the government of Uruguay. We intend, as I've just outlined, on pursuing that with the other countries with whom Australia has bilateral investment treaty arrangements in place. In terms of other countries who may be seeking—as proactively as we are committing to do—to update their investment treaties, I'm not aware that's a priority of many other countries, so Australia will be playing a leading role there. But there are multilateral discussions, using various international fora, looking at the best-practice approaches in relation to investment treaties, and Australia is an active participant there, as are a number of other countries.
Senator STEELE-JOHN (Western Australia) (12:39): Going to the question of ISDS clauses, and in the context of the chamber just rejecting the contingent amendment that the Australian Greens put forward, I'm curious about the inconsistencies between the various mechanisms as outlined in each agreement, particularly between the Australia-Hong Kong FTA, which contains specific exclusions for tobacco, and the Peru agreement and the Indonesia agreement, which do not include those specific carve-outs. And I'm wondering why the government has signed up to an agreement with inconsistent ISDS mechanisms around tobacco?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:39): Each of these agreements are matters of negotiation, but the Indonesia agreement and the Peru agreement contain clear public health exemptions, in terms of the Australian government's rights, and counterpart governments' rights, to be able to legislate and regulate in those areas, and those public health exemptions would capture tobacco regulation as well.

Senator STEELE-JOHN (Western Australia) (12:40): Can you explain to the chamber the specific provisions that exist within the Hong Kong free trade agreement, in relation to tobacco?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:40): The Hong Kong agreement contains public health exemptions as well, but it also has references to tobacco. Essentially, they are duplicate, if you want to look at it that way, in the sense that either provision could be used to defend regulation and legislation in relation to the tobacco sector.

Senator STEELE-JOHN (Western Australia) (12:40): If you talk about explicit references, why are those explicit references absent? Why has the government signed up to an agreement with Peru and Indonesia where those explicit references, as you termed them, are absent?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:41): As I've already referenced, there are public health exclusions, in the Peru and Indonesia agreements, that capture and provide protections in relation to legislation and regulation of the tobacco industries. Each of these, as with any bilateral agreement between nations, is a negotiation, but the government is completely sure that in Indonesia and Peru the public health exemptions provide a clear mandate to legislate and regulate the tobacco sector. In relation to Hong Kong, we have, essentially, a duplication of provisions that allow us to do so.

Senator STEELE-JOHN (Western Australia) (12:41): But, Minister, the government does acknowledge that there are not the explicit references that are present within the FTA with Hong Kong, within the Indonesia agreement and within the Peru agreement. You do acknowledge there is a difference, there, don't you? Can you confirm to the chamber that there is a difference between the three agreements, in relation to the treatment of tobacco under SDA?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:42): I outlined that in my previous answer.
Senator STEELE-JOHN (Western Australia) (12:42): I take that as a yes, as the word you were looking for. Let me just make this clear: did the Australian government seek to insert similar explicit mention of tobacco within the Peruvian and Indonesian agreements?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:42): Chair, I'm not going to take the chamber through each of the negotiating rounds of the agreements. We have the agreements that have been considered by the Joint Standing Committee on Treaties, the legislation that's before us. As I outlined, when it comes to protection of the Australian government's right to legislate on tobacco or to regulate the tobacco sector, each of these agreements clearly preserves the right for the Australian government to do so.

Senator STEELE-JOHN (Western Australia) (12:43): In that context, you seem to be proposing to the chamber that, under any and all of these ISDS clauses, there are what you've termed duplications, that would protect Australian public health in relation to tobacco. Is that the government's central contention?

The TEMPORARY CHAIR (Senator Bernardi): There's no response, Senator Steele-John, so you have the call.

Senator STEELE-JOHN (Western Australia) (12:43): I'm not fluent in Auslan, so I'm not sure whether that's a yes.

The TEMPORARY CHAIR: Just one moment. Let's get it on the Hansard. Minister, if you'd like to make a contribution, you have the call.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:43): I've already answered that in a previous question. There are clear protections, as the public health exclusions provide across all of these agreements, for the Australian government to legislate and regulate in relation to the tobacco sector.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:44): What advice has been provided by the minister's office for the Department of Foreign Affairs and Trade, regarding the provision of article 12.9, since the commitment not to use the article to propose, create or extend labour market testing waivers for Indonesian contractual service suppliers?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:44): The government has made clear that we will not be raising article 12.9 with the Indonesian government. Article 12.9 can only be activated with the mutual agreement of both governments and even then it is only for a review. Any changes would again require the mutual agreement of both governments, but we have made clear that we are not going to move to even that first stage of raising, or proposing or agreeing to any such review under that article.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:45): From that, can I take it that the government has made clear to DFAT the government's intentions and commitments around 12.9? Has DFAT responded to the government with any concerns, or with an outline of their approach to handling that? Also, could you inform the Senate as to whether you have had any discussions with your Indonesian counterpart, specifically around article 12.9, since this commitment was published?
Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:45): My department is obviously aware of the commitment that I gave on behalf of the government to the opposition in relation to article 12.9. The department understands that and will operate within the guidelines and commitments made by the government, as you would expect. I have met with my Indonesian counterparts—both my former and current counterpart—I think on a couple of occasions since that commitment was made. We have not raised any article 12.9 discussions with them. They are aware of the commitments the government has made and they have not raised any concerns with us.

Senator STEELE-JOHN (Western Australia) (12:46): I want to finish my line of questioning around tobacco. Your primary contention seems to be that basically what we have here are duplicated protections that are adequate in relation to the tobacco regulatory space and health generally. Can you explain then why there are these differences between the three agreements? If it is basically duplication that we are dealing with, why is there specific mention within the Hong Kong FTA that is absent from the other agreements? It would seem to me to be unnecessary.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:47): Again, these are matters for negotiation between Australia and third countries. We don't walk into negotiations with a third country and say: 'Here's Australia's template. This is the only wording we use with each and every country. Take it or leave it.' We go into negotiations and get the best possible outcome for Australia across all levels. But in relation to each of the three agreements, I restate that they may have different elements of wording—one may contain duplication, particularly in relation to tobacco measures—but the Senate and the nation can be assured that each of them provides clear protections for the Australian government of the day to be able to legislate and regulate in relation to the tobacco industry.

Senator STEELE-JOHN (Western Australia) (12:48): Thank you. I might just move on to the broader question of ISDSs and the concern around them, as has been outlined in a number of the submissions to the relevant inquiries into these legislative pieces. I'll read briefly from the submission made by AFTINET to the JSCOT inquiry:

ISDS has no independent judiciary. Tribunals are organised by one of two institutions, the United Nations Commission on International Trade Law (UNCITRAL) and the World Bank International Centre for Settlement of Investment Disputes (ICSID). Tribunals for each case are chosen by investors and governments from a pool of investment lawyers who can continue to practice as advocates, sitting on a tribunal one month and practising as an advocate the next. In Australia, and most national legal systems, judges cannot continue to be practising lawyers because of obvious conflicts of interest. ISDS has no system of precedents or appeals, so the decisions of arbitrators are final and can be inconsistent. In Australia, and most national legal systems, there is a system of precedents which judges must consider, and appeal mechanisms to ensure consistency of decisions.

This gives you a broader picture of the profound departure that ISDS represents from anything consistent with the Australian judicial norm. Given that the system of appointing arbitrators provides no additional protection and demonstrates a substantial conflict of interest, why is it that the government has decided ultimately to include these clauses within the relevant trade deals?
Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:50): These sorts of clauses have been in existence for more than 30 years as part of investment treaties, trade arrangements and otherwise. They are quite common practice. Senator Steele-John, you yourself just noted the United Nations practices and engagement in relation to them. It's perhaps the only area I can think of offhand where the Australian Greens have decided that they don't trust a United Nations process or tribunal appointment type arrangement.

These are here so that companies that undertake investments across international borders have confidence that there are safeguards in place for those investments that protect them from sovereign risk determinations made by governments in countries that may not have the same types of standards of rule of law and respect for sovereign risk that Australia has. That is why Australia has never been the subject of a successful appeal against these matters, whereas Australian companies have sometimes used them—sometimes frivolously and sometimes not so frivolously. In the end, that's up to individual processes.

The government believes that these remain valid mechanisms to help facilitate the flow of investment across international borders where laws are inconsistent and to provide some common practice and understanding. They are widely used internationally and widely respected by international lawmaking bodies.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:52): I have one follow-up question from the previous set of questions I asked. Minister, you said that Indonesia was aware of the commitment that you had given the opposition and the Australian public around article 12.9. Could you outline to the chamber how they became aware? Did you formally write to them or did they pick it up in the media clips? How did the Indonesian government become aware of this commitment?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:52): Obviously, I made a number of commitments to the opposition as part of negotiations on this matter, and I thank the opposition for their constructive engagement on the matter. The letter that I wrote to my shadow counterpart, Ms Madeleine King, has been published. I understand a copy of that letter has been shared with the Indonesian system so that they're aware of that. I have also referenced in at least one of my recent bilateral meetings with the Indonesian counterparts that the discussions with the opposition had been constructive in general terms and I acknowledged that there were some conditions that we agreed to. As I said, no concerns have been raised from Indonesia in relation to them. Specifically in relation to article 12.9, regardless of the view of the other party, whether us or Indonesia, neither party can activate that review under that article without the consent and agreement of the other party, so in a sense it can be a sovereign determination of either party to simply not have a review, and that's a determination that our government has made.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:53): On another matter: when can the Senate expect to see legislation introducing criminal penalties for worker exploitation? Can you provide an outline? Can you outline the process that will be used to develop that legislation?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:54): This matter is led by the
Attorney-General as the Minister for Industrial Relations, but I am advised that that legislation is currently being drafted and should be released. We expect it to be introduced into the parliament next year.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:54): Thank you, Minister, and I accept that this is outside your direct area of portfolio responsibility. Are you aware, with the advice that you've got on that, whether there will be, or there has been, or there is going to be, a consultation process around the development of that legislation, including the ability of groups such as unions and other interested parties to provide submissions?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:55): This follows on from the work of the Migrant Workers’ Taskforce report in March of this year. That report, of course, involved extensive consultation and engagement. In terms of engagement with the drafting and legislating process, I can't firmly commit to the Senate in terms of what the next steps of consultation will be. Obviously, any legislation that comes forward will ultimately be the subject of Senate committee processes and the like, but there may be earlier consultation mechanisms that are deployed as well. I can seek to come back to the opposition on that at a later stage.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:55): Thank you, Minister; I appreciate that. What advice has the minister received from Home Affairs regarding the inclusion of information in visa grant notices of workplace rights and entitlements? Is there any information you can provide to update the Senate on that process?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (12:56): In relation to the previous answer, I can also advise that I understand that the Attorney-General has released a consultation paper in relation to the drafting of those laws, so that process is underway.

In terms of your question on awareness for temporary visa holders of their rights, I understand from the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs that they are already increasing awareness for temporary visa holders of workplace rights and entitlements, including through inclusion of information in visa grant notices and through additional follow-up whilst visa holders are in Australia via multiple communication sources. This includes sending information via hard copy, SMS and the utilisation of social media platforms.

Senator STEELE-JOHN (Western Australia) (12:57): In respect of the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019, I move:

(2) Clause 2, pages 2 and 3, table items 2 to 4, omit the table items, substitute:

2. Schedule 1

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<td>2. Schedule 1</td>
<td>If the Peru-Australia Free Trade Agreement, done at Canberra on 12 February 2018, enters into force for Australia—the first day that bilateral side letters exchanged between Australia and each other party to the Agreement agreeing that labour market</td>
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testing must occur in relation to contractual service suppliers, working holiday visa holders and training visa holders entering, or proposing to enter, Australia from the other Party are in force for Australia.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.

3. Schedule 2

If the Indonesia-Australia Comprehensive Economic Partnership Agreement, done at Jakarta on 4 March 2019, enters into force for Australia—the first day that bilateral side letters exchanged between Australia and each other party to the Agreement agreeing that labour market testing must occur in relation to contractual service suppliers, working holiday visa holders and training visa holders entering, or proposing to enter, Australia from the other Party are in force for Australia.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.

4. Schedule 3

If the Free Trade Agreement between Australia and Hong Kong, China, done at Sydney on 26 March 2019, enters into force for Australia—the first day that bilateral side letters exchanged between Australia and each other party to the Agreement agreeing that labour market testing must occur in relation to contractual service suppliers, working holiday visa holders and training visa holders entering, or proposing to enter, Australia from the other Party are in force for Australia.

However, the provisions do not commence at all unless all of the events mentioned in this item occur.

This amendment follows on from the amendment put previously in relation to ISDS by now giving the chamber the opportunity to make the implementation of these free trade agreements contingent upon comprehensive labour market testing. We do so for a very, very simple reason. We in the Greens would never quibble or seek to oppose the ability of any person to come to Australia and to work and be protected while they work in a safe workplace. But what we see, particularly with the Indonesia agreement, is a process being opened up by which permits have been granted to that nation for work which can be utilised without undertaking the pretty basic principle of checking to make sure whether or not there is anybody currently present within the community who is able to do that job and who has the qualifications to do that job.
This is another step down the road towards the fundamental undermining of labour standards here in Australia. We know what happens when we let big corporates and countries bring in workers in these ways. They often end up being exploited. They often end up working in subpar conditions. They often have the tenuous nature of their residency here in Australia used as a pathway through which they are discouraged from flagging issues in their workplace. It is not something that we should be promoting or permitting. It's definitely not something we should be signing away as part of a trade agreement with another nation.

So we put these amendments on the table to give the Senate the opportunity to close this particular loophole and ensure that we return to promoting high labour standards and workers' rights and that we do everything we possibly can to guard against the erosion of work standards and potential erosional impacts on wages. I commend the amendment to the Senate.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (13:00): I did speak to this when the Australian Greens moved the first of your amendments. I think it's important to add here that there is no change to labour market testing and the conditions that have applied since 1995. These agreements that we are dealing with are not changing the arrangements that have been in place. With respect, I think Senator Steele-John might be incorrect about some of the concerns that he is raising, and Labor will not be supporting the amendment.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:01): Very briefly, to reiterate what Senator Gallagher just said, there are no new or additional waivers of labour market testing for contractual service suppliers created in any of these three agreements. This amendment is unnecessary. The government does not support it.

Senator STEELE-JOHN (Western Australia) (13:01): In response to those comments, to clarify what our amendment seeks to do, I can give you a very clear example of what it is responding to in relation to these trade agreements. It is within chapter 12 of the Indonesia agreement, the implementation of which we are seeking to facilitate, that it grants to Indonesia 4,000 to 5,000 work permits under what used to be the 457 process. The absence of labour market testing means that these permits do not have to be subject to those tests around whether or not there are existing individuals within the community who are able to do this work. That is exactly why they have been so stringently opposed and concerns with them have been so robustly flagged. It might make some people uncomfortable that that's the case, but that is one of the concerns around just the Indonesia agreement alone. That is the basis on which we have put forward this amendment for the Senate's consideration and commended it to the Senate.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:02): I must refute an inaccuracy there from Senator Steele-John. Working holiday-makers are not contractual service suppliers; they are a very different visa category. The working holiday-maker system has operated in Australia since 1975. Working holiday-makers must be under 30. They must, like anybody who works in Australia, meet any criteria in relation to licensing or otherwise to be able to undertake work. However, working holiday-makers have very fixed arrangements in terms of how long they can be here and how much they can work. I would also note that, of course, many young Australians take advantage of similar working holiday-maker schemes to
work elsewhere in the world. This is simply creating rights for young working holiday-makers to have the same opportunities in Australia.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (13:03): I would like to again respond, because I think this is one of the areas where legitimate concerns have been raised, but once the correct information is provided some of those concerns should be eased. My advice is that the 4,000 to 5,000 visas that are provided for under that section of the Indonesia free trade agreement are under the working holiday visa system, of which Indonesians are 1.5 per cent—so, some 500 of those visas. The same labour market testing applies. There is an argument here because the majority of those visas are provided to citizens of the UK. The Indonesians make up a tiny percentage, when you compare the number of their visas to the 60,000-odd visas that are provided to British citizens. There are some issues being raised about why Indonesian people shouldn't have a similar opportunity, after going through the proper process, to access visas under these arrangements.

The TEMPORARY CHAIR (Senator Bernardi): The question is that amendment (2) on sheet 8823 moved by Senator Steele-John be agreed to.

The committee divided. [13:09]

(The Temporary Chair—Senator Bernardi)

Ayes .................... 13
Noes ....................... 37
Majority .................. 24

AYES

Di Natale, R
Griff, S
Lambie, J
Patrick, RL
Roberts, M
Steele-John, J
Whish-Wilson, PS

Faruqi, M
Hanson-Young, SC
McKim, NJ
Rice, J
Siewert, R (teller)
Waters, LJ

NOES

Abetz, E
Antic, A
Askew, W
Bernardi, C
Birmingham, SJ
Bragg, A J
Brockman, S
Chandler, C
Ciccone, R (teller)
Cormann, M
Davey, P
Duniam, J
Fawcett, DJ
Fierravanti-Wells, C
Gallacher, AM
Gallagher, KR
Green, N
Henderson, SM
Hughes, H
Hume, J
McAllister, J
McDonald, S
McKenzie, B
McMahon, S
Molan, AJ
O'Sullivan, MA
Paterson, J
Pratt, LC
Rennick, G
Reynolds, L
Scarr, P
Sheldon, A
Question negatived.

**The TEMPORARY CHAIR (Senator Bernardi) (13:12):** Senator Steele-John, you have another amendment to move?

**Senator STEELE-JOHN (Western Australia) (13:12):** I do, but I have a couple of questions for the minister before we get to that point. Minister, could I now ask you some additional questions in relation to labour market testing and the protection of workers: can you explain what provisions exist within these various agreements to ensure that temporary workers are protected from exploitation and the threat of deportation?

**Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:13):** Obviously, Australian workplace relations laws have provisions for protection of workers from exploitation. I answered some questions from Senator Gallagher earlier about the efforts the government is taking in response to the work of the Migrant Workers' Taskforce both to develop legislation that will enhance penalties in relation to exploitation of migrant workers operating in Australia and to raise awareness amongst those populations of their rights and the protections that exist under Australian workplace law.

**Senator STEELE-JOHN (Western Australia) (13:13):** Thank you, Minister. To drill down on that a little bit more, are you saying that there are no additional protections present within these agreements in relation to workers but, in fact, we will be left in a situation where they'll be under whatever legislative regulations exist in the relevant jurisdiction for workers of their visa category and type in Australia?

**Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:14):** Provisions in a treaty do not of themselves create additional protections for individuals; laws passed through this place create those protections. That's why we have workplace laws of this parliament and of state and territory parliaments, in particular, that create a range of protections for Australian workers and for workers from overseas operating on different work visas. As I outlined in the answer before, we are taking additional steps, in terms of protections, legislation and awareness, of all of those measures. But such trade agreements are not the place to put those protections. The laws of the land are the place to put those protections. That's what the parliament has done over the years. That's what we're continuing to do. I again stress that there are no new labour market waivers created under these agreements.

**Senator STEELE-JOHN (Western Australia) (13:15):** I am aware of that. I was just clarifying for the benefit of the community, which is, as I mentioned earlier, following along with this debate in earnest. They can be forgiven, I think, for sometimes finding these debates a little bit arcane.

I want to now move to the question of ecommerce, which is a less debated issue in relation to these relevant trade deals. We in the Greens party are deeply concerned by the efforts to
reduce the regulatory capacity of government in relation to electronic commerce and trade. It has been made very clear by the ACCC in their recent digital platforms inquiry, and through an extensive and growing body of evidence apart from that, that the big tech companies and multinational corporations can engage and are engaging in anticompetitive practices, breaches of privacy, tax avoidance and the exploitation of workers more generally.

Both the Indonesia free trade agreement and the Hong Kong agreement contain chapters outlining frameworks for e-commerce, which permit the free flow of data, including financial data, across borders. We in the Greens party are firmly committed to ensuring that digital rights and data privacy are strongly protected and we do not believe that either of these agreements provide tangible or sufficient protections to achieve these goals. The intention of ecommerce, as related in the chapters in these agreements, is to reduce the regulation of data flows.

This is, I have to say, at odds with the responsibility the government has to adapt to the future needs of data privacy in this space. This is referenced by the AFTINET submission to the JSCOT inquiry. It says, in the 'Concerning provisions in the electronic commerce chapter':

Article 11.3 prevents governments from developing measures to govern electronic authentication, which are the security standards for electronic transactions (DFAT 2019c: Article 11.3). This can prevent governments from regulating electronic transactions to ensure their security. For example, requiring encryption of personal data (Reid Smith 2018:8).

Article 11.7 locks in the free flow of data including personal data across borders. Government regulation of data flows is permitted but it must not "constitute a means of arbitrary or unjustifiable discrimination, or a disguised restriction on trade" (DFAT 2019c: Article 11.7.3). Article 11.8.2 prevents governments from requiring companies have a local presence in the country where they are providing services (DFAT 2019c: Article 11.8.2).

It goes on to say:

These provisions undermine the government's ability to protect privacy by enable companies to move data, including personal data, to jurisdictions where privacy laws are more limited, as privacy requirements are determined by the country where the data is stored not the country where it originated. Governments are required to adopt consumer protection laws under Article 11.5 (DFAT 2019c:Article 11.5) and a "legal framework that provides for the protection of the personal information" under Article 11.9.2 but there are no minimum standards for this legislation (DFAT 2019c: Article 11.9.2).

They went on to say that provisions that prevent government from requiring that companies have a local presence can also make it more difficult to hold companies to account if there are issues of noncompliance with consumer protection laws and rights and other nationally relevant legislation. Then:

Article 13.13 prevents governments from requiring companies to transfer or give access to their source code (DFAT 2019a: 136). This can prevent governments from reviewing source code or algorithms in response to potential race, gender, class or other biases. This is of particular concern given the growing evidence that algorithms "are inescapably value-laden …

This is a barrier and an issue which the government is already confronting on our home turf in relation to identity capabilities. It continues:

… Operational parameters are specified by developers and configured by users with design outcomes in mind that privilege some values and interests over others …
With all this context in mind—and I'm aware that I've read a lengthy part of the submission to the minister—I fear that many of AFTINET's valuable observations were brushed aside, sadly, by both sides of politics during the JSCOT process. How does the minister respond to concerns about reduced data safeguards in relation to international data floats?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:21): Very quickly in relation to AFTINET, which Senator Steele-John has referenced a couple of times: I would note that AFTINET admitted to JSCOT that they don't represent exporters or businesses. Their membership is rather narrow, declining and largely union based. That said, they can make their criticisms. I would also note, though, that I'm not aware of AFTINET ever seeing any content of any trade agreement that they've ever supported. They always find reasons to oppose and criticise in this space.

With all that said, and on the issue of ecommerce, which was the substance that Senator Steele-John was pursuing on this occasion: the AFTINET submission appears to overlook article 11.5, which provides for protection of privacy and enforcement of consumer protection rights. AFTINET overlooked articles that ensure the protection of rights in relation to legislating and regulating for legitimate public policy outcomes in relation to ecommerce or the like. Such matters include health policy, national security and the like. This is about ensuring that commerce has an ability to flow freely under a trade agreement, whether that is a physical trade of goods or indeed a trade of data. But the protections in relation to privacy, consumer protection rights, public policy outcomes, health and national security are all catered for.

Senator STEELE-JOHN (Western Australia) (13:22): Thank you, Minister. In respect of the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019, I move amendment (3) on sheet 8823:

(3) Clause 2, pages 2 and 3, table item 4, omit the table item, substitute:

4. Schedule 3 The latest of the following:
   (a) 20 October 2020;
   (b) the day this Act receives the Royal Assent;
   (c) the day the Free Trade Agreement between Australia and Hong Kong, China, done at Sydney on 26 March 2019, enters into force for Australia.

However, the provisions do not commence at all if the event mentioned in paragraph (c) does not occur.

The Minister must announce, by notifiable instrument, the day the Agreement enters into force for Australia.

The final amendment which we, as a party, will move this afternoon goes specifically to the Australia-Hong Kong Free Trade Agreement. As I contribute my comments in relation to this amendment, it dawns upon me how incredibly privileged I am to do so. We are incredibly lucky to be able to debate these issues in this place. I have profound disagreements with many members of this chamber—on both sides of it. I personally take the view, and the Greens take
the view, that these trade agreements constitute an unacceptable threat to Australian sovereignty via their inclusion of ISDS clauses; that they undermine labour standards; that they place at risk environmental protections; and that they will have the net effect of making corporations richer while making the rest of us a damn sight poorer.

I am very, very critical of the role the opposition have played in the scrutiny of this legislation, and I regard their legislative decisions in relation to this piece of legislation to be really quite disappointing. I have disagreements with strategy that's taken in this place; I have disagreements with the way that we talk about issues. I would much prefer the Prime Minister, Scott Morrison, not to be the Prime Minister and would say so openly and to anybody who asked—and I can do all of these things free and safe in the knowledge that I will not, or my family will not, suffer negative consequences because of it.

We here can and are enabled to exchange free and fierce debate in relation to the direction of this country. We are able to disagree frankly with each other. Without fear or favour, we are enabled to put forward issues that the communities we have been sent here to represent believe to be important. Many of us in this place exercise the right to be extraordinarily critical of executive decisions. We do all of these things without ever once considering that, at some point in the night, somebody might come for us or our family members, or our friends. We undertake this participation in the rituals of democracy without ever considering that our lives might be destroyed.

We sit here beneath a Westminster system founded upon a constitutional democracy that is deeply flawed. There are many historical truths with which, still, we are yet to come to terms. We sit here on stolen land. We sit here under a constitution that doesn't recognise the existence of First Nations peoples. There is much truth and healing and justice yet to be done, and yet we do sit here in a democracy. As flagging as it may be, as under siege by corporate influence as it may be, as deeply unsatisfactory to many members of the Australian community as it may be, it is unquestionably a form of democracy, and we are unquestionably able to exchange our views in this place in full and frank terms.

Now, these are not privileges and opportunities that are extended to all people everywhere. These are not privileges and opportunities that were granted to any person anywhere without struggle. I sit here, a young disabled man, as a member of a legislative body that contains within it people of diverse racial backgrounds, that contains within it people of diverse gender and sexuality identity backgrounds. The presence of all of these members together is the result of struggle. And, God, there is a lot more struggle still to do before this place is fully representative of the community that it serves. All around the world, peoples are engaged in that broader struggle for democracy, in that broader struggle for freedom and human rights. To reference Senator Patrick's first speech and his quote from Theodore Roosevelt's speech in relation to the contest and continually fraught nature of public life, they are fully in the arena all around the world.

One of the most pressing global examples of this struggle for democracy, this struggle for freedom, is taking place right now in Hong Kong. Young people, workers, people who love their country, people who love their community are right now on the streets. For months and months they've been putting their lives on the line for democracy and freedom, for that opportunity to disagree openly without fear and for that opportunity to work together to build a nation where their children can breathe free. Those movements, those people, have said
clearly to this parliament that, while they don't want to see agreements between their country and ours come to a halt, they do want us to work with them to give Hong Kong, its activists and its struggle for democracy and freedom breathing space to conclude it in their way, in their time and on their terms. That is their simple request to this chamber in relation to this agreement: 'Give us the breathing space to be able to conclude our movement for freedom and rights.'

This is not an unrealistic request. It is a request that is in fact in line with the sentiments that have come forth from this government and from the opposition in relation to this question, in relation to this movement. There has been many a strong word made for the support of this movement in Hong Kong and many a concern raised. The activists have told us clearly that this is an opportunity to put those words into action. So, I ask the minister: given the context of the struggle for democracy that is taking place in Hong Kong, why is it that the government has not taken the opportunity to place a pause upon this negotiation process, upon the implementation of this particular agreement, until such time as democracy has been achieved for Hong Kong and human rights can be assured for the people of Hong Kong?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:32): Firstly, can I say that I acknowledge and agree with Senator Steele-John on some of the sentiments he just voiced. We are, indeed, all fortunate to be Australians, and those of us who have the honour and responsibility of sitting in this place are incredibly fortunate to have the opportunity to do so. But, whether we are here in this chamber or Australians going about their daily lives elsewhere across our great country, we all enjoy certain freedoms and liberties for which we should be incredibly grateful. That's because, indeed, arguably most of the world certainly does not enjoy the same freedoms, liberties and high-quality way of life that Australia has been able to create.

The government have expressed our concern in relation to circumstances in Hong Kong. We have urged for respect of the autonomy and fundamental freedoms guaranteed by the basic law under 'one country, two systems'. In relation to this agreement that's before us, the Australia-Hong Kong Free Trade Agreement, we proceed with it because it gives effect to the two systems that we recognise. We recognise that the system that exists in Hong Kong is not, and is not meant to be, the same as the system that exists across the People's Republic of China. Yes, there are certain tensions that are there in Hong Kong at present that have been deeply troubling during the consideration of this treaty by the Joint Standing Committee on Treaties and this legislation's passage through the parliament. However, the fundamental point remains that Australia has a trade agreement with the People's Republic of China, with mainland China, that has been in place for some time. The underpinning legislation passed through this parliament some time ago, which, I note, has yielded significant trade benefits for Australia.

We do not have a separate trade agreement in place with the Hong Kong Special Administrative Region. This allows us to put in place such an agreement, therefore having completely different terms of agreement and a completely separate agreement existing in our relations with Hong Kong at a trade level, distinct and different from the agreement we have with the People's Republic of China, and thereby giving, in a policy sense in Australia, life to
respect for the two separate systems that are in operation. That's why we continue to proceed with it. Elsewhere, of course, we are continuing to engage with the government of Hong Kong as well as the government of the People's Republic of China to urge restraint, dialogue with protesters, respect for fundamental human rights and respect for the basic law that operates overall under the two systems. We will continue to make that advocacy as required.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (13:35): Labor won't be supporting this amendment. I support the comments made by the minister. Labor has also repeatedly and consistently raised deep concerns about the situation in Hong Kong and our very strong belief that people have the right to protest peacefully. Further, through our lead shadow ministers we have been urging all parties to find a peaceful resolution to the current unrest, over the last six months or so, that is consistent with the 'one country, two systems' arrangement.

I think Senator Steele-John has raised concerns, in other parts of the debate on this bill, about the situation with tobacco companies. In particular, I think he raised Philip Morris and the ability to sue the Australian government over the plain packaging. One of the issues that will be resolved under the ratification of this new agreement with Hong Kong is the implementation of the modern ISDS clauses, which will not allow that situation to occur. So, in a sense, Senator Steele-John, what you're arguing for is that we halt the ratification process for the new Hong Kong agreement and, in its place, leave the old ISDS clauses, which would allow that situation to occur again.

We note Senator Steele-John's continued criticism of the Labor Party. I think it's very easy, when you're not a party of government, to sit there and point the finger when you don't actually ever have to make the really difficult decisions. There are mixed views and there is a balance to find and a position where you have to consider a whole range of competing interests when you make decisions in areas like this. The Greens party has never had to do that and, presumably, won't ever have to do it, so it is easy. It is harder being a party of government when those decisions are not always black and white. We do acknowledge that Australia's trade agreements create jobs, lift living standards and, over the many years we've had them in place, have contributed to a significant increase in household wealth in this country. We can all sit here and point the finger. I think it's a lot harder when you have to make decisions that are in the national interest and not just in the interest of a particular section of that community.

With respect, we note your comments. We disagree with them. We will continue to be an opposition that looks at every piece of legislation on its merits, and we will decide our position on it based on the national interest and the values and principles that the Labor Party has held for many, many years. That is why we have landed where we have, with the appropriate safeguards and commitments and concessions that the government has provided, which, frankly, Senator Steele-John, is more than you've been able to deliver.

Senator STEELE-JOHN (Western Australia) (13:39): I'm just going to, as they say, leave that there. We are discussing the last of the Australian Greens amendments to the implementing legislation in relation to these agreements. I want to make very, very clear the choice that's on the table before us as a Senate here this afternoon. What we've just seen is in some ways a re-enactment of what's been happening in relation to the major parties and Hong Kong for the last six months or more, which is that both sides stand up and say really nice
things about the positivity of the movement that is happening in Hong Kong, they talk about valuing and the respect they have for the demonstrators and the support of Australia for the continuation of the one country, two systems framework—and then they sit on their hands.

I think it's about time that we here—by which I mean you here—recognise that your space in this place is not about, in any way, shape or form, the theatre game that you seem to think passes as political discourse nowadays. Look into the faces of the young people right now holed up at the Hong Kong Polytechnic and see the fear that they have in their eyes and the knowledge that they do not know what is going to come next for them when the sun comes up again and the joy that is in the faces of the hundreds of thousands who are today celebrating the victory of pro-democracy parties in the local elections there and the joy at the small amount of administrative power that they feel they have now claimed in their hands and ask yourself the question of whether those people, if gifted the power and opportunity that you have, would exercise it in the way that you've just indicated that you will. Indeed, would they take the opportunity on such a serious human rights question to begin a low, partisan discussion about what a party might not understand or know as a so-called party of government?

There can be no more fundamental question than that which confronts us today, which is fundamentally about whether we decide to use the power granted to us to place ourselves on the right side of history and whether we will take this opportunity to open our ears to the calls of pro-democracy protesters and take the simple action that we are given the opportunity to take in order to show solidarity and support for them. If the parties in this place decided to implement our amendment tonight, it wouldn't cost them a fig. Nobody is going to come to your door tomorrow and say: 'Oh, my lord. Isn't it awful? The major parties got together and decided to listen to pro-democracy protesters and do what they asked.' Who do you think is going to rock up to your door tomorrow morning and say that that was wrong thing to do?

The TEMPORARY CHAIR (Senator Carol Brown): A point of order, Senator Gallacher?

Senator Gallacher: My point of order is that standing order 196 on tedious repetition says:

The President or the Chairman of Committees may call the attention of the Senate or the committee, as the case may be, to continued irrelevance or tedious repetition, and may direct a senator to discontinue a speech, but that senator may require that the question whether the senator be further heard be put, and then that question shall be put without debate.

I've been following this debate quite closely and Senator Steele-John hasn't come within a bull's roar of what's on the floor of the Senate in terms of tariff reductions.

The TEMPORARY CHAIR: There's no record point of order. Please continue, Senator Steele-John.

Senator STEELE-JOHN: To clarify for the chamber, I am speaking directly to our amendment which would make the implementation of the Hong Kong free trade agreement contingent upon a pause period, which has been requested of this place by pro-democracy activists. You may well roll your head in relation to that point, Senator Gallacher, but it is nonetheless the fact and the truth of the matter that we are being asked to take this pause and that we are being asked to give the pro-democracy protesters the breathing space that they
need in order to take the strongest position they can in resolving the human rights crisis which now besets their community.

I return to the point that I was making: we must ask ourselves the question as to whether we are willing to give up an opportunity to show solidarity with such a movement and with such people at a time such as this. To do so would be to simply inconvenience yourselves while people are putting their bodies on the line. We can't bring ourselves to take a pause for a year to show support? It would seem to me to be a very poor way of utilising the power which we are gifted in this place.

As we discuss this particular issue, I'm very aware that there's a little bit of discontent rising in the chamber. I can see a lot of different discussions being had, and I'm sure some people are trying to figure out how best to shut me up before the cut-off for question time. I think that in itself is something that we should reflect upon in all honesty. The truth of the matter is: this may be uncomfortable to hear, but this is your job. Your job is to take these steps in these moments. If you consider yourselves democrats and humanitarians, to vote for these amendments is your moral duty. Upon which other ground would you stake yourselves, when they come, as this amendment does, from the very protesters who are right now leading the democratic movement? Take a moment, pause and reflect. I urge you to support this amendment.

The TEMPORARY CHAIR: The question is that amendment (3) on sheet 8823 be agreed to.

The committee divided. [13:52]

(The Temporary Chair—Senator Brown)

Ayes ......................13
Noes ......................31
Majority.................18

AYES

Di Natale, R
Griff, S
Lambie, J
Patrick, RL
Roberts, M
Steele-John, J
Whish-Wilson, PS

Faruqi, M
Hanson-Young, SC
McKim, NJ
Rice, J
Siewert, R (teller)
Waters, LJ

NOES

Abetz, E
Birmingham, SJ
Ciccone, R
Davey, P
Gallacher, AM
Henderson, SM
Hume, J
Kitching, K
McGrath, J
McGrath, S
O’Sullivan, MA

Ayres, T
Chandler, C (teller)
Cormann, M
Dodson, P
Gallagher, KR
Hughes, H
Keneally, KK
McDonald, S
McKenzie, B
Molan, AJ
Pratt, LC

CHAMBER
Question negatived.

**Senator PATRICK** (South Australia) (13:55): by leave—In respect of the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019, I move amendments (1) and (2) on sheet 8814 together:

Clause 2, page 2 (table item 1), omit "Sections 1 to 3", substitute "Sections 1 to 4".

Page 3 (after line 11), after clause 3, add:

4 Impact of bilateral and regional trade agreements on Australia's trade and economic performance—Productivity Commission inquiry

(1) By the day after this section commences, the Productivity Minister must, under Part 3 of the Productivity Commission Act 1998, refer to the Productivity Commission for inquiry the following matters:

(a) the contribution of Australia's bilateral and regional trade agreements to reducing trade and investment barriers and safeguarding against the introduction of new barriers;

(b) the impact of trade agreements on trade flows, investment returns and productivity growth, employment and labour markets, and the development of manufacturing and value-added export industries;

(c) any related matters.

(2) In referring the matter to the Productivity Commission for inquiry, the Productivity Minister must:

(a) under paragraph 11(1) (a) of the Productivity Commission Act 1998, require the Productivity Commission to hold hearings for the purposes of the inquiry; and

(b) under paragraph 11(1) (b) of that Act, specify the period ending 12 months after this section commences as the period within which the Productivity Commission must submit its report on the inquiry; and

(c) under paragraph 11(1) (d) of that Act, require the Productivity Commission to make recommendations in relation to the matters referred to in subsection (1).

Note: Under section 12 of the Productivity Commission Act 1998, the Productivity Minister must cause a copy of the Productivity Commission's report to be tabled in each House of the Parliament.

(3) The Productivity Minister must not withdraw the reference before the Productivity Minister has received the report.

(4) For the purposes of paragraph 6(1) (a) of the Productivity Commission Act 1998, the matters mentioned in subsection (1) are taken to be matters relating to industry, industry development and productivity.

(5) In this section, **Productivity Minister** means the Minister administering the Productivity Commission Act 1998.

Centre Alliance's amendments will insert a schedule into the bill to amend the Productivity Commission Act 1998 to require a wideranging and independent inquiry by the commission into the impacts of Australia's bilateral and regional trade agreements. The last Productivity
Commission inquiry on free trade agreements was almost a decade ago. We've now signed and ratified a dozen FTAs, we have three more before the parliament now and DFAT lists another seven agreements under negotiation, and of course there is also the prospect of an Australia-UK free trade agreement. The Joint Standing Committee on Treaties has recommended that new agreements be subject to review by the Productivity Commission. However, we clearly need a broad inquiry to look at the big picture and to look at our existing free trade agreements and their impact and at what the future holds in an uncertain international trading environment. These amendments will set such an inquiry in train.

I understand that Labor are going to vote against these amendments; if they indicate that, I won't call a division.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (13:56): Yes, Labor won't be supporting these amendments. We do consider that there is a use for economic modelling and transparency around the consultation process. The government has given a commitment to support a JSCOT inquiry into the treaty-making process, which would include considering using economic modelling. We would urge the government to ensure that that inquiry gets underway as soon as possible. We believe that that's the appropriate place to look at this, prior to considering an amendment like Centre Alliance's.

Senator STEELE-JOHN (Western Australia) (13:57): The Greens will be enthusiastically supporting the amendments put by Centre Alliance in this regard. It would be a good step forward to get an inquiry like this off the ground. But, of course, there is a broader need, when we think about trade, to transform the way that we do trade agreements in Australia, to enable broader community scrutiny when it comes to these agreements that are signed between executives. As I mentioned earlier, were we to be within the jurisdiction of the United States, we, the Senate, would have most likely been vested with the responsibility of going through these agreements in detail, line by line, and that would be our preference for a framework around these issues. However, this does constitute a good step in the right direction, so we will be enthusiastically supporting these amendments.

The TEMPORARY CHAIR (Senator Carol Brown): The question is that amendments (1) and (2) on sheet 8814, moved by Senator Patrick, be agreed to.

The committee divided. [14:02]

(The Temporary Chair—Senator Carol Brown)

Ayes .......................13
Noes .......................47
Majority .................34

AYES

Di Natale, R
Griff, S
Lambie, J
Patrick, RL
Roberts, M
Steele-John, J
Whish-Wilson, PS

Faruqi, M
Hanson-Young, SC
McKim, NJ
Rice, J
Stiewert, R (teller)
Waters, LJ

CHAMBER
Question negatived.
Bills agreed to.
Bills reported without amendments; report adopted.

Third Reading

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:06): I move:

That these bills be now read a third time.

Question agreed to.
Bills read a third time.

QUESTIONS WITHOUT NOTICE

Aged Care

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:07): My question is to the Minister for Aged Care and Senior Australians, Senator Colbeck. Yesterday, the government announced 10,000 additional aged-care home packages. Aged and Community Services Australia said that the announcement 'will not even touch the sides of demand'. How does the minister plan to deliver care to the remaining 110,000 older Australians who are still waiting for home care packages which have already been approved?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:08): I thank Senator Keneally for the question. Senator
Keneally is correct: yesterday, we announced a $537 million package to add additional capacity to the aged-care sector. Part of that package was an extra 10,000 home care packages, which add to the capacity that this government has continually added to the system since we came to government. When we came to government there were 60,000 home care packages in the system. As a result of the announcement that we made yesterday there will be 150,000 home care packages in the system this year as part of the growth of the sector.

As the royal commission noted, the demand for the home care program has continued to grow with supply. As the royal commission said, it's not just a matter of injecting a massive number of new home care packages into the system, because there are other constraints and other issues that have to be managed. The government has quite clearly acknowledged that we're going to deal with those things. We've said that we will modify the way that Australians are assessed before they go into the aged-care system—a single, national aged-care assessment process. We've said that we will do that as part of our reforms of the aged-care system. We've also said that we'll bring together home care and CHSP into one broader package which provides additional capacity and also assists people in ensuring they get care.

The government has acknowledged there is still more work to do. But I'm not going to be lectured to by the Labor Party, which at the last election added $387 billion worth of taxes and did not put one single home care package on the table.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:10): How does the minister respond to Leading Age Services Australia, who say the government's announcement to fund an extra 10,000 home care packages is 'a missed opportunity' which will disappoint the remaining 110,000 elderly Australians on the waitlist in the lead-up to Christmas?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:10): I shall say to Leading Age Services Australia, as I have done on the phone in conversation, exactly what I've just said to the chamber: we will work our way through this process in a methodical manner. We're not going to do what the Labor Party did when they were in government, creating a circumstance with pink batts which ended up unfortunately killing people; we're going to

Senator Wong: The point of order goes to direct relevance. This is a serious topic. You made some rulings yesterday in relation to Senator Ruston's answers.

Senator Abetz: Oh, so pink batts isn't serious?

Senator Wong: No, people dying whilst waiting for approved packages is pretty serious, and he ought to answer the question rather than play politics.

Senator Abetz: And people died because of pink batts.

Senator Wong: I'll take the interjection from Senator Abetz. Sixteen thousand Australians died waiting—

The PRESIDENT: Interjections and responses to them are inappropriate—particularly, I might say, during points of order. On the ruling I made yesterday, I'm not going to interrupt a minister halfway through a sentence. The minister was asked how he responded to a series of claims. I was listening carefully to his answer. I believe he was being directly relevant and, while a glancing comment may be in order, I do consider that a tightly worded question, as was the case yesterday, did preclude discussion of opposition policy. I'm not willing to
necessarily make that ruling now, because I don't believe the minister has gone there at this point. He was halfway through a sentence.

Senator COLBECK: Thank you, Mr President. The government will do as it said when the royal commission was announced, when the draft report was released a couple of weeks ago and in our press conference yesterday. We said that we will methodically work through all of the issues that we need to deal with as part of this process. As I've said a number of times, we have increased the capacity of the home care sector from 60,000 places when we came government to 150,000 places this year, an investment of $2.7 billion since last year's budget.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:12): National Seniors Australia says the government's 10,000 extra home care packages is 'less than the number of people who died last year waiting for a package'. In 2017-18, 16,000 older Australians died waiting to receive their home care package. How many more Australians will die waiting for their approved home care package?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:13): When I was talking to Seniors Australia this morning, I outlined the process that we were going through and the issues that we're going to deal with. The suggestion that the people who unfortunately passed away while they were waiting for their aged-care package had no access to any health care at all is quite simply a false premise. All Australians have access to Australia's health system, quite appropriately. Ninety-seven per cent of those who haven't received the aged-care package that they've been allotted have access to, for example, some home care services through programs like CHSP, so they are receiving some form of care and, of course, they have access to the Australian healthcare system: hospitals, GPs and all of the other facilities that go along with that.

Aged Care

Senator VAN (Victoria) (14:14): My question is to the Minister for Aged Care and Senior Australians, Senator Colbeck. Building on the government's response to the royal commission into aged care's interim report, can the minister please advise the Senate about the amendments to the Quality of Care Principles 2014, Regulation of Restraint in Residential Aged Care Facilities, which have been tabled in the Senate today, to further minimise the use of restraint in aged care?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:14): Thanks, Senator Van, for the question. The government believe that the health, safety and wellbeing of older Australians who reside in aged-care services is of paramount importance and that the use of restraint should always be the last resort. On 1 July 2019, the government delivered new regulations that put explicit obligations on residential aged-care providers with respect to the use of restraints. We've already taken action to minimise the use of physical and chemical restraints in aged-care homes. Regulations that came into place on 1 July put explicit obligations on those providers. These regulatory changes require providers to satisfy a number of conditions before restraint can be used, including assessment by a medical practitioner or nurse practitioner who has prescribed the medication or medical restraint. Further, where restraint is used, providers must monitor the consumer for signs of distress or harm.
Today we're strengthening those regulations relating to chemical restraints. These changes will do a number of things. They will make it clear that restraint must always be the last resort. They will clarify state and territory legislative responsibility for prescribers to gain informed consent on restraint. Because we acknowledge that there are some concerns around the regulations and that the regulations need to be at the leading edge, we've put in place a review process that will start on 1 July next year, running through until the end of December next year, with a sunset clause on the regulations which will allow for any reforms that come out of the review process, including the recommendations of the royal commission, to be incorporated into new regulations.

The PRESIDENT: Senator Van, a supplementary question?

Senator VAN (Victoria) (14:16): What else has the government done to minimise the use of restraints in aged care?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:16): As part of our announcement yesterday, the Minister for Health made a number of announcements with respect to the prescription of psychotropics—risperidone being the key one—and also antipsychotics. From 1 January, off the back of recommendations of the Pharmaceutical Benefits Advisory Committee, prescriptions for risperidone will be restricted and doctors will be required to apply for additional approvals if risperidone is to be prescribed beyond the initial 12 weeks. We've also put an additional $10 million into dementia management and training capacity. That adds to the $37 million that's been spent this year for those programs. So, from $37 million this year, it will go to $45 million in 2019-20.

The PRESIDENT: Senator Van, a final supplementary question?

Senator VAN (Victoria) (14:17): Can the minister please outline the government's record on aged-care funding?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:18): The government is continuing to deliver record investment in the aged-care sector across the forward estimates—from $13.3 billion in 2012-13 under Labor to $21.7 billion in 2019-20 to an estimated $25.4 billion in 2022-23. That's, on average, $1 billion of extra support for older Australians each year.

Senator Watt: Don't leave out the cuts!

The PRESIDENT: Order, Senator Watt!

Senator COLBECK: Not even the ABC believes you, Senator Watt. Under Labor, home-care packages sat at about 60,000 per annum. This year, 2018-19, they were at 125,000 and by 2022-23 they will be at 157,608. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:19): I acknowledge former Senator Storer in the gallery. Welcome back to the Senate.

Honourable senators: Hear, hear!
CHAMBER QUESTIONS WITHOUT NOTICE
Aged Care

Senator CICCONE (Victoria) (14:19): My question is to the Minister for Aged Care and Senior Australians. Minister, how many Australians have died whilst waiting for their home care package in the last financial year?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:19): I don't have the latest figures. I'm happy to take that number on notice for the chamber. Obviously, the figure for the last financial year, which is quite common, is 16,000. This is a legitimate question. It's one of the reasons that the government takes this issue of aged care and the growth in home care packages so seriously. But I don't have those figures at this point in time. I'm happy to take them on notice and come back to the chamber when they're available.

The PRESIDENT: Senator Ciccone, a supplementary question?

Senator CICCONE (Victoria) (14:20): Yesterday in question time, when asked what advice he'd give a 95-year-old woman who has a terminal illness, has been on a waiting list for a level 4 package and has been told that, under this government, that package would not be available for 22 months, the minister responded by saying that that package is much closer. My question to the minister is: how much closer that 95-year-old woman to receiving the care that she desperately needs?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:20): That process is determined independently of government by the national prioritisation process. I don't have the capacity to intervene in that process. It's a process set up by the government, deliberately, to allow for the assessment of older Australians who require a home care package and to allow for that process to determine whether they are a higher priority in their need, so I have no capacity to make any determination in relation to that. The thing that we're looking to do, in line with the recommendations of the royal commission, is to add additional capacity into the system. That's exactly what we did yesterday: we announced the extra 10,000 places. We've acknowledged there's additional work to be done. We are also proud of our record. We've increased the number of home care packages from 60,000 when we came to government to 150,000 this year. (Time expired)

The PRESIDENT: Senator Ciccone, a final supplementary question?

Senator CICCONE (Victoria) (14:22): With the average wait time for a level 4 package at over 22 months, what does the minister believe is a reasonable amount of time for a 95-year-old woman with a terminal illness?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:22): I've said publicly on a number of occasions—and the government says the same thing more broadly—that we want older Australians to be able to get the care that they need as soon as possible. So, that's the process, and that's why we've continued to add additional capacity into the system. Last financial year we increased the capacity of the home care sector by 25 per cent. This year we've put in an additional 15,000 packages. We want Australians to be able to access the care that they need as soon as they possibly can. We won't do what Labor did with pink batts and VET FEE-HELP, where they
created a circumstance for shonky providers to come into the market. Doing so would undermine the safety of senior Australians. We're going to do this, as I've said a number of times, with good policy, properly delivered, and in a way that provides the sort of care that older Australians need.

Banking and Financial Services

Senator WHISH-WILSON (Tasmania) (14:23): My question is to the Minister representing the Treasurer, Senator Cormann. The Westpac CEO resigned this morning. I think we in this chamber can all agree that the Westpac money-laundering scandal is truly shocking. What is most shocking is that AUSTRAC warned the banks about weaknesses in their IT systems as early as 2013, including that they were vulnerable to child exploitation by paedophiles. Minister, why wasn't the prospect that paedophiles were using the bank enough to curb Westpac's pursuit of profit, and why do you think Ian Narev's resignation from Commonwealth Bank just two years ago on nearly identical grounds wasn't enough to put the fear of God into Westpac and its CEO and senior management and to make them change their act?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:24): Senator Whish-Wilson, I've got to say that is a very good question, and I think that that is a question that all of us are entitled to ask. I made that observation on Radio National on Monday morning myself.

Given the events at the Commonwealth Bank a few years ago, surely every bank, every board and every managing director or CEO—the leadership of every bank—would have looked very carefully at the operations under their bonnets to make absolutely certain that they weren't equally exposed. The fact that they didn't is an absolute disgrace. Of course, that is why AUSTRAC will now be pursuing Westpac as is appropriate—through the courts in the appropriate way.

Westpac will end up paying a very, very significant fine for their failure to act. And I guess this is now also a warning to all the other banks. We expect that no other bank is going to be as negligent as the Westpac bank has clearly been, in the wake of this latest round of revelations.

The PRESIDENT: Senator Whish-Wilson, a supplementary question?

Senator WHISH-WILSON (Tasmania) (14:25): Thank you, Minister. Brian Hartzer told a meeting of executives yesterday that, more than anything, the bank needed to get mortgages going and get the net promoter score going. Even though they had just been found out to be enabling paedophiles, sales remained Westpac's top priority. After the $75 million royal commission and dozens of inquiries, I ask on behalf of most Australians: what is it going to take to change the culture in Australian banks?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:26): In response to that question: the consequence of the revelations that Senator Whish-Wilson is referencing was pretty well immediate. All senators would be aware of the fact that the CEO of Westpac is stepping down, and I would be very surprised if there weren't further decisions along those lines over the coming weeks.
Clearly, there was a complete failure within Westpac to address the issues that needed to be addressed, and I think this is a very clear warning to all other banks to ensure that they have their affairs in order.

The PRESIDENT: Senator Whish-Wilson, a final supplementary question?

Senator WHISH-WILSON (Tasmania) (14:26): I have a question and a suggestion. After a raft of scandals in the banking system, Israel decided that the banks would not clean up their act until the incentive culture was eliminated. They legislated unanimously to cap executive pay in 2016. Minister, I ask this on behalf of all Australians, and I think we all agree there has been one scandal too many for the Australian people: will you now act to stop the rot and legislate to cap executive pay in Australia?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:27): We will continue to implement the recommendations of the royal commission into the banking sector which, of course, build on a substantial record of reform by governments of both political persuasions over a number of years now. We will not stop until all of the necessary reform has been properly implemented.

Medical Research Future Fund

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (14:27): My question is to the Minister representing the Minister for Health, Senator Cash. Can the minister outline to the Senate how the Morrison government's strong and stable economic management enables investment in groundbreaking medical research and clinical trials?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:28): I thank Senator Davey for the question. The benefit of a strong economy to health cannot be underestimated. The Morrison government recognises the importance of, in particular, clinical trials. They drive new ideas and they achieve new discoveries, resulting in improved quality of life and survival rates, and they boost our nation's strong reputation as a global leader in medical research.

It is estimated that more than 40,000 Australians are diagnosed with a rare or less-common form of cancer. For many, there is a lack of evidence based information to inform treatment options and support networks. While survival rates for high-incidence cancers have improved, those for rare cancers have remained relatively static. That is why, through our landmark Medical Research Future Fund, we are investing $55 million to research rare cancers and diseases. This is the largest investment in clinical trials in any single round in Australian history. The unprecedented clinical trials activity is aimed at developing new drugs, devices and treatments and, ultimately, at saving lives.

Of the $55 million investment that we are making, $15 million is for research into reproductive cancers; $5 million is for childhood brain cancer clinical trials, with the aim to double the 10-year survival rate of childhood brain cancer; $20 million will address an increasingly significant burden of neurological disorder; and $15 million will address other significant gaps in current research and/or knowledge in rare cancers, rare diseases and areas of unmet medical need. These are the benefits of a strong economy. (Time expired)

The PRESIDENT: Senator Davey, a supplementary question?
Senator Davey (New South Wales—The Nationals Whip in the Senate) (14:30): Minister, can you provide some examples to the Senate of the clinical trials currently being undertaken by some of Australia's world-class medical researchers?

Senator Cash (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:30): You can't underestimate the impact of clinical trials. We are also as a government investing an additional $8 million in world-class clinical trials, focusing on conditions affecting the heart, preterm baby lungs, the brain, infection control and dementia. Five Australian-led trials will now receive funding from the Medical Research Future Fund International Clinical Trial Collaborations program.

The University of Western Australia will receive $1.8 million to investigate the best approach for treating severe narrowing of the aortic heart valve. Macquarie University will receive $3.1 million to investigate reducing the risk of dementia. The George Institute for Global Health will receive $902,000 to evaluate the best treatments for aneurysmal subarachnoid haemorrhage caused by a burst artery in the brain. The University of Newcastle will receive some funding, as will Murdoch Children’s Research Institute.

The President: Senator Davey, a final supplementary question?

Senator Davey (New South Wales—The Nationals Whip in the Senate) (14:31): Finally, Minister, can you elaborate on the policy settings that have made this landmark investment possible?

Senator Cash (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:31): Again, our government, the Morrison government, is able to make and provide an unprecedented level of support to health and medical research because of the plan that we've put in place to enable a strong economy. We've put in place the right economic framework to ensure that the economy grows, so that we can invest in the services that the Australian people deserve. We on this side of the chamber understand that, in order to sustainably fund the health services Australians deserve, you need to run a strong economy. This, of course, allows us to invest in record funding for medicine, the care and the research for all Australians. Our record is reflected in our results: record listings on the Pharmaceutical Benefits Scheme; record investments in medical research; record bulk-billing; and record funding for our hospitals. This would not be possible without the coalition's strong economic management.

Northern Australia Infrastructure Facility

Senator Watt (Queensland—Deputy Opposition Whip in the Senate) (14:32): My question is to the Minister for Resources and Northern Australia, Senator Canavan. After four years of operation and four reviews, the Northern Australia Infrastructure Facility has released only $44 million—less than one per cent of its $5 billion budget. When asked on notice how many jobs had been created by the NAIF, all the minister could talk about were jobs that might be created at some point in the future. Minister, how many jobs have actually been created in the four years the NAIF has been in operation?

Senator Canavan (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:33): I thank Senator Watt for his question. The Northern Australia Infrastructure Facility has made very good progress over the last year. It has now funded just under $1½ billion of investments.
Senator Watt: With $44 million released. Do you think that's good?

Senator CANAVAN: I was the first to admit that it got off to a slow start. We were doing something innovative, something different, and it took a little while to get going.

Senator Watt: Four years of slow starts.

Senator CANAVAN: But, about 16 months ago, we made some changes to the investment mandate, which has unlocked $1½ billion of investments across northern Australia. That is going to create 2,400 jobs around northern Australia.

Senator Watt interjecting—

The PRESIDENT: Senator Canavan, please resume your seat. Senator Watt, you've asked a question. I have called you to order quite a few times this week. I will ask you to take a deep breath and not continue to interject for a little while after I call you to order at least. You've asked a question and I'd like to hear the answer.

Senator CANAVAN: The approach that Senator Watt is suggesting is that somehow we should send the money out from day one of a project. This is why the Labor Party don't know how to manage money. As I've said, over the past 12 months—

The PRESIDENT: Order! Senator Watt, on a point of order?

Senator Watt: On relevance: I am mindful of your previous rulings, but he has not gone near the question, which is: how many jobs have actually been created? It is not how many will be one day, maybe, sometime in the future but how many have actually been created. That is the question.

The PRESIDENT: On the point of order, that was the conclusion of your question, Senator Watt. I believe the minister was being directly relevant to the preamble that you outlined, which was the reason for expenditure being of a certain pattern. That said, I will remind the minister not to impute motives to the asker of the question in answering it, because that would not be directly relevant.

Senator CANAVAN: A hypothetical senator who is making a point saying that we should somehow send all the money out on day one is the reason the Australian people do not trust the Labor Party with money. What happens, of course, is that money is provided to projects as milestones are met. When you are building a house, when the slab goes down, the builder gets a bit of money; when the frame goes up, he gets a bit more; when the roof goes on, he gets a little more. That is what is going to happen with this $1½ billion we are investing in northern Australia to get economic activity going. That is actually going to create 4,000 jobs in total; I was underestimating it before. That is 4,000 jobs over the next few years because we are taking the decision to develop our nation—to invest in parts of our country that are not as developed as the rest of the country but have huge opportunity. That is why I am very, very happy to see the progress that we have made over the last year. More importantly, jobs will be created in the years to come from these investments in remote parts of our country.

The PRESIDENT: Senator Watt, a supplementary question?

Senator WATT (Queensland—Deputy Opposition Whip in the Senate) (14:36): The largest loan approved by the NAIF, nearly half the value of total loans committed by the NAIF, is a $610 million loan for a pumped hydro project in North Queensland, a project
federal Labor supports. The loan has now been delayed after reports emerged that it may lapse. Can the minister advise the Senate: is this $610 million loan proceeding, yes or no?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:36): The offer or investment decision of the Northern Australia Infrastructure Facility to invest in the Genex project remains on the table. Indeed, the Northern Australia Infrastructure Facility announced a couple of weeks ago that they would extend the validity of that decision through to next year for another six months. The reason for the delays in the project is unrelated to the Northern Australia Infrastructure Facility; they relate to the proponents themselves getting other offtake agreements in place with customers. Obviously, these things happen from time to time, but we are committed to the future of northern Australia. We are committed to staying the course here on all of these projects. I think that project in particular is very important to secure the power supplies of northern Queensland. That is why we will keep working with proponents to finalise that decision. I am hopeful that that will be made very soon.

The PRESIDENT: Senator Watt, a final supplementary question?

Senator WATT (Queensland—Deputy Opposition Whip in the Senate) (14:37): This $610 million loan is now the second loan approved by the NAIF that is under a cloud, following news that a $19.5 million loan to Pilbara Minerals Ltd has also fallen over. How many other NAIF loans are at risk of falling over?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:38): Again, that particular investment that the senator refers to related to changes in lithium markets, outside the government's control. That is unfortunate, but we will keep working. Now, there are other NAIF investments that have been held up. For example, the NAIF was considering building a rail line to the Galilee Basin that could have created thousands of jobs in Central Queensland, but, because the Labor Party do not support the coal industry, they blocked that loan. The Labor Party blocked that loan!

Honourable senators interjecting—

The PRESIDENT: Order! My apologies—I was being advised by a member of your team, Senator Watt. I did not see you stand. Senator Watt, on a point of order?

Senator Watt: I know the minister is not enjoying being exposed, but the question was about one project. This is on direct relevance. The question was about one project where the NAIF loan has fallen over. The minister wants to talk about another project. Can he come back to the actual question that was asked.

The PRESIDENT: On the point of order, Senator Watt, I will be honest, I was being advised by a member—

Senator Watt interjecting—

The PRESIDENT: Order! Senator Watt, I am ruling on your point of order, if you could take a breath. I was being advised about the order of subsequent questions, so I did lose track for 10 seconds of the minister's answer. You have reminded him of it. I will take this opportunity to remind him of you doing so.
Senator CANAVAN: Thank you, Mr President. Senator Watt did in his question refer to other projects, and there were other NAIF projects that could have been going by now if only the Labor Party would back jobs in regional areas. But we know that the Labor Party have long since deserted the mining industry. In northern Australia, half of the economy is in mining, but those guys over there don't support the industry and, if you don't support the mining industry, you don't support the development of northern Australia. That's what we support, and we'll keep backing those industries to create jobs for northern Australia.

Mental Health

Senator CHANDLER (Tasmania) (14:40): My question is to the Minister for Families and Social Services, Senator Ruston. Can the minister advise the Senate what the Morrison government is doing to tackle the unemployment of young Australians who are suffering with a mental illness?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:40): I thank Senator Chandler for her question about a matter that is very important and facing a lot of young Australians—that is, those who are suffering with mental illness. The government is absolutely focused on ways of removing barriers to employment, and one of those is by investigating new and innovative ways that we can improve outcomes for those people who are unemployed. We know that the onset of mental illness, when it occurs in adolescents and young adults, can often be a significant barrier to young people being able to get into the workforce, and it leads to some very poor employment outcomes for those people. We know how important it is to help young people to overcome those barriers to work, because getting people into work gives them a sense of identity and purpose and provides them with a sense of direction and achievement. This is especially true for young Australians.

One of the programs that we are currently working on is the Individual Placement and Support trial. It's a tailored approach that co-locates employment services and employment incentives at the same places where people are able to receive mental health services through the work of headspace. The original IPS model was developed for adults, but in 2015 the decision was made to trial it with young people to see whether young people under the age of 25 could benefit from a similar type of wraparound service. We originally set up 14 sites in co-location with headspace, and this year we've added more funding to extend the trials out to 24 sites across the country. What makes this model so different and so successful is the fact that it actually embeds the employment specialist alongside the healthcare worker to make sure that the young people are getting the wraparound services that they need to ensure that they have successful employment outcomes into the future.

The PRESIDENT: Senator Chandler, a supplementary question?

Senator CHANDLER (Tasmania) (14:42): Minister, how does the Individual Placement and Support model compare against other programs in generating employment outcomes?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:42): This particular program is showing early signs of being particularly successful when it comes to allowing young people to transition into work and to deal with the barriers of mental health that they find themselves facing in the process of moving into work. As I said, this particular trial co-locates the
employment services and support that the individual needs alongside the mental health supports that young people need, sometimes to deal with issues of anxiety, depression and other mental health conditions. Most particularly, these trial sites have been focused in areas where we have seen higher levels of unemployment and also socioeconomic disadvantage. Importantly, Newstart recipients who have entered the program have the highest level of employment success, with over 60 per cent of those that were on Newstart moving into a job since being engaged in the program. Equally importantly, one in three of the young people on a disability support pension also got a job.

The PRESIDENT: Senator Chandler, a final supplementary question?

Senator CHANDLER (Tasmania) (14:43): Minister, given the benefits of the program that you've just outlined, why is a strong economy important to tackling unemployment of young people suffering with a mental illness?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:43): Mental health and suicide prevention are absolutely the core focus of the health priorities of this government and absolutely central to the Commonwealth's Long Term National Health Plan. It is a strong economy that allows us to invest in these targeted health initiatives to help equip young people with the skills and the resources that they need to deal with the barriers that they face when they're going into work, to deal with their mental health conditions and to make sure that they either enter into education or enter into employment. I think we are very, very proud of the fact that we can say that we're doing far more than any previous government to safeguard the health of Australians, and particularly young Australians, with an expected $5.3 billion invested in the mental health of Australians this year alone, because we understand that overcoming barriers to work is one of the core roles government has to ensure all Australians have the opportunity to get a job.

Migration

Senator LAMBIE (Tasmania) (14:44): My question is to the Minister representing the Minister for Home Affairs, Minister Cash. Last week the government resettled a Rwandan refugee who was accused of murdering eight Western tourists during a rampage in Uganda in 1999. Two others accused of the same crimes were resettled in Australia last year. The three of them were brought here under the refugee swap that the coalition negotiated with the United States. What kind of deal is this? The US clearly didn't want them in their community. They held the men for more than a decade in immigration detention. Do these men pose a security risk to the Australian community and has the Australian community been told?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:45): I thank Senator Lambie for the question. In relation to the details of those that Senator Lambie has referred to, we would normally not comment on individual cases, but what I will do—because I don't have a brief on that—is take that on notice for you.

Honourable senators interjecting—

Senator CASH: I said that I will take it on notice—

The PRESIDENT: Order! Senator Cash, please resume your seat. I can't hear the minister. If I can't hear her, then others will not be able to. Senator Cash.
Senator CASH: What I can advise you, though, Senator Lambie, is that the Prime Minister confirmed publicly in May this year that Australia had resettled two Rwandans from the United States in 2018. He also stated these people were resettled as refugees, along with other Rwandans and people from a range of other countries, under Australia's ongoing humanitarian program. Also, as the Prime Minister noted, both individuals 'were subjected to strict security and character checks'.

The PRESIDENT: Senator Lambie, a supplementary question?

Senator LAMBIE (Tasmania) (14:47): Did the Prime Minister bother to tell Australians out there that former US judge Wayne Iskra rejected the asylum claim of two of these Rwandan men in 2007 because he believed they were 'a danger to the community'? He further noted that these men were members of a terrorist group. He did not find that they had been rehabilitated. If these men tried to come in under section 501 of the Migration Act, they'd be rejected on character grounds—how about that? They would be considered a threat. Why didn't the minister refuse these people a visa? (Time expired)

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:47): Again, Mr President, we would not normally comment on individual cases. I will go back to the comments the Prime Minister made at the time that both individuals 'were subjected to strict security and character checks'. I can also advise that the Rwandans were not part of the United States resettlement arrangement.

The PRESIDENT: Senator Lambie, a final supplementary question?

Senator LAMBIE (Tasmania) (14:48): Well, I'm not sure how Homeland Security finds this, but many of us find it absolutely absurd that this is going on in our own country.

The PRESIDENT: Senator Lambie, this is question time.

Senator LAMBIE: Australians deserve to know if the deal is putting their safety at risk. They deserve to know what exactly the government has agreed to do here, because at the moment it looks as though we're giving the US our genuine refugees and getting criminals, and war criminals at that, in return. How many more members of a terrorist organisation do you plan to bring to Australia under the deal that none of us are allowed to see?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:48): I'm going to have to reject the premise of Senator Lambie's question outright. In response to Senator Lambie's first supplementary question, I did advise the Rwandans were not part of the United States resettlement arrangement, which really does make all other statements that Senator Lambie has made redundant.

Minister for Energy and Emissions Reduction

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:49): My question is to the Minister representing the Prime Minister, Senator Cormann. Shortly before question time it was revealed that detectives from the New South Wales Police Force State Crime Command's Financial Crimes Squad have launched a special task force, Strike Force Garrad, to investigate the behaviour of Minister Angus Taylor and to determine if he committed any criminal offences in relation to the altered document he used to attack the City of Sydney. When did the Prime Minister first become aware of this investigation and what actions has the Prime Minister taken since becoming aware of it to ensure the integrity of his government?
Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:50): Firstly, I am not aware when the Prime Minister first became aware, so I will take that question on notice. In relation to the second part of the question I believe the Prime Minister has answered a question in relation to this in the House of Representatives, where he has indicated he will seek to obtain relevant information from New South Wales police.

The PRESIDENT: Senator Wong, a supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:50): Can the minister advise whether or not Minister Taylor has been interviewed by the New South Wales police as part of Strike Force Garrad's investigation into his behaviour? Will the Prime Minister ensure that the minister undertakes to cooperate fully with the police investigation?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:50): Firstly, I am not aware in relation to the question in the first part of the question. In relation to the second part of the question, of course all ministers will always cooperate with relevant inquiries as appropriate.

The PRESIDENT: Senator Wong, a final supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:51): I think Senator Cash wishes to say something. She obviously has some expertise on this topic.

The PRESIDENT: Senator Wong is on her feet.

Senator WONG: The Prime Minister's own Statement of Ministerial Standards makes it the personal responsibility of the Prime Minister to decide whether or not to stand aside a minister. Given the criminal investigation launched by the New South Wales police, when will Minister Taylor be stood down? Does the Prime Minister retain his confidence in Minister Taylor?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:51): Let me just say right up front: Mr Taylor is an outstanding minister. The reason the Labor Party attacks him is that he is very effective in bringing down the price of electricity as well as bringing down emissions in a way that is economically responsible. The second point I would make is that I will never take the words of the Labor Party to describe what is actually happening. What the Prime Minister has indicated appropriately to the House of Representatives is that he will make the appropriate inquiries and, of course, make the appropriate judgements if and as required.

Infrastructure

Senator McMAHON (Northern Territory) (14:52): My question is to the Minister for Resources and Northern Australia, Senator Canavan. Can the minister please outline how the Liberal-National government is providing stability and certainty to northern Australia by investing in better roads and infrastructure?
Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:52): The greatest thing about the government's commitment to build and develop northern Australia is the benefits it is providing to the people of northern Australia, particularly through better infrastructure. Across northern Australia over the last few years we have invested in and are building 37 different road projects, dedicated to improving access and productivity for our beef sector, the first beef roads program for decades, and to investing in infrastructure that supports our agriculture, mining and tourism sectors. Altogether now this project has helped seal 480 kilometres of roads. That is enough to drive from here all the way to Newcastle. For those of us who are driving back to Sydney after this week, we have sealed all those types of roads across northern Australia—and further, on the way to Newcastle as well. Seventeen of those projects are completed. Seventeen are underway as we speak, creating jobs at the moment, and three will be completed by the end of next year.

Altogether those 37 projects are creating 2,400 jobs across northern Australia. I am particularly proud of the jobs they are providing for Indigenous communities. Every road has to have an Indigenous employment participation target. For some roads over half the construction workforce are from Indigenous communities. There are roads like the Hann Highway, which will create the first sealed inland route from Cairns down to Melbourne. It will save eight hours off the journey. It will particularly help our horticulture growers get their product to market faster. As Alison Murphy from upper North Queensland says:

The trucks will do a lot better times because it's about 800 kilometres shorter to go from towns to Melbourne—

to Townsville along this route we are building. We are also building the Tom Price to Karratha corridor, which is going to open up mining opportunities in Western Australia, and also Alice Springs to Halls Creek, the Tanami Road, which has been spoken about for decades. We are sealing the Tanami Road, which will particularly help Indigenous communities and goldmines out there. There will be more for Australia and for—(Time expired)

The PRESIDENT: Senator McMahon, a supplementary question?

Senator McMAHON (Northern Territory) (14:54): Can the minister outline any recent investments by the Northern Australia Infrastructure Facility and tell us again how many jobs those investments are supporting?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:54): As I was mentioning earlier in question time, those voices of negativity have gone from saying, 'They're not investing in enough projects,' to, 'They're not spending enough.'

Senator Watt: When, when, when?

The PRESIDENT: Senator Watt!

Senator CANAVAN: We have invested, or have made decisions to invest, in 15 projects supporting 4,000 jobs across northern Australia. I'm very proud of some of these projects, which wouldn't have happened without the northern development agenda of this government. For example, one project, First Iron Ore, will be the first Indigenous owned iron ore mine in this country, backed by this government and supported by this government. It's going to create
120 jobs in construction and 120 jobs in the operation of the mine, helping Indigenous rural communities get a head start.

Senator Watt interjecting—

The PRESIDENT: Senator Watt!

Senator CANAVAN: We're also supporting an abattoir in Central Queensland to give cattle producers better access to more meatworks to get a better price for their product. I don't have enough time to go on, but there's so much we're doing in the north and it's so exciting to be there at the moment.

Senator Watt: No—I want to hear about progress!

The PRESIDENT: Order, Senator Watt! Take a breath when I call your name for at least 20 seconds before subsequent disorderly interjections. I think I called him halfway through that question. Senator McMahon, a final supplementary question?

Senator McMahon (Northern Territory) (14:56): Can the minute outline the investments that the government is making in northern Australia to harness its abundant water resources? How is that increasing agriculture developments in Australia?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:56): Obviously, Senator Watt just does not like hearing about progress. He hates it. He wants to interject and stop progress. That's what the Labor Party are good at. But we on this side love progress. We love jobs being created. We love our country being developed. We're also developing the water resources of northern Australia. We're investing $700 million across water projects in northern Australia. These projects are across the north. Particularly, there are ones like Rookwood Weir, which is underway at the moment. That's going to help to double agricultural production in the Fitzroy Basin. We're investing $200 million to guarantee water security for Townsville in their future. We're also getting started on the Hells Gate Dam. It'll be one of the biggest dams in Queensland once it's built. That's starting under this project. Really, the benefits of this are for the people in these regions. For example, Simone Lawrie, from the Artizan Gluten Free Bakery in Rocky, says she currently employs 11 staff and will have more staff once the Rookwood Weir is under construction. That's what we're doing for jobs and supporting businesses in the north. (Time expired)

Australian Capital Territory: Imprisonment of 'Alan Johns'

Senator McKIM (Tasmania) (14:57): My question is to the Minister representing the Attorney-General. Minister, can you confirm that a person known to the courts as 'Alan Johns', who is also known as 'Witness J', was secretly imprisoned in the ACT? Under what law was the person known to the courts as 'Alan Johns' charged? With what offence was he charged and in which jurisdiction? Did the Attorney-General or any former Attorney-General sign off on or endorse this prosecution?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:58): I will take that question on notice and provide advice to the chamber.

The PRESIDENT: Senator McKim, a supplementary question?

Senator McKIM (Tasmania) (14:58): Well, you can take these on notice, too, Minister. When were the charges laid? How did the person known as 'Alan Johns' plead to the charges?
What sentence was imposed on the person known to the courts as 'Alan Johns'? If the court was closed, was it closed on the basis of an application by the Commonwealth? How many other people have been charged, tried or imprisoned secretly in Australia in the last 10 years?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:58): I'll take that question on notice.

The PRESIDENT: Senator McKim, a final supplementary question?

Senator McKIM (Tasmania) (14:58): Minister, do you accept that open justice is a fundamental plank of the rule of law? How can a secret charge, trial and conviction happen in a liberal democracy like Australia? What possible circumstances could justify this extreme level of secrecy?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:59): Given I've taken Senator McKim's preceding questions on notice, I'll take that on notice and respond accordingly.

Workplace Relations

Senator SHELDON (New South Wales) (14:59): My question is to the Minister representing the Minister for Industrial Relations, Senator Payne. In a speech to the Business Council of Australia, Prime Minister Morrison announced that his government is undertaking a comprehensive and methodical 'fresh look' at the operation of our industrial relations system. Will the minister rule out any watering down of unfair dismissal laws?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:59): I thank Senator Sheldon for his question. As both the Attorney-General—who's also, of course, the Minister for Industrial Relations—and the Prime Minister have said, there are a number of areas in which the Attorney-General is reviewing the current legislative and other arrangements as they pertain to industrial and workplace issues in Australia. The discussion papers which the minister has issued are part of that process. I believe and understand that input to that process is encouraged. I look forward to seeing the outcomes. I don't have any further detail to provide Senator Sheldon, but I'm happy to take anything further on notice.

The PRESIDENT: Senator Sheldon, a supplementary question?

Senator SHELDON (New South Wales) (15:00): Will the minister rule out any weakening of the better off overall test?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (15:00): The details of the discussion papers are part of the minister's process. They go to the issues, in the broad, that the minister is reviewing. If there is further information I can provide to the Senate, I will, on notice.

The PRESIDENT: Senator Sheldon, a final supplementary question?

Senator SHELDON (New South Wales) (15:00): Government members are calling for the watering down of unfair dismissal laws, the weakening of the better off overall test and the ripping up of the modern award system. Why is the Morrison government so committed to undermining protections for working Australians and attacking the unions who represent them?
Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (15:01): I think the premise of the senator's question is completely misplaced. What this government is interested in doing is ensuring that the legislative arrangements are fit for purpose—that we enable workers to be protected and that we enable business to get on with doing their job, and that, frankly, is employing Australians.

Energy

Senator RENNICK (Queensland) (15:01): My question is to the Minister representing the Minister for Energy and Emissions Reduction, Senator Birmingham. How is the government working with the states to capture new energy opportunities for the 21st century?

Opposition senators interjecting—

The PRESIDENT: Order on my left! I struggled to hear the question, but, if the minister heard it, I will call him and allow him to answer. Senator Birmingham.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:02): I thank Senator Rennick for his question and his strong interest in relation to a range of policy areas but particularly in relation to energy policy. I'm very pleased to be able to inform Senator Rennick and the Senate that our government have finalised the National Hydrogen Strategy as part of our commitment and drive to deliver affordable and reliable electricity for the Australian people and energy resources not just in Australia but indeed to our region and the world, as Australia has done so effectively for so long.

The National Hydrogen Strategy will set Australia on a path to becoming a major player in the global hydrogen industry by 2030. It's estimated, in the work undertaken by the Chief Scientist, Dr Alan Finkel, that the Australian hydrogen industry could generate around 7,600 jobs! Those opposite aren't ever terribly interested in jobs. They don't like hearing about our government's record on jobs. They don't like acknowledging the 1½ million jobs our government played a role in helping to create the environment to sustain. And the Hydrogen Strategy is about supporting ongoing jobs, especially in regional Australia—jobs that will be part of what could be an $11 billion per annum industry and contribution to our GDP by 2050.

The national strategy is the culmination of work between the federal government and all states and territories, and it's been very much driven by the reality that investors, innovators and our regional partners, particularly in nations such as Japan, Korea and Singapore, are all interested in the opportunities of the hydrogen industry and eager to cooperate with Australia. That's why the Morrison government announced substantial implementation plans around the Hydrogen Strategy, with $370 million to back new hydrogen projects—(Time expired)

The PRESIDENT: Senator Rennick, a supplementary question?

Senator RENNICK (Queensland) (15:04): Can the minister explain how these policies will contribute to a stronger economy by capturing trade and investment opportunities and creating jobs, particularly in our regional areas?

Opposition senators interjecting—

Senator BIRMINGHAM: It's good news, Mr President. That's of course why those opposite are interjecting. They only interject when there's good news from the government or when they are standing up for their union mates—and I suspect we might be hearing quite a bit of irrational noise from them over the hours to come in this place.

Opposition senators interjecting—

Senator BIRMINGHAM: In relation to hydrogen, the Chief Scientist describes Australia's potential as 'shipping sunshine'. The possibility for us to be able to generate—

The PRESIDENT: Senator Cormann, on a point of order?

Senator Cormann: I'm reluctant to rise on a point of order, but interjections are disorderly, and there have been a barrage of interjections against Senator Birmingham, who is providing very important information to the Senate and to the Australian people. So I would ask you to call them to order.

The PRESIDENT: I have called senators to order on a number of occasions—a handful, in particular, on my left. I will ask senators to restrain themselves for the last minute and a bit of question time. Senator Birmingham to continue.

Senator BIRMINGHAM: The opportunities for the hydrogen industry exist across many states. They exist in Senator Rennick's great state of Queensland and they exist across my great state of South Australia. Indeed, in South Australia, the Hydrogen Regulatory Working Group is currently supporting three-megawatt-scale projects in which the South Australian government has co-invested over $40 million alongside the types of investments our government is now scaling up. (Time expired)

The PRESIDENT: Senator Rennick, a final supplementary question?

Senator RENNICK (Queensland) (15:06): Will these policies also help to reduce power prices into the future?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:06): These policies have the benefit of helping to drive a new export industry for Australia in terms of using our renewable energy capabilities—in particular, to develop hydrogen and to be able to send it, as we have done so successfully with other energy sources, out into our region. But it also has the potential to help with Australia's energy grid into the future and with meeting our energy needs.

This sits alongside the work that our government has done in implementing the new Retailer Reliability Obligation; the new Grid Reliability Fund being established; putting in place price caps in the National Electricity Market; and delivering the new 'big stick' laws. All of these types of measures have seen stabilisation of energy prices—indeed, a fall in wholesale electricity prices. In the last quarter, Senator Rennick's state of Queensland and my state of South Australia had the lowest prices since 2016. That's because the government's reforms are working. And through the Hydrogen Strategy we are investing for the long term.

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

Rearrangement

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:07): I seek leave to move a motion to provide for the consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019.

Leave not granted.

Senator CORMANN: Pursuant to contingent notice standing in my name, I move:

That so much of the standing orders be suspended as would prevent Senator Cormann moving a motion to provide for the consideration of a matter, namely, a motion to provide that a motion relating to the consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 may be moved immediately and determined without amendment or debate.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:08): In relation to the suspension of standing orders that the Leader of the Government in the Senate has moved, let's be clear what we are voting on right now. The government is moving this motion so that it can ram through its extreme anti-worker legislation. That's what's happening. This bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, doesn't apply to business, it doesn't apply to the banks, it doesn't apply to Angus Taylor and it doesn't apply to Senator Cash; it only applies to working people and their representatives. It is an all-out assault on workers' ability to organise, run their own union and determine who leads them. It is an attack on nurses, midwives, teachers, police officers and their representatives.

This bill is called the 'ensuring integrity bill', but do you know what it is? It is just like Work Choices. I was here for the Work Choices legislation, and you lot haven't changed since then! You couldn't care less about integrity. You want to hide information from the people of Australia. You're a government that is loose with the truth—and I tell you what: oh boy, are you a government that doesn't like scrutiny!

We've seen Angus Taylor, who has blocked FOI access to 200 documents and refused to answer questions. If you were serious about integrity, we might have some legislation for a national integrity commission. But no. We've got a motion on this bill.

What about the banking royal commission? Last year big banks made billions of dollars from ordinary Australians by routinely breaching the law, but you're not here today to crack down on lawlessness in the banks. You're not here to implement the recommendations of the royal commission. In fact, after 299 days you've implemented six out of 76 recommendations of the royal commission you were dragged kicking and screaming to support. In fact, this government, which talks about integrity, is trying to ram through antworker legislation in a week when it was revealed that Westpac breached Australian money-laundering laws 23 million times and failed to act on customers using its services to purchase child exploitation materials. But is this your priority? No. You know what the Prime Minister says? He says that lawlessness—23 million breaches of the law and abetting child abusers—is a matter for the board. But you want to use this chamber and the parliament of Australia to expedite a bill that
could deregister unions representing midwives, flight attendants and firefighters for three paperwork breaches.

You lot haven't changed since we debated Work Choices in here. It's the same antiworker ideology and the same attack on working conditions. This was confirmed today when Senator Payne refused to rule out a watering-down of unfair dismissal laws and of the better off overall test. That really should demonstrate to everybody what this bill, which is being rammed through as a consequence of this motion, is all about. It is all about trying to take out the union movement so you can go after working people and their conditions, and out of the mouth of the Prime Minister and Minister Payne we heard that today.

Let's not forget that this government is trying to ram through antiworker legislation in a week when it was revealed that one in five workers in the construction, healthcare, retail, accommodation and food services industries has been a victim of wage theft. But are you going to do something about that and about the $1.35 billion in workers' wages underpaid each year? No, you want to attack the organisations that help people get this money back. They're your priority. It says everything about this government and the Liberal Party that the passage of this antiworker bill is your No. 1 priority. This is a government with no plans and no principles. The only thing they are united on, the only thing they are capable of, is a relentless political attack on working people and their representatives, and this has been the way this coalition and the Liberal Party have operated for decades. It is the same ideology and the same agenda as Work Choices.

The motion and this bill are about whether you think that there should be one standard for workers and their representatives and another standard for everyone else. This government does not care about integrity. This government does not care about lawlessness, and it does not care about workers. We will be opposing this motion and the bill. (Time expired)

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (15:13): It's clear to those here that on the other side they absolutely know they can't defend the indefensible. This is sensible, balanced legislation, so what they're trying to do is to silence debate in this chamber while they tell—and Senator Wong did it again—egregious untruths about the content of this legislation. This motion that Senator Cormann has moved is about time. It is about hours for debate, as I understand it. But those opposite don't even want to have the debate, because they want to protect their protectors. That's quite clear. They know and we know that the existing laws are inadequate and have led to a widespread culture of misconduct in registered organisations, and it's about registered organisations—not that you would have known that from Senator Wong's speech.

The changes that we are looking at around disqualification, deregistration and amalgamations—the issues that Senator Wong has raised—are changes which are needed now. It's because there's a pattern of behaviour that leads those opposite to protect the people that send them here. That is absolutely transparent from what Senator Wong had to say here today. We know that, of all the examples that the Leader of the Opposition in the Senate put forward, none proves their case, because they know they can't, as I said, defend the indefensible.

Do you know, Mr President, that, since this bill has been before the Senate, seven officers of one union in Australia—one union—have been penalised by the courts for more than 30 contraventions of the law? But those opposite are not even prepared to have a discussion
about it. They're not even prepared to have the debate in this chamber because this is only about them protecting, as I said, their protectors.

The breaches that Senator Farrell refers to will be dealt with by AUSTRAC in the courts. What are you afraid of, Senator Farrell? They will be dealt with by AUSTRAC in the courts. They will be dealt with by the changes we have brought in in relation to banking in this country since the royal commission—the changes we have made which ensure that that type of behaviour is addressed. But you won't even allow a debate here today about this practice.

We have seen that those opposite are afraid of integrity. That's what they're afraid of. So a bill that ensures integrity in registered organisations is not something they are even prepared to contemplate. And that's why we should be bringing it forward—to have this discussion. It is about ensuring that registered organisations behave in an appropriate way and that their misconduct can be addressed, because their members deserve that. But there is no interest on the other side in ensuring that members are properly looked after by registered organisations—absolutely no interest whatsoever. There is a 'no problem here' approach from those opposite, 'nothing to see here'. Well, the record shows differently. We have seen it through the trade union royal commission and we have seen it with behaviour in this chamber, and those opposite would prefer to do absolutely nothing. Well, this government won't do nothing. The government recognise that registered organisations have a responsibility to their members, a responsibility to those they represent, and we have a responsibility to ensure that the legislative construct around that protects the organisations and their workers.

The Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill has been called extreme legislation, but it is not extreme legislation, because these are very important organisations; members place a great deal of trust in them, and members should be protected adequately. There is no place in the system for those who breach the trust of their members. There is no place in the system for those who act in their own interests, at the expense of members, or those who show nothing but contempt for the laws that apply equally to all Australians.

So we seek to have a debate on this legislation today. This debate is about hours, not about the bill itself, although Senator Wong did not appear to turn herself to that matter. We seek to have that debate, but those opposite are trying to avoid it because they know they can't defend the indefensible. They know. They want to try and silence debate in this chamber, while they tell terrible mistruths about this legislation inside the chamber and outside the chamber, because, frankly, the debate will only expose them.

Senator FARRELL (South Australia) (15:18): If the government were really serious about integrity, why are they running a protection racket for one of their own ministers, Angus Taylor? Under investigation from—

Honourable senators interjecting—

Senator FARRELL: I know what I've read in the newspapers.

Honourable senators interjecting—

The PRESIDENT: Order! Interjections across the table are disorderly. I remind people of the motion we're discussing. Senator Farrell, please continue.

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CHAMBER
Senator FARRELL: Thank you for that protection, Mr President. If this government were serious about integrity, then you'd be doing something about the integrity of one of your own ministers, but instead you're picking on workers and their organisations.

When John Howard lost the 2007 election, Tony Abbott said that Work Choices was 'dead, buried and cremated'. But it's not. It's not. It has roared back into this parliament, and it has roared back in the form of this misnamed integrity bill. It has come back in two parts. Part No. 1, Senator Payne, is this bill we're going to be debating this afternoon. What does that bill do? It ties unions up in knots filling out paperwork, not letting them do the work that they need to do in this country, which is to boost wages and conditions. That's step No. 1, part No. 1, of this legislation: to tie them up. Then there's part No. 2. Part No. 2 is coming. Part No. 2 is on its way. Having weakened the unions by passing this legislation, what do they do next? Well, they come after the workers; they come after their entitlements. I have to say that Prime Minister Morrison has in fact been smarter than Prime Minister Howard. I've got to admit that. He's far more cunning. Rather than going after the workers directly, he's going after the unions first—and then he'll go after the workers.

What are the problems that we've got in this country at the moment? Ensuring integrity? No. What's happening in this country at the moment? We've got a series of serious economic problems. Wages have stagnated in this country, and they continue to stagnate. Unemployment is rising, particularly in my own state. Retail sales are either flatlining or falling. These are serious problems that ordinary Australians are facing. What is this government doing about them? Well, it is attacking the one set of organisations that might be able to turn this situation around. It's attacking the unions, and limiting their ability to do the job that they need to be doing, which is to raise wages and conditions. This government should be supporting unions to do the job that they need to do, to get real wage rises going in this country and to kickstart the economy. Instead, we've got Work Choices mark II: tying up unions in unbelievable amounts of paperwork, stopping their vital work in lifting wages.

What about the comparison? This is supposed to be the same set of laws applying to unions as to companies. Senator Payne referred to a particular union that had seven offences against it. What did we see this week? Bank officials having broken the law 23 million times. Senator Lines: What a disgrace! Senator Farrell: I agree with you, Senator Lines—that is a disgrace. But what did the person who oversaw those crimes get? Well, today they got $2.69 million, on the way out! Was that person banned from activities in banking? Was the organisation that he represented deregistered and stopped from running their business? How on earth is there any comparison between what this legislation seeks to do to unions and the way this government treats big business, their mates?

Honourable senators interjecting—

The PRESIDENT: Order! Senator Wong, Senator Rennick, Senator McKim, I'll come to you next. There's only been one government speaker so far, so I'll go to Senator Birmingham, then I will come to you next. Senator Birmingham.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:23): The first thing the chamber needs to bear in mind is: what's the question before the chair at present? The question before
the chair is to provide more time, more hours, to have a debate. And what are the Labor Party doing at present? They're opposing even having the time to have the debate! That's all we've got from this opposition. They're actually opposing sitting back later tonight and sitting back later tomorrow night, so that we can have the debate, so that we can give them additional hours, should they wish, to actually debate the issues in this legislation. And why are they so damned opposed to having this debate? Why are they so hysterical about this argument? Why are they fighting tooth and nail, every step of the way, on this issue? Well of course, because it's all about the people who put them here—that's the case when it comes to those opposite.

**Senator Dean Smith:** Not the Australian voters.

**Senator BIRMINGHAM:** It's not the Australian voters I'm talking about, Senator Smith—you're right. It is about the people who pull the strings, who put the Labor Party here, who determine their preselections, who determine who the Labor Party candidates are: the union puppet-masters. They choose each and every one of those who sit opposite. Whether they come from a union background or not, in the end, they have to get the endorsement of the trade union movement to be able to be the Labor Party candidate, to even get on the ballot paper before they get to this place.

That is, of course, why we are seeing such a reaction from those opposite. Why is that, though? Why, you would have to ask, would they want to stand up for a bunch of lawbreaking officials who undermine the integrity of good union officials who do good work? That is the thing—there are many good, decent union officials full of integrity. I met with some last week, at Senator Farrell's instigation. I am more than happy to acknowledge that the trade union movement has good people in it, but they are brought down by the dodgy operators and by the lawbreakers who think that it is just the price of doing business to break the law consistently. That is, of course, what the CFMMEU does so consistently—$16½ million dollars in CFMMEU fines have been levelled over recent years. And what is the reaction of the CFMMEU? 'It's just the price of doing business.' They pay the fines, and they keep breaking the law. That is what happens. That is the attitude they take. That is why we have brought these reforms to bear.

There is a cost to that lawbreaking activity. That cost is that construction activity in Australia costs a damn sight more than it should because of the disruptive behaviour of the unions. Indeed, estimates are that construction project costs have been driven up by around 30 per cent thanks to the lawbreaking activities of certain trade union leaders and certain trade unions. That is why we are cracking down on this. The current penalty regime clearly does not provide a deterrent to those who think they can just keep breaking the law. They think the answer is: 'We'll break the law. We'll keep breaking the law. We'll pay the fines. It doesn't matter.' We are creating a new penalty regime to make sure we change that behaviour—to encourage people simply to abide by the existing law of the land. That is what this is.

This is not some great, big, new workplace relations reform, despite what those opposite are suggesting. It is not that at all. It is a measure to simply try to get unions to comply with the existing laws. That is all it is seeking to do: trying to get trade unions to comply with the existing laws. It is a measure that we took to the last election as a government. It is a measure we introduced into the House of Representatives way back in July. It is a measure that has been before a Senate inquiry, which received 67 written submissions and had 78 different
Well, our government is proud to bring this on for debate. We are proud to respect the democratic processes of this country by giving the Senate extra time to debate this legislation. We are determined to also make sure that other people in this country have respect for the law of the land, have respect for our existing workplace relations laws, and that we actually have all of those in the workplace relations systems operating to those laws because the penalties are sufficient to encourage them to do just that. (Time expired)

Senator McKIM (Tasmania) (15:28): This is an outrageous and egregious abuse of the processes of this Senate. The government has completely failed to make the case for urgency here. But what I do want to say, having pointed that out, is that the legislation to which this motion applies is nothing less than a charter of rights for corporations. It is a charter of rights that will actually act as enabling legislation for big corporations to continue to exploit workers in this country by the mechanism of attacking the representation of Australian workers. Citizens do not have a charter of rights in Australia. We are the only liberal democracy in the world where citizens do not have their rights enshrined either legislatively or constitutionally. Workers don't get a charter of rights in this country, but it looks like the big corporates are going to get their charter of rights.

There are 23 million reasons why the government is pulling the wrong rein here, and those 23 million reasons are the 23 million admitted breaches by Westpac, by one of our big banks in Australia. By the way, that is coming on the back of numerous breaches by the Commonwealth Bank in the past—breaches of national security legislation and breaches of counterterrorism legislation. In the latest Westpac breaches there were even payments that related to child exploitation materials, paedophile materials. Yet here are the government coming in because, presumably, they've done a dirty deal with some parts of the crossbench to get this perniciously named 'ensuring integrity' legislation through the parliament.

This is a draconian attack on workers in Australia and on the unions who represent workers in this country. What we don't need now is a further crackdown on workers to go with the crackdown on civil society and on people who want to express their political views by participating in peaceful and non-violent protests. What we actually need in Australia is a crackdown on big corporates, which are polluting this environment, which are destroying nature and which are exploiting their workers. That's what this country needs, not yet another draconian, ideologically motivated attack on workers and their representatives in this country at the behest of the big corporates that donate so effusively to the deep pockets of the Liberal and National parties in this country.

So the Greens will not be supporting this motion, because this motion is to enable the passage of bills that are fundamentally antiworker and that are fundamentally antidemocratic. I'll make you a prediction: after those 23 million breaches by Westpac, I don't think we're going to see Westpac deregistered as a result. I'd bet my house that Westpac won't be deregistered, and I'd also bet my house that we won't see criminal charges laid as a result of those 23 million breaches. We will see some fines, for sure, but no-one will be imprisoned and certainly none of the big banks are going to be deregistered for enabling paedophilia and terrorism in this country. That's what is at stake here.
Now this government wants to bring in legislation that will provide a fast track to the deregistration of workers' representatives in Australia. Make no mistake, colleagues: we're living in a corporatocracy in Australia right now, a corporatocracy that is resulting in the devastation of nature, in the breakdown of our climate, in wage stagnation, in intergenerational poverty and in the massive exploitation of workers in Australia. The Greens won't be supporting this motion and we will not be supporting the legislation to which this motion pertains.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (15:33): We on this side of the House do laugh that this bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, is called 'ensuring integrity' and that the government is seeking to disrupt the hours of the Senate in order to have a debate on something called 'ensuring integrity'. This is a government and a Prime Minister who run from integrity at every opportunity. We saw evidence of this today. What did we see in question time in the other place? Another protection racket by the Prime Minister for his minister Angus Taylor. As confirmed today by the New South Wales Police Force, detectives from the State Crime Command's Financial Crimes Squad have launched Strike Force Garrad into Minister Angus Taylor. Let's be clear about this: the New South Wales police have launched a strike force by the State Crime Command's Financial Crimes Squad into a minister in this government. Where's the ensuring of integrity in the cabinet of this government? What do we see in question time in the other place? The Prime Minister running a protection racket for Angus Taylor. We see it here, with the Minister representing the Prime Minister refusing to comment on the specifics of the Angus Taylor case. Yet they have the hide to come in here and say that this bill is about ensuring integrity.

This is a government that is willing to turn a blind eye, quite frankly, to what's happening at Westpac: 23 million breaches of the law, some of those facilitating the sexual exploitation of children. There is money laundering that could be linked to terrorist activity. But they don't need to do anything about those executives. They don't need to do anything about deregistering any organisations that are involved in that type of criminal activity. But, for three mere breaches of paperwork, the unions and representative organisations of nurses, police officers and teachers can be deregistered. That is the integrity that this government cares about: paperwork breaches by the representatives of working people, not money laundering 23 million times by Westpac. Let's not forget: this is the government that voted 26 times against a banking royal commission. Where was their concern about ensuring integrity in the banking sector when 26 times they voted against a banking royal commission?

This is a Prime Minister who is not interested in ensuring integrity. Both in this Senate and in the other place, we have time and again seen the government run away from even answering basic questions about who the Prime Minister wanted to invite to the White House for dinner. It's a state secret, apparently—'We can't tell you whether the Prime Minister wanted to invite his pastor, Brian Houston, to that dinner at the White House, because that's something the public doesn't have a right to know.' Where is the integrity in this government when the Prime Minister can't even tell the Australian people whether or not he wanted his own pastor to come to dinner at the White House?

Quite frankly, if we are going to talk about hours—and this is an hours motion—where is the concern about the integrity of this Senate? They are disrupting the Senate and the
discovery of formal business in this Senate. All of the crossbenchers are not going to get the
time to move their motions, to have their debates and to participate in debates on motions to
take note. This is a government that does not respect the integrity of the procedures in this
Senate, so desperate are they to ram through this week a bill that takes away the rights of
working people.

Let’s not forget that every good thing that has come for working people in this country,
whether it is the eight-hour workday, paid parental leave, occupational health and safety or
domestic violence leave for women fleeing domestic violence, has come because unions have
agitated for it. It is because of the representatives of working people that we have got every
good thing in this country for working people, and it is this government, through this charade
of a deal, that wants to rip that away.

The PRESIDENT: The time for the debate has expired. The question is that the motion to
suspend standing orders be agreed to.

The Senate divided. [15:42]

(The President—Senator Ryan)

Ayes ................. 39
Noes ................. 33
Majority .......... 6

AYES

Abetz, E
Askew, W
Birmingham, SJ
Brockman, S
Chandler, C
Cormann, M
Duniam, J
Fierravanti-Wells, C
Hanson, P
Hughes, H
Lambie, J
McGrath, J
McMahon, S
O’Sullivan, MA
Payne, MA
Reynolds, L
Ruston, A
Scarr, P
Smith, DA (teller)
Van, D

Antic, A
Bernardi, C
Bragg, A J
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Griff, S
Henderson, SM
Hume, J
McDonald, S
McKenzie, B
Molan, AJ
Patrick, RL
Rennick, G
Roberts, M
Ryan, SM
Seselja, Z
Stoker, AJ

NOES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallacher, AM
Green, N

Bilyk, CL
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Gallagher, KR
Hanson-Young, SC

CHAMBER
I move:
That a motion to provide for consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 may be moved immediately and determined without amendment or debate.

I also move:
That the question be now put.

The PRESIDENT: The question is that the motion be now put.

The Senate divided. [15:46]

(The President—Senator Ryan)

Ayes ....................39
Noes ....................33
Majority ...............6

AYES

Abetz, E  Antic, A
Askew, W  Bernardi, C
Birmingham, SJ  Bragg, A J
Brockman, S  Cash, MC
Chandler, C  Colbeck, R
Cormann, M  Davey, P
Duniam, J  Fawcett, DJ
Fierravanti-Wells, C  Griff, S
Hanson, P  Henderson, SM
Hughes, H  Hume, J
Lambie, J  McDonald, S
McGrath, J  McKenzie, B
McMahon, S  Molan, AJ
O'Sullivan, MA  Patrick, RL
Payne, MA  Rennick, G
Reynolds, L  Roberts, M

PAIRS

Canavan, MJ  McAllister, J
Paterson, J  Kitching, K

Question agreed to.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:44): I move:

That a motion to provide for consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 may be moved immediately and determined without amendment or debate.

I also move:
That the question be now put.

The PRESIDENT: The question is that the motion be now put.

The Senate divided. [15:46]

(The President—Senator Ryan)

Ayes ....................39
Noes ....................33
Majority ...............6

AYES

Abetz, E  Antic, A
Askew, W  Bernardi, C
Birmingham, SJ  Bragg, A J
Brockman, S  Cash, MC
Chandler, C  Colbeck, R
Cormann, M  Davey, P
Duniam, J  Fawcett, DJ
Fierravanti-Wells, C  Griff, S
Hanson, P  Henderson, SM
Hughes, H  Hume, J
Lambie, J  McDonald, S
McGrath, J  McKenzie, B
McMahon, S  Molan, AJ
O'Sullivan, MA  Patrick, RL
Payne, MA  Rennick, G
Reynolds, L  Roberts, M
Question agreed to.

The PRESIDENT (15:49): The question is the procedural motion moved by the minister be agreed to.

The Senate divided. [15:49]

(The President—Senator Ryan)

Ayes .....................39
Noes .....................33
Majority ...............6

AYES

Abetz, E
Askew, W
Birmingham, SJ
Brockman, S
Chandler, C
Cormann, M
Duniain, J
Fierravanti-Wells, C
Hanson, P
Hughes, H

Antic, A
Bernardi, C
Bragg, A J
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Griff, S
Henderson, SM
Hume, J

SENATE

Tuesday, 26 November 2019

AYES

Ruston, A
Scarr, P
Smith, DA (teller)
Van, D

Ryan, SM
Seselja, Z
Stoker, AJ

NOES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallacher, AM
Green, N
Keneally, KK
McCaughtry, M
O'Neill, D
Pratt, LC
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M
Wong, P

Bilyk, CL
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Gallagher, KR
Hanson-Young, SC
Lines, S
McKim, NJ
Polley, H
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

PAIRS

Canavan, MJ
Paterson, J

McAllister, J
Kitching, K

CHAMBER
I move:

(a) the routine of business for the remainder of today shall be:

(i) consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, second reading speeches only,

(ii) if a division is called after 7.20 pm, the division shall be taken on the next day of sitting, and

(iii) the Senate shall adjourn without debate after the conclusion of the second reading debate, or at 9 pm, or after a motion for the adjournment is moved by a minister, whichever is the earlier; and

(b) on Wednesday, 27 November 2019:

Question agreed to.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:51): I move:

That—

(a) the routine of business for the remainder of today shall be:

(i) consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, second reading speeches only,

(ii) if a division is called after 7.20 pm, the division shall be taken on the next day of sitting, and

(iii) the Senate shall adjourn without debate after the conclusion of the second reading debate, or at 9 pm, or after a motion for the adjournment is moved by a minister, whichever is the earlier; and

(b) on Wednesday, 27 November 2019:
(i) the routine of business from 7.20 pm shall be consideration of the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, second reading speeches only, and
(ii) if a division is called after 7.20 pm, the division shall be taken on the next day of sitting, and
(iii) the Senate shall adjourn without debate after the conclusion of the second reading debate, or at midnight, or after a motion for the adjournment is moved by a minister, whichever is the earlier.

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

The Senate divided. [15:52]

(The President—Senator Ryan)

Ayes .................39
Noes .................33
Majority .............6

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Bernardi, C
Bragg, A J
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Griff, S
Henderson, SM
Hume, J
McDonald, S
McKenzie, B
Molan, AJ
Patrick, RL
Rennick, G
Roberts, M
Ryan, SM
Seselja, Z
Stoker, AJ

Bilyk, CL
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Gallagher, KR
Hanson-Young, SC
Lines, S
McKim, NJ
Polley, H
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS
Labor opposes the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 in the strongest possible terms. It's bad law and it's bad policy. Despite its name, this legislation has nothing to do with integrity but everything to do with ideology, opportunism and this government's pathological hatred of unions and the workers they seek to represent and protect. It's an attack on the union movement, on union officials and on union volunteers. It's an attack on Australian workers and an attack on freedom of association and democracy itself.

And what will this bill ensure? It will ensure less safe workplaces. It will ensure more wage and superannuation theft. It will ensure a less effective union movement—more preoccupied with getting its paperwork right than doing the job which has delivered better wages and conditions for workers in Australia for over a century. I would like to refer to the following quote:

The Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 creates a number of sweeping powers for interference in trade union organisations, which are not only in violation of the principles of freedom of association, but are also highly likely to produce arbitrary and disproportionately punitive outcomes damaging to Australia's industrial relations system. Harmful to workers, undermining to trade union democracy, and of no tangible benefit to the promotion of harmonious industrial relations, these measures are ... incompatible with Australia's commitments under the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 ... and the Right to Organise and Collective Bargaining Convention, 1949.

These are not my words but those of the International Centre for Trade Union Rights, in their powerful submission to the Senate Education and Employment Legislation Committee, which conducted an inquiry into this legislation. I and my Labor colleagues, led by Senator Pratt, participated fully in that hearing and heard witness after witness give compelling evidence as to why this legislation was wrong, how it would damage the Australian union movement and, most importantly, how it would hurt Australian workers.

The ensuring integrity bill 2019 is the latest manifestation of the Liberal Party of Australia's long-held ideological obsession with and hatred of the union movement in this country, and it's happening at a time of unprecedented wage theft, insecure work and...
increasing casualisation and fragmentation of work—a time when we need a strong union movement more than ever.

We don't need to look back too far to see the Liberals' form on this. We only have to look back to John Howard's Work Choices—which I'm sure you remember very well, Mr President. Work Choices was an attack on employees' individual rights in the workplace and, as we all know, a policy that was comprehensively rejected by the Australian people in 2007 in the election where you came to this place, Mr President. After the 2007 election all we heard from the Liberals was 'Work Choices is dead'. They had listened and they had heard the message from working Australians who wanted their rights at work to be protected.

But what happens when the Liberals return to government? We get this bill, the ensuring integrity bill—because, after all, going after workers through Work Choices was ultimately unsuccessful. So let's go after the union movement itself—diminish its capacity to campaign and organise, tie up its officials in red tape and vexatious litigation and hope it won't have the resources or the people left to fight the kinds of challenges that I've outlined above.

This, of course, is their second run at it. The first ensuring integrity bill, from 2017, was rejected by the Senate, seen for what it was: a series of draconian and extreme measures intended to weaken the trade union movement. It was rejected but not thrown out by the Liberals; instead it was left on the shelf in case it could be useful again. When the government found themselves unexpectedly returned to government, without a policy agenda, with an emboldened conservative backbench calling for action on their pet subjects and with a union official in the media at the time for all the wrong reasons, they picked up the old bill and blew the dust off it. The new industrial relations minister, Christian Porter, gave it a bit of spit and polish to make it look like a new, improved version. And there we have it: the ensuring integrity bill 2019, the bill we're debating today.

'If this bill is just about ensuring integrity, why is the Labor Party so opposed to it? Don't companies have the same kinds of laws applied to them?' These are the kinds of things we hear from employer groups and construction peak bodies, many of whom are not themselves registered organisations and are therefore not subject to this regulation. One of the main objections to this bill is that it's simply unnecessary. There's already an effective and longstanding regime for the disqualification of union officers and the deregistration of unions. The act was amended as recently as 2017 to provide that a union official could be disqualified on the basis of any civil penalty breaches of the Fair Work (Registered Organisations) Act. That appears in section 307A of that legislation. There are currently a range of offences which automatically disqualify a person from standing for or holding office, including fraud, dishonesty and the intentional use of violence or damage to property. A person who holds an office and is convicted of a proscribed offence must apply to a court for leave to hold office in any organisation. In other words, the mechanism is already there to deal with misbehaviour by union officials.

The current deregistration provisions allow the minister, or a person interested, to apply to deregister a union on a large number of grounds, including breaching the terms of award or actions that have a substantial adverse effect on the health and safety or the welfare of the community, or part of the community. I think it's important to note that there's no equivalent section or legislation for companies, and we've seen that this week with the developments at the Westpac bank. You would think this was a fairly serious legislative armoury for a
government to have for dealing with alleged union breaches, but apparently it's not. Schedule 1 of the 2019 bill contains new and expanded grounds for disqualification. But, worse, the new grounds only require one or at most two instances of unlawful conduct for an application to be able to be made. It doesn't have to be repeated. It doesn't have to be serious or wilful misconduct.

In the bill in its current form, the minister or any person with sufficient interest, which could include employers or employer organisations, can apply to the courts for orders disqualifying a person from holding office in a union. This would include a technical breach, such as not giving the right notice when inspecting a dangerous worksite or investigating the rampant underpayment of workers. On the other hand, directors of companies that recklessly expose workers to risk of serious illness, injury or death, or who engage in systematic wage theft, are not exposed to disqualification.

Contrary to the government's claims, the requirements imposed by the bill go further than the requirements on corporations. In other words, there's no comparison between the additional obligations that this legislation imposes on unions and those obligations that are imposed on companies. In the bill, the grounds for disqualification from holding office in a registered organisation are broader than the grounds for disqualification of company directors. Again, in other words, there's no comparison between the penalties that apply to unions and those that apply to companies, under this legislation. The penalty for the offence of a disqualified person continuing to hold office or influence at a registered organisation is double that of the equivalent provision in the Corporations Act—double! So it is twice the penalty again. There is no comparison and no equivalence between what applies to companies and what, if this legislation gets through, will apply to unions. This bill also allows courts to disqualify union officers for conduct unrelated to their union role. There is no equivalent for the disqualification of a company director, so again there is no comparison between what applies to company directors and what this legislation is proposing to do to union officials.

Schedule 2 of the bill provides new and expanded grounds for deregistration. Again, the new grounds only require one or at most two instances of unlawful conduct for an application to be able to be made. It doesn't have to be repeated, serious or wilful misconduct. It can involve a single instance of unprotected industrial action. Yet there is no equivalent for companies to be deregistered if they breach industrial laws or work health and safety laws in this country. Again, there is no equivalence between the obligations that this legislation is going to apply to unions and what applies to corporations. In the bill as it stands, the minister or any person with sufficient interest can apply to the courts to deregister a union or for other extreme and intrusive orders. Again, no equivalent provisions exist for corporations or their directors. There are already a wide range of circumstances in which the court can order a union to be deregistered, but this bill significantly expands these.

Schedule 3 of the bill deals with the administration of so-called dysfunctional organisations. In the current bill, the minister or any person with sufficient interest is given standing to put a union into administration. Once again, there is no equivalent for companies. The existing act provides for the court to make remedial orders to reconstitute a union or a branch that has ceased to function effectively. Worse, despite claims that the bill is not retrospective and everyone starts with a so-called clean slate, the conduct of union officers and the union's records of compliance are grounds for applying for administration. In other
words, there's no limit on retrospectivity. Past breaches are counted. The minister can apply to have a union completely restructured or have its rights limited—again, there's no equivalent for companies.

Finally, we have schedule 4 of the bill, originally drafted in 2017 to try to stop the merger of the CFMEU, the MUA and the TCFUA by introducing a so-called public interest test. The bill, in its current form, places a public interest test on mergers of organisations, taking away from members the right to choose. Under this measure, mergers could be blocked by the Fair Work Commission if this test is not met. The government, lobby groups and even big businesses themselves can seek to block a union merger, even if the union merger is freely supported by the union members.

There is no justification for preventing amalgamations. If the members of two unions vote to amalgamate then it's up to them. This goes to the heart of the democratic principle of freedom of association. This proposal is not a question about whether unions are representative but an attack on the unions themselves. It denies members free choice about who leads their organisation and how it's going to be run.

The minister and the employer groups try to claim that this is some sort of equivalence with the public interest test associated with company mergers. That is totally false, because there are no obligations whatsoever for two companies to notify their corporate regulator. Companies merge with and take over each other every day without any scrutiny by the regulator, ASIC. There's not even a mandatory notification scheme that requires mergers to be notified to ASIC. Companies can elect to notify, if they think there may be a question mark about whether the merger will substantially lessen competition. But, if ASIC decides that that could be the case, a public benefit test is applied to see whether there are overall benefits of the merger. Whether the company or its officers have a record of complying with the law or not is not considered as part of this test. In contrast, in the current version of the bill, the public interest test would be mandatory for all union amalgamations, and if they failed this test then they'd be unable to amalgamate. This so-called public interest test includes technical breaches of civil laws—for example: stopping work for a nurse-patient ratio; no 24-hour notice in sweatshops; dangerous worksites; and the list goes on.

As to the amendments circulated by the crossbenchers: to their credit, the crossbenchers have recognised that this is fundamentally a bad piece of legislation and a bad piece of public policy. I acknowledge that they've done their best to try to ameliorate some of the many dangerous and extreme elements of the bill.

Notwithstanding this effort on the part of the crossbenchers, Labor will oppose this bill in whatever form it takes. This bill has no redeeming features whatsoever and should be rejected in its entirety. No matter what assurances the government may have given to the crossbenchers to ensure their support, this legislation affects the day-to-day operation of every single union in this country. Unions, their members and the workers they represent will not thank the Senate for this legislation when they cannot access potentially unsafe workplaces or workers needing advocacy and protection or when the union is fearful that a breach under right of entry could lead to their disqualification or, worse, to the union being deregistered. The only people who may thank the crossbenchers for supporting this legislation are people like the Liberal Party donor and union hater Jerry Hanson, who wants to be able to run unsafe workplaces with impunity, engage in wage theft with impunity and simply pay fines for these
offences—just another cost of doing business. Not only is this bill undemocratic and draconian; it's also unnecessary. I urge my fellow senators to oppose this legislation in its entirety.

Senator FARUQI (New South Wales) (16:15): I rise on behalf of the Greens to speak to the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. The Greens strongly oppose this bill. This bill is nothing but a politically motivated attack on unions. It's laughable that the words 'ensuring integrity' form part of the name of the bill when we know that there is not an ounce of integrity in this government and their intentions with this bill. There is not a skerrick of integrity in you lot, and you have proven that again today by disrupting the business of the Senate, and for what? Because you want to push your narrow agenda—an agenda which is antiworker, antunion and antidemocratic. Shame on you!

When workers and unions build their collective voice and power they have the capacity to change the way this country is run for the better, for everyone who lives here. The government find this prospect really frightening. To prevent this, they are bringing in these laws which are incompatible with Australia's ILO commitments and will impose standards to which there is no corporate or political equivalent. According to the minister, the bill is responding to community concern and the recommendations of the final report of the royal commission into trade union governance and corruption. The gall of this government to come in here and say that they are responding to community concern! What community concern? What I hear on the ground from the community is concern about corporations ripping off working people and having exclusive access to this government. Instead of addressing that, this bill will do the exact opposite by eroding the rights of working people to organise.

Let's not forget: this is the same government that has allowed penalty rates to be cut. They're out to get workers. That's pretty clear. We know that the coalition is in here to represent big business and look after its mates at the big end of town—and, yes, I am not afraid to use that phrase. You only care about big corporations and the big end of town. You don't care about workers at all. This bill is nothing but a blatant attack on workers—an attack on their unions and a direct attack on the rights of workers to organise. In a nutshell, this bill will basically allow employers to dictate how unions run their business. Unions could be deregistered at a whim. If nurses go on strike for better working conditions or to improve patient-to-nurse ratios, that can be seen as going against the public interest and they could be in danger of being deregistered. The same applies to transport workers and many others who work in the public sector. This is an antunion bill; this is an antiworker bill; this is an antidemocratic bill. We know you hate unions, and this is just another of your goes at union-busting. We know very well what this government is capable of when it comes to its agenda against workers. They will go to any length to limit workers' rights to organise and to stop them from demanding better working conditions.

Australian labour laws have been systematically attacked. They have been rewritten to restrict people's rights to collectively stand up for themselves. They have undermined and cut away at awards, and wages growth is restricted. They will say this bill is about putting unions on the same footing as corporations, but it's not. Wouldn't that be the day—when we see corporations publicly reporting all their accounts and when people in corporations can cast a vote on who will be their managing director. Imagine that day. Let's see legislation like that. It was only a few weeks ago that Woolworths admitted to underpaying workers to the tune of
hundreds of millions of dollars. Have you ever heard of an employer accidentally overpaying
their workers by millions of dollars? I think not. Woolworths have admitted to underpaying
nearly 6,000 employees over years, with the retail giant owing up to $300 million to its
workers. Underpayment of staff has become endemic. It is a crisis. What's the government
doing about that? I haven't heard much to date. It seems like there is a disclosure of
underpayment every few weeks in big companies. The system is rigged against workers
because the rewards of ripping off staff far outweigh the risks or any penalties the big
corporations face over wage theft.

We know the Liberals are not in here to protect the rights of workers. They have been
dragging their feet on any solid measures to prevent wage theft. This government is more
interested in stopping our democratic rights to protest. They want to stop everyone from
dissenting from their narrow, neoliberal, undemocratic agenda. They are more interested in
supporting their mates in big corporations than the workers who are being screwed over by
their friends.

It is internationally recognised that unions form an important part of any democracy and
serve a vital function in fair and just societies, but this bill gives the government a free pass to
interfere in their democratic workings. It completely overrides internationally accepted labour
laws and human rights. While this government doesn't think twice about introducing
legislation that breaches international law, the minimum wage has fallen to a point where it is
no longer a guarantee of financial security. Big corporations are making record profits while
the government helps employers use labour laws to cut wages, conditions and workplace
rights.

I sat on the inquiry into this bill. A number of submissions to the inquiry pointed out the
measures contained in the bill are significantly more onerous than anything that applies to
corporations. The bill targets all unions. As the ACTU correctly points out in its submission:
Much of the commentary around the Bill suggests that the Bill only targets unions or union officers
who repeatedly or deliberately act unlawfully, "where there is an ingrained culture of lawlessness".
And that commentary is completely unsubstantiated and not true. My union, the NTEU, say in
their submission to the inquiry that the bill:
… could unintentionally provide employers with an incentive to formally prosecute technical breaches
of the Fair Work Act as a pathway to disqualification of union officials that they consider difficult to
deal with.
This means employers can target union representatives they don't like through these bills. How
does that ensure integrity? It doesn't. But this bill is not about ensuring integrity, is it?
This government doesn't have an ounce of integrity.

The International Centre for Trade Union rights says in its submission to the inquiry that
there is:
… no precedent for the degree of state interference in the functioning and establishment of trade unions
in comparable industrialised liberal democracies.
The ICTU is very clear about the aims of this bill, saying:
… the legislation is aimed at attacking and destroying particular organisations of workers.
Indeed, we know this bill is only about political gain and about one objective and one objective alone—excessive political, corporate and regulatory interference in the democratic functioning of unions. This is a tactic straight out of the conservative playbook.

Essentially what this bill is all about is preventing unions from doing their work, which is to represent workers and their interests in the face of giant corporations, in the face of precarious working conditions and in the face of declining wages. As a proud card-carrying and long-term union member, I can say from experience that unions are absolutely central to protecting the rights of workers, making sure they have fair and humane working conditions. With this government's continued war on workers, this bill sadly comes as no surprise. This is a government for the corporations, looking after the interests of big business, where workers rights are merely an inconvenience in that process and outcome. What is this government doing about the 23 million breaches by Westpac of anti-money-laundering laws? Why aren't you falling over yourselves to ensure integrity for banks? You resisted the Greens' and the community's calls for a royal commission for years before you were forced and dragged to the table.

The bill in front of us expands the grounds over which unions can be deregistered under the registered organisations act. This would essentially allow the government to seek the shutdown of any union on a whim. By expanding the grounds upon which unions can be deregistered or suspended, this bill seriously limits the right of freedom of association and the rights of workers to organise. The proposed disqualification scheme for union officials could disqualify a person from holding office in a registered organisation simply on the basis that they have organised industrial action.

The Parliamentary Joint Committee on Human Rights expressed serious concerns that provisions in this bill will impact on a number of human rights, such as the right to join trade unions, the right to freedom of association and the right to just and favourable conditions of work. These rights are protected by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which have been ratified by Australia. The committee has also expressed concern that the proposed disqualification regime for union officials would limit the right of worker organisations to freely elect their own representatives. The Parliamentary Joint Committee on Human Rights recommended that the bill be amended to make cancellation of registration a last-resort option, and the government has completely ignored the concerns raised by the committee. Even the Senate Standing Committee for the Scrutiny of Bills raised multiple concerns about the bill, including pointing out that the proposed disqualification powers were insufficiently defined and there could be a reversal of the evidential burden of proof in some circumstances.

A number of submissions rightly point out that the measures contained in the bill would result in significantly more onerous and stringent laws applying to unions when compared to corporations. For example, the requirement for union amalgamations to be in the public interest is considerably more restrictive than the requirement for corporate mergers, which are not required to take into account the interests of workers or a broader public interest test. This is clearly an attack on unions.

The most appalling part of this whole debate is that this government is pretending that it is somehow all about integrity. If this government were serious about integrity, it would establish a national ICAC. In the New South Wales parliament, where I sat in the upper house
for five years, we have seen how effective an anticorruption body can be. We have a laundry list of both Labor and Liberal politicians that have had to face corruption charges and have been prosecuted. Let's not forget this government voted against the Greens' bill to establish a national anticorruption body just a couple of months ago. One is compelled to question why it is refusing a national anticorruption body that looks into government conduct if there is nothing to hide. And then this government comes in here and talks about integrity. What a joke. What a complete farce this is. Not a week goes by in Australian politics without the case mounting further for a national anticorruption watchdog.

Allegations this week of potential interference in Australia's democracy is further evidence of this. Again, there was a long laundry list of issues highlighted just recently. The Crown casino scandal showed how corporate greed and politics can work hand in hand in Australia when it suits. We know our so-called donations systems are criminally broken when stories break about political parties accepting ALDI bags stuffed with cash and then feigning ignorance. Our Murray-Darling Basin and river system has been killed by political and corporate corruption. The revolving door between politics and lobby groups has got to be closed once and for all.

We know that the Minister for Energy and Emissions Reduction, Mr Angus Taylor, is now under investigation by the New South Wales police. We know this is in relation to attacks launched by Mr Taylor on the City of Sydney over the council's carbon footprint. Where was the integrity shown there? There wasn't any. There was 'no integrity' there. There is report after report of misconduct, of allegations and of revolving doors between ministers and lobbyists. Where is the integrity in all of that? What are you doing about that? This government should really hang its head in shame for it has not an ounce of integrity left in it. There is nothing even remotely in the vicinity of integrity in this anti-union, antiworker, antidemocratic bill.

The Greens have been introducing bills for a national ICAC for almost a decade. I want to commend and thank the former Greens senator for New South Wales, Lee Rhiannon, for her work, passion and commitment to democracy and for pushing so hard to establish a national ICAC.

Finally, this work came to bear fruit in September this year when the Greens bill passed this chamber. That bill would finally have introduced long-lasting reform to our laws to deal with corruption and integrity, but what did this government—a government that purports to have integrity—do? They blocked the bill from becoming law. That's the integrity that you have—none whatsoever.

During the debate on this bill, we actually have a chance to get a national ICAC. I will be moving Greens amendments to this bill. These amendments will have the effect that this bill cannot take effect until a national integrity commission has been established by this parliament. A federal ICAC is essential to restoring public faith in democracy. People who sit on the crossbench know that that is absolutely vital for our democracy. Our democracy belongs to the people of Australia, who desperately want us and our system to be transparent and accountable. I don't like this bill one bit. But if it is going to pass then it should not come into effect until parliament has also established a proper watchdog to oversee politicians and public officials. I will be moving an amendment to that effect, and I hope the crossbenchers and the Labor Party, who support a federal ICAC, can support that amendment.
The sad bit is that what we should be doing here today—if we really were interested in ensuring integrity and if we really were interested in a workplace—is reaffirming the right to be a member of a union. We should be reaffirming the right to collectively bargain. We should be reaffirming the right to collectively withhold labour and to collectively organise in the workplace to achieve a sustainable and democratic future for all of us. But here we are. The government are stopping all other business of the Senate to ram through a bill which does the exact opposite. Let's be clear: this is a rubbish bill, this is a rubbish government and they should both be put in the bin.

Senator BRAGG (New South Wales) (16:32): Robert Menzies created the Liberal Party to stand for workers and to stand for the middle classes. Unlike the Labor Party, we are not run by vested interests. Every single day, we see the Labor Party run by the unions, whether it's on superannuation, whether it's on trade policy or whether it's on industrial relations. What a pathetic situation you find yourselves in!

We support workers. We're on the side of the workers. We are on the side of integrity. The problem we are trying to solve is lawlessness. The law is deficient. We have seen court fines of more than $16½ million issued to the CFMMEU. They have had no impact, because the union treats these fines like speeding tickets. We've seen the NUW spend $650,000 of members' money on tattoos, botox, cruises, divorce lawyers and weight-loss surgery—amazing.

Unions occupy a privileged position in this nation. They have a monopoly on representation of workers in different sectors. There is no equivalence to corporations in many respects. We want to make sure that all these mergers are always in the national interest. We've seen union officials like John Setka go onto the street and threaten to go and get government officials. We've seen them go into the footy club or the shopping centre and attack people. That is an amazing standard that you want to defend. Of course, we've even seen senators in this place, like Senator Patrick, come into this place and say that they've been threatened by these unions, which is outrageous behaviour that you seek to defend. The cost to the community is a 30 per cent higher cost on building and construction. Who pays for this? Mums, dads and workers. They pay for the additional costs of construction.

You want to talk about banks? That's great. We've done a royal commission and put in place a bank levy and the Banking Executive Accountability Regime. The penalties the banks will face will be higher than the penalties that are contained in this bill. Whether it's in relation to financial penalties or jail time, we are throwing the book at the banks.

We write our own policies. You have no idea how to even write a policy. You ask the industry super funds to write your policies on super. The unions write your policies on industrial relations and trade policy. At the last election, you had the industry super funds write your retiree tax policy for you. How did that go? Not too good. We don't outsource policymaking; we do it ourselves. We're always trying to root out vested interests, and that's what this bill does. It attacks vested interests and it shows that we're on the side of the workers and the middle classes, just as we have been for the whole 75 years of our party's existence.

Senator BILYK (Tasmania) (16:35): I'm not sure where to go after that! I rise to speak against this dangerous antiworker bill. This bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, is a continuation of the Liberals' ideological
attack on trade unions. It's merely a rehash of the bill that failed to pass this place in the 45th Parliament, with tokenistic changes the government believes will now make this bill more palatable. However, these changes are not substantive and simply do not address Labor's central concerns about this antiworker bill. It's clear the government has no plan but to attack workers and to attack the unions that stand up for them against dodgy, unscrupulous employers. We've seen these attacks in the previous parliament and the one before that. I'd like to remind members of the crossbench that it's unions that fought for and won penalty rates, sick leave, Medicare, the age pension and superannuation, which people that voted for you rely upon. By attacking unions, those opposite are attacking workers' rights and making Australia a smaller, meaner and less just society. They are attacking the voters that they claim to represent.

Something has gone seriously awry in this country, and those opposite are to blame. If you steal $8 million from hundreds of workers over many years, what do you get? You get a slap on the wrist. You'll get a fine—sorry, it's called a 'contrition payment'—worth around five per cent of what you stole. And what happens if a worker dies on a construction site? Maybe the company will get a fine. Never mind the fact that a family has lost a loving member—a mother or a father, a brother or a sister—and the children are often left without one parent. Time and time again we've seen companies exploit workers, not pay award wages, and put workers' lives at risk, and yet again those opposite come in to attack the unions.

What we don't see is this government going after wage thieves. After dozens of high-profile wage theft scandals on their watch, the Liberals still aren't doing enough to fix it. Nearly five years after the 7-Eleven scandal exposed the true extent of wage exploitation, the time for delay is over. We need tougher penalties now to deter and punish employers who do the wrong thing by their workers. Instead of spending our time here today debating how to fix wage theft, we're here again debating another bill that just attacks unions. Unions protect workers from wage theft, yet this government wants to go after the organisations that expose the crime instead of going after the criminals.

Recently we saw Woolworths steal $300 million from their employees. That's a pretty large amount of money. When the Woolworths scandal broke, the defence from the employer groups was that the award system is too complicated. How pathetic can you get? The award system is vastly simpler than it was a decade ago, and the majority of employers are able to do the right thing, so why is it that large companies like Woolworths—who are able to run complex operations across the country, including IT and financial systems and supply chain logistics—cannot read the awards? To suggest that paying their staff correctly is too complicated for them is an absolute cop-out. The fact is these employers simply do not pay enough attention to getting the wages right, because the penalties for underpaying their staff are not severe enough, and that's quite scandalous.

The government's also failing to make it easier for exploited workers to recover their stolen wages. Workers shouldn't be forced to wait years to be paid properly. Labor has proposed a small claims tribunal to ensure workers get their entitlements quickly, and we could be spending our time today debating that instead. However, for the last six years, this third-term Liberal government's workplace policies have focused exclusively on attacking unions. If the government really, really wanted to help combat wage theft, it would stop the attacks on workers. Instead of legislation to tackle stagnant wages, wage theft, worker exploitation, big
banks that are laundering money or other dodgy behaviour, all we see is an attack on the unions.

If you're a big bank, you can seemingly get away with 23 million cases of money-laundering breaches, some of which are believed to have been used for child exploitation purposes. And while it's recently been announced that Westpac's chief executive, Brian Hartzer, will step down, and the bank's chairman, Lindsay Maxsted, is also retiring early in the first half of 2020, the government's desire to turn a blind eye is sickening—absolutely sickening. For those who are listening, I just want to point out that Mr Hartzer, Westpac's chief executive officer, is going to get $2.7 million in a payout after he resigns. So he resigns, and then he gets $2.7 million after presiding over over 23 million cases of money laundering.

Labor wants to make sure that everyone who's done the wrong thing at Westpac is held accountable for the crimes. I understand that there's a legal process underway, and the Australian community expects it to take its course and for the banks to be held accountable. Given instances of bad behaviour in the banks continue to occur, we would expect the government to be acting quickly to enact the recommendations of the banking royal commission. This would be a far more productive use of the Senate's time. But is this happening? No. This government believes the best use of the time of this place is to attack unions for late paperwork.

This bill is purported to address misbehaviour within registered organisations but instead gives the government extraordinary powers to attack unions. We know that the Liberals have always hated unions, which is odd because, according to their own manifesto, they believe in 'the most basic freedoms of parliamentary democracy—the freedom of thought, worship, speech and association'. They believe in freedom of association, except when it means associating with your fellow employees to stop yourselves being exploited by your bosses. They simply hate the idea that workers would organise together and challenge the power of the Liberals' mates in big business. So, on behalf of their mates, those opposite have sought to break that power and drive down wages and working conditions so that the donors who fill their campaign coffers can make bigger profits.

Those opposite have a long history of attacking trade unions and undermining workers' rights. The worst antiworker legislation we saw was the Howard government's Work Choices—introduced when the Liberals had a majority in both houses—which appears to represent where the Liberals always wanted to go ideologically. But the Australian people overwhelmingly rejected Work Choices at the ballot box. The Liberals' workplace relations plans have not changed since Work Choices; all that's changed are their tactics. Instead of delivering their antiworker agenda in one hit like they did with Work Choices, they've chipped away at workers' rights and conditions over time, piece by piece. And rather than just going after workers' rights, they've focused their efforts on undermining the ability of trade unions to operate, organise and represent their members.

There have been a number of efforts by this government to attack trade unions. One case in point is the $80 million of taxpayers' money they wasted on the political witch-hunt that was the Royal Commission into Trade Union Governance and Corruption. It was exposed as a political witch-hunt when the commissioner they appointed accepted an invitation to speak at a Liberal Party fundraiser. Not only did the royal commission spend much of its time going after legitimate industrial activity; but the government, so embarrassed by the commission's
failure, inflated its findings to suit their own political agenda. Despite all the evidence of the rorts and rip-offs in the banking and financial services industry, this government had to be dragged kicking and screaming by the weight of public opinion to call the banking royal commission after voting against it 26 times. Yet it barely blinked before spending millions in public resources on another royal commission to pursue their political enemies. This government has made an art form of using royal commissions not to pursue issues of grave importance in the public interest but as political tools.

Their attack on trade unions continued in the lead-up to the 2016 federal election with the government's two double dissolution triggers, the registered organisations and ABCC bills. The former was a bill designed to tie the unions up in red tape and stymie their ability to do their job effectively, and the latter was a bill which led to the return of a draconian body which until a couple of years ago was led by a hand-picked ideologue. This ideologue, Mr Nigel Hadgkiss, broke the law in pursuit of the government antiworker agenda. When Mr Hadgkiss deliberately provided misinformation about the laws in the construction industry, this government spent taxpayers' money defending his outrageous behaviour.

The next iteration in the government's antiworker agenda was the unlawful leak to the media from the office of the then workplace relations minister, Senator Cash, about the Federal Police raids on the offices of the Australian Workers Union. In October, Federal Court Justice Mordecai Bromberg ruled there 'was not a reasonable ground to conduct the raid', but the minister continues to refuse to come clean about her involvement in the scandal, and the government keep protecting her.

Then there was the government's attempt to interfere in the governance of industry super funds and restrict the number of union representatives on their boards. This was attempted with no supporting evidence that members would benefit from such a change. How could this have been driven by anything other than ideology when industry superannuation funds are delivering the best returns to their members? Perhaps those opposite could have spent that time instead looking at the fee-gouging that was being practiced by some of the for-profit funds.

With this government's continued assaults on trade unions, the ability of those unions to represent their members and the ability of workers to collectively assert their rights, is it any surprise that wage growth has sunk to record lows? While the government pat themselves on the back about how they've done such a great job for their business mates, have they ever wondered who it is who spends the money that lines the pockets of big business? It's ordinary families paying their bills, doing their shopping, buying goods and services or enjoying a day out. As you grind down the wages of these people, they have less to spend and the economy suffers accordingly. It's pretty simple, really. Perhaps big business will rue these attacks on workers' rights and pay when their customers can no longer afford their products.

This government's priorities are wrong—all wrong. The truth is this government revels in the slightest rumour or allegation of bad behaviour within the union movement. They're like Pavlov's dog: they salivate with delight about it. It gives them a chance to wax lyrical, blow it way out of proportion and use it as an excuse to add a new layer of control or red tape to unions that are already overburdened. The truth is that the average union member is an early childhood educator such as I was, an aged-care worker, a nurse or a policeman and not the burly, thuggish stereotype that the government likes to project. As for actual misconduct, this
is confined to a very few individuals and is not representative of or tolerated by the broader union movement. On the very few occasions when it does occur, it is effectively dealt with under existing provisions in the law.

Despite the efforts of this government to tar every union official with a dirty brush, millions of Australians remain members because they understand that the officials and staff in their unions are fighting hard for their interests. They remain members despite this government's constant efforts to make it more and more difficult for trade unions to do their job. We know that union staff and officials are genuinely concerned for their members because for decade after decade they've delivered results. They fought and won hard campaigns for better pay and conditions, worker safety and compensation, the right to collectively bargain and equal pay for equal work, just to name a few things. I'll just point out, to people that don't understand this, that there is no such thing as the employment fairy. The employment fairy does not come along and wave a wand to give you a pay rise or safe working conditions. It's all down to the trade unions. Under Liberal governments, this job has become even harder, as those opposite will look for any excuse to rewrite the rules in favour of big business.

We know that in defending this bill the government will engage in their usual tired old rhetoric. They'll reel off a number of instances of past behaviour of certain union officials. Then they'll present this bill as being the only antidote to this behaviour and then try and paint Labor as being, by opposing this bill, the protector and the servant of corrupt and militant union officials. It's a familiar tactic, it's a very repetitive tactic and it's one which I'm sure most Australians are starting to see through. What makes the government's rhetoric particularly hypocritical is that they continue to obsess about the so-called culture of lawlessness within the union movement when, for years, they turned a blind eye to issues such as foreign influence, wage theft and bank misconduct.

They claim this bill would subject registered organisations to the same requirements as those that apply to corporations. Well, there are two problems with that claim. Firstly, corporations and unions serve very different purposes. Unions represent and advance the rights of their members, whereas for-profit corporations exist to generate wealth and advance the financial interests of their shareholders. Secondly, it's just a false claim. Even if you accept that unions and corporations should be treated the same—and I'm by no means conceding that they should—if this bill passes, unions and union officials will be subjected to a higher standard of scrutiny than corporations and their directors.

We have, on the opposite side of this chamber, a party and a government that pride themselves on reducing red tape; yet they always seem to make an exception when it comes to registered organisations. When those opposite bleat about the burden of red tape stymieing the ability of business to do business, it speaks volumes about their motives in burying the union movement in red tape. Union members should decide what their unions look like and who their leaders are—not employers, and certainly not the government of the day. These laws will make it possible for government ministers, a rival in a leadership ballot, a business lobby group or disgruntled employers to shut down unions and deny working people their right to choose their own representatives.

It's important that people are free from government and employer interference so they can join unions and elect representatives who fight for pay rises and fight to protect jobs and
workplace safety. It's actually a very democratic approach. This bill, though, is about silencing working people and making it harder for all workers to win pay rises. Giving the government the power to prevent amalgamations of unions is a clear attack on the freedom of association they claim to believe in. There is no justification for preventing amalgamations. If the members of two unions vote to amalgamate, then that should be up to the members of those two unions. This goes to the heart of the democratic principle of freedom of association. How can unions represent their membership effectively if the democratic control of unions is wrested from the members and given to the employers?

This bill is politically motivated—there's no two ways about it—and is a continuation of this government's ideological assault on trade unions. But, in attacking unions, this third-term Liberal government is not just targeting a few individuals; they're actually attacking millions of Australians. What this government needs to recognise is that trade unions are not just made up of a handful of staff and elected representatives. Unions do not simply represent the millions of Australians who choose to join them; they comprise these millions of Australians. The power of the union does not simply reside in the staff and officials; it is the collective voice of the members that gives unions their real power—and maybe that's what worries those on the other side. But when you attack trade unions, you attack their members. And, even worse, by undermining the ability of trade unions to further the rights of working Australians, you attack every Australian worker.

The OECD and the IMF have both warned that declining union density and collective bargaining are contributing to stagnant wages and growing inequality. Yet this government wants to further undermine the bargaining power of Australian workers by attacking and undermining the organisations that represent them. So, while the government may make this sound like some benign bureaucratic exercise and give it a nice little fancy name, the fact is that this bill that's currently before the Senate is an absolute assault on the ability of Australian workers and their representatives to effectively and collectively organise to fight for better wages and conditions.

These laws are fundamentally unfair. They would not and do not apply to business, they do not apply to banks, they do not apply to politicians—despite the serious unethical conduct of many of those. The PM actually runs a protection racket for those on his side, as we've seen again today—not even asking Mr Angus Taylor to stand aside; just running a protection racket. The only people who benefit from these laws are the Morrison government and unethical employers. The Morrison government has overseen raids on journalists and is now attacking working people's freedom to run their own unions. If these laws applied equally to corporations, we would see banks, multinational pizza chains and the restaurants of celebrity chefs close down for repeatedly breaking workplace laws and the top executives would be sacked. This is not being proposed, because it would be completely outrageous, and it's also outrageous for the unions. In closing, we will not support a bill that makes it harder for workers to get a fair pay rise and be represented. This bill represents a politically motivated attack on workers—(Time expired)

Senator CAROL BROWN (Tasmania) (16:55): I also rise to speak on the government's so-called 'ensuring integrity' bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. Unfortunately, integrity is not a characteristic that could be attributed to the proponents of this bill or its odious contents. The legislation we are
discussing today can be categorised only as a cynical and antidemocratic overreach by a government that has made plain its opposition to the rights of workers to organise in the pursuit of a fundamental yet basic concept: a fair day's pay for a fair day's work.

We all know the real motivations behind the pursuit of this bill. The truth is that this legislation is a very deliberate and calculated attempt to weaken the power of Australian workers by attacking their fundamental democratic right to organise through their own trade union movement. It is designed solely to stymie the efforts of the trade union movement to democratically represent and use collective strength to advance the interests of working people. Australia's trade unions already face a rigorous compliance regime aimed at ensuring accountability and proper governance. Let us be clear: this bill is not about improving transparency, accountability or governance. The motivations and intent of this bill are partisan and political, and its effect will be to silence workers and reduce their power in the labour market. Over time, and quicker than many may realise, this will lead to lower pay and weaker conditions for the average Australian worker.

This bill essentially has the effect of making Australia a poorer country by further concentrating wealth and power in the hands of big business at the direct expense of the average Australian worker. Indeed, the bill will enshrine a regime of more onerous standards and processes being enforced on trade unions than anything equivalent being faced by corporations or, indeed, government. These double standards expose the politically-motivated attack inherent within this bill. This bill, as passed in the other place, would make it possible for the minister—indeed, anyone with a sufficient interest, such as disgruntled employers—to shut down unions and deny working people their right to choose their own representatives. It amounts to nothing more than a bold and brazen attack on democracy. It is up to this place to put a stop to that. If these laws were to apply equally to corporations, we would see banks, multinational pizza chains and the restaurants of celebrity chefs close down, as Senator Bilyk said in her contribution. But that is not what is being proposed here. Yet, despite the fact that we've seen countless examples of employers ripping off their workers in recent years, from 7-Eleven to Domino's Pizza, Michael Hill Jeweller and Woolworths, we don't see legislation to tackle stagnant wages or worker exploitation. The question must be asked: why isn't the government prepared to tackle the issue of wage theft with the same haste and determination?

Labor will not support a bill that makes it harder for workers to get a fair pay rise. We do not support a bill that could leave workers without the representatives that protect them from wage theft, superannuation theft and dangerous workplaces. Workers should get to choose who represents them, not Mr Scott Morrison or Mr Christian Porter.

The bill also seeks to prevent trade union amalgamation. There is no justification for preventing amalgamations. Union amalgamations are overseen by the Australian Electoral Commission. If the members of two unions vote to amalgamate, that is up to them. This goes to the very heart of the democratic principle of freedom of association. Such broad-ranging proposed powers to prevent amalgamation are a clear attack on freedom of association. The government will no doubt claim that this bill is needed to stop certain specific officials; that is just an excuse for this attack on all unions.

The average union member today is female and works in aged care. These are the kinds of workers, whether they are members of a union or not, who will be hurt by this legislation. As
our shadow minister Mr Tony Burke has said, it will be workers who just want a decent pay
rise, workers who want to be protected from wage theft, workers who want a safe workplace
who are punished by these laws. If this bill passes, it will give the government and businesses
unprecedented power to drown unions in red tape and legal action. That is ironic from a
government that bleats about red-tape reduction—not that it has a real agenda to simplify or
improve conditions for Australian small businesses. In fact, the only record this government
has on red tape is increasing it, and that is exactly what the government wants. It is not about
protecting workers; it is about attacking their political opponents.

This bill would also give more power to the Registered Organisations Commission, the
ROC—the body thoroughly politicised and discredited over its role in the AWU raid scandal.
Just weeks ago, the Federal Court ruled the AWU search invalid and that the ROC did not
have reasonable grounds for conducting the search. And, as we have heard today, the Federal
Court officially quashed the Registered Organisations Commission’s investigation into the
Australian Workers Union and instructed the Australian Federal Police to return all the
documents they seized in the botched 2017 raids. That is what we found out today.

The ROC should be abolished. The ROC should not be given sweeping new powers to
intervene in the affairs of workers. Labor maintains that allegations of serious breaches by
officers of registered organisations, employers groups, and unions should be dealt with by
ASIC. After all, if you believe that companies and registered organisations should be treated
the same, then surely you should use the same regulator.

This bill also has implications for Australia’s international reputation as a democratic and
free society. The internationally recognised right to freedom of association and expression is,
effectively, subject to antidemocratic veto under this bill. Indeed, the bill plainly violates the
government’s obligations under conventions 87 and 98 of the International Labour
Organization, which go to these matters. For example, article 3 of convention 87 states:
Workers’ and employers’ organisations shall have the right to draw up their constitutions and rules, to
elect their representatives in full freedom, to organise their administration and activities and to
formulate their programmes.
The public authorities shall refrain from any interference which would restrict this right or impede the
lawful exercise thereof.
It goes on to say, in article 4:
Workers’ and employers’ organisations shall not be liable to be dissolved or suspended by
administrative authority.

Plainly, what this bill seeks to do is in direct contravention to these rights, rights enforced
in law by conventions Australia has ratified. Indeed, the International Trade Union
Confederation, representing 202 million workers in 163 countries, has gone so far as to say
the bill represents ‘unparalleled interference in trade union freedoms for a democratic
country’. Labor will not support a bill that so clearly breaches our international treaty
obligations. We will continue to stand up for the basic and fundamental democratic rights of
workers, rights that we would hope in a free society like ours would not be subject to attack
by a government hell-bent on weakening its opponents, even at the expense of the livelihoods
of ordinary, working Australians.

We can see laid bare the priorities of the government when we compare their approach to
undermining the rights and wages of Australian workers with their desire to tackle corruption
and misconduct at the highest levels of power. This government, belatedly, but with much fanfare, promised to legislate for a national integrity commission. In fact, they promised it would be in place by now. Where is it? It isn't here. That's because it's not a priority for them. They claim to want to stamp out lawlessness and bad behaviour. What are they doing about corrupt conduct within government? What are they doing to tackle some of the outrageous behaviour that we have seen at the highest levels of corporate Australia? This is hypocrisy of the highest order, because there is no corporate equivalent here. Under the Liberal Party, it is one rule for corporate Australia and a completely different rule for the organisations that represent workers.

Under this bill, even with the amendments proposed, we are talking about the disqualification of union officials or the deregistration of entire organisations for nothing more than minor paperwork breaches. Let's be clear about the double standard here. The Prime Minister has said that, when one of our big four banks has been caught out breaking the law 23 million times, including in relation to serious crimes such as the enabling of money laundering, terrorism and child sex exploitation, it is simply a matter for the board. Well, that's nice! It's all tickety-boo, then! There's nothing to see here! But let's hang on. Just wait a minute. If a union representing and fighting for the rights, wages and conditions of Australian workers commits three paperwork breaches, the Prime Minister believes that should bring down the entire union without the members getting a say. That's members who have paid their dues and expect their right to democratic decision-making to be upheld.

Even with the proposed amendments—those that have been circulated and those that have been whispered out through the media—the bill remains, and will remain, fundamentally unfair. It will still impose a new test on union amalgamations, despite the fact such proposed amalgamations are already heavily regulated and require the democratic approval of union members. It will still give even greater draconian powers to the Registered Organisations Commission, a thoroughly discredited and pointless body which should be abolished, not strengthened. If the government won't abolish ROC, they should probably legislate for a watchdog on the watchdog so that someone is monitoring the ROC's politically motivated activities. Isn't it interesting that the government's decision to release proposed amendments late on Friday afternoon when they hoped nobody would be looking seems as though it may have backfired? That's because not everyone on the crossbench is quick to rush into union-bashing for the sake of union-busting.

Let's take a look at some of those proposed amendments—in particular, the dodgy demerits deal. What we see here is, yet again, further entrenchment of double standards and hypocrisy, where one rule applies to the democratically elected representatives of workers and another to those responsible for serious breaches of corporate law, wage theft and exploitation. On the one hand, we know that the proposed demerit point system, if it had been applied, could have shut down the Australian Manufacturing Workers Union for its campaign to stand up for workers knowingly and, in many tragic cases, fatally exposed to asbestos. Yet, on the other hand, there are no proposals to introduce similar demerit point systems that might apply to dodgy employers who rip off workers and customers. It won't be applied to people like the Liberal Party benefactor and serial industrial law-breaking employer Mr Gerry Hanssen. If that seems wrong—if that seems contrary to public interest, fairness and justice—that's because it is.
Do you know what? Not everyone is buying into this sell-out of Australian workers. Indeed, the Australian people also see through this agenda. They get what this is really about. They understand that this is yet another in a long list of efforts by this government to undermine the work of unions in creating a fairer society in Australia so that ordinary working people, the vulnerable and the disadvantaged can attempt to get a fair go in life. This bill is about yet again swinging the pendulum further towards profit takers and away from wage earners. It's about attacking democracy and weakening rights. It's about undermining fairness in our society and deepening inequality. Indeed, the Centre for Future Work has said the Liberals' aggressive post-election workplace relations agenda could leave private sector workers $2,000 worse off over three years. Think about that—$2,000 worse off. This is no accident. An economy built on the back of low wages is in the DNA of the Liberal Party: grow profits by squeezing wages—that's all they know. Now we hear talk in the media from Liberal backbenchers about watering down other vital workplace protections, like the protection from unfair dismissal. The Prime Minister has failed to rule out pursuing such changes.

Let me turn to the impact this bill will have on my home state of Tasmania. Tasmania's workforce numbers around 250,000, and most union branches in my state are relatively small. Over half of the affiliates to the Tasmanian Trades and Labor Council would have fewer than half a dozen paid employees in Tasmania. Resources can be scarce, but they work hard and in close cooperation with their members to simultaneously meet all existing rigorous compliance requirements whilst also having multiple enterprise bargaining campaigns, supporting individual members who have been mistreated at work, and providing education and support to members. The smaller scale of operations means unions in Tasmania often rely on the involvement of members, effectively in a volunteer capacity, to assist in the important task of advancing the interests of all workers in Tasmania. But this bill would seek—some may say deliberately—to discourage ordinary union members from involving themselves in the administration of their union by imposing burdensome, onerous and unnecessary requirements upon them. We should be encouraging workers to be more involved in their union. That's how we ensure that unions continue to reflect the voice of ordinary working people.

Tasmania already has the lowest full-time adult average weekly earnings in the country. The average weekly wage for a Tasmanian worker before tax is just $1,420. Yet Tasmanian workers are facing rapidly rising costs of all the essentials and, in particular, housing. The squeeze on household budgets is now really starting to bite. The notion that Tasmania is a low-wage state because of its lower living costs must now surely be debunked. Now more than ever, Tasmanian workers need a pay raise. They need to see their living standards improve, not go backwards. They need wage theft to stop. They need strong unions to have resources and capacity to get wages moving again and win job security for Tasmanian families, who need a reliable source of income.

Australian workers need a government that is on their side. They need a government prepared to strengthen the rights and protections Australian workers are entitled to. Workers and families need better wages, secure jobs and safe workplaces. They don't need this attack on their rights and entitlements. They don't need to see the value of their take-home pay further eroded. They don't need to see living standards continue to decline. And they certainly
don't need this bill. Labor will oppose this bill. We will not support this blatant effort to undermine the jobs, rights, wages and living standards of Australian workers. I ask the Senate to reject this bill in full.

Senator PRATT (Western Australia) (17:15): Shame on this government for its overreach in attacking working Australians with this bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, and for its interference in democratically run organisations that goes way beyond what we see in any other developed Western country. We in this nation already have some of the most restrictive industrial laws in the world, and this bill takes us further down that authoritarian path. Not since John Howard's Work Choices have we seen such an unprecedented attack on working people in this country. What we have here in this bill is the embodiment of Prime Minister Morrison and his Liberals' ideological opposition to unions—which has led to the introduction of this ensuring integrity bill to parliament. In doing so, it places workers' rights in jeopardy and puts workers' wages, their conditions and indeed their safety at risk.

The government failed in the last parliament in their attack on working people—foiled at that time by the good sense of the crossbench in recognising that they could do better for Australians than to stoop to the lows of this government. The last parliament rejected the previous iteration of this bill because it was extreme and dangerous, and it could not be adopted. What we have before us in this chamber is substantively the same, and, even with amendment, it must be rejected because it breaches deeply important principles for our democracy and the right to freedom of association in our nation. The concern about the erosion of the internationally recognised right of freedom of association is shared by unions from all sectors, academics, civil society, churches and the bipartisan Parliamentary Joint Committee on Human Rights.

This bill is an attack on working people. It is based on the politicised findings of the royal commission into trade unions—its discredited findings. There is no policy justification for this bill, and the government has failed to outline a substantive policy justification for it. The recommendations of the royal commission do not support the amendments proposed to this legislation or what has been put forward in this bill. As can be seen, this bill goes far beyond the recommendations of the Heydon royal commission. We have here in this legislation an attack on the important role that unions play in our society. It has no corporate or political equivalent. We in this place have a responsibility to stand up for hardworking Australian people—retail workers, hospitality workers, cleaners, teachers, nurses and police officers; workers subjected to wage theft; and workers in dangerous workplaces.

It defies belief that the government, the Liberals and Nationals, want to continue their ideologically driven attack on working people on this country, when, after their first two terms with their hands on the economic levers of our country, our economy has almost ground to a halt, and their legacy is stagnant wage growth and underemployment. We have economic analysis from economists and economic institutions that has highlighted the important role of unions in tackling wage stagnation in our nation. But, instead of supporting unions in this role, you come after them. There is absolutely no mandate from the Australian people for the way this government has come after the democratically elected, democratic, strong and effective workplace representation that unions offer. At this time, when we're experiencing stagnant wage growth and a floundering economy, you decide that now is an appropriate time
to impinge on the ability of employee representatives to effectively bargain for higher wages? You decide now is the right time to do that?

You've talked about bringing in legislation to tackle wage theft, but that's not what you've brought before this chamber. Instead, what you've brought before this chamber is an attack on the democratic unions that represent workers. At a time when it seems like every couple of weeks another company is discovered to have underpaid their workforce, what we have here is the ensuring integrity bill, which will lead to more wage theft, wrapping up unions in red tape and costly legal action when they should be spending their time fighting for workers.

We saw this very clearly in the evidence before the Senate inquiry, where unions very clearly talked about the tactics of employers, who are quite capable of putting forward spurious claims against unions so that unions have to occupy their time in addressing red tape and spurious claims against them, instead of being able to focus on the industrial campaigns that they're engaged in to bargain and to raise wages. So thousands of workers across the country in lower-paid jobs, who are time and time again victims of wage theft from large companies and small companies in industries like construction, will be compromised in having effective representation. Some of these people have already suffered cuts to their penalty rates under this government, and it's now becoming more and more clear that, while they're losing their penalty rates, in some cases they're losing their regular wages too. We don't see this government coming into this place with legislation to help deal with wage theft and worker exploitation. Instead what it does is prioritise this bill before us today. What we have here is nothing more than a harking back to the days of Work Choices under the Liberals and Nationals.

In the course of this debate, I didn't think I would find myself agreeing with the Attorney-General, Christian Porter, on much, but he has said:
The unions are a fundamental part of the architecture of the Australian industrial relations scheme, and in many instances they do fantastic work.
He said:
Unions do a good job in uncovering underpayment …
Thanks, Minister Porter, for that glowing assessment of the union movement in Australia. So why are you seeking to impede unions' ability to continue to fight for better outcomes for workers? Employee organisations and unions both do critical work in ensuring that workers are remunerated appropriately for the work they do, providing strong representation of employees in collective bargaining, holding employers to account when it comes to maintaining safe workplaces, and making sure that the right of a worker to go to work in the morning and come home unharmed at the end of the day is upheld.

It is unions that have fought and won, and have been in all the fights, on issues that affect all of us. A good example of this is where the Australian Nursing and Midwifery Federation in Victoria took industrial action that resulted in better nurse-to-patient ratios and, ultimately, better care for patients. That action was taken at great cost to the union, for the benefit of members and, most importantly, of patients. Under this legislation, the union could have faced deregistration for taking unprotected industrial action—just as the TWU could have been deregistered for actions to protect themselves and the public from armed hold-ups; just as the AWU could have been deregistered for taking action against James Hardie in their campaign to ensure compensation for victims of the scourge of asbestos. All these public
goods are at risk in this legislation, because unions can be deregistered for taking unprotected industrial action. As Paul Bastian from the AMWU said in evidence to the Senate committee:

... after a concerted campaign, James Hardie finally reached the heads of agreement with the ACTU, Unions New South Wales, victims groups represented by the tireless Bernie Banton and the New South Wales government. We had secured an uncapped compensation for victims of asbestos diseases in Australia and a commitment to contribute up to an estimated $4.5 billion into a compensation fund that was originally only given $293 million. We achieved justice because unions and victims groups engaged in an escalating series of protests, work stoppages, work bans, boycotts, marches, investor activism and intensive political lobbying. It is beyond question that this campaign for sufferers of asbestos diseases made Australia a better, safer and more just place.

Many of the campaign activities which I have outlined to you today would now constitute illegal industrial activity. Under this legislation, those of us who organised this campaign—a campaign that secured justice for people suffering from horrific illness and untimely death—would be banned from leadership of our union. Under this legislation, our union, which stood up not just for our members but for their families and victims across Australia, would be at risk of deregistration.

I really want to call the Senate to account on these issues, because it disproves assertions from Centre Alliance that limiting in this bill the number of parties who can apply to take action against a union or official is sufficient to mitigate the disastrous consequences of this bill, should it become law. The grounds of possible action against a union official or a union are extraordinarily broad. They are unworkable, extending liabilities far beyond union officials to the members of unions themselves. We can certainly see how unprotected industrial action as grounds for triggering disqualification or deregistration will threaten both worker and public safety.

This strikes at the heart of Australian democracy. The provisions of this bill strip workers of their rights in the workplace—as if it wasn't enough that the government saw fit to strip some workers of their pay when they took away their Sunday penalty rates. As it stands currently in our nation, workers are able to organise and decide who represents their interests in the workplace and who leads their union. We have ballots in our nation that are run for unions by the Australian Electoral Commission. In the meantime what we have in this bill is an ideological attack on the rights of workers to organise and represent themselves in democratically-run unions.

It's no surprise to senators in this place that existing legislation already contains extensive grounds on which an officer holder in a registered organisation can be disqualified. What we see here is these grounds being substantially expanded—expanding the new mechanism for automatic disqualification, introducing a new concept of designated findings and designated laws which go well beyond existing grounds, introducing a new 'fit and proper person' test and widening the scope of interested parties that could apply for a disqualification order.

The Standing Committee for the Scrutiny of Bills reported its concern to this chamber that there was incompatibility with the right to freedom of association. We know that the Parliamentary Joint Committee on Human Rights also upheld its 2017 findings that the bill would limit the right to freedom of association, on the very conventions that Senator Brown mentioned in this place that Australia has ratified.

We have a bill that limits the right of workers organisations to freely elect their own representatives as well as introduces provisions that would disqualify a person from holding office in a registered organisation on the basis of even less serious contraventions of industrial
law. We don't see similar provisions in Corporations Law that would have seen office holders in the banks who were exposed in the banking royal commission for ripping off their customers banned.

The government likes to talk about equivalence, saying that employer organisations are affected in the same way by this bill. But the simple fact is that employer organisations are not the ones at the bargaining table; it's their members that are. Employer organisations aren't affected by this legislation in the same way unions are, because they do very different business. There is no corporate equivalent for this legislation that would see office holders in the banks who were exposed during the banking royal commission for ripping off their customers banned. When we speak of office holders, we need to be clear that these are not just paid staff of registered organisations.

We heard during our Senate inquiry that unions have high numbers of volunteers among their office holders. For example, the National Tertiary Education Union, representing workers in tertiary education in public and private universities, have 28,000 members. Of those 28,000 members, 801 are democratically elected into various positions. Only 11 of those 801 are actually paid. Volunteers make up 98.7 per cent of the elected union officials for that union. What we have here are volunteers tied up with red tape. Minor and inadvertent breaches could result in major consequences for them and their union. We shouldn't be a parliament or a government that wants to make things more difficult for the lives of nurses, teachers and shop assistants who put up their hand to volunteer to make their colleagues' working lives better. The threat of disqualification is at such a low bar it will have a chilling effect on these volunteers.

Is it any wonder that two parliamentary committees and the International Centre for Trade Union Rights have raised serious concerns about the incompatibility of this bill and the right to freedom of association? In the current legislation, a court already has the power to cancel the registration of an organisation. But this bill significantly expands both the grounds upon which cancellation of registration could be ordered and those who can bring an application before the court. The grounds don't require unlawful conduct. They don't require a breach to be serious. In some cases, they do not require any unlawful conduct at all. This simply goes too far in impeding the right to freedom of association for workers, and it allows for political interference in the operation of a registered organisation. This interference is unprecedented, and it is a massive overreach on the part of this government.

In closing, this bill, at its heart, is an ideological attack on the union movement and an attack on Australians. This is a carryover of the 'dead, buried and cremated' Work Choices. Labor will not support any legislation that makes it harder for workers to get a fair pay rise. It is a pay rise that this nation desperately needs—a nation in which low wage growth is the new normal. We will not support a bill that could leave workers without the representatives that protect them from wage theft, superannuation theft and dangerous workplaces. I and Labor will continue to stand with Australian unions, which will rightly continue their campaign against this unjust bill.

**Senator WALSH** (Victoria) (17:35): I rise today to speak about the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. This is a bill that is about nothing more than union bashing. This bill is antiworker. It is completely without merit and it should be blocked by this chamber. There is nothing salvageable about this bill. It is
fundamentally flawed. The original version of this bill was dangerous and extreme, and that's why the 45th Parliament rejected it. But here we are again: another Liberal government and another antiunion, antiworker bill.

This bill will be used to weaken the organisations that fight for Australian workers to get a decent pay rise, fight against wage theft, fight against exploitation, fight to ensure safe workplaces and fight to represent working Australians more than this government have ever done. The government have no plan to kickstart our faltering economy. They have no plan to deal with low wages, no plan to deal with the rising cost of living and no plan at all for our country. It is a third-term government that are desperately trying to distract us from their own failings. First, they tried to distract us by going after vulnerable Australians with their nasty robodebt scheme. Then they went after social security recipients again, threatening to expand their demanding cashless debit cards and their invasive drug tests. Now they're going after working Australians and their unions with an attack that is absolutely politically motivated.

That is what this bill is: an attack on working Australians and an attack on their unions. Not only does this bill interfere with workers' ability to democratically run their own union and determine who leads their own union but it also imposes higher and harsher regulations on unions than it does on any other organisation or business. Unions are not the same as most other organisations. Unions are democratically run. They work for the interests of their members and they are accountable to their members. They're run by committees of volunteers. This bill allows businesses to interfere with the running of those member-led democratic unions. They could be businesses that a union is investigating for wage theft or businesses that unions are trying to negotiate wage rises with. Those businesses could apply for a union official to be disqualified from office. They could apply for the union to be placed in administration. They could even apply for the union to be deregistered and shut down, and that is completely perverse. It is ridiculous. It is outrageous. Whatever the government may say about their amendments, there is an extraordinarily wide range of grounds up on which a union official could be disqualified or a union could be deregistered. That a union official could be excluded from their role for a few minor technical breaches is absolutely absurd. It's especially absurd when there is no suggestion from the government that someone like George Calombaris, who we know stole over $7 million from his staff, should be barred from running a business. Do we want a situation where someone like George Calombaris could, after finding out that the union was investigating him for this wage theft, actually apply to have the union deregistered to interfere with and stop their work? That is what this bill will deliver.

We have seen countless examples of employers ripping off their workers in recent years, from 7-Eleven to Domino's to Calombaris to Rockpool, but we do not see this government going after those employers. We are still waiting for legislation that will deal with that worker exploitation. We're waiting for any plan from the government to tackle slow wage growth and to deal with the massive and pervasive problems that we have around wage theft today.

So now the Attorney-General is going to introduce a penalty-units scheme to the bill: 60 penalty units for paperwork breaches; three strikes, or 180 units, and you're out—a union official can be disqualified. Well, I am really looking forward to the government rolling out this new scheme to the big banks and businesses that break the law. How many penalty points should we attach to wage theft and doctoring pay records? How many penalty points should we attach to companies that endanger workplace health and safety? How many penalty points
should we attach to a bank that sells dodgy insurance? And how many penalty points should we attach to a bank, a financial institution, that's in breach of money-laundering laws? How many penalty points is that going to count for? Last week, Westpac was accused of 23 million breaches of money-laundering law, and that would be 1,000,380,000 penalty points, if this legislation applied to them—which of course it doesn't, because there is one rule for the big banks and another rule for workers and their unions. What kind of punishment would that bring, if just 180 penalty points can get a union disqualified under this government?

It is an internationally recognised human right for people to be able to freely organise into unions. This bill, by allowing such interference in unions, contravenes those international human rights.

Recently, my union, United Voice, chose to merge with the National Union of Workers to form the new United Workers Union. This was democratically decided, with thousands of union members voting in support of this merger. In fact, 45,000 members chose to vote in this election. That is exactly as it should be—union members deciding the future of their own union. They talked about it in their workplaces. They debated it. They decided. They thought about the future that they wanted for themselves and they voted. But, under this bill, employers can apply to block union mergers that they don't like through their proposed public interest test. We should be clear that this is not a public interest test; it is a big business test. And I do not recall any union being asked whether they approved of the merger of two corporations. So the government may claim that this bill is bringing the regulation of trade unions in line with that of corporations, but that is just completely ridiculous. It could not be further from the truth. Unions cannot seek to have a company director disqualified when that company has been endangering people's workplace safety—endangering their lives—or stealing their wages. Unions cannot apply to have a corporation deregistered or wound up because they don't like the practices of that corporation.

This bill—make no mistake—is about union bashing, plain and simple. It's union bashing that won't get anyone a pay rise today. It's union bashing that will not help the workers who are stuck in gig jobs, in insecure jobs, in labour hire jobs, who desperately need security and certainty about their jobs and their lives. It will not help the workers in Australia today who need two, three or even four jobs, under this government, to make ends meet. It's union bashing that will not make our workplaces any safer. It will not win equal pay for women. It will not stop the exploitation of migrant workers in our country. And this union bashing will do nothing to stop the epidemic of wage theft that is sweeping through industries across Australia.

I also want to be clear that this bill has absolutely nothing to do with integrity. Let me tell you what integrity is. Integrity is the union members that I know, who devote their lives to their union, in their own time, without pay, because they believe in a better future for their workmates and a better deal for workers across the country. Integrity is the women and men who work in factories, childcare centres, schools and hospitals and then go to union meetings after hours to make sure that everyone can have a decent and secure job where they are respected and can earn a decent living wage. That is integrity. Integrity is the thousands of union officials across Australia who get up every day and go to work with the sole purpose of providing support and advice to working Australians when they need it most. That is integrity. This Prime Minister should ensure the integrity of his own government before going after
organisations that are not even out for a personal benefit—organisations that are there to protect and improve the working conditions of their members: hardworking Australians, the same hardworking Australians that the Prime Minister claims that he's here for, that he stands up for, but he never does.

Unions are not the enemy. Unions are actually the members that they are made of. Unions are their hardworking members, nothing more and nothing less. Unions are dedicated to fighting for respect and good, secure jobs for all Australians. They provide a voice to people who otherwise wouldn't have one. Talk to any union member and they'll say the same thing.

Take Kylie, who's an early childhood educator in Melbourne. Kylie has been a union member her entire professional career. I spoke to her to get her views about this bill. She was one of the amazing union members who fought to introduce educator-to-child ratios and then fought again a few years ago against attempts to scrap them. Early childhood educators won that fight collectively in their union. Those ratios that were protected weren't just good for the educators; they were also good for the children that the educators are tasked with caring for, nurturing and educating. Kylie says:

Being a member has allowed us to stand up and use our voice. They should be supporting unions. We just need to look at all the cases recently about wage theft, about under payments in hospitality, in supermarkets, high profile chefs, companies forging documents to get away with it. Without union membership, the individual employee doesn't have the power to stand up against a big organisation or big business.

She went on to tell me her views about this bill:

There is this misconception among some that union members are … thugs. That's not the case at all. We are the average Australian. We are the working people of Australia. How else are we going to have our voice unless we have the opportunity to come together?

Kylie, as a union member, gets it. She has seen firsthand what would happen if the union wasn't there to back her up and give her a voice.

Then there's Mo, an aviation security officer who has worked in the industry for the past 20 years. Mo, on a number of occasions, has chosen to bravely stand up and speak out about cutbacks and injustice at work. Every time he does that, he is targeted by his employer for speaking out, and every time he is targeted, the union is there to back him up. When I asked him about this bill, Mo said:

I absolutely believe that our government should be supporting the unions and I believe that the fact that our government has introduced this bill shows that they are not prepared to stand with workers.

He said:

Basically, our Liberal Government is prepared to look after the interests of employers first. It is a dangerous path to be weakening unions. Wage theft will increase, more staff will lose their jobs unfairly, more staff will be exploited.

The union is there to make sure that every worker … has the dignity and respect they deserve at their work place.

So Mo has a message for the Prime Minister:

I would say to the Prime Minister, if you really care about the workers of this country, if you really care and have respect for workers, then withdraw this union busting bill. Think about the workers, their rights and their dignity.
Kylie and Mo are two incredible union members who campaign hard to improve the workplace rights of all hardworking Australians. Does the Prime Minister think that Kylie and Mo are the problem? Are they union thugs? Are Kylie and Mo the problem that the Prime Minister is trying to solve with this bill? The Prime Minister needs to explain to them why he is going after their unions and why he isn't going after the wage thieves that Kylie talked about when we met. When we spoke to both Kylie and Mo, it was very clear that they strongly believe that this government has its priorities absolutely wrong. Here is a government that is going after workers and their unions. Kylie and Mo want to know why the government is not focusing on the real issues that are facing Australians today. Kylie had this to say to the Prime Minister:

I would say that perhaps he needs to wake up and see what the majority of this country is all about. This country is struggling, employees across the country struggle to live on the wage of one job. This should not be the case, where you're struggling to make ends meet, wondering where the next meal is coming from, how you are going to pay the bills. He needs to listen to the actual whole of Australia, not just the one percenters.

Kylie is absolutely right. Why isn't the Prime Minister and his government taking action on the real issues that are facing Australia right now? Every week there's a new story in the press about how gloomy the outlook is for the economy. Just last week it was retail figures—the worst in three decades, down 0.2 per cent over the year. That is the worst result since the 1990s recession, not to mention that the RBA again downgraded growth forecasts for the Australian economy. And we know that, for so long now, economists across the country have been screaming out about the state of our economy. Last month we had the IMF ringing the alarm bells again and downgrading their forecasts for Australia's economic growth. Business wants the government to act. But the government do not have a plan for our faltering economy, and they have their priorities all wrong. They are spending too much time dealing with this ridiculous union-busting bill, and they're doing it at a time when wage growth—the very thing that unions fight for and stand for—is a huge problem in our country. Not only does stagnant wage growth increase the pressure on households budgets; it means that people have less money to spend in the economy as a whole.

It is beyond belief that the government would be trying to weaken unions at the very time that unions need more resources and more tools to win wage growth in our country. We know that the best way for Australians to get a pay rise, the best way to get wages moving in this country, is for people to join their union. But this bill is all about the government's vendetta, its political attack, against trade unions. It is just another example of a government that is not looking out for Australians.

Let's look at their track record: a faltering economy, stagnant wage growth, out-of-control bills, increasing food insecurity, demonisation of social security recipients, the targeting of vulnerable Australians with robodebt and an NDIS that isn't able to meet the needs of people, because the government took funds from it to prop up their budget. These are the government's priorities. This is a government that will not stand up for working Australians. They will not stand up for low-income workers, they will not stand up for workers who are having their wages stolen, they will not stand up for Australians stuck in insecure jobs and they will not stand up for the right of all Australians to freely join their union.
So what is the point of this government? What is their plan for Australia? What is their vision for our country? Is it a country where people just go to work and never speak up? Is it a country where people just stay quiet, where people just put up with it? That is exactly what it looks like. This government wants to deliver a country where workers are on low wages as part of their economic plan and where those workers are too frightened to speak out and just have to cop it.

Senator GREEN (Queensland) (17:55): I rise to speak against the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill. This is a bad law that must be opposed in full. This morning I hosted a group of young workers who had come to parliament to talk to politicians about issues facing young people in workplaces all over Australia. Rosie, Rachel, James, Michael and Maryanne all talked about the hopelessness and powerlessness being felt by young workers around the country. The No. 1 issue they talked about was wage theft, and they rightly asked: why isn't the government taking any action on wage theft? How is it that employers can get away with not paying them thousands of dollars, but if they were to steal from their employer it would be a criminal offence? One employee who we spoke to today was owed $36,000 from her employer.

It reminded me of when I was a young worker. I started out in retail and hospitality jobs. I would take any job I could get, and the jobs you could do on nights and on weekends were even better. But at one of my first jobs I got handed an Australian workplace agreement under Howard's Work Choices laws. When the Howard government won the 2004 election, it also won a majority in the Senate. After the election, Prime Minister Howard told reporters:

… I want to assure the Australian people that the government will use its majority in the new Senate very carefully, very wisely and not provocatively.

And yet, just over a year later, on 10 November 2005, the Special Minister of State at the time, Senator Eric Abetz, introduced Work Choices into the Senate. The same Senate which Prime Minister Howard had told Australians would not be used provocatively had been used defiantly to push through laws destroying the rights of workers all across the country.

In 2005 the Senate allowed a law to be passed that made it easier to sack workers, that broke down our collective bargaining system and that stripped away the basic right of representation. It let down workers, especially young workers. I will never forget what it felt like to be handed an AWA, to be made to feel hopeless and powerless against my employer. We should never forget that the Morrison government, the Liberal and National parties, are the parties of Work Choices. That is why they are pushing through these laws today. It is about ideology, not policy. It is about attacking working people. It is about taking away the representation that stops workers from feeling hopeless and powerless. It is the start of the grand old march towards Work Choices 2.0 as the government unashamedly boasts about their plans to overhaul our award system.

Senators have the opportunity to right the wrong of Work Choices, to be the check and balance that Australia expects, to stop bad laws, to stop government overreach, to stop this government from hurting working Australians. Even with amendments, this bill allows the disqualification of union officials or the deregistration of entire unions for minor workplace breaches. The bill still allows the minister or anyone with sufficient interest to apply to deregister a union or disqualify a person from office, allowing unprecedented government overreach into a pillar of our democratic society. The bill still gives sweeping new powers to
the politicised and discredited Registered Organisations Commission, which just a few weeks ago was found by the Federal Court to have acted unlawfully in its pursuit of a union. The bill still imposes a new test on union amalgamations, giving the government the power to override the democratic wishes of union members, even though amalgamations are already heavily regulated. And, still, many of these new standards and regulations being imposed on unions through the bill have no corporate equivalents. It sets up one rule for unions, which protect the interests of working people, and one rule for businesses that are guilty of gross misconduct or even criminality. This is what the bill does. No matter how much you amend it, no matter how much you argue for it, throwing out confected statistics or quotes from judgements by government appointed commissioners, it cannot make the effects of this bill any less unfair, unprecedented or unfounded.

But I also want to talk about what this bill won't do. The truth is that this bill won't create a single job in my home state of Queensland. It won't create any apprenticeships. It won't see wages rise for workers, who keep seeing profits going up but their wages staying the same. It won't stop further casualisation or automation of jobs—just ask BHP workers in Central Queensland. The bill won't make workplaces safer. It won't stop one death. The bill won't help workers in the hospitality industry get their penalty rates back. It will do nothing to help workers. It won't make the future more secure for Australia's young workers. It will put them on the other side of bargaining tables alone, unable to bargain, hopeless and powerless. The Senate cannot allow this to happen again.

I attended the hearings in Canberra and Brisbane that the Senate Education and Employment Legislation Committee held on this bill. I thank all of the witnesses who appeared and made submissions. At those hearings we heard from unions, workers and legal experts about the deficiencies of this bill. The dissenting report, which I have signed, set out those deficiencies and the evidence provided in some detail. One of the major concerns raised during the hearings on this bill was the chilling effect these laws would have on legitimate union activity. As Labor senators explained, the significantly expanded grounds and new standing provisions would ultimately weaken the power of working people. The bill would have a chilling effect on workplace bargaining and would see union resources diverted towards defending a union and its members rather than being used to advocate and bargain for better wages and conditions.

This chilling effect is the real purpose of this bill. But what will it look like in practice? What will it look like in workplaces all across the country? If the resources of unions are diverted, if the consequence of taking strike action could be disqualification of a member or even deregistration of a union, individual members and officials will be curtailed from performing their legal duties. Unions will not be able to perform the important role that they play on worksites all across the country. The most important part of that role for any union official is to ensure that workers come home safe at the end of each day, unharmed and alive. Union officials ensure that, when the workday stops, every father is returned home, every son walks through their door and no woman ever leaves a worksite worse off.

In the past year there have been 130 deaths at work. That figure is going up when it should be going down. In Far North Queensland we've had two significant workplace deaths that have left families and communities shattered. A worker died last night on the job in Central Queensland. Of all the statistics and numbers that senators opposite will quote during this
debate, that should be the most important one. As our dissenting report sets out, this bill will further restrict the ability of unions to take collective action in circumstances where safety is in serious doubt. The threat of prosecution, disqualification of an office holder or deregistration of a union will create a situation where workers and their representatives might think twice before taking action. That is unacceptable in Australia.

I want to provide a real-life example of how this might play out. It shows the absurdity of these proposed laws and how they have the potential to put lives of workers at risk by stopping legitimate union behaviour. A few years ago, when I was just getting my start as a trainee lawyer, representing workers who had been unfairly dismissed at work or underpaid, I worked on a case that was being appealed by the Fair Work Commission. It has always stuck with me because I've always wondered what I would have felt like being one of the workers involved—what I would have done in the same situation.

The workers were working on a site in Central Queensland for Bechtel. A substance called perlite was being used on the site. It is described as a sand-like substance, and when it's heated up to a thousand degrees it's pushed through a funnel. It is classified as nontoxic, but it can also be an irritant. One day on site a soft, white dust filled the air. Some of the workers started experiencing side effects—itchy eyes and sore throats. They had to seek medical attention. The union delegates on site took the matter very seriously. The delegates on site knew from their union training and industry knowledge that dust was a serious issue and had deadly health consequences.

Each year in Australia between 700 and 800 people are diagnosed with mesothelioma, an asbestos related disease. In 2018, 699 people died from this rare and aggressive form of cancer. Most recently, a new epidemic has seen the rates of the lung disease silicosis, caused by breathing in dust containing crystalline silica, rise. Last year in Queensland, 98 people contracted the disease and 15 people died from it. It is incurable.

The delegates and workers on the site met, and they decided that they needed to stop work. They decided that there was an imminent risk to their health and safety. Whether it was protected or unprotected action would be determined by a legal definition about whether there was an imminent risk to their health and safety. The company applied to the Fair Work Commission to seek an order to stop that action and make the workers go back to work. A rushed hearing was held and there was no time for industrial officers representing unions to prepare evidence about safety concerns. When the hearing was held, the workers had already returned to work. The order prevented workers from engaging in industrial action and would stay in force for three months—this is, the order that the commission made against the workers. While the order was in place, no industrial action could be taken. A breach of that order would be a civil remedy provision breach. So, if the workers went back to site the next day and a cloud of dust filled the air again, they would not be able to stop work because of this order.

Under this bill that we are talking about today, that breach would be grounds for disqualification of a union official or a deregistration of a union. I've often wondered what I would have done if it were me watching my colleagues head off for medical treatment. What would we do in this place if white dust started filling the air? We would stop work. We would take action. Of course, those workers did exactly the same thing. Safety is serious and the stakes are very, very high. If the crossbench senators are looking to get the balance right when
it comes to this legislation, they should consider that, when it comes to workers' safety, that balance should always be weighted in the favour of workers' safety. It should always come before profits or productivity. There is no 50-50 balance in this situation. Workers should always come first, and under this legislation they don't.

This legislation is an attack on working people, but there is no doubt that the government will not stop here. The next piece of legislation that they bring into this chamber to streamline our so-called complex awards, to do the bidding of the varied businesses that owe $500 million to Australian workers, will also be an attack on working people. This government is the political party of Work Choices. They are the same party as 'no cuts to the ABC' and 'no cuts to SBS'. They are the same party that let penalty rates of 700,000 workers get cut. They are the same party that won't take action on wage theft and won't take any action on the rot of labour hire in regional Queensland.

Liberal and National senators have done a lot of talking about unions in here and out there, calling nurses and teachers unions thugs. But here's the thing: Liberals talk about unionism as though they read about it in a textbook. They speak without any firsthand experience of the sweat on the brows; the long, hard fights; the despair of holding a parent who just lost their son on a worksite; or being told hundreds of your members have just been made redundant by text message. For all their talk about unions, they don't talk about how it feels to save someone's job or win a pay increase for the lowest paid workers or see the manufacturing sector return to regional towns, because they wouldn't know. They haven't won those fights, but the union movement has. The Liberals weren't there to protect minimum wages when unions were. The Liberals weren't there to fight for public holidays, but unions were there every step of the way. The Liberals weren't there to fight for Medicare, but unions were. The Liberals weren't there when unions were fighting for asbestos victims or for 7-Eleven workers or for women to get equal pay. The Liberals can't tell you what it feels like to fight for these things, because these are not the things that they fight for. This is the debate that they want to have: a fight against unions, against working people. Nothing has changed.

While these debates have always shown the true colours of the senators sitting opposite, they also bring out the best in the Labor Party. Labor is unashamedly a party of working people for working people. Labor's deep roots with the trade union movement aren't something that Liberals opposite could ever understand or ever be able to shame us into repenting or extinguishing. Our collectivism is a fire that they can't blow out, even as they huff and puff over there. They are full of wind without any spark. Labor stands with every apprentice, electrician, plumber, construction worker, teacher, nurse, ambo, scientist or fitter and turner who unashamedly calls themselves a union member.

During the third reading debate on the Work Choices bill, Labor Senator Chris Evans said this to the government. I want to repeat his words tonight. He said:

You will win the vote … but you won't win the argument … we will fight you all the way to the next election because you are wrong.

You're unfair and your bill is un-Australian.

We are proud of our relationship with the trade union movement. We are proud of defending workers and we will keep on doing it. You may think history is with you, but mark down 2 December 2005, because it is the beginning of the end of this government. All you have spoken about tonight is ideology. The date 2 December 2005 was the beginning of the end of
the Howard government. Workers, including young workers, marched in the streets, some for the very first time, to fight for their rights at work. It was, for me, the very first time that I stood up and felt that collectivism. I marched in the streets, and that journey has led me here tonight, to fight for the next generation of workers and to fight against this rotten antiworker legislation.

I want to end this speech tonight by talking about the young workers that I met today and what they want from this government. We know that it is tough right now for young workers. Nationwide, since the Liberals were elected six years ago, Australia has 150,000 fewer apprentices and trainees. In regional Queensland we have lost 17,000 apprentices and trainees since 2013. Youth unemployment continues to skyrocket at 12.4 per cent. It is even higher if you live in regional or remote communities. The cost of living is higher, yet wages are staying the same. Seven hundred thousand workers in the hospitality and retail sector have had their Sunday and public holiday wages cut. Australians are currently owed $500 million due to underpayment, because wage theft is rife in our community. Five hundred million dollars is owed to workers, and this government is doing nothing about it.

The future for young people under this government is uncertain. Their pathway to a secure, full-time job is unknown. The government's anti-union bill won't create a single new job. They don't have a plan to fix youth unemployment or increase apprenticeships in regional Queensland, where we desperately need them. If this bill passes with the help of the crossbench, we should mark this day down—26 November 2019—as the day that the Senate turned its back on workers.

Senator O'NEILL (New South Wales) (18:15): It is with great sorrow that I rise to make a contribution to this debate on the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. I did hold out some hope that some of those on the crossbench might actually see the great folly of this piece of legislation the government is advancing and see through what the government is doing, but, sadly, we are not seeing that in the debate we are undertaking at this time.

I want to take this opportunity to put on the record my absolute opposition to what can only be described as a draconian bill. It's an outrageous bill. In fact, it could have been drafted by an authoritarian regime, it's so bad. It's undemocratic, it's unprecedented and it's un-Australian. It attacks the organisations that have been the backbone of Australia's democracy and economy since before Federation, and it attacks the democratic right of workers to associate freely in trade unions. It attacks fundamental liberties that we hold dear, including the right to free speech and the right to withhold your labour. These are not new concepts. They are realities that have been hard fought for. They are internationally accepted as basics in a democratic society. But that means nothing to this government filled with ideologues who, every day, advance an attack on Australian workers and on decent businesses that want to do the right thing and look after their workers because they know they are vital to the success of their businesses.

This bill looks like it will pass, and that will no doubt delight this government as it moves ever closer, incrementally, to achieving its goal of a weak and emaciated union movement. That's what it wants to see. I tell you: you may get this bill through, and it looks like you're going to get this bill through, but you will never ever take away the heart of the union
movement. It might be severely impacted by this draconian piece of legislation, but you will not take us down. We will continue to stand and fight for the working people of this country.

The LNP want a union movement that is silent. The LNP want a union movement that is broken. The LNP want a union movement that is no longer able to stand up to this government's relentless attacks. But I'm a Labor senator and I'm proud to stand here in this chamber, with my Labor colleagues, against this legislation. With them and the broader labour movement, I will always—always—stand up for fairness, for workers' rights. We cannot and we would never ever, not in a million years, support anything like this bill.

A past version of this bill was rejected in the last parliament for being far too extreme. It was rejected then; it should be rejected now. This emboldened government is trying, as it does every time it gets the chance, to gut unions and to destroy the ability of working people to organise themselves and demand safe workplaces and fair and decent pay for their endeavours every day.

There are too many extraordinary measures in this bill to go through them one by one. But I will always remain impacted by the appalling and frightening evidence, frankly, that we received in the Education and Employment Legislation Committee inquiry with regard to the likely impact of the passage of this legislation. There is the impact on volunteers. The government are so removed from the reality of unions that they talk about unions as if they're an enormous workforce of highly paid people—because that's what the government experience in corporate life. They think that everybody experiences that. We have volunteers in every union across this country, including nurses, airline stewards and teachers—people who are just doing the right thing by standing up for somebody in their workplace. They're all going to be impacted by this very extreme bill.

In my view the critical issue in this bill is the ability of courts to deregister unions based on a vast array of grounds that should absolutely be considered unlawful but will be enabled if this legislation passes. The grounds for deregistration have no corporate equivalence. People know about the Hayne royal commission. They know that this government fought it tooth and nail. They know that the commission recommended that 76 important things should happen and that this government should move to enact those in legislation. But we're not here tonight sorting out the 76 recommendations of the Hayne royal commission, despite the appalling findings about the banks then and the reinvigoration of our understanding of how diabolically bad the action of the banks has been, given the 23 million instances of failure to abide by the law that have been documented this week in the public place with regard to Westpac. People know that's what the government should be doing; in fact, people are being hoodwinked into thinking that is what the government is doing. But, I tell you what, they're not doing that, Australia. They are not implementing the recommendations of the Hayne royal commission; instead they're here attacking the unions. That's what they're doing. That's their priority. Michele O'Neill of the ACTU said:

None of the grounds for disqualification or deregistration require the conduct to be serious, deliberate, knowing, wilful, repeated, persistent or systematic.

This set of laws, make no mistake, is a set of laws that demands an entirely different standard from volunteers who are just standing up for their workmates than it requires of those in corporate Australia.
I take this opportunity to thank all the unions for their care in their submissions and to thank all the volunteers working in unions who do their work every day to support their fellow workers, many of whom came to give evidence to us. I also acknowledge the incredible leadership of the two great Australian woman who have led the ACTU in its very careful, very considered, very well-informed critique of this bill throughout the entire inquiry. They are operating in a context in Australia where our unions are among the most heavily regulated in the world. No-one who is a decent Australian wants the measures that are in this bill. The only group of people to whom they appeal are far-Right think tanks, all the people sitting on that side of the chamber and the ones who sit on the crossbench who are going to make their way over and support this government with this legislation.

The bill reveals that Liberals and Nationals stand for one major thing—that is, attacking workers and their representatives, silencing political dissent and taking away basic rights in a democratic society. If passed, this bill will enable unprecedented political interference in the activities of unions. It's going to give more power to the Registered Organisations Commission, despite the disgraceful record that it has. People know about what happened with the AWU and the raids. That's who this government want to empower. Embedded in this bill is more power for the ROC. The bill will put onerous red-tape restrictions on already-stretched organisations. It will increase the power that people called 'interested persons' have to entangle unions in costly legal battles and it will drain already-strained resources that should be used for helping workers in their workplaces and enabling them to be better skilled, do a better job and come home safely at the end of the day. It is very likely that the legislation that looks set to pass this place will increase vexatious litigation. It will certainly tie up the unions and it will strain their resources and strain the capacity of the courts. There already exists myriad laws and regulations governing the conduct of unions, but this government wants to send a message to those who would dare to stand up for workers' rights, and the message is: Be silent. Don't stand up for one another. Just accept what you're given.

The bill sets out a very different standard for unions than it does for any corporation. We haven't seen anything like the restrictions in this bill ever being considered to be applied to CEOs like the bankers who stole from ordinary Australians. There are no laws proposed by this government to deal with the appalling cases of wage theft by 7-Eleven, Caltex, Domino's, Pizza Hut and the now infamous George Calombaris. The same scrutiny and legislative crackdowns are simply not being applied to them. I want to acknowledge the work of the unions in actually uncovering what was going on with wage theft in those institutions. I particularly want to acknowledge the SDA union and its leadership at the federal level by Gerard Dwyer and at the New South Wales level—the state for which I am very proud to be a senator—by Bernie Smith. Through their efforts as unionists they got together the stories of people who were being totally ripped off. They came together, they put together submissions and they participated in the democratic processes. They put submissions to committees that you and I, Deputy President, were on, and we heard those unions giving evidence in defence of hardship, ordinary Australians. This bill will make it harder, so much harder, for the truth to be told about what's going on in our country.

Those who will vote for this legislation don't care about ensuring integrity in industry. They're solely focused on attacking workers' representatives that dare to advocate for wage increases, for safer worksites and for better deals for their members. I want to share some
memorable insights from the previous hearings that clearly lay out the new landscape of industrial relations that will occur if this bill should pass.

In a Sydney hearing we heard from Nick McIntosh from the TWU, representing truck drivers with real safety concerns, because the men and women in that industry are 13 times more likely to die than in any other occupation. That means safety is a key priority for the union to look after its members, to literally keep them alive. Mr McIntosh said that a snap strike such as the one held regarding safety concerns the morning after a bus driver in Western Sydney was stabbed could now result in disqualification of a union official or even lead to the deregistration of a union. That is how extreme this bill is. The very real safety concerns that bus drivers had that morning would not be able to be acted upon. Instead of considering just the safety of the workforce, of those men and women, they would have to consider the threat of extremely punitive action that could be brought against them by any person of interest—that's what this bill allows.

In the Melbourne hearing I heard evidence from a union secretary about the two-sided nature of the right of entry. For the union there are already very tough penalties for violations of right of entry, yet many companies deny lawful right of entry and get off scot-free. In evidence received, we heard about the tragic deaths of many young workers. Mr McIntosh referred to Mr Ballantine, a 17-year-old man who, on his first job, died after falling 12 metres to his death while installing a glass ceiling. I can remember being in this chamber when families, seated in the two front rows in the gallery, came here to receive the report that we brought into this place regarding industrial deaths. These were the families that relied on unions to tell them about what was going on after the death of a loved one because the government agencies just didn't do it.

The Liberals have made a great song and dance about certain union officials, but they ignore the responsibilities of corporate Australia. Gerry Hanssen is a Liberal Party member with a blind hatred of unions who blocked the CFMMEU safety inspectors from his company's worksite. Union safety inspectors were illegally barred weeks before a young German national tragically fell 13 floors to her death on that site. Yet this industrial lawbreaker's company was fined only $62,000 for these breaches—half as much money as he donated to the Liberal Party. It's telling that this government continues to bring legislation in here that is much more interested in attacking the work safety of workers and attacking work safety inspectors than in criminalising industrial manslaughter and ensuring that building sites are safe.

This government's driven by a blind hatred for unions. It has one law for its Liberal donors and another for the workers' representatives. What appalling moral blindness. What disgraceful priorities. How dare the government claim to speak for workers when it restricts the ability to be safe, when it penalises those who dare to be sure that they get home to their families safely? Death after death occurs on construction sites across our nation—yet limiting the capacity to provide safe workplaces is what this government strives to do with this legislation.

We heard evidence from Lisa Fitzpatrick of the Australian Nursing and Midwifery Federation of the chilling effect this bill will have on necessary unprotected industrial action in the health sector. If you as an Australian are listening to this debate and think this doesn't matter to you, let me tell you that, if you have somebody you love in aged care or in a hospital
and nurses or workers in that institution think something unsafe is going on and they want to
take unprotected action to provide for safety, they will be severely limited in being able to do
that going forward. This is about safety for workers but also for the people they serve and
look after. Ms Fitzpatrick knows this only too well. She spoke at the campaign to enshrine
nurse-patient ratios in law and about how, due to the nature of ratios, they cannot be provided
in an enterprise agreement and therefore are unlawful. This shows the current restrictive and
downright arcane situation of regulatory hoops that unions are going to have to jump through
to get better deals for their workers. But this bill will make it more difficult to ensure that the
punishment for a minor transgression of that union can be overcome. Ms Fitzpatrick also
brought up the retrospective nature of this bill which undermines the fundamental principle of
law that laws should not be retrospective. How can union officials take any action now,
knowing that this bill is before parliament and that any action they take could be prosecuted
by laws in a form they are still unaware of? The future of every union is in jeopardy every
single time they seek to act if this law is passed.

In Brisbane, Professor Anthony Forsyth gave evidence that he believes that the three bills
passed since the Heydon royal commission sufficiently address issues of union corruption and
that this bill is overreach and unnecessary. He clearly outlined current remedies that exist
in the Fair Work (Registered Organisations) Act for the alleged behaviour of some unions. He
said what everyone in this chamber knows, even the government—that this bill is entirely and
utterly unnecessary. It is a tool for the government to silence dissent, it's undemocratic and it
will severely limit the liberties of Australian workers.

The public interest test is of concern. The civil penalty contraventions outlined are also
appalling. For unlawful industrial action, pickets or coercion, there could be fines of
$210,000—enough to bankrupt many small unions. For a paperwork failure to remove non-
financial members from a register of membership, there will be fines of $63,000. That's
$63,000 for a minor clerical error. Fines of $7,200 can be levied on the hapless clerk who
makes that tiny error. For failure to undertake training in relation to financial duties, there's a
fine of $105,000. I'd love to see inflicted on Westpac a fine of $105,000 for each one of the 23
million infractions that have been declared this week as part of their business model.

This bill is a sham; it is a disgrace—from a government that has no plan for Medicare and
no plan for the economy. It has no plan other than to destroy the voice of workers. The bill
doesn't ensure integrity; it ensures a terrible legacy from this government. (Time expired)

Senator KIM CARR (Victoria) (18:35): Under the Morrison government, the soap opera
of politics never ends. I think we are entitled to ask why the government has introduced this
bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019,
and I think we are entitled to ask what its real purpose is. We are entitled to ask: where are the
wage pressures supposedly emerging that are disrupting the economy? We are entitled to ask:
just how many days have actually been lost through strikes? For the record, Australia today
has seen only two or three days lost in strikes per 1,000 employees. That compares with 17
days per thousand employees under the Howard government in 2004. So this country is
hardly a hotbed of industrial unrest, despite the government's hype about this bill and what it
suggests.

Workplace productivity is up. It has risen by 1.1 per cent over the last five years. But very
little of that is actually going to workers. In the year to the end of September, wages had risen
by 2.2 per cent, which is barely keeping pace with inflation. This is a 15-month low. And the Reserve Bank now tell us that, despite their very best efforts, this is what is going to be the new norm, and, because of the enterprise agreements that are being set at the moment, we are going to lock in low wages for the foreseeable future for most workers in this country. In the biggest employment sectors—construction, manufacturing and retail—wages growth is less than two per cent. The incomes of workers in those sectors are falling in real terms. Unemployment remains stubbornly stuck at around five per cent of the workforce and underemployment is at more than eight per cent. Workers who are in debt are being faced with the prospect of having to delay their retirement.

The long-term indicators of the health of the economy are sounding alarm bells. Most crucially, investment in research and development has fallen ever since this coalition came to office in 2013. During the life of this government, there has been a 10 per cent decline in real terms in the spending on science, research and innovation. At the same time, business expenditure on research and development has fallen 12 per cent. That's what is happening in the real economy, and that is what this government should be really concerned about—because a nation that does not invest in research and development is not investing in the future.

But this bill is not about the real economy. It is not about what real people are facing. It is not about what real people are experiencing. This is a product of the self-indulgent fantasy world of conservative politics. After seven years, the coalition is stuck in this groove. The bill reflects the government's sandpit style of industrial relations. It is a political view of industrial relations which reflects no understanding of the actual relationship between workers and management, no understanding of how enterprises are actually built and no understanding of the relationships that firms have with their workforces or with their contractors. This is the sort of bill that will get the editorial support of _The Australian Financial Review_ and _The Australian_. It will probably even be applauded by some of the sections of the employer associations. But most employers will see through this government. That's why this government complains so bitterly that it can't get employers on side. This is a government so intent on demonising the union movement that it has failed to recognise that, of the 1.5 million union members in Australia, many actually vote Liberal.

The government treats politics like a game, and it is now trying to treat the workplace like a game, but it shows no understanding of how the world of work is changing for many people. It has no understanding of their anxieties about wage stagnation and no understanding of the increasing insecurity of employment—about the new wave of automation transforming workplaces throughout the industrialised world. Instead of increased responses to of all that, the government has given us not an understanding of what is actually going on in the economy but this bill.

It is a bill that is characterised by nitpicking, viciousness and double standards. It is a bill driven by a desire to persecute and to hound, a desire to essentially seek to applaud those sections of its own reactionary right wing. It will not deal with the real problems facing Australians or the Australian economy in 2019. It is a bill that cannot hide this government's real intention. It is a bill that has nothing to do with promoting the good conduct of registered organisations, of trade unions. It certainly is not a bill that, as the government pretends, makes unions subject to the same rules as corporations. Despite all the hype, it is not aimed—even
specifically, as it often says—at the CFMEU in Victoria. It will affect all unions. Because of its petty mindedness, it will seek to put in jeopardy the future of all trade unionists.

Australia already has the most restrictive industrial laws of any OECD country—probably the most restrictive industrial laws of any advanced industrial economy. This bill will impose on unions an even harsher set of legal obligations. It is intended to make it even more difficult for unions to get on with their jobs. It will make it even harder for them to fight for better wages and conditions for their members.

Senator Cormann, as he so notoriously admitted in an unguarded moment, made the point that low wages growth is part of this government's policy. The government knows that, when unions are strong, they set the pace for wages and for wages growth in the economy. The government's fear of the union movement is remarkable. Every indicator points to the fact that the government has already achieved the low wages growth it is so desperately seeking, yet the government still fears the bogeyman it has imagined the trade union movement to be. It wants to make sure that there will be no prospect of the revival of trade union activity in Australian workplaces, because it knows that the very trends over which it has presided are likely to do exactly that. Wage stagnation and increasingly insecure employment are making workers and their families angry, making them anxious and making them feel alienated. The government does not want that anger to flow into industrial action—action that might restore wage justice and may change the balance of power in the workplace.

The government's corporate allies have shown the same fear. A report published in The Australian just yesterday suggested that fear is making some corporate executives lose touch with reality. Very few working days are actually lost to strikes in Australia, yet The Australian of course makes no recognition of that. It cites instead a survey of 375 senior executives at firms with more than a thousand employees, which was conducted by the law firm Herbert Smith Freehills. The respondents to the survey apparently feared that workplace activities could cost the companies up to 25 per cent in annual revenue. No evidence is given to that calculation, not least in The Australian's report of the survey, but the executives were not reluctant to give reasons for the new wave of worker activism that they so desperately fear. More than half of the executive surveyed said that the gap between the executive and employee pay 'fuelled by years of stagnant wages' would be the trigger for activism. There is no indication in the report that the executives think it might be reasonable for employees to resent the growth in management salary packages while other wages are stagnating. There is even a sense that they somehow think it's improper for workers to be concerned about such things. Mr Anthony Longland, a partner in Herbert Smith Freehills, is reported as saying that employees are 'becoming increasingly agitated about issues that went beyond pay and workplace culture'. He said:

Our research suggests that employees are willing to voice opinions about topics ranging from strategic corporate decisions to ethical business conduct.

It is as if 'ethical business conduct' is somehow separate from wages policies pursued by companies.

This is at a time when the system of wage setting in this country is so ramshackle that wage theft has become rife. The accounting firm PwC has estimated that in Australia at the present time companies are pocketing $1.35 billion a year that could be paid to their employees. That's $1.35 billion a year that they're legally supposed to pay. It doesn't include the amount
of money that they are able to secure by forcing down wages because of their bargaining power. It is surprising that people have allowed this to happen for fear of a new round of activism even though the data indicates that's not actually happening. This is once again a case of guilty consciences in the business world, perhaps. It is not surprising that this government, with its sandpit view of industrial relations, should be afraid of a new round of industrial action.

So we have this bill before us. In the amendments to this bill that the government has announced it will be moving in the committee stages, there are some changes intended to make the bill align more closely with the Corporations Act, but no-one will be fooled by this. The difference between the government's attitude to unions and its attitude to corporations is plain for all to see. If we compare this bill with the Prime Minister's comments last week after the extraordinary revelations about the banks, we can note just how strong that discrepancy is. The regulators in AUSTRAC found that a bank, as other speakers have already indicated, failed on 23 million occasions to prevent money laundering, including possible terrorism transactions. Many of these transactions, we are told, involve child exploitation material. Under these circumstances, the Prime Minister says: 'Well, that's simply a matter for the companies concerned. It's a matter for the boards'. So we have financial institutions in the country that facilitate the abuse of children and it's a matter for the boards, but when this bill comes to law, when a union organised to defend its members is brought before a court, it will be determined whether it is run by a fit and proper person.

The contrast could not be sharper. Even a failure to submit paperwork on time could lead to a union leader being dismissed and the union being deregistered. So the government's highest priority now would seem to be the capacity to pick up union officials who might be tardy in delivering paperwork, but it's done nothing to deal with the malfeasance in corporate Australia. Just remember how hard it was to get them to understand the need for a royal commission into the banking sector and to get them to enforce proper ethical conduct in the corporate sector. But they now have a highly politicised body, namely ROC—a thoroughly discredited body which, the courts themselves have demonstrated, has acted illegally and totally inappropriately in regard to the AWU.

We've had a highly politicised royal commission into trade unions, in an attempt to destroy Labor figures. We're being told now that that's to be the treatment of the labour movement in this country but that the treatment of corporate executives is to be entirely different. This is a government that has deference to sections of corporate Australia while demonstrating, day in day out, hostility to trade unions. So it's laughable to suggest, as Mr Morrison and Mr Porter try to, that this bill treats unions and corporations in the same way. There is no equivalence in the way unions and corporations are treated—in law, in fact, or in terms of the balance of power in this country.

The original version of this bill in 2017 was rejected by this parliament—and so it should have been. The government is now trying to reintroduce it in a more docile Senate. Of course it's up to the crossbenchers to make their calls on these matters. There is no action by this government to end wage stagnation. There is no action by this government to deal with the issue of wage theft. There is no action by this government in terms of the exploitation of Australian workers. On this government's watch, there has been revelation after revelation of companies ripping off their workers, and we've seen examples from the Domino's pizza chain,
to Michael Hill jewellers, to the restaurants of George Calombaris, to Woolworths. We've seen wage theft and exploitation—which will not be stopped by this bill. In fact, it will make those practices so much easier.

This bill is politically motivated. It's an attack on the ability of trade unions to organise and to represent the working people of this country and on the ability of workers to run their own unions and to choose who leads them. So I urge the crossbenchers: you ought to look very carefully at the consequences of moving against the trade union movement in this country—against those who actually fight to protect against superannuation theft and dangerous workplaces. You ought to look very carefully at the coalition's onslaught on trade unions and the industrial rights of working people in this country.

You ought to look carefully at the watering down, as this government has already talked about, of unfair dismissal laws, at the scrapping of the better off overall test, and at a government that openly says that the industrial relations system, the award system, is too complex—"It's so complex!" But ministers in this government never ever point out the fact that companies never seem to have any problem when it comes to the overpayment of wages! They don't overpay people; they don't overpay their taxation. It's not too complex to underpay them! We now have a situation where there are 122 awards. This is down from 1,500 when the Howard government were in office. Companies have managed to cope with income tax law that ran to 11 volumes and more than 5,000 pages. Yet the Prime Minister seems to think that the award system is beyond the companies' ability to understand!

In terms of our international obligations as to the rights of people to organise and as to freedom of association—the basic democratic rights—why is the Liberal Party in this country so determined to undermine those actions and undermine those basic freedoms, and to place every obstacle that it can in the path of workers to choose their right to organise and bargain collectively? Why is it that, under this government, when unions seek to amalgamate so as to be a better and stronger force in the workplace, every obstacle is placed in their way? Yet, when companies seek to merge and to act in that way, there is of course every opportunity taken for this government to claim that this is consistent with market forces, and that to act otherwise is somehow an unnatural act. Workers, when they choose to amalgamate their unions, will be subject to restraints. And the government of course has dreamt up every possibility of imposing restrictions on workers and on their capacity to defend their living standards and improve their opportunities in life. Yet this government does everything it can to protect the rights of business to organise and improve their position in terms of profit at the expense of their workforce and at the expense of the Australian people. This is a clear case where the government has one rule for people who work in industry and another rule for those who own industry.

Senator POLLEY (Tasmania) (18:55): I rise to speak on the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. Here we are again. It is history repeating itself from those opposite. At every opportunity, the Morrison government is willing to unleash dread on those who protect not only thousands of Australian workers but some of Australia's lowest paid workers. Those opposite don't believe in fairness at work; they don't believe in fair pay and conditions for Australian workers. They don't believe in weekend rates, paid sick leave, annual leave, penalty rates, superannuation, Medicare, an eight-hour day, maternity leave, health and safety in the workplace, long-service leave, redundancy pay,
awards, rostered days off, shift allowances, union allowances, uniform allowances, meal breaks and rest breaks at work, the right to organise and collectively bargain, workers compensation or unfair dismissal protection. Yes, that is those opposite. That is the Morrison Liberal government and every Liberal government before them. Those opposite hate the union movement despite the inescapable fact that the union movement has fought for the rights of all Australian workers to have a safe and secure job that they can count on.

In the interests of context, if you contrast that with the private sector, those opposite do not want to hear about it. They hold their hands up to their ears like temperamental teenagers because they believe corporate Australia to be the bastion of morality and goodwill. I ask those opposite, those on the government benches: why won't you hold corporate Australia to the same standards? Why won't you view the union movement and the corporate sector impartially? Look at them from the same starting point instead of being a self-righteous, domineering and draconian government. Right now in this country we have a bank, Westpac, that has been accused of the biggest breach of money laundering and terrorism financing laws in Australia's history, including failure to detect payments that may have been used to facilitate child exploitation. They are very, very serious breaches of Australian law. What does this government do? Attack the union movement.

Westpac has been accused of systematically breaching money-laundering laws more than 23 million times—not 23 times but 23 million times—and failing to report more than $11 billion in international transfers. We're not talking about a minor breach of the rules of AUSTRAC, which keeps a tally on these things and has now brought it to light so that the Australian public and the government are made fully aware of what they have actually done with these breaches—23 million times. I note the allegations dwarf the Commonwealth Bank of Australia's 53,000 infractions, which led to a record $700 million fine and the departure of the chief executive officer. But those opposite don't want to talk about white-collar crime. They don't want to talk about serious allegations against the private sector—or themselves, for that matter. Three words: Minister Angus Taylor. He is a minister of the Crown, a minister of the Commonwealth of Australia, who is now being investigated by the New South Wales police. Consequently, you would expect the Prime Minister and the executive of those opposite to uphold the ministerial code of conduct and ask the minister to step aside. But, Madam Deputy President, you and I know that's not likely to happen with those opposite. Clause 7.1 of the ministerial code of conduct states:

... a Minister should stand aside if that Minister becomes the subject of an official investigation of alleged illegal or improper conduct.

It is a very clear clause; no ifs, no buts. But those opposite don't believe in the rule of law when it comes to their own. They don't believe corporate Australia or their own minister have to follow the law. But when it comes to the union movement they will do anything—and I mean anything—to tear them down. The issue of Minister Taylor is a serious one, and those opposite should hold their own minister to the same standards as every other minister of the Commonwealth of Australia. It is one rule for them, and stuff the rest of us. That's their mantra.

The New South Wales Police Financial Crimes Squad is investigating the potential doctoring of documents used by Energy Minister Angus Taylor to accuse Sydney Lord Mayor Clover Moore of excessive travel expenditure, but those opposite want to actually ignore that.
To me that seems like double standards. I don't know about the rest of my colleagues here, but I think it's pretty much the standard course of behaviour of those opposite. You would think the Prime Minister would step in front of this and take some leadership, but no; he said in question time that he was not aware of the details and would take advice from the New South Wales police. Is this incompetent and illegal? To be honest with you, it's what we've come to expect from Liberals in this country and from this government.

In September, if you recall, Mr Taylor accused Councillor Moore of excessive travel expenditure, citing what appeared to be an annual report from her council body, but now he has gone quiet because he knows he did the wrong thing. I believe that the Prime Minister, Mr Morrison, will do anything to avoid scrutiny. Today the shutting down of the debate in the parliament about the embattled Minister for Energy and Emissions Reduction just highlighted the lack of respect this Prime Minister has. The Prime Minister may not want scrutiny from the parliament, from the crossbench or from the media when he refuses to answer questions, but he can't avoid scrutiny by the New South Wales Police Force with their strike force that has now been launched.

This minister should not and cannot survive today. He shouldn't survive. The Prime Minister should stand him down and make him step aside. The born-to-rule mentality of those opposite is on display for all of us to see. Those opposite think they can get away with it. They think they can get away with anything. They think they are actually above Australians. They truly believe that. They believe they can defend the indefensible. But we on this side of the chamber say they must be held accountable. The Morrison government has to be held accountable. This minister should be stood aside and be held accountable in the best interests of all Australians. But we've seen many times before that this Prime Minister will stand behind incompetent ministers. We know, as we advance to the Christmas period, that those opposite say, 'Thank God, Christmas is coming; we'll just stave it all off, and people will forget about it over Christmas.' If he really thinks he can avoid scrutiny of his minister because Christmas is around the corner, he is sadly mistaken.

The bill before us is just another bitter and resentful Liberal attack on Australian workers and their representatives. The government won't hold themselves to account, but they are willing to hold a torch to the union movement. A similar bill to this was rejected by the 45th Parliament because it would have eroded the rights of workers and undermined the obligations of employers. But when the government have an opportunity you see what they really stand for and what they are really about, and I can assure you that the Australian people are seeing them for who they really are. They have Senator Pauline Hanson in their pocket again. As the old saying goes, when you roll around with dogs, you will catch flees—but the government do not care. They are willing to do whatever it takes to undermine the Australian workforce, everyday Australian workers, in the interests of their billionaire mates and billion dollar profits.

As I said before, the union movement is there to represent their membership, and many of them are some of the lowest paid Australian workers. Every time the Liberals get a bit of power they come after workers and unions. There's nothing new in this; this is what the Liberals do. They do it time and time again. And the crossbench are willing to do the same. That is where my real disappointment is—with the crossbench, who are having the wool pulled over their eyes.
We were told that this bill and other similar legislation would not be used for political purposes and yet similar laws have been. The first opportunity the government got they took the low road. Like a dictatorship ordering law enforcement, they sent in 30-plus police to two locations to raid the offices of the oldest union in Australia, the Australian Workers Union. That is the Morrison government's form, and why would they change such behaviour when it is in their DNA—they won't change. Their DNA dictates to tear down the union movement and to attack workers. It is part of their DNA. It's who they are.

In recent times we've seen countless examples of wage theft in this country, with employers ripping off their workers from the hospitality industry. We have seen this with some of Australia's most renowned chefs: George Calombaris and Neil Perry, front and centre, stealing—that's what it is; it is stealing—the wages of workers to the tune of millions of dollars. We've also seen it with 7-Eleven, Domino's pizza, Michael Hill jewellers and Woolworths. Wage theft is real—cheating workers out of their overtime pay and making them work to the bone. This is real and this is happening in Australia. Those opposite, the Liberal Party and National Party, want this to continue, by undermining the rights of workers and their representatives to protect their economic interests.

The fact is we never see from those opposite public policy to strengthen the rights of the Australian workforce. We never see those opposite legislating to protect employees. That's because those opposite do not support legislation to tackle stagnant wages, wage theft or worker exploitation. The federal opposition—Labor senators and the Labor Party—will never support a bill that makes it harder for workers to get a fair pay rise. Labor will never support a bill that could leave workers without representatives to protect them from wage theft, superannuation theft and dangerous workplaces—never! This should be universal across the parliament. There should be bipartisan support against the illegal activity of stealing from workers, but those opposite will not agree to that.

As it stands, this bill represents a politically motivated attack on workers' ability to organise and represent other workers, run their own unions and determine who leads them. That is their right. It is a democratic right, and it is one Labor will always stand up and support. Workers should get a choice who represents them, not Mr Morrison or a minister hell-bent on destroying the livelihoods of Australians.

The government is claiming that the bill has been revised to more closely align these reforms with corporate equivalence—but don't be fooled. You can't believe them. The bill is far more extensive and extreme in its regulation of unions than what exists for businesses or, indeed, politicians. This bill is not fair. It does not negotiate or cooperate. It does not come to the table and agree to shared values. These laws will in fact make it possible for the government, ministers and disgruntled employers to shut down unions and deny workers their right to choose their own representatives. That is what's hidden in this bill.

You would have thought that the Liberal Party would believe in freedom. The federal opposition believes in the fundamental principle of self-determination. It is fundamental to our democracy, like all other Western democracies, that people are free from government and employer interference so that they can join unions and elect representatives who will fight for pay rises and to protect their jobs and workplace safety if they choose to do so. But this bill is in fact about taking rights away from people. This bill is about silencing workers and making it harder for all workers to win pay rises. These laws are fundamentally unfair. They will not
apply to businesses, banks or politicians, despite their serious and alleged unlawful and unethical conduct. The only people who will benefit from these laws are the Morrison government and unethical employers.

The Morrison government has overseen raids on journalists and is now attacking workers' freedom to run their own unions. Yes, we are living through these times. That is the kind of government we have in Australia right now. I ask those opposite to think outside the square for a moment and to lift the veil on their one-eyed mentality. Let me be absolutely clear: if these laws applied equally to corporations, we would see banks, multinational pizza chains and the restaurants of celebrity chefs closed down for repeatedly breaking laws, and their top executives would be sacked. This is not being proposed by those opposite. Why? Because it would be, rightly, outrageous. It is also outrageous for unions. But those opposite do not apply the same logic, because they are not only politically biased; they are immoral. They are willing to undermine the Australian workforce for their own selfish and unbridled political advantage. There is no justification for preventing amalgamations of unions. If the members of two unions vote to amalgamate, that's up to the members and executives of those unions. This goes to the heart of the democratic principle of freedom of association.

Those opposite don't mind associating with the Alan Joneses and Andrew Bolts of this world, but they don't want unions to associate with one another. They don't want a unified and strong Australian workforce looking after their own economic interests. No, they want a market that exploits workers for billions of dollars of profit and prioritises that over individual rights. Giving the government the power to prevent amalgamations is a clear attack on freedom of association. This government does not believe in protecting workers. Its sole purpose is to attack its political enemies. Its government is void of public policy and it is void of any vision. It is a purely politically driven, sloganeering, self-promoting propaganda machine. That's what this Morrison government will be remembered for.

It's important that people are free from government and employer interference so they can join unions and elect representatives who fight for pay rises and fight to protect their jobs and provide a safe work environment. What we should be doing is supporting Australian workers, particularly the most vulnerable. We on this side of the chamber will continually stand up for workers' rights. We believe in the right to have union representation, if you choose to become a member. We will stand united with our Australian workers each and every time. (Time expired)

Senator LINES (Western Australia—Deputy President and Chair of Committees) (19:15): I too rise to oppose the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. This bill has 'integrity' in its name, but for me it has 'no integrity' at all. It is a blatant attack on workers in Australia and on trade unions. It's a feeble attempt to try to reduce what those opposite perceive as fake union power in this country. Through the changes that they've made since they first came into office six years ago, they have already drastically reduced the power of unions. If it's their intent to wipe out unions in this country, it's not going to happen. It won't happen. Unions will be here longer than the Morrison government. They've stood the test of time. Remember back to John Howard. In fact, when he took on the unions, what happened to him? He lost his seat—a very safe Liberal seat—and he lost the government, and it was because of his disgraceful, antiworker, anti-union Work Choices bill.
I stand here tonight as a proud union member. I've been working in unions for most of my working life, and I get what it's like. I've stood with workers in the rain on picket lines. I've been with workers as they've cried because they haven't been able to get something at the workplace. I've celebrated with workers when we've been victorious and had a win against the boss. In all that time, I have seen genuine Australians, even quiet Australians, who are proud members of their unions, take on bosses over and over and over again—a lot of the time losing but living to fight another day as proud members of their union.

I'm a member of the United Workers Union, one of the latest amalgamations of trade unions in this country. Goodness knows how they would've fared under this new "no integrity" bill! That's an amalgamation of United Voice, which in and of itself has a really interesting history. It started out in Western Australia, where I'm from, with a bunch of caretakers on the waterfront. No-one wanted them, so they joined up with the Federated Miscellaneous Workers Union, a union of New South Wales, and started that branch in Western Australia, with cleaners on the waterfront. It grew in strength through a series of amalgamations, and it's got a really proud history of struggle and fight—winning and losing, but nevertheless a proud history. And now the new United Workers Union will continue that proud history.

The other union that has come into that amalgamation is the National Union of Workers. The synergies between United Voice and the National Workers Union are loud and clear—low-paid workers, process workers, workers on the supply chain, cleaners, security officers, early childhood educators, aged-care workers, hospital workers, hospitality workers—on and on it goes. They are the low-paid workers of the Australian workforce, workers whose jobs are not going to go offshore. They are proud workers who do a very honest day's work, in most circumstances for very low pay.

These are the people that the Prime Minister and the government are seeking to hurt. These are the people they are trying to tell, 'Your union, if it fails to put in three bits of paper, could be deregistered.' These are the people. I challenge those opposite to walk a day in their shoes—aged-care workers on $25 an hour, and hospitality workers, if they're lucky enough not to be casual, on about $21 an hour. What's the Morrison government done to those workers? Oh, let me think. It's ripped away their weekend penalties. I heard Mr Porter just last week say that he's going to review the hospitality award because it's too complex. I know those department officials sitting over there know in their heart of hearts that the hospitality and restaurant awards are not complex awards. We've done that. Remember: we did the whole simplification agenda. Those awards now are very, very simple. The wage rip-offs that we have seen in the hospitality industry are due to greed—nothing more, nothing less. It's a business model.

I lived through Work Choices as a union official. I saw the damage that that did to workers. I saw in Western Australia, first of all, the harsh industrial relations reforms of the Court government. It's always the Liberals that damage workers in this country. What Premier Court did, for the first time in our history, was to allow employers to bargain under the award. We've always seen awards in this country as the bottom line. For the first time ever, he allowed employers to make their own cushy little unfair arrangements with their staff. So what did we see? The first attack came on contract cleaners. Guess what? Eighty per cent of
their costs are wages. Remember: cleaners are on about $21 an hour. Let's be very clear here: they're part-time, and they're often casual, but they're low-wage employees. We saw one big contract cleaning company in Western Australia suddenly reduce their rate of pay in order to compete, as contract cleaners do—perfectly legal under the Liberals in Western Australia. Very soon, even the reputable cleaning companies could no longer compete. Everyone had to go to the new floor, which was about $2 or $3 below the award. Suddenly, we saw cleaners working two-hour shifts for $18 an hour. That's what we saw under the Liberals in Western Australia.

This is what you never read in the journals and the academic papers and what you'll never hear from those opposite. Why, you ask yourself, are women's wages so low in Western Australia? It's historical, sure, but it's also because of the sort of unfair legislation that Richard Court, a Liberal, brought in in Western Australia. It allowed employers to contract outside of the award, and we've never seen women's wages catch up in WA. They remain, stubbornly, subject to the biggest gap in the country. You'll hear the Morrison government say, 'It's all about the mining boom.' A little bit might be, but, fundamentally, it's about unfair legislation—the sort of legislation that we see in front of us right now.

I have a lot of experience of standing alongside low-paid workers and fighting with them for wage justice. What have we seen in this country? Low wages and no wage growth. Two weeks ago, I had the honour of standing on the lawn outside Crown casino on Melbourne Cup day as those workers bravely walked off the job. Do you know what Crown—a hugely profitable company that runs casinos here and all over the world—offered as the first wage increase? Zero per cent. So, in order to get a fair deal, those workers took industrial action and lost pay to move the boss from zero per cent. On Melbourne Cup day—the most profitable day of the year for the casino—they walked out. Who did they rely on to make those profits? Let me think. I think it's their staff, because, when we go into those hospitality venues, we don't see the boss in the back room; we see the staff. Whether we have a good experience or not depends on how well we are greeted by those staff—those very staff to whom Crown offered a zero per cent increase. Now, do not try to pretend to yourself, 'Oh, that's just one employer.' Many employers are now offering zero per cent. And what do you reckon will happen if the Morrison government's bill, this "no integrity" bill, gets up? It will weaken the bargaining power of these low-paid workers. It will weaken it.

If this bill gets up, a union can be deregistered for three paper breaches. This bill is attacking members of trade unions at a time of record low or no wage growth. This bill comes after the Morrison government stood by and did nothing when penalty rates were slashed. This bill comes at a time of slow or no economic growth. This bill comes at a time of record high youth unemployment. This bill came at the same time as the first wage theft cases started to hit the headlines. George Calombaris and Neil Perry—between them, it was millions and millions of dollars. And, remember, those are low-paid hospitality workers, not people on $40, $50 or $60 an hour; they are people on $21 or $22 an hour, and they are part-time, so that is very big wage theft. This bill comes on top of the staggering admission by Woolworths that their wage theft bill could go to $8 million. Again, Woolworths staff are low-paid workers—between $21 and $25 an hour. This bill is coming on top of that.

This bill comes as Westpac made the gobsmacking admission—there is no other way to describe it—that it has broken the law; it has contravened the Anti-Money Laundering and
Counter-Terrorism Financing Act over 23 million times. It has broken terrorism laws 23 million times—laws about which those opposite, the Morrison government, claim, 'Oh, terrorism is so important. We're right on top that!' And what do we hear from the Prime Minister on how to deal with that? 'Leave it to the board.' After huge public pressure, the CEO has now stood down, and they are going to forgo their massive bonuses for just a short time—not for the long term, but these are people already earning millions of dollars. Yet the Morrison government stands by and somehow says, 'Oh, it is not about us! Let the board decide.' I do not think we should allow a board to allow 23 million breaches. I cannot imagine how big that is. It is huge, yet there is silence from the Prime Minister on that. Some of that goes to the very heart of child exploitation, which Westpac knowingly allowed to happen. The board should be sacked, and that is what our Prime Minister should be calling for—not saying, 'Oh, leave it to the board.' That is clearly an abrogation of his responsibility as our Prime Minister. He is showing no leadership. In the George Calombaris example, with millions and millions of dollars owed to low-paid workers, there was a $200,000 fine. Please! The fines for unions are greater than that.

This bill comes at a time when the PM, as I said, has left it to the board to decide what should happen to the CEO. Public pressure has brought his resignation forward. This bill comes on top of the fact that the Prime Minister voted 26 times against a royal commission into the banks. At one time, he described the need for a royal commission as 'a populist whinge'. This bill comes as the Federal Court orders the government's watchdog, the Registered Organisations Commission, to quash its investigation into the Australian Workers Union—a political put-up by Senator Cash and others to go after the AWU. Well, guess what—the Federal Court has thrown that out, where it belongs, and has ordered all of the documents to be returned to the AWU. We have said from day one that they were trumped up charges against the AWU. And yet this 'no integrity' bill, if it's passed, will give the ROC, which is a flawed and biased organisation, unprecedented power over unions. As we on this side have said in here today, with three paperwork breaches a union could be deregistered—a union like mine, which I'm a proud member of. The United Workers Union could be deregistered over such a frivolous breach, and yet we allow full-scale wage theft to carry on and we allow our banks to act against the law, with 23 million breaches, and that goes unchallenged.

This bill comes at a time when Prime Minister Morrison stands by his man. We heard today that, despite a New South Wales police investigation into Minister Taylor's activity, the PM—who's personally responsible for ensuring ministerial integrity and says he takes it very seriously—allows that minister to continue to operate. He takes no action against Mr Taylor. Once again, he demonstrates that the Morrison government is acting with "no integrity". We've seen gags on Mr Taylor, refusal to answer questions in the parliament, refusal to answer questions by journalists, and a department that's backing him in by refusing FOI requests. We see this bill brought forward at a time when the government walks away from any notion of a federal type ICAC. There were big promises before the election: 'Oh, yes, we're going to do that. Yes, we'll have a federal ICAC organisation set up.' What we did see were weasel words from the Attorney-General that would protect corrupt politicians, and now we see nothing. It just does not exist. It's gone.
Many in this place, including in the Labor Party, want to see a real integrity bill in place. It would get support, but the government is too busy protecting its own. Make no mistake: this bill will attack nurses, teachers, flight attendants, hospitality workers, security officers and cleaners. It will attack all Australian workers. Yesterday, some of those workers were here. I met flight attendants. If there is one group of workers the Morrison government does interact with its flight attendants. It probably doesn't know about many other workers, but it does know about them because they serve us on the planes as we fly back and forth from our home states. When flight attendants and nurses attended question time yesterday and the Prime Minister was asked questions about the integrity bill, he accused people of being arm-breakers. Flight attendants, nurses, teachers and members of my own union were there. That's what he said to them: 'We have to have this legislation because there are arm-breakers out there.' Who was he calling arm-breakers? The people watching from the gallery? They were disgusted. It's a good thing when ordinary workers come to this place, because it opens their eyes about the behaviour of our Prime Minister and the Morrison government—how antiworker they are and how they really don't care.

This fraudulent bill, falsely dressed up as 'integrity', is nothing more than an attack on workers. I heard the Morrison government say today, 'We are protecting people.' No, you're not. We called out wage theft. We called out no wage increases. We called out the likes of Crown casino, which has a zero per cent wage increase for their staff. We called out Westpac. We called out about the banking royal commission. We called out about the federal ICAC. So it's not this side of the parliament, the Labor Party, that lacks integrity. Yes, we'll call out the bad behaviour of union officials when and where it occurs, but let's have a level playing field. This bill is nothing more than an attack on workers. It will not kill off trade unions. They will live to fight another day and see the end of this government.

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (19:35): I rise today to speak against this appalling bill brought before us under the guise of ensuring integrity, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. There is "no integrity" about this bill or the government bringing it before us. This government has little regard for ensuring integrity, workplace safety, protecting the rights of workers or the devastating consequences that this bill will have for Australian workers—particularly those most vulnerable in insecure, low-paid employment—if it ends up becoming law. I want to take this opportunity to call on those sitting on the crossbench to protect and uphold the rights of Australian workers by rejecting this legislation. This bill represents yet another politicised attack on working people and the role of unions by this coalition government.

I have a long and proud attachment to the Australian Manufacturing Workers Union and the union movement in Tasmania. My involvement with the union began back in 1979, when I worked at Simplot in Ulverstone, in their vegetable-processing factory. In 2004 I was elected as the first female state secretary of the AMWU in Australia. After serving in my union for almost 30 years, I was elected to this place, where I now have the great privilege of holding those opposite me to account when they try to attack the rights of every working person in this country.

As I said earlier, in 1979 I commenced work at the Edgell-Birds Eye factory at Ulverstone, now Simplot. I worked afternoon shifts so my husband, Graham, could care for our four-year-old twins after his day at work. After a time I was encouraged to become a union delegate for
the Food Preservers Union. That was the union at the time. Ten years later I became an organiser with that union, which later amalgamated to become the Australian Manufacturing Workers Union, or AMWU. You see, in those days union amalgamations were regular occurrences. In the early 1990s, they were even encouraged by government. Now there is a pervasive and inaccurate conservative fear campaign about the insidious creation of super-unions. There is no justification for preventing amalgamations. If the members of two unions vote to amalgamate, that's up to them. This goes to the heart of the democratic principle of freedom of association. In many cases, it also goes to the matter of creating a more efficient administration that can deal with the increasingly onerous burden of reporting and red tape constantly being dumped on them by this government so that they can continue to represent their members.

For many years, I worked to represent food workers, metalworkers, print workers, vehicle workers and technical workers. I regularly clocked up over 50,000 kilometres a year. I became the first female state secretary of the AMWU in 2004 and held that position until 2010. I loved my job—really, it was a way of life. The AMWU has a strong history of representing the rights of its members and of setting the progressive agenda for all workers as a driver of innovation. It was one of the first unions to develop a plan for low-emissions industry and technology development in Australia. During my years in the trade union movement, there was a huge change in workplace culture in many areas of the Australian manufacturing industry. We worked hard to get permanent positions for women, who had traditionally never been given permanent jobs. I worked with an amazing bunch of delegates to see workers' skills formally recognised so that they were transferable and to develop fair and humane drug and alcohol policies that were based on work health and safety and wellbeing principles. I worked with those delegates who campaigned hard for improvements to health and safety, which has seen a reduction in injury rates. We supported women who worked and wanted to work in areas that were traditionally male dominated, like forklift driving, and we fought hard for equal pay, not pay based on gender.

Nationally, we began a huge battle to have the harm done by asbestos to the lives of tens of thousands of Australians recognised and compensated. And, on a nationwide scale, we campaigned with hundreds of thousands of Australians to see the end of the disgraceful Work Choices legislation that was introduced by the Howard Liberal government in 2005. This legislation was specifically designed to make it harder and harder for unions to represent their members and negotiate decent wages and improvements in safety and conditions. Work Choices was also designed to ultimately dismantle and rip away the award safety net—that's Australia's industrial awards system. I take this opportunity to remind those opposite and the crossbench of the fact that tens of thousands of Australians and their unions worked so hard to fight Work Choices and bring down the government that introduced it. Without their efforts, we would not have the awards system that we have today that sets the minimum wages and conditions in this country. Without that battle, wage theft would now be the absolute norm in Australia because the safety net would be gone. Workers would have nowhere to go to find the minimum rates and conditions for their industry, and employers would have free rein to exploit. And out there right now, tens of thousands of union members, delegates, organisers and officials continue to work harder for better workplaces, harder for safer workplaces, harder for sustainable jobs, harder for fair pay rises, harder for job security and against the exploitation of vulnerable workers.
I made my first speech in this chamber in 2011, and in it I said:

The term ‘union boss’ is flung around by parts of the media and those on the opposite benches as some sort of a negative. Well, I am proud to have been a union boss. It is a job that is hard work, but it is also extremely satisfying. I have spent many bitterly cold Tasmanian mornings and late nights at work sites, providing information to members, listening to their concerns and then bargaining on their behalf. I have held positions on both the ACTU and Unions Tasmania executives, as well as on Tasmanian industry councils. In these roles my focus was always on protecting and strengthening workers’ rights and long-term jobs growth for our future. I am and will always remain a proud member of the AMWU.

What have I witnessed since 2011? I’ve witnessed an increasing attack from the conservatives opposite and an increasing demonisation in the conservative press of the very idea of unions—the idea of people working together to improve their lot in life and democratically electing people to help organise and advance those interests.

After a momentary retreat post the end of the Howard government, we have seen this creeping anti-union agenda pick up again. We have witnessed waves of attacks on workers' rights and on the union movement. We’ve seen attempts to tie unions up in huge amounts of red tape, to deny them even basic access to their members and to demand far, far higher standards of governance from unions than are expected of many companies and in the big banks. And all that time Australian unions have continued to play a pivotal role in workplaces across the country, ensuring that employees receive their fair wages and entitlements, despite these attacks and despite a government intent on making it harder for them to do their jobs.

On top of that work, unions have worked nationally for the benefit of all Australians, union members or not, for the introduction of necessary progressive reforms such as a national paid parental leave scheme, domestic violence leave and mental health awareness, and for the prevention of work related cancers, to name just a few campaigns. We have seen, time and time again, in this year alone, millions upon millions of dollars in wages stolen from workers by their employers. Who was it who stepped in to ensure that those workers got their wages? Was it this government? No, of course it wasn't. It was their unions.

It is the unions that have been at the forefront of making workplaces in this country safer. This bill seeks to undermine that, at the expense of workers' physical, mental and psychological safety. The damages and actions taken against James Hardie that finally secured compensation for asbestos victims would be considered unlawful under this bill, and the AMWU and others would be likely subject to deregistration, so the actions of an employer that ultimately caused the death of hundreds if not thousands of Australians—and is still causing deaths—would have gone unpunished under this bill. How can any member of this chamber sit there and say that this bill isn't political, that it is about the economy and improving economic conditions? We all know the truth. This legislation is purely political. It is a further attack on alternative voices and views.

We've already seen Attorney-General and industrial relations minister Mr Christian Porter intervene and appeal to the High Court to overturn a landmark legal decision by the full Federal Court which granted shiftworkers an appropriate amount of sick leave. Workers at the Cadbury factory in Tasmania, who I once represented, legitimately won the right to receive 12 hours of pay for every sick day—the same number of hours that they were rostered on for, for each shift, instead of the 7.6 hours per sick day that they were being paid by their employer, Mondelez International. The Morrison government intervened to support this company's case...
against its employees and in support of cutting personal leave entitlements for shiftworkers. Cadbury employees work ordinary hours of 12-hour days, which means they should have access to 120 hours of paid personal leave per year to cover the hours of 10 work days. The company argued that workers should receive only 76 hours of personal leave under the NES, based on 10 days of 7.6 hours work each. This was an appalling attempt by a very, very profitable multinational company, supported by the Morrison government, to rob its workers of the leave that they were entitled to.

I have looked far and wide at this government's legislative agenda, but no; that is going too far. You need to look far and wide because there is nothing far and wide about it. It is dismal and thin. In fact, I go further: it is narrow, stagnant and blinkered, stuck in the past. There is a paucity of any kind of vision or plan. There is no plan to tackle stagnant wages or wage theft or worker exploitation. The only sign, the only faint flicker of a plan, is the constant resuscitation of a sad and worn-out union-bashing mantra written on the back of a dog-eared program from the HR Nicholls Society conference in 1992. And I note that Tasmanian Senator Abetz delivered the keynote address to that conference in 1992, where he chuckled gleefully that the newly elected Liberal government of Tasmania had managed to slither through the campaign with no apparent industrial relations policy, and so, in his words, had 'demonstrated brilliant "political speak"', leaving the door open for the major attack on the rights of working Tasmanians, their pay and conditions, and unions, as their representatives, that occurred in the 1990s. Now here we are with a Prime Minister who is a master of 'political speak' to the extreme; an ad man who writes off legitimate questions as gossip and who grins and goofily avoids questions on his government's apparently primal need to shut down alternative views and voices.

As the ACTU president put it: 'If unions are shut down or silenced, who will stand up to the powerful, make sure workers get their rights and fight to improve workers' rights?' The Morrison government has overseen raids on journalists and is now attacking working people's freedom to run their own unions. Regardless of any tweaking that has gone on, this bill represents a politically motivated attack on workers' ability to organise and be represented, to run their own unions and to determine who leads them. Working Australians should get to choose who represents them—not Mr Scott Morrison, not Senator Abetz and not any of their union bashing, intellectually stale cronies.

Labor will not support a bill that makes it harder for workers to get a fair pay rise. We will not support a bill that could leave workers without the representatives that protect them from wage theft, superannuation theft and dangerous workplaces. The purely political nature of this bill is demonstrated by the fact that it is far more extensive and extreme in the regulation of unions than what exists for businesses or politicians. This is about silencing working people and making it harder for all workers to win pay rises. These laws are fundamentally unfair. If they applied equally to corporations, we would see banks, multinational pizza chains and the restaurants of celebrity chefs closed down for repeatedly breaking workplace laws and we would see their top executives sacked. That is not being proposed, because it would be outrageous. It is also outrageous for unions. The bill has been amended since it was first introduced in the last parliament, but those changes are not substantive and simply do not address Labor's central concerns with this anti-worker bill.
Let's also have a look at the potential economic impact of this bill. This bill seeks to further limit the rights of Australian workers to collectively organise and bargain with employers and will undoubtedly have an adverse impact on the country's economy. At a time when wage growth has stalled, jobs growth is stagnant and wage theft is at an all-time high, this government must keep its promise to Australian workers when it insisted, in yet another example of Senator Abetz's political-speak during the election campaign, that it had no plans to reduce workers' rights. We now see this was simply another untruth. Instead of focusing on attacking working people, this government should be acting to tackle low wage growth and penalty rates being further whittled away.

By restricting and interfering with union activity, this bill will accelerate income inequality and insecure employment. Opposition to this bill because of its effects on the economy is widespread and not limited to only the Labor Party; community groups, academics, churches and religious organisations, and the bipartisan Parliamentary Joint Committee on Human Rights all oppose this bill because of its inhumane consequences for workers and the devastating effects it will have on the Australian economy. Dr Jim Stanford, Director of the Centre for Future Work, an independent economist with over 25 years of economic policy experience, summed up the effects of this bill best when he stated:

I cannot possibly see a circumstance in which any of these amendments would have any measurable economic and labour market impact: whether on productivity, on wage determination, or on employment. At best, these proposals constitute a distraction from those more urgent labour policy matters.

After all these years and all these relentless waves of attacks on unions and the work they do, I am now of the view that it is time to step back from this old, charred, shot-out and splintered barricade. It's time for our politicians, most particularly those on the crossbench here, to go out and spend a few days with a hardworking union official or two, to understand the complexity of the task, to attend a fiery delegates meeting where union delegates, who are volunteers in their workplace, give up hours of their time to engage in a battle of ideas, and to work to try to find a way through to a position that improves the lot of them and their co-workers without jeopardising the viability of the enterprise they work for.

Unions are part of the heart of our community. They are grassroots democracy in action. Without them we are poorer, not just in money terms but in our spirit—our ability to interact with our country, find our voices, express our views and be the country of the fair go. Our democracy is fundamentally eroded if the union voice is diminished to a whisper. I urge my fellow senators to say no to this bill. Step away from this rickety old barricade and look to the future—a good future. (Time expired)

**Senator McCarthy** (Northern Territory—Deputy Opposition Whip in the Senate) (19:55): This bill is draconian, it's antidemocratic and it really is a reflection of the form of this government. How is it that you cannot have a good look at what you're doing here to Australian families right across this country? How is it that you cannot equate the care of an employee on a construction site—that they are able to go home to their family at night instead of being injured or killed on a site? How is it that you cannot care about workers who are bullied in the workplace when they cannot sit across from their employer and argue for a fair wage and fair conditions? They need to be able to go home to their families, have a good
night's sleep, look after their families and pay for the goods and services that their families require, like any other Australian family.

That is what you are attacking tonight. That is what you are attacking at the heart of this country. That is what you are doing. You hide behind your computers. You hide behind your books. You sit in your glorious offices. You sit there and you discuss, supposedly, and debate amongst yourselves, but all you're doing is convincing yourselves that this is the way to keep Australians disempowered, this is the way to keep Australians down, and this is the way to not encourage productivity and not encourage the best in an individual or a family or an organisation in this country. This is how you keep the workers down: through fear and through draconian laws that disable the opportunity for leadership in places to assist those who cannot stand up for themselves. That is what your attack is about tonight: it goes to the heart of this country's democracy, the heart of a fair go and the heart of every single Australian who wants to do good and do well for themselves, their families and their community.

When I started in the workforce, I started as a journalist. I was a very proud union member of the then Australian Journalists Association. It was the AJA, which then became the Media, Entertainment and Arts Alliance, the MEAA, which fights for the rights of journalists, producers and editors. The CPSU fought for the camera operators, editors and production teams to ensure that the people in those industries, in those careers, could achieve the highest level with fair wages and conditions. What you're doing here tonight impacts on every union member in this country, but that's the whole purpose of it, isn't it? It's about keeping the workers down. That's what you're about. This bill erodes the rights of workers and will erode the rights of those who are most vulnerable.

I'm also a member of the First Nations Workers Alliance in this country and am enormously proud of the union movement—in particular, the Northern Territory unions, who fight fiercely for the many different workers in hundreds of different occupations, including health workers, nurses, teachers, construction workers, electricians and boilermakers. I'm enormously proud of our union movement. The First Nations Workers Alliance is an organisation that has campaigned and fought for the rights of First Nations workers, especially those caught up in the Community Development Program—ah, yes, the CDP. It's interesting that not a word has been said about that, yet there are 33,000 Australians in this country who are forced to work for $11 an hour. Shame on you—$11 an hour! And you wonder why we stand up here and fight this bill.

The First Nations Workers Alliance was established by the ACTU to provide CDP workers a collective voice to campaign for fair wages and employment conditions. There are more than 30,000 people who are covered by the CDP. Most of those are First Nations people. They are workers and they turn up to do a job under the CDP. But, in return, they do not get fair wages and they do not get fair conditions. Under the CDP the government has basically created a pool of free labour for employers to access. But those employers have none of the responsibilities that we should expect in this country. CDP workers don't have any annual leave or sick leave, and they are also specifically excluded from things like federal occupational health and safety and workers compensation legislation.

The First Nations Workers Alliance was formed to be a collective voice for the workers in this scheme. The breaches under the CDP scheme are just incredible to think about. I will
share some with the Senate. A lot of the workers on CDP are breached because they cannot make the journeys of hundreds or thousands of kilometres to particular locations in these regional and remote areas. In terms of their ability to get to these areas, there are flooding concerns; there's certainly a lack in the IT network; there's sorry business; there's caring for a child. There are legitimate reasons that CDP workers cannot get to specific events or appointments, but they are breached. And they are not just breached for one day; they are breached for eight weeks. How would any of us feel having no income, even if it is $11 an hour, for eight weeks? How do you pay your bills? How do you pay your electricity bills? How do you keep up with the rent? What about food and clothing and the basic necessities that are so desperately required? This entrenches poverty.

Unemployed people in remote areas must take part in this troubled Community Development Program to receive welfare payments, and can be docked about $50 per day for missing activities. The Work for the Dole participants in one remote community were slapped with infringements an estimated 15 times on average—worth at least $650 per person, or six per cent of their annual income. Most participants in the federal government's mainstream Work for the Dole scheme, jobactive, were not slapped with penalties.

The damage caused by the CDP is immense. The reports from participants about what has happened to them under the scheme are really quite heartbreaking. Jawoyn man Jamie Ahfat said that being on CDP at Barunga in the Northern Territory—just south-east of Katherine—was 'like being a slave'. After being breached up to three times a week and once being cut off payments for eight weeks, he could not pay the rent and he did not have money to buy food during the eight weeks he was breached. This program is supposedly an employment program, but it is actually a program driving people further into poverty. Where would they be without their union? It is the union movement that has brought this absolutely devastating, discriminatory program to the fore here in Australia, making sure that all Australians are aware of it.

Former Liberal deputy leader Fred Chaney said that the $1.5 billion initiative had seriously disadvantaged vulnerable people. Mr Chaney said that the CDP has caused pain and hunger and imprisoned people in a system of immense complexity which is causing immense hardship through breaching. The First Nations Workers Alliance has fought the unfair and discriminatory CDP for the past two years—and, do not worry, we will continue to fight it. It is down largely to the hard work of the FNWA that the government was forced to bring in reforms to the CDP. The CDP is still a terrible, terrible scheme that is causing far greater hardship and not leading to the creation of any meaningful employment or economic development. But I know that, without the First Nations Workers Alliance, without the ACTU, it would be far worse. I am enormously grateful that we have the union movement there that is backing up the most vulnerable people in this country, and in particular those who are on this terrible, discriminatory scheme. That is what unions do. Unions get out there and back up and support the people who require it.

This government has form in picking on certain examples. Sure, what organisation does not have its problems? But, just like you did to the Northern Territory by intervening completely in 2007 based on one or two points or facts—or what you thought were facts—you have basically destroyed the livelihood of thousands and thousands of people. That has taken 12 years—even now you want to introduce the cashless debit card on top of the BasicsCard,
because your sole agenda is to completely keep people disempowered and entrenched in poverty. 'Do not let those Australians who are not as fortunate as you try to rise up the ladder; it is best to keep them down.' That is the only way that we can view this legislation. It is not about a fair go; it is about keeping you mob up there and the rest of the country down there.

This bill wants to silence the voices of the people represented by unions. It will ensure less safe workplaces. It will ensure more wage and superannuation theft. It will ensure a less effective union movement that is more preoccupied with getting its paperwork right than with doing the job which has delivered better wages and conditions for workers in Australia for over a century. This bill will not ensure wage growth for Australian workers, will do nothing good for the economy and will certainly do nothing to stimulate growth, jobs and development in remote Australia. You already have a record that shows that you entrench people in poverty, and that is where this bill will keep them.

Senator CICCONE (Victoria) (20:08): I also rise today to join my Labor colleagues in placing on the record my opposition to the bill that we are debating tonight, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. We have always known that, despite all the shouting from the rooftops of it being 'dead, buried and cremated', Work Choices has never stopped lurking in the shadows of coalition industrial relations policy. Despite all the claims that they have listened and had heard loud and clear the rumbling of hundreds of thousands of Australian workers marching for their rights at work in 2007, we knew then and we know today that they have not listened. We knew that when they said Work Choices was gone they really meant that it had been quietly tucked away in a drawer somewhere, just waiting for the right moment to re-emerge. Today, I'm sure, is the start of many bills to come.

We know this because attacking the rights of workers and their democratically elected representatives is in the coalition's DNA. Think back to the Fraser government's use of sections 45D and 45E of the Trade Practices Act, the forerunner of the Competition and Consumer Act. Remember how they used that legislation to pile on fines for unions taking industrial action to support workers and their members in industries and workplaces. What the Fraser government did then is what the Morrison government is doing now: stifling many of these actions. The conservatives' long obsession with undermining organised labour in favour of the employer has never ceased.

When Work Choices was introduced—and let's not forget it was around 1,500 pages long—it was done without a mandate and without genuine consultation, just like this bill before the Senate today. Work Choices introduced the making of Australian workplace agreements. It failed the fairness test. It gave too much power to the employers, creating an imbalance in the bargaining relationship. It wasn't simple; in fact it created a more complex system, one that Labor eventually replaced. It also failed the productivity test. Work Choices made the fundamental error of returning our economy to a framework of conflict. Not surprisingly, the result was a policy that was never accepted by the Australian workers, despite an unprecedented advertising barrage to convince them that they would be better off.

The conservatives are determined to ignore the lessons of the past and frame a workplace relations system that does not gain broad acceptance and support through consultation. A system based on trust, certainty and fairness is essential if we're going to remain a nation of innovation and rising prosperity. In this bill that we are debating, we have the latest re-
emergence of the coalition's vendetta against organised labour, a greatest hits album of the Work Choices of old. Now, I must say that this CD is a little worse for wear. The cover's so dusty you can actually write your name on it. The insert is long since lost and the back is all scratched up. But don't worry; it's all here: the attacks on workers' rights to organise and on their delegates and their representatives, the gross disparity in governance rules between unions and corporates, and the draconian penalties, described by one organisation as characteristic of some authoritarian regimes that you see in many countries across the world.

Under this bill, normal industrial activity would become criminal activity. Advancing the wages, working conditions and overall welfare of workers are some of the basic rights that unions and employees should be able to negotiate without any fear. Unions would be tied up with vexatious litigation, forced to fight costly legal battles using their own members' money instead of protecting their members and Australian workers. This bill would hinder the rights of unions and their members to merge, to an extent that no corporation is even close to being subject to. The bill would make it possible for the government and disgruntled employers to shut down democratically elected unions and deny working people their right to choose their own representatives. It would make it far simpler to deregister unions and to disqualify their officials. It would make it harder for organisers to fulfil their health and safety duties. According to the Senate Education and Employment Legislation Committee dissenting report into this bill:

The bill ... would erode the confidence and empowerment that union organisers, delegates and workplace health and safety representatives should feel they have in relation to organising, collectively bargaining and in maintaining safe workplaces.

In many instances, workplaces are also public places, meaning unsafe workplaces can be unsafe public places. The shops that retail workers, who I used to represent, work in are Australian public shops. The cafes and restaurants where chefs and waiters work are the cafes and restaurants that Australians frequent. If those workplaces are not safe then that poses a direct risk to the public. Worryingly, the Senate committee heard from the Tasmanian branch of the nurses' union that, if this bill were passed, it would limit their organisation's ability to provide support to members and to advocate for the best interests of their patients and that this would eventually lead to poorer outcomes and degradation of both private and public health services.

But the impact is not only felt by unions. The Senate committee, when considering the bill, heard from stakeholders who raised serious concerns about the impact that this bill will have on the Australian economy as well. Professor Jim Stanford, from the Centre for Future Work, outlined the dynamics in our current economic climate in his submission to the committee inquiry: stagnant wages that can barely keep pace with the cost of living, and weak consumer spending and economic growth driven by a range of conditions, including low wages growth and a shrinking labour share of total GDP, contrasted with growth in GDP share for corporations and financial investors—surely an indicator of growing inequality. Contrary to the claims of employee groups and those opposite who like to say that the deregulation in industrial relations will have a positive impact on our economy, Professor Stanford—an accomplished economist, I should add—went to lengths to outline how the current arrangements, which are highly restrictive when compared internationally, are already having a negative effect on the economy. He submitted that he could find no evidence that the measures contained in this bill would have a positive impact on the economy. He wrote:
At best, these proposals constitute a distraction from those more urgent labour policy matters. At worst, they would achieve an incremental worsening of the deeper problems and imbalances which are contributing to Australia’s generally poor labour market performance.

It’s important that we’re honest about what the so-called ensuring integrity bill is, because there is very little integrity to this proposed piece of legislation. It is a politically motivated attack on effective, law-abiding unions and organisers who seek better pay and conditions for their members and help keep employees safe at work. Rather than ensuring integrity, this bill is the latest in a long Australian history of silencing the voices of workers and preventing their attempts to stand on equal ground with their employers.

This bill hearkens back to an Australia of nearly 200 years ago. James Straighter, a convict shepherd, was punished with 500 lashes, one month in confinement and five years penal servitude for gathering together with his fellow workers to demand better pay and conditions from their employer. The ensuring integrity bill may not be imposing thrashings on delegates or sending workers into confinement, but it directly interferes in the arrangements of unions—democratic organisations—and the capacity of workers to gather together to demand better pay and conditions.

The Masters and Servants Act 1828 imposed severe penalties on workers who behaved poorly and minimal penalties on employers who mistreated their employees. It provided that servants could be imprisoned and have their wages forfeited for refusal to work or for destruction of property and that masters found guilty of ill usage should be liable to pay damages of up to six months of wages. Under that legislation, a worker who was absent for just one hour could be imprisoned, yet employers who did not treat their servants well faced minimal repercussions.

The parallels between that act and the current arrangements around wage theft are quite clear: there is one rule for workers and another rule for employers. Today we are again seeing a situation where a worker who steals from the till can face prison time but an employer who steals hundreds of thousands of dollars from its workers faces minimal repercussions. In the bill before us, the penalties imposed upon union officials are considerable—more than the penalties imposed on businesses. The grounds for disqualification from holding office in a registered organisation in the bill are broader than the grounds for disqualification of company directors in Australia.

As we remember the examples from around 200 years ago, let’s also get back to more recent history. Work Choices abolished minimum workplace standards and left workers without the most basic protections for wages and conditions. It divided workers and pitted them against one another in individually negotiated contracts designed to erode workplace standards. Together, the labour movement defeated Work Choices. Ordinary Australians took to the streets, demanding the right to negotiate a fair day’s pay for a fair day’s work. The coalition lost government in 2007, and the Prime Minister at the time suffered the indignity of being the second prime minister, after Stanley Bruce, to lose his own seat in the other place.

Since then, we know the coalition has long harboured ambitions to return to Work Choices. They have already enacted cuts to penalty rates, with barely an increase in employment hours or an improvement in economic measures. Last week, the current Prime Minister, Mr Morrison, flagged so-called simplifications to the award system, while the Attorney-General singled out awards in the retail and hospitality sectors as being too complex. For six years, the
Liberal-National government have been unable to move for fear of stirring the same uprising against them as they saw when Work Choices was enacted. So this is their approach: decimate the union movement in 2019 and decimate workers' rights in 2020.

The union movement in Australia has a long and very proud history of achievement for Australian workers. The movement brought us eight hours of work, eight hours of recreation and eight hours of rest. It brought us annual leave, maternity leave, superannuation and the opportunity for a comfortable retirement. The movement brought us sick leave, redundancy pay, protection from unfair dismissal and the right to have a meal break. How many of us today take a simple break to eat for granted? It is unions that work every day to win pay rises for Australian workers, to assist them when they're unfairly dismissed, to provide simple workplace relations advice, to protect them from bullying and harassment in the workplace and to make sure that they get home safe.

This bill comes at a time when bad behaviour from big corporates—including, as we've heard today, from the big banks—is rife, and in these times unions are needed as much as ever to protect workers against the excesses of some bosses. Let us be clear that, if this bill does pass, it is ordinary workers who will suffer. They are the ones who are punished, not the big corporates who seek to underpay them of wages and to rip their hard-fought-for and hard-earned conditions away. I've seen what workplaces can become when unions are undermined and locked out.

Prior to my time in this place, as an official for the SDA union in Victoria, I represented some of the lowest-paid workers in Australia. I was there when we supported workers at 7-Eleven who were subject to mass exploitation, driven primarily by a severe power imbalance in the relationship between a worker and an employer. These workers were paid between $8 and $10 an hour, and in one instance I met a young foreign student who was making as little as $5 an hour. These workers came to Australia to get an education and improve their future but were instead too scared to speak up or not aware of their workplace rights. I can't fathom the fear that these workers would have felt studying, struggling to make ends meet and feeling powerless in the face of employers who were determined to rip them off, because their boss had all the power and they had none.

When we undermine the strength of organisations such as unions, we undermine the welfare of our entire worker base. When I took my seat in this place earlier this year, it was with the intention of keeping the best interests of Australians and Australian workers at heart. And, as I said in my first speech here, I've seen firsthand what happens when employees have no power and there are systematic patterns of stolen wages, exploitation and abuse. I also said that I have always believed in hard work and in the dignity of work and that I have always believed in a fair day's pay for a fair day's work. I will never vote for any measure that will put that at risk, and like my Labor colleagues I will not be voting for this bill when we end up coming to that point during the week.

Senator CHISHOLM (Queensland) (20:27): If only we saw a bit more Christmas spirit to the workers of Australia from those opposite like we just witnessed in the chamber earlier! But it is indeed a pleasure to follow on from Senator Ciccone, who gave a very thorough example of the work of unions, not only currently but also historically, and indeed his proud record as an official for the SDA, which was actually the first union I joined as a 15-year-old when I was working casually whilst at high school. From a young age, not only the value of
being a union member but also the historical significance of it and the contribution they've been able to make to Australia and society over such a long period of time was instilled in me, and I will come to some of the issues.

What I wanted to do was put in context some of the issues that we're confronting with this bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. What I want to talk about is a consideration of the economic circumstances that we find ourselves in, the conditions that workplaces find themselves in, what a union is and the role that they play in society, what the motivation is of those opposite in pursuing this legislation, and the consequences of this legislation, because they are far-reaching and they will have massive ramifications for the Australian people.

Let's consider what is currently confronting Australians with the state of the Australian economy. We know we have the slowest economic growth in a decade, the worst retail result since the 1990s recession, interest rates at record lows, the worst wages growth on record, record levels of household debt and almost two million Australians unemployed or underemployed. These are the economic circumstances that are confronting the Australian people at this time.

Then let's consider the scene at Australian workplaces at this time. Across Australia, we see workplace deaths—incidents that result in 200 Australians losing their lives each year. We see increasing casualisation. We see wage theft that is rampant. We saw BHP announce last week that they are automating 300 jobs at their Goonyella mine in Central Queensland. Many workplaces are bleak places at the moment. You've got wage stagnation. It's hard for workers to get a promotion, and there are plenty worried about their future; they really wonder how, if they were to lose their job, they would get back into the workforce. That is particularly evident around places in regional Queensland where there are a lot of people who have been laid off in recent times and really are pessimistic about their future and what that looks like. So this is the reality of workplaces that is confronting the Australian people.

But let's consider what a union is. It's the members. It's quite clear on that. It's the workers of Australia: the orderlies, the nurses, the council workers, the teachers, the cleaners. Unions are democratic, member based organisations. And if any people in Australia should understand democratic, member based organisations, it's the people who get elected to parliament from political parties, because that is exactly how we operate and what we are used to. All political parties operate in a similar way, with leaders elected by members. Unions are no different in terms of how they elect their leaders and conduct union affairs and union business. This is what a union is, always has been and always will be: it's made up by the strength of its members. That was the foundational principle of how unions were formed, and it continues to be the case today. Members understand that a union is only as strong as all of its members put together, and that is actually how they have achieved so much of what they have achieved historically.

Let's now consider what the motivation of this government is. They've got no agenda, post the election. We know they are beset by hubris, just conducting a victory lap around the country. We know they're rife with internal divisions. An election win didn't do that—we saw it for six years before the election, and we've seen it in the six months since. They've got no plan for the economy. They've got no plan for the big issues that the country faces, whether it
be energy, where they haven't been able to settle on a policy, or taking real action on climate change for the Australian people.

It's actually a dangerous time for Australians. It's a dangerous time for workers and it's a dangerous time for vulnerable Australians as well. What we see with this bill is that it's all ideological, and that is what we are seeing with other pieces of legislation that the government is pursuing. But there are consequences to this. We know that the thing the Libs and Nats need to keep them functioning is some sort of direction and that the direction they are going to pursue is attacking workers and attacking vulnerable people. This legislation has consequences, and other legislation they are pursuing has consequences.

Think about the history of what unions have achieved—and these are just some of the things that unions have achieved. I think back to the shearsers' strike in Queensland and what that led to in Queensland—significant change, let alone the formation of the Labor Party. I think of what they did, standing up for those workers who were being so mistreated by the government and those people who controlled labour in that state at that time. The role of unions in safety at work, in occupational health and safety, is such a fundamental thing for today. There is the eight-hour day. There is their stance on social issues. We're a week away from celebrating the 30th anniversary of the Goss government. Think about Queensland in the seventies and eighties and the role that unions played in standing up to the Bjelke-Petersen government, the role that they played with street marches, which were illegal at the time, and the role they played in fighting apartheid. This is the role that unions have played, not only in looking after workers but also in ensuring that we have a better society here in Australia and that those in other countries are able to live in a better society as well, let alone in Medicare and superannuation—and the list obviously goes on.

Only those opposite, only the conservatives, would see such a list and go: 'How can we make life tougher for unions? How can we make it harder for those things to be achieved into the future? How can we make it harder for workers to achieve progress?' But this is what those opposite do. Without an agenda, without a reason for governing, without anything positive to do, all they want to do is set out to make it tougher for working people and those who represent them to do their job. But this does lead to consequences.

It's clear that this bill will ensure more dangerous workplaces; it will ensure more wage and super theft from workers; and it will ensure that, while unions are preoccupied with filling out paperwork, they are unable to fight for workers. Australia's growth has been because of strong union representation over a century delivering good wages, and secure jobs and conditions for Australians. We know that this bill will certainly not ensure wage growth, it will not better conditions and it will not create one single, secure job. Further limiting the rights of workers to collectively organise, advocate and bargain with employers would have a damaging impact on the Australian economy at a time when wage growth has already stalled and when the theft of wages and superannuation is being uncovered in many industries.

You only have to think about Queensland, where there will be consequences as well. Regional communities are already being destroyed by casualisation. People doing the same job are being forced onto insecure contracts, with no security and lower wages. Queensland parliament's 2018 wage theft inquiry found that wage theft is endemic across Queensland and Australian workplaces, affecting around 437,000 workers in Queensland each year—that's approximately one in five workers—and that wage theft costs Queensland workers
approximately $1.22 billion per year, with an additional $1.12 billion in unpaid superannuation. This is in addition to the Fair Work Ombudsman showing that over 40 per cent of employers in regional Queensland were not complying with their legal obligations, including one in three that were underpaying their workers, and that repeated noncompliance was prevalent.

When you look at how this law will be administered, particularly today of all days, when we are having this debate in this chamber, you see that the ROC can go back over 10 years to hunt for suspected union breaches, but they won't be doing that around wage theft. You only have to look at the role they played in the raid on the AWU in 2017. Today the Federal Court ordered that the union watchdog quash its investigation into the Australian Workers Union and return all funds it seized during that controversial police raid. So, of all days for that to be declared, today is the day. That goes to the true motivation of the Registered Organisations Commission but also to the motivation of this government and the role it played in that raid. There is no justification for this. There is no corporate equivalence.

Schedule 3 of the bill deals with administration of so-called dysfunctional organisations. In the new bill the minister or any person with sufficient interest, which could include employers and employer organisations, is given standing to put a union into administration. There is no equivalent of this for companies. If these kinds of laws were to be applied to companies, they'd be outraged, but there is no corporate equivalence.

One of the main objections to this bill is that it is unnecessary. There is already an effective and longstanding regime for the disqualification of union officers and deregistration of unions. The Fair Work (Registered Organisations) Act was amended as recently as 2017 to provide that a union official could be disqualified on the basis of any civil penalty breaches of the act. There are currently a range of offences that automatically disqualify a person from standing for or holding office, including fraud, dishonesty, the intentional use of violence and damage to property. The current deregistration provisions allow the minister or a person interested to apply to deregister a union on a large number of grounds, including breaching the terms of the award, agreement or orders of the commission; taking industrial action that has hindered an employer or the provision of public services by the states or Commonwealth; and taking action that has had a substantial adverse effect on the health and safety or welfare of the community or part of the community. There is no equivalence for companies, once again.

Unions have been at the forefront of making workplaces safer in Australia and have a proud history of taking action in the interests of keeping workers and the public safe. This bill will further restrict the ability of unions to take collective action in circumstances where worker safety is in serious doubt. Just overnight in Central Queensland a worker lost their life whilst at work. Every worker should have the right to expect to be able to return home safe after a day at work.

The bill creates what is known as a 'chilling effect' on the work of unions and their officials, which could lead to the erosion of the good safety culture developed through the efforts of unions to hold employers accountable on worksites around the country. The chilling effect would erode the confidence and empowerment that union organisers, delegates and workplace health and safety representatives should feel they have in relation to organising, collectively bargaining and maintaining safe workplaces. This is something that
Queenslanders are well aware of, especially given the prevalence of work in dangerous industries in our state. There have been some tragic historic circumstances around workplace accidents in Queensland and across Australia. Anything the bill does to diminish the role that unions can play in pursuing objectives in this regard is not worthy of being supported by this place.

The other thing that this bill will not do is help regional Queeslanders who are crying out for more jobs: It won't help the 500 fewer people in Hinkler trying to get a trade or the 1,440 in Flynn, the 1,000 in Groom and the 2,603 in Brisbane who just want to get the skills to help them find a job. The government is too busy short-changing TAFE and training. The bill won't help the unemployment rates throughout Queensland either. It is 6.4 per cent in Queensland compared to 5.3 per cent nationally. It's worse in places like Wide Bay; where it's 7.3 per cent; in Townsville it's 8.3 per cent; and it's 7.2 per cent in Central Queensland.

Young people in Queensland are also facing record high unemployment under the LNP government. They've nearly doubled the youth unemployment rate in Central Queensland, which is at 22.5 per cent. In outback Queensland it is 27 per cent, in Mackay it's 15 per cent, in Wide Bay it's 20 per cent and in Townsville it's 17 per cent. These are the economic conditions that young Queenslanders are facing, yet this government proposes only an attack on workers and an attack on their representatives through this bill.

There's no doubt that this bill is a political attack on working people, based on a politicised royal commission. We know that the Australian people want the government to focus on delivering wages growth and creating secure jobs. There is no policy justification for this bill. The amendments proposed for the bill go far beyond the recommendations of the Heydon royal commission. It is an attack on the important role that unions play in our society, and there is no corporate or political equivalent. The people who share the government's obsessive hatred of unions will love this legislation. They will weaponise it and use it to keep unions quiet and keep their hands tied, too frightened of breaching these laws to be able to operate. Not only is it undemocratic and draconian but it is simply unnecessary. I urge fellow senators to oppose this legislation.

Senator McALLISTER (New South Wales) (20:43): I rise to speak to the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. Every day, millions of Australians struggle to make ends meet as they front up to one job, maybe two jobs or maybe three jobs. A quarter of Australians feel uncertain about the future of their current job and they feel uncertain about whether they'd be able to get another job if the one they're in right now finished. Housing is ever more expensive and households are loaded up with debt. But, instead of addressing the many issues that are facing our economy and holding us back, the government have decided to pursue an ideological agenda—an ideological attack against working people and their unions, not grounded in good policy but grounded in blind hatred. These laws are fundamentally unfair. They would not apply to business. They would certainly not apply to the big banks, whose ethical misconduct has been on display this week. The Morrison government are pursuing these laws because they lack an agenda, but, even worse, they're pursuing them because they lack a heart.

In a recent survey, more than half of young workers were victims of wage theft. It is a shocking figure and it is a national crisis. Today I met with a group of young workers—young men and women on the front line—who are dealing with the bald-faced, shameless behaviour
of employers who are willing to steal wages from young people whose only desire is to use their talents to contribute to our community.

One woman spoke to us today about the sense of worthlessness, and her voice wavered as she told her story. She talked about working for a small family enterprise. She talked about what it meant to give everything to that enterprise and then turn up to find that, without warning, her shift had been cancelled and she was no longer required. She talked about how that made her feel. She said, 'It made me feel without value.'

Another woman told her story about how her employer, a food manufacturer, short-changed her $15,000 in just two years. Incredibly, she was not so concerned about herself. Her main concern was the other workers—her co-workers who, with limited English and a limited ability to understand their rights, were exploited even more cruelly by this employer. This young woman, owed $15,000 by her employer, was thinking about others; she was not thinking about herself but thinking about the people she worked with and how she could help them.

The third was a young man from the hospitality sector who said that people often ask: 'When did you find out you were being underpaid?' He said, 'I knew from the first day. I knew from the day I started in that job that I was being underpaid, but there was nothing I could do about it. I had no hope that there was any part of this system that could fix this problem.' But then he lifted a little and said, 'But I found hope. I found hope when I met the union organiser. They explained to me that, in other industries where the union is present, where people are allowed to organise, they have better conditions. They have better wages, they have better job security and they have safer workplaces. I realised that was a path that I could follow, where I could be a leader in my workplace. I could show my colleagues how we were going to change the circumstance that we were in.'

I wish that the government would sit down and meet with these young people. They are so out of touch that it would not hurt them to spend just a little bit of time with some of the people actually experiencing life in the economy that, day after day, Senator Cormann instructs this chamber is going so well. It would not hurt them to listen, but that would be a triumph of hope over experience, because this government is not actually interested in listening to the experiences of ordinary people.

This bill is emblematic of everything that is wrong with this government. Bereft of a plan, bereft of an agenda, bereft even of a unifying ideology that could explain what being a coalition government is for, this government resorts to union bashing. It is the only thing that unifies them. The only thing that can bring that crowd together is a project that is about destroying the ability of working people to organise for themselves, to have a say in their own destiny, to argue for dignity in their own workplaces. And why is that? Well, you have to conclude that it is because the idea of ordinary people, working people, organising their own affairs is an affront to their sense of entitlement. When you look at the provisions of this bill, it points to exactly this, because this bill is designed to frustrate the ordinary business of trade unions. It is designed to frustrate the ordinary processes of working people organising together. It is designed to obstruct the human right of people to associate with one another and to choose their own representatives.

This bill is not supported by policy; it is a political attack by the Australian government on workers and their representatives. There is no policy justification for this bill. No independent
research or inquiry recommended these amendments. The royal commission set up to attack trade unions didn't make recommendations for these amendments; this is something the government came up with all by themselves. They certainly didn't consult with anybody. They didn't consult with the Australian union movement, despite the fact that the International Labour Organization recommends that governments meaningfully consult with unions on legislation that directly affects them. And why not? Because that is a group of people who basically believe that unions have no place in the Australian society we live in and no place in Australia's future. They spend all of their working days attacking the union movement instead of trying to better the conditions of ordinary Australians.

It is not just unions that are concerned about this bill; from all sectors—academics, civil society groups, churches, not to mention the bipartisan Parliamentary Joint Committee on Human Rights—there has been concern. The amendments go far beyond anything proposed by the Heydon royal commission. The truth is that there is an existing effective scheme that requires unions to act democratically and transparently, and in our very long history it has proven more than adequate to resolve the issues in the past.

The government claims that this bill will apply the same regulatory standards to industrial organisations as apply to corporations. That's not right. It's either a naïve thing to say or a deliberately misleading and untruthful thing to say. This bill will work by subjecting tens of thousands of union volunteers to stricter and more punitive regulations than the CEOs of the companies they work for. Because this crowd don't know very much about workplaces where people work hard, they don't know very much about how unions actually work. The truth is that unions rely on people who are not paid, people who stand up, like the young man I referred to earlier, and say, 'I am going to be a leader in my workplace.' When the government talks about, disparages and derides unionists they're actually disparaging principled, honourable men and women who simply wish to represent their colleagues in difficult questions about their rights and entitlements.

It is not fun to stand up to an employer and say, 'You're underpaying me.' I've done it. It was something that happened to me very early in my working life. I was working for a university. When I looked at it, it became obvious to me that the many, many hours of additional work that full-time workers are required to perform over the enrolment period weren't being paid properly. I went to my union and said, 'Listen, I think we have a problem.' They said, 'Does anyone else in your workplace think it's a problem?' I said, 'I could talk to them about it,' and I did. I had a conversation with the other people—there were probably only 15 or 18 of us, all women—and said, 'Listen, I know this is going to be hard, but I think we should raise this; I think they owe us quite a lot of money.' The truth is we did it together. We had advice from our union. They took us through the enterprise agreement and showed us what we were entitled to have, but we had to go and say to management, 'This is what we're owed.' They weren't happy; they were pretty annoyed with us, actually, and it's not pleasant to be in that kind of conflict. But it's not fair to expect an entire workplace of women to subsidise your business operation by underpaying them. That wasn't fair in the mid-nineties, which is when that story dates from, and it's not fair now.

As far as I can see, this problem about underpayment is growing in size. Every week we see another employer fess up about underpayment. Who will stand in their way? Who will assist employees to get the money that they are owed—the money that's been stolen from
them? The only credible answer to that question is the union movement. A serious
government would be focused on that question. A serious government in receipt of advice
from the RBA and from a whole lot of market economists about the problems in terms of
slow wage growth would be asking: is underpayment contributing to flatlining demand in the
Australian economy? Is underpayment contributing to the lack of consumer confidence? Is
underpayment contributing to some of the worst retail sales performance that we've had in
decades? They would be important questions to ask if you were a government that was
serious about economic management—if you were a government that a plan for the future.
But that's not what we get; we get this bill, a piece of nonsense designed to crush the only
institutions that stand in the way of this criminal and negligent behaviour by a handful of
employers—some of them very big employers.

This bill will make it possible for third parties to get involved. It will make it possible for
government ministers or disgruntled employers to shut down unions for minor civil
infractions, like submitting paperwork late or holding a stop-work meeting without an
employer's permission. If Scott Morrison submits a form late, he doesn't face a fine—and I
should call him Mr Morrison; my apologies. If Alan Joyce submits a form late, he doesn't face
a fine. But the same mistake would see a union shut down or a union volunteer disqualified
from being elected to represent members. How is that fair? How is that reasonable? How is
that consistent with a commitment to civic participation? Unions are not corporations; they
are fundamentally different. They are built on the labour of volunteers. They are not profit-
making firms; they are industrial organisations, with standing, that represent working people
to ensure fair pay and fair working conditions.

This bill is profoundly antidemocratic. It's inconsistent with international human rights law.
It would allow the government to interfere with democratically-run organisations. We already
have some of the most restrictive laws in the world, and this bill goes well beyond the laws of
other comparable countries. Schedule 1 of the bill, as I mentioned earlier, significantly
extends the grounds on which an office holder in a registered organisation can be disqualified.
The Parliamentary Joint Committee on Human Rights reported that these disqualification
provisions would likely be incompatible with the right of freedom of association.

There are a number of heroic individuals on the other side and in the other place who have
been pretty excited in the last few weeks to stand up and fly the flag for the civil liberties and
the democratic rights of the protestors in Hong Kong—and I salute them for that. But I ask
this question: where are you when the Parliamentary Joint Committee on Human Rights says
that provisions in this bill would likely be incompatible with the right of freedom of association?
What kind of Liberals are you that you stay silent? In fact, it's worse: you're not silent; you're baying for blood, baying to shut down organisations which simply represent that
most basic of democratic rights—to associate with one another and express a political view or
an industrial view.

Debate interrupted.

Senate adjourned at 21:00