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SITTING DAYS—2017

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Office Holders
President—Senator Hon. Scott Ryan
Deputy President and Chair of Committees—Senator Susan Lines
Temporary Chairs of Committees—Senators Bernardi, Fawcett, Gallacher, Ketter, Kitching, Leyonhjelm, Marshall, McCarthy, O'Sullivan, Reynolds, Sterle, Whish-Wilson and Williams
Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Don Farrell
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Katy Gallagher

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Liberal Party in the Senate—Senator Hon. Mathias Cormann
Leader of The Nationals in the Parliament—Senator Hon. Nigel Scullion
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Don Farrell
Leader of the Australian Greens—Senator Richard Di Natale
Deputy Leader of the Australian Greens in the Senate—
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Dean Anthony Smith
The Nationals Whip—Senator Barry O'Sullivan
Chief Opposition Whip—Senator Anne Elizabeth Urquhart
Deputy Opposition Whips—Senators Sam Dastyari and Jennifer McAllister
Australian Greens Whip—Senator Rachel Siewert

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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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</table>

(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 Court of Disputed Returns to fill a vacancy created by a disqualification.

(3) Chosen by the Court of Disputed Returns to fill a vacancy created by a disqualification.

(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice C Back), pursuant to section 15 of the Constitution.

(5) Chosen by the Court of Disputed Returns to fill a disqualification (vice S Ludlam), pursuant to section 44(i) of the Constitution.

(6) Chosen by the Court of Disputed Returns to fill a disqualification (vice L Waters), pursuant to section 44(i) of the Constitution.

(7) Chosen by the Court of Disputed Returns to fill a disqualification (vice M Roberts), pursuant to section 44(i) of the Constitution.

(8) Chosen by the Court of Disputed Returns to fill a disqualification (vice M Roberts), pursuant to section 44(i) of the Constitution.

(9) Chosen by the Court of Disputed Returns to fill a disqualification (vice M Roberts), pursuant to section 44(i) of the Constitution.

Vacancy created by the resignation of Senator Nicholas Xenophon on 31 October 2017.

**PARTY ABBREVIATIONS**

LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; NXT—Nick Xenophon Team; PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanić
Parliamentary Budget Officer—J Wilkinson
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<td>Prime Minister</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon. Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Public Service</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for Counter-Terrorism</strong></td>
<td>Hon. Michael Keenan MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for Cabinet</strong></td>
<td>Senator the Hon. Scott Ryan</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for Cyber Security</strong></td>
<td>Hon. Dan Tehan MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon. James McGrath</td>
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<tr>
<td>Assistant Minister for Regulatory Reform</td>
<td>Senator the Hon. James McGrath</td>
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<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>Hon. Angus Taylor MP</td>
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<tr>
<td><strong>Minister for Agriculture and Water Resources</strong></td>
<td>Hon. Malcolm Turnbull MP</td>
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<tr>
<td><strong>Assistant Minister for Agriculture and Water Resources</strong></td>
<td>Senator the Hon. Anne Ruston</td>
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<tr>
<td><strong>Assistant Minister to the Deputy Prime Minister</strong></td>
<td>Hon. Luke Hartsuyker MP</td>
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<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>Hon. Julie Bishop MP</td>
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<td><strong>Minister for Trade, Tourism and Investment</strong></td>
<td>Hon. Steve Ciobo MP</td>
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<tr>
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<td>Senator the Hon. George Brandis QC</td>
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<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
<td>Hon. Michael Keenan MP</td>
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<td><strong>Treasurer</strong></td>
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<td><strong>Minister for Revenue and Financial Services</strong></td>
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<td>Hon. Michael McCormack MP</td>
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<td>Acting Special Minister of State</td>
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<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td>Hon. Dan Tehan MP</td>
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<td>Hon. Alex Hawke MP</td>
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<tr>
<td><strong>Minister for Health</strong></td>
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<td>Minister for Aged Care</td>
<td>Hon. Ken Wyatt AM MP</td>
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Each box represents a portfolio except for (1) which is in the Education portfolio, (2) which is in the Treasury portfolio and (3) which is in the Health portfolio. Shadow Cabinet Ministers are shown in bold type.
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The Senate met at 10:00.

PARLIAMENTARY REPRESENTATION

Senators Sworn

His Excellency General Sir Peter Cosgrove, Knight of the Order of Australia, Military Cross, Governor-General of the Commonwealth of Australia, entered the chamber and, taking his seat on the dais, said:

Following the resignation of Senator the Hon. Stephen Parry as President of the Senate and as Senator for Tasmania, I am here today to swear in new senators declared elected by the High Court on 10 November 2017. I table correspondence relating to the resignation and the orders of the court.

Queensland—William Fraser Anning, Andrew John Julian Bartlett
Western Australia—Jordan Alexander Steele-John

The abovenamed senators made and subscribed the oath or affirmation of allegiance.

His Excellency the Governor-General having congratulated senators and retired—

PARLIAMENTARY OFFICE HOLDERS

President

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:08): Mr Clerk, as it is now necessary for the Senate to choose one of its members to be President, I propose that the Senate choose Senator Ryan, and I move:

That Senator Ryan take the chair of the Senate as President.

The Clerk: Are there any further nominations?

Senator DI NATALE (Victoria—Leader of the Australian Greens) (10:09): I propose to the Senate for its President Senator Whish-Wilson, and I move:

That Senator Whish-Wilson take the chair of the Senate as President.

The Clerk: Are there any further nominations? There being two nominations, I invite the candidates to address the Senate.

Senator RYAN (Victoria—Special Minister of State and Minister Assisting the Prime Minister for Cabinet) (10:09): It is a great honour that my colleagues in the government have nominated me for this distinguished position. It is not a circumstance that I thought would present itself, nor one that I particularly thought would present itself to me personally in the immediate years before me. The role of this chamber in our Constitution is something I have always treasured. I have studied it, I have taught it and I have always been a strong defender of it. It plays a unique role in giving Australians a voice who might not often have a voice in the other chamber, represented not necessarily by a geographic constituency but by interests they may form collectively through voluntary association or through their efforts in our community. I treasure this chamber and the role it plays. I seek your support. I appreciate that it is not common for someone to resign from the ministry, as I have done, to contest this. But
it is not unprecedented. I am advised there have been eight former presidents who have previously served as ministers. I understand that the most recent one was my distinguished predecessor the Labor senator Douglas McClelland. He too served as Special Minister of State in a previous life. I think this particular portfolio gives me a unique perspective on how to put forward and defend the interests of senators and the Senate itself. Thank you.

Senator WHISH-WILSON (Tasmania) (10:11): The Greens, and the crossbench, are a very important part of this parliament. We are a very important part of this chamber, the Senate, and we have been voted into this place by millions of voters across this country. There are no rules and regulations that say the government of the day has to have the President's position in this chamber. It has only been the convention between the old parties, Labor and Liberal, that the President should be with the government of the day. Today, the Greens want to challenge this convention and send a message that we and the crossbench, every single one of them, play a critical role in this democracy, in this government, in this parliament.

I'd also like to say—and I've said this publicly already—that Senator Parry was an excellent President of the Senate. Let me be the first one to say that in this chamber this morning, following recent weeks where we haven't been here. There are still questions to be answered around Senator Parry's departure. This government, and the way it's handled this citizenship crisis, is a disgrace. You have brought disrespect onto the position of the President of the Senate by how you have handled this constitutional crisis.

Senator McKenzie: Stick to the topic, Peter.

Senator WHISH-WILSON: The topic is very clear: any senator in this chamber has the right to nominate for the presidency of the Senate. You have brought disrepute onto the position of the President of the Senate by the way you've handled Senator Parry's departure. Senator Parry made it clear: he passed on the information about his potential position in relation to his citizenship, and he was forced to resign only a few weeks ago.

I would ask that the Senate consider restoring respect to the position of President of the Senate—and not reward the behaviour and the chaos and the lack of integrity of this government—by giving the position to the Greens, the only party that has shown integrity throughout this process. We didn't think of ourselves or our political party. We thought about doing the right thing for Australia. We wanted confidence in the institution of parliament and in the role that we were elected to perform. I think it's very clear, based on what has happened in recent months, that the Australian people have lost respect and confidence in the institution of parliament. I ask that you take one step this morning to restoring that respect by voting the Greens into the position of President of the Senate.

The Clerk: Unless any other senator wishes to address the nominations, a ballot will now be held. Senator Di Natale.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (10:14): I'd also like to echo the Greens' proposal to nominate Senator Whish-Wilson for President of the Senate.

The President of the Senate is a critical role in this place. It helps to determine how the Senate functions. It's a role that ensures that it brings integrity to the parliament, and right now—now, more than ever—our parliament needs people who act with integrity and with decency. Senator Peter Whish-Wilson is the right person for the role.
I'd just say to my Labor colleagues that this isn't a gift to be handed between the major parties, an entitlement that belongs to either of you. This is a position that is owned by the Senate. I speak to my fellow crossbenchers as well, many of whom, I know, would do an admirable job in that role as well. It's not a gift of government. It's not something to be bestowed upon the next person in line. It's not a favour to be done to one of their own side. I will just say that this is now an opportunity for this chamber to make a decision to elect somebody who will ensure that we bring some integrity and some decency back into this place.

Senator Parry was, indeed, a very good President. He did a very good job. I think he's a decent person and he performed his role as President admirably. I think that the former President made a mistake, but his mistake was also a function of confiding in members of his own side who told him to be quiet while he was writing referrals for other members of parliament. Let's not forget that vital point! The President was sitting in that chair writing referrals to the High Court for other members of parliament, all the while having told people on his own team—ministers, no less—that he may have been ineligible. The advice he received was to sit down, be quiet and effectively hope that this issue would go away.

It does show that the Liberal Party has treated the role of President as a political tool. I just implore members opposite—I implore the Labor Party—to recognise that now is an opportunity not to look after your own interests, knowing that at some point you're going to be in a situation where you'll be demanding the Presidency from the Liberal Party, but, indeed, to show that we have an opportunity to break this deadlock, to return, I think, some decency to this chamber and to appoint somebody in an independent role.

The Clerk: Senator Hinch has a point of order.

Senator Hinch: I object to the fact that Senator Macdonald is having a private conversation while important information is being discussed in this chamber. Thank you.

The Clerk: There's no point of order, Senator Hinch. Senator Di Natale, you have the call.

Senator Di Natale: I will just finish by saying that today's an opportunity to break from this convention that says it's only the government of the day that should assume the presidency. Today's an opportunity for the Labor Party to tell the Liberal Party that they don't deserve this role. They don't deserve to have the next President of the Senate, because of the way they treated the previous one and because of the way they said to the previous President, 'Ignore your constitutional obligation, knowing you may be ineligible, and keep your head down, be quiet and let's hope the whole thing goes away.' It is an opportunity to restore some respect in the office of the President and I do believe that Senator Whish-Wilson is the right person for the job.

Senator Whish-Wilson has served as a temporary chair of the Senate for four years now. He brings very valuable insights on what reforms could be made to improve the functioning of this parliament. He's made it clear that if he's elected he will donate any additional salary to charity. He has demonstrated that he wants to use this opportunity to usher in a new era of openness, of transparency, of integrity and of accountability to this parliament, and I commend Senator Whish-Wilson's nomination to the Senate.
The Clerk: If no other senator wishes to address the nominations, there being two nominations, in accordance with the standing orders, a ballot will be held. But before proceeding to a ballot, the bells will be rung for four minutes.

The Clerk: The Senate will now proceed to a ballot. Ballot papers will be distributed. Please write the name of the candidate you wish to vote for. The candidates are Senator Ryan and Senator Whish-Wilson. I invite Senator Bushby and Senator Siewert to act as scrutineers.

A ballot having been taken—

The Clerk: The result of the ballot is as follows: Senator Ryan, 53 votes; Senator Whish-Wilson, 11 votes; and one invalid vote. Senator Ryan is therefore elected 25th President of the Australian Senate in accordance with the standing orders.

Senator Ryan having been conducted to the dais—

The PRESIDENT (10:35): Thank you, Senators. As I mentioned in my earlier statement, I appreciate that it is rare that someone has stepped down from the ministry to take on this position, and, with your support, I am honoured to do so. I do emphasise: I am now your servant. I now represent all senators. I'm no longer part of the executive government. And I will treat every senator on their merits as an individual representative of their state, regardless of party or office held. I thank you once again for the distinguished honour which you have granted me.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:36): Mr President, on behalf of all honourable senators, it is a great privilege and pleasure to congratulate you on your election as the 25th President of the Australian Senate. Yours has already been a conspicuous parliamentary career. Elected at the 2007 election, you, Mr President, established your reputation at an early stage as an active and competent participant in the Senate's committee system, including a period of time as Chair of the Senate Finance and Public Administration Committee. When the coalition was in opposition, you were appointed to the shadow ministry and, upon the election of the Abbott government in 2013, you took your place on the front bench. You served initially as Parliamentary Secretary to the Minister for Education and Training. You served as Assistant Cabinet Secretary, as Minister for Vocational Education and Skills and, most recently, as Special Minister of State. You've also been the Deputy Manager of Government Business in the Senate. But Mr President, as you say, with your election to the high office of President of the Senate, you put any loyalty to the executive government behind you, because you are now a servant of the Senate itself. I mean no disrespect to any other senator when I say: I cannot think of a better person to fulfil this role.

Mr President, we have known each other for many years and I am proud to be able to number you among my friends, and one thing I know of you, from the many, many conversations we have had over the years, is that you are a profound believer in the importance of institutions—in their integrity; in their stability; in their role in Australian democracy. You will bring that commitment to the importance of institutions to the role of President. You are, of course, somebody who identifies, as do I, as a classical liberal and as somebody who embraces that philosophy as well. You are somebody who understands the importance that, in this, the pre-eminent parliamentary chamber of the land, the Australian
Senate, free and thorough debate on the legislation and the important issues before the Australian people should be conducted in an intellectually honest and open way.

We all know you to be a person of integrity. We all know you to be a person with a natural and quiet authority. Those of us who know you well know you're a great stickler for the rules. Your knowledge of the Senate standing orders and procedure of this chamber is legendary. You will bring all of those qualities to a fine period of service as President of the Senate.

It should be noted on this occasion that we have just sworn in the youngest ever senator in the history of the Commonwealth of Australia, Senator Steele-John, and that you, Mr President, will be the youngest person ever to become President of the Senate, at the age of 44. May I say, at least on behalf of government senators, that because you have so many years ahead of you we trust that you will continue to be President for many years, if not decades to come. It is also of note, Mr President, that you are the first Victorian senator to hold the office of President of the Senate since the late senator Sir Magnus Cormack, of whom we've read more often than we expected in recent weeks and months.

You were a student of politics before you became a senator. You graduated from the University of Melbourne with first-class honours in arts. Those who know you are surprised that you don't have a law degree, because you know more about constitutional law than most lawyers do. You certainly know more about American political history and American constitutional law than almost anybody I have ever met. You, before your time as a senator, worked at the Institute of Public Affairs. You worked as a senior adviser to the Victorian Leader of the Opposition; as a speech writer for Senator the Hon. Nick Minchin; in the office of the former Premier of Victoria, the Hon. Jeff Kennett; and on the staff of the former Treasurer, the Hon. Peter Costello. Indeed, the occasion should not pass unremarked that proteges of Peter Costello's, namely you and the Speaker of the House of Representatives, Tony Smith, now preside over both chambers of the Australian parliament. It is particularly significant that you should be a protege of Peter Costello's in your current office, given his deep and abiding affection and respect for the Senate. Mr President, as I say, we look forward to you presiding over this chamber with the dignity, the authority, the fairness and the integrity which are your hallmarks.

It's also appropriate on this occasion for me to note the fact that because of the circumstances of his departure there will not be the usual occasion for valedictory speeches about the former President of the Senate the Hon. Stephen Parry. We all know the circumstances which led Senator Parry to conclude that he ought to resign. They were not without political controversy, but they do not reflect upon Senator Parry personally. What I should say, and I am gladened by and appreciative of the remarks of Senator Whish-Wilson and Senator Di Natale in their earlier contributions, is that Senator Parry was a very fine President of the Senate. He was acknowledged on all sides of the chamber for his evenhandedness and his authority. The fact that Senator Parry was no longer with us is a cause of regret to the many of us who were his friends, and I wish to take the occasion to thank Stephen Parry for the great service that he did to this institution and for the dignity with which he presided over the chamber in his period of service as President.

But the Parry presidency is behind us. We look forward with eagerness to the rejuvenation represented by the presidency of yourself, Mr President. I have to get out of the habit of calling you Senator Ryan and refer to you only by your more dignified title as you sit in the
chair. On behalf of government senators and, I'm sure, on behalf of all in the chamber, we congratulate you and we wish you well.

Honourable senators: Hear, hear!

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:44): Mr President, I rise on behalf of the opposition to congratulate you on your election to the position of President. At the outset, I note that the opposition does take the view that the government of the day has the right to nominate the President of the Senate. I note that there were some comments made—disappointingly in what is generally a ceremonial part of these proceedings—about that convention. We take that view because we do regard the functioning of this chamber as important to our democracy and, in a chamber where no one party has a majority, we think conventions such as these—that the two parties of government have the President and the Deputy President—assist in the stability and effective functioning of the chamber. That is our view.

I would also make this point: that convention is not a blank cheque. It is always the expectation of any opposition, and I'm sure of any government, that whoever is nominated for President or Deputy President is someone who is appropriately qualified and suited to the significant responsibility that comes with this position. I am pleased that the government has nominated a senator who has those appropriate qualities and that the opposition is in a position to support you. Senator Ryan has, as the Leader of the Government in the Senate has said, been a senator for Victoria since 2008, twice re-elected.

I would refer—just so the President does recall this—to one of the things he has spoken about, which is the role of a bicameral parliament in the nation's democracy. He said: 'I'm proud to describe myself as a federalist. It is entirely consistent with liberalism that power should be divided and kept as close as possible to the people. This chamber itself reflects that fact. This Senate is granted a mandate by the people to review, reject or amend legislation. It is an explicit and intentional check on the domination of the other place by the executive.' I thank Senator Ryan, the President, for those commitments. I thank him for his commitment to the place of the Senate in our constitutional system of government. He is right to reflect that this is the chamber in which executive government is held to account in a way which rarely occurs in the House of Representatives, and this, of course, demonstrates the importance of fairness and impartiality being brought to the position of President. I have no doubt that the President's first statements in this place will be an ongoing guide to him as he undertakes his role as President.

I make a few other points. I did raise when I saw your name in the paper, Mr President, the fact that you'd been a prior minister. I understand in fact the last former minister to serve as President of the Senate was Doug McClelland, who served in the Whitlam ministry—also, coincidentally, as the Special Minister of State—and one of my staff tells me that the last bearded President was also a Labor Senator, Senator Beahan. So there you are! You reflect two very good, strong and competent Labor Presidents. We hope you do that tradition well.

I want to make some very brief comments about Senator Parry, given that the Leader of the Government in the Senate has done so. The opposition retains concerns about the circumstances of Senator Parry's departure and we will, I'm sure, in subsequent debates put those views about who knew what and when, but now is not the time. I would make this point: in my dealings with him, I found him competent and decent. I think he was a fair
President, I think he was a defender of the role of this chamber, and, on behalf of the opposition, I thank him for his service.

Once again, I congratulate you, Mr President, and we look forward to working with you.

Honourable senators: Hear, hear!

Senator DI NATALE (Victoria—Leader of the Australian Greens) (10:49): Mr President, it's great to see another Victorian in the chair. I think you and I first met on the hustings in the campaign for the Senate; it might have been back in 2007. Our politics are very different—I think when you were cutting your teeth with the Institute of Public Affairs I was out there with my doctor's bag somewhere around the country—but I've always found you to be a very decent, straightforward, honest and direct person to deal with. I think you handled your role as Special Minister of State with aplomb, and I have to say on behalf of the Greens we've always found you to be very receptive.

You're one of the few parliamentarians in this place who has answered his phone almost religiously whenever we've called. I've had occasion to think that maybe you're not busy enough! But you have always been very receptive, and we're very grateful for your assistance. I'm sure you will conduct your role as President in the same way as you have conducted yourself previously. I didn't know that you were an expert on constitutional law. I suspect that some of your advice may be welcome to your side at the moment.

I want to say a couple of words about Senator Parry. Senator Parry was a very fine President. He did a good job. As Greens, again, although we may not have shared his political views, we all felt that he handled that role with the independence it requires and that he was always fair during question time, pulling up not just opposition and crossbench senators but sometimes people on his own team. I'm sure you'll conduct yourself in the same way.

I think that Senator Brandis said in his speech, 'We all know the circumstances in which he left.' Well, the sad fact is that we don't. We don't know all of the circumstances in which Senator Parry departed. We know that there are issues around him confiding in ministers, and that is obviously a concern and something that should be followed up at a later point.

In closing, Mr President, I understand you've had some health issues recently. Just be careful at those lunches and dinners that you'll be finding yourself presiding over regularly. You might want to make sure that you have some special meal requirements, because it's going to be a very taxing few years in the role. But we wish you all the best and good luck in your new role as President of the Senate.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (10:51): Mr President, on behalf of the National Party, I'd like to congratulate you on your ascension to the presidency. As we look across the Liberal Party, you would be somebody with the skill sets for it—particularly your knowledge of standing orders and your knowledge of the Constitution. But, most importantly, there is your well-known love of the Senate and the special role that it plays as a particular institution across our parliament.

There is another element, of course, of impartiality. We've heard from the others across the chamber, and the consistent process is, of course, that you're trusted and that you're a decent person but also that you respect this place so much that you will always be impartial. Congratulations on your ascension.
I’d also like to take this opportunity to acknowledge what I consider just a fantastic role that the previous President, Senator Parry, played. I have plenty of conversations across the chamber, and the words said about Senator Parry are that he was fair and impartial. I would say that, since I’ve been in this place, he was certainly the best President I’ve ever served under, and we wish him well in the future.

Mr President, congratulations on behalf of The Nationals on your ascension.

Senator BERNARDI (South Australia) (10:53): In adding the voice of the Australian Conservatives to the congratulations on your election as President, I'd like to acknowledge and recognise that you are a student of history and that history is what essentially guides us in this chamber and in this parliament. Not only is there the letter of the law in the standing orders; there's also the intent of them, and I think the intent of when they were framed, the conduct and manner in which they are upheld, the convention, effectively, and the spirit in which we engage in our business here are all invested in the presidency of the Senate.

Your predecessor, I thought, got the balance very right. It's no secret that he is a good friend of mine, and I thought he handled his job with a mixture of a sense of humour—the spirit in which it was intended—in the robust debate here but also upheld the dignity and principle of this place.

Mr President, in a very challenging time for the standing of parliament, I think it is a wise choice that the Senate has made in electing you as the President of the Senate. It is one that will help to re-establish some dignity based upon the historical principles that have made us one of the great democracies of anywhere in the world.

So I congratulate you and I look forward to working with you. I'm sure you've already noticed that some of us appreciate the role of convention, so you haven't had to make any dubious rulings already!

Senator HINCH (Victoria) (10:54): On behalf of Derryn Hinch's Justice Party, I'd like to say congratulations to you on winning this election. I do believe it is the right of the major party in the Senate to make the appointment of the President of the Senate. Mr President, you were one of the first people I met as a Senator-elect in Melbourne last year. I think you're a great selection to be President. I would say to you—nobody else will understand this—Tahiti Nui is a great place, at which we shall one day celebrate, and because we're so close to Christmas I can say to you, Mr President, Mele Kalikimaka.

Senator Parry, I would say, was my favourite person in this whole chamber. As a newcomer, he treated me with respect, he gave me knowledge and he took me into his office and showed me the President's wig from decades ago. I found him to be an amazing President. He controlled this place fairly, amicably and with style and substance. I would say, though—I would be dishonest otherwise, because I've said it elsewhere—that I felt betrayed by President Parry. I thought as a former policeman he knew right from wrong, sitting in his chair for as long as he did. I think he was betrayed by the wrong advice he got from his ministerial colleagues. The way he went was very sad and was wrong. But I have to say he was a great President. Thank you.

Presentation to Governor-General

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:56): I inform honourable senators
that the Governor-General will be pleased to receive the President and such honourable senators as desire to accompany him in the President's suite immediately.

Sitting suspended from 10:56 to 11:35

The President and honourable senators proceeded to the President's suite and having returned—

The PRESIDENT (Senator the Hon. Scott Ryan) took the chair at 11:35, read prayers and made an acknowledgement of country.

PARLIAMENTARY REPRESENTATION

Commission to Administer the Oath or Affirmation of Allegiance

The PRESIDENT (11:36): I report that, accompanied by honourable senators earlier today, I presented myself to the Governor-General as the choice of the Senate as President. The Governor-General congratulated me on my election and gave me a commission to administer to senators the oath or affirmation of allegiance. I table the commission.

DOCUMENTS

Tabling

The Clerk: Mr President, I table documents pursuant to statute, as listed on the Dynamic Red.

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

COMMITTEES

Meeting

The Clerk: Committees have lodged proposals to meet as follows:

Community Affairs Legislation Committee—public meeting during the sitting of the Senate on Tuesday, 14 November 2017, from 6 pm, to take evidence for the committee's inquiry into the provisions of the Social Services Legislation Amendment (Housing Affordability) Bill 2017.

Community Affairs References Committee—public meeting during the sitting of the Senate today, from 7.30 pm, to take evidence for the committee's inquiry into transvaginal mesh implants.

Parliamentary Joint Committee on Corporations and Financial Services—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Monday, 27 November 2017, from 11 am.

Environment and Communications References Committee—

private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 5 pm, for the committee's inquiry into Aboriginal rock art of the Burrup Peninsula.

public meeting during the sitting of the Senate on Tuesday, 14 November 2017, from 5 pm, to take evidence for the committee's inquiry into shark mitigation and deterrent measures.

Finance and Public Administration References Committee—private briefing during the sitting of the Senate on Wednesday, 15 November 2017, from 3.30 pm.

The PRESIDENT (11:36): I remind senators that the question may be put on any proposal at the request of any senator.
PARLIAMENTARY REPRESENTATION

Qualifications of Senators

The PRESIDENT (11:37): Senator Bernardi, do you wish to raise a point of order?

Senator Bernardi: Mr President, I did have a question of clarification for you. In the instance where a member of this chamber was knowingly a citizen of another country and therefore constitutionally invalid, would it be incumbent upon that individual to inform the Senate immediately prior to the consideration of any business of this chamber on such a day?

The PRESIDENT: Senator Bernardi, my understanding of the longstanding precedent on this is that the burden is upon any individual senator to reflect upon their own eligibility and make a statement if they believe they are not. I'm happy to take further advice and bring any further information back to the chamber at a subsequent hour.

Senator Bernardi: Thank you, Mr President. I do have concerns that there is a member of this chamber—at least one—who knows that they are not eligible to be here because of the constitutionality, and it would concern me deeply about the integrity of this institution if we were to consider any formal business, knowing that one of the people hasn't fully informed the chamber or advised the chamber of their status.

The PRESIDENT: On the point of order, Senator Brandis?

Senator Brandis: Mr President, Senator Bernardi has made an assertion. No member of this chamber has indicated to the chamber that the situation he describes is in fact the case. If I may say so, with respect, Mr President, you are absolutely correct that it is incumbent upon a senator who knows that he or she may be disqualified to inform the Senate, or, in the event that a senator, knowing themselves to be disqualified, fails to do so, for the chamber to make its own determination under section 47 of the Constitution, but at the moment there is nothing before the Senate to enliven either of those proceedings. So might I respectfully suggest, Mr President, that you dismiss Senator Bernardi's point of order. If facts and circumstances were to come to light, that would be the time to deal with them.

The PRESIDENT: On the point of order, Senator Hinch.

Senator Hinch: On the same point of order, Mr President. Your predecessor sat there with the knowledge, and the knowledge of his colleagues in the government, that he was illegitimately in that seat and holding that position. I support Senator Bernardi on his position because what Senator Brandis is saying now counteracts everything we've heard in the past few weeks.

The PRESIDENT: Senator Brandis.

Senator Brandis: Senator Hinch, there was no information before the Senate in relation to Senator Parry. Senator Parry took a certain course since the Senate last sat. In the event that Senator Parry had not taken that course and that information had come to light, it would have been a matter for the Senate to have considered in the light of that information that was not known to the Senate then but is known to the Senate now, but it has been overtaken by the event of Senator Parry's purported resignation.

There is no information before the Senate at the moment in relation to any other individual to which Senator Bernardi's observations apply. But, if a senator were to form that view, as I said a moment ago, it would be incumbent upon them to take a certain course, and, if they
declined to take that course, then it would be open to the Senate to move under section 47 of the Constitution and section 376 of the Commonwealth Electoral Act on the basis of information before it.

The PRESIDENT: Senator Bernardi, I'll take a final submission.

Senator Bernardi: I don't want to labour this, Mr President, but perhaps it would facilitate things if the government would respond to the suggestion that they are advised, or have been advised, by a senator that the constitutionality of their position is in question. If that be the case, then the government are part of undermining the Constitution.

The PRESIDENT: Senator Bernardi, I hasten to add that this is beyond the original point you raised as being a point of order. This is now a matter for a question. There are times on the daily schedule to do that, such as question time. My ruling is that there is no information brought before me to allow me to make a ruling on the matter you have raised. As I said earlier, it is a matter for each individual senator. If they feel they have reached that conclusion, they should bring that forward to the chamber. If not, there are provisions by which the Senate can act, and it has acted in the past in this term of parliament. But you have brought forward no information that would allow me to make a ruling contrary to that long-established practice.

South Australia

The PRESIDENT (11:42): I inform the Senate that the former President of the Senate, Stephen Parry, received a letter from Senator Xenophon on 31 October 2017 resigning his place as a senator for the state of South Australia. Pursuant to the provisions of section 21 of the Constitution, the President notified the Governor of South Australia of the vacancy in the representation of that state caused by his resignation. I table the correspondence.

STATEMENT BY THE PRESIDENT

Steele-John, Senator Jordon

The PRESIDENT (11:43): Senators, to enable Senator Steele-John to fully participate in Senate proceedings, I propose, with the concurrence of the Senate, that he be permitted to speak while seated and to vote in divisions on the appropriate side of the chamber floor adjacent to senators' seats. If there is no objection, it is so ordered.

PARLIAMENTARY REPRESENTATION

Qualifications of Senators

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:43): by leave—I move:

That pursuant to section 376 of the Commonwealth Electoral Act 1918, the Senate refers to the Court of Disputed Returns the following questions—

(a) whether, by reason of s 44(i) of the Constitution, there is a vacancy in the representation of Tasmania in the Senate for the place for which Stephen Parry was returned;

(b) if the answer to Question (a) is "yes", by what means and in what manner that vacancy should be filled;

(c) what directions and other orders, if any, should the Court make in order to hear and finally dispose of this reference; and

(d) what, if any, orders should be made as to the costs of these proceedings.
Mr President, I'm not going to detain the chamber for very long this morning, because we are aware of the circumstances in which your predecessor, former senator Stephen Parry, took the course he did and resigned the office of President and resigned his place as a senator for the state of Tasmania.

In brief, the High Court of Australia delivered its decision in the reference of seven members of this parliament, six senators and one member of the House of Representatives, on Friday, 27 October. Senator Parry rang me the following Monday morning shortly after 9 am Queensland time—I assume it was shortly after 10 am where he was at the time—to advise me in words to the effect that, having studied the High Court's decision, he considered that it applied to him by reason of the fact that his late father was a UK citizen, and, as we know, he resigned his place. Although Senator Parry resigned his place, it is nevertheless appropriate to make this reference under section 376 of the Commonwealth Electoral Act so that the court can make orders, as the motion indicates, for the filling of that place. The usual course, as we know from the previous cases involving Senator Nash and Senator Ludlam and Senator Waters, is by a special count conducted by the Australian Electoral Commission, but that must await an order by the Court of Disputed Returns.

Given that the High Court has recently and famously delivered a unanimous judgement on the proper interpretation of section 44(i) of the Constitution, there would not seem to be any room for legal controversy about the principles to be applied, they having been recently and emphatically settled, nor would there appear to be any factual controversy about the fact that Senator Parry, the son of a UK citizen, would appear to be ineligible to have been chosen, following the reasoning the court adopted in the earlier cases to which I have referred. Therefore, the government wouldn't anticipate that the matter would be the subject of fresh contentious argument before the High Court—but that remains, of course, entirely a matter for it.

It is our role, and our role only, to exercise the power we have under section 376 of the Commonwealth Electoral Act, which is itself derived from section 44 of the Constitution, to make this reference. I would submit to the Senate that, plainly, the grounds for the making of the reference do exist. The terms of the reference are the same as the terms in which the other six senators recently referred to the High Court were referred, and it is an appropriate exercise, and indeed a necessary exercise, of the Senate's power to make this reference. I commend the motion to the chamber.

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (11:47): Mr President, this is the first occasion I've had an opportunity to speak since your election this morning, and I wish to congratulate you on your election. I was very pleased, during the statements made today, to hear about your knowledge of the proceedings in the Senate, and we look forward to a continuation of a very fair exercise of power in your new position. As you well know, we had some significant dealings in your ministerial portfolio and my own shadow portfolio, and you certainly impressed me with your ability, your diligence and your sincerity in upholding the best of the traditions of the Senate. So good luck in this new position. That's about all I'm going to say nicely about you from now on!

We shouldn't be here today, Mr President, dealing with the issue of former President Parry's position. We should have done this months ago. We should have done it the day that the Attorney-General referred Senator Canavan, Senator Nash, Senator Roberts, Senator...
Ludlam, Senator Waters and even Senator Xenophon to the High Court. I have to say I thought President Parry was a good man. I thought he was a fair man, and I thought he did his absolute best to uphold the traditions and the obligations of the Senate. Yet today we're referring him to the High Court to seek, in all probability, a replacement. The question is: why didn't he add himself to that list that I referred to a moment ago? Of course, your Prime Minister, when he found out about this—and I'll say a little bit more about the circumstances of his acquiring knowledge of Senator Parry's resignation—said:

He chose to delay his reporting of it. He should have reported it much earlier …
They were the words of Mr Turnbull. I will repeat them just in case you didn't get it:
He chose to delay his reporting of it. He should have reported it much earlier …
The implication, of course, is that he knew about this, he kept it quiet, he didn't tell anybody and now he finds himself, as a result of the recent High Court case, in a situation where he was clearly in breach of section 44.

But I put to you, Mr President, that in fact President Parry did all of the right things that you would expect of somebody in his position. He obviously knew about his own family circumstances—the history of his birth and his father being born in the United Kingdom—so he went to a minister in your government. We understand now that he went to Minister Fifield and alerted Minister Fifield to the fact that he thought, based on his studies of his own citizenship, his ancestry, that he was potentially in breach of this clause in the Constitution. Now, we don't know exactly what he said and we don't know exactly what Senator Fifield's reply was. But let's be clear about this: Senator Fifield is a minister in this government. He's been told by the President of the Senate, 'I've got a problem with my citizenship.' What does he do about it when he gets that information? Does he go to the Prime Minister, Mr Turnbull, and say, 'Look, I know we've got a problem with Nash, Canavan and Joyce, but I think we've got a problem with Parry as well'? No, he doesn't do that, and I think the first question that this Senate has to consider is: what were the obligations of Senator Fifield to report this? If he wasn't going to report it to his Prime Minister, did he report it to other people? Did he report it to the Attorney-General?

Senator Brandis: No.
Senator FARRELL: Did he report it to Senator Cormann?
Senator Cormann: No.
Senator FARRELL: Did he report it to whip Bushby? Well, we don't know. My understanding is that, in addition to reporting it to Minister Fifield, he reported it to other members of the government. I'd ask those members of the government to come forward and indicate what their knowledge is about this, what they knew about it and when they knew about it. I think the issue that this raises is the fact that when Senator Fifield became aware of this information he did not seek to contact the Prime Minister. I think we have to ask the question: why did he not? I mean, this was a hot topic. Everybody was talking about it. In fact, every conversation that you have at the moment is, 'Is your citizenship okay?' So, it can't have been that the issue was a low priority. It must have been a high priority for Senator Fifield, but he hasn't told the Prime Minister.

Now, why didn't he tell the Prime Minister? Did Senator Fifield deliberately decide to keep this to himself and not disclose it to other members of the government or to the Prime
Minister? Did he think it wasn't sufficiently important that the President had just told him, 'I've got a problem with my citizenship'? We need an explanation as to why Senator Fifield didn't report this significant event for our constitutionality.

Senator Brandis, both in introducing this reference and earlier today, said that the circumstances surrounding Senator Parry's resignation and referral to the High Court are well known. Well, I don't think that's right, Mr President. I don't think we know even a fraction of what went on in this circumstance. But we do intend to find out. And we do intend to continue to pursue this matter until we get some answers from the government.

But I return to the question as to why Senator Fifield didn't tell Mr Turnbull. Why didn't he tell him? Because he didn't think he had to? There were no obligations? Well, of course, one of the obligations of all ministers in the Prime Minister's Statement of Ministerial Standards—I refer to clause 1.3(iv)—is to uphold the laws of Australia. Now, if there were a potential breach of an important law—section 44(i) of the Constitution—why wasn't the first thing that Senator Fifield did to go to the Prime Minister, Mr Turnbull, and say: 'Hey, we've got a problem here. How do you think we should handle it?' And so far, Mr President, I don't think we've had a satisfactory answer to that question.

Was it because he didn't trust the Prime Minister? I note the polls today. I don't go much on reading the polls; I don't take that much notice of them. But was it because the Prime Minister's standing within his party is so low that Senator Fifield didn't think he needed to tell the Prime Minister about this matter? Because after all, what did the Prime Minister say when he found out about this? I'll go back to that, Mr President. He was quite clear. He said: 'He chose to delay his reporting of it. He should have reported it much earlier.' Well, Senator Parry did report it. He reported it to Senator Fifield.

Now, Senator Parry, as you would know, Mr President, was a very good president. But also, before he went into parliament he was a policeman—he was a copper. Of course he knew the difference between right and wrong, and the right thing for him to do was to tell a senior member of his government, 'Look, I think I've got a problem here.' Why that senior member of government didn't then proceed to tell the Attorney-General or perhaps the Deputy Leader in the Senate or, more importantly, the Prime Minister of this country is a mystery. I think it reflects badly not only on the minister that he didn't report this matter to the Prime Minister but also on the Prime Minister that he didn't think it was of sufficient importance that the President of this place refer the matter to the Prime Minister. I think it's not only the minister's standing that gets downgraded as a result of this, and that of the Prime Minister; the fact of the matter is that everybody is talking about this out in the community. They'd prefer us to be talking about other things—a whole lot of other things, like energy policy, the cost of living or even same-sex marriage. They would prefer us to be talking about all of those things, but what are we focused on? We're focused on citizenship and the citizenships of MPs.

Now, there is a developing pattern in this government, and we saw it during estimates week. Senator Cash thought she would get a jump on the Leader of the Opposition, Mr Bill Shorten, referring to the new Registered Organisations Commission. Somehow the media found out about the fact that the Federal Police were going to launch a raid on the Australian Workers' Union office. In fact, at one stage there was this farcical scene where the media turned up before the AFP and thought perhaps they had got the wrong information and had to
ring their media source just to confirm that the raid was going to take place. As we know, the media were tipped off about this raid.

Senator Cash and one of her staffers, Mr De Garis—I don't know if he's in any way related to Mr Ren De Garis from the South Australian Legislative Council—had a meeting with Mr Turnbull to discuss how it might have been that this information was leaked to the media. What happened at that meeting with Mr Turnbull? Well, nobody mentioned to the Prime Minister that they had leaked the information, that Senator Cash's office had leaked the information. Nobody thought to tell the Prime Minister. So here we have Senator Fifield not thinking to tell the Prime Minister: 'Hey, we've got a problem with Parry. We're going to have to refer him because he's in the same situation as Nash.' It must have dawned on Senator Parry at that point that there was a problem.

So Senator Fifield didn't refer to Turnbull, but now staffers in this government have decided they don't need to tell the ministers or the Prime Minister. Even in personal meetings with the Prime Minister, they decide they don't need to tell him things. What does it say about this Prime Minister that his ministers decide they don't need to tell him anything? Is his standing so low not just in the polls but among all his colleagues that they don't think they need to tell him anything? But staffers in this place have decided they don't need to tell their Prime Minister information! How much worse does it get than that? You understand the Senate, Mr President, as we've heard this morning. I don't think it gets much worse than that. And there is a pattern in this government. If you know something that should be reported to other more senior people in your party, you keep it a secret, you don't tell anybody. My problem with this procedure is not just that it reflects bad governance on the part of the government; it reflects badly on all of us in this place.

I think at some point the Prime Minister must say, 'I'm the Prime Minister of this country and I need to know these things.' I'll repeat what he said—and I can understand why Senator Parry would have been pretty upset when he saw the Prime Minister on TV. I think Mr Turnbull was overseas; he seems to spend more time overseas getting selfies with Mr Trump, Mr Putin and all those sorts of characters. But what did the Prime Minister say when he found out about Senator Parry? It must have been a shock to him. He thought he'd got this out of the way; he thought the High Court had dealt with it and it was back to business as normal. What did he say of Senator Parry? He said:

He chose to delay his reporting of it, he should have reported it much earlier …

Well, he did report it! He reported it to that bloke over there. He said: 'Mate, I've got a problem, I'm in the same situation as Nash.' So what did Senator Fifield do about it? I hope at some stage we get to find out. I hope we do get to find about it, because at some point in this government ministers have to realise that there are standards which ministers have to be held to.

In the Westminster system there are standards that ministers have to satisfy. I don't think Senator Cash satisfied those standards when she decided to throw one of her staffers under a bus instead of herself taking responsibility for the nondisclosure to the Prime Minister. At some stage, you've got to say, 'Look, there is some level of accountability in this government.'

Senator Fifield knew about Senator Parry's situation for months. We don't know exactly when he knew about it but we know he knew about it for months and took the decision not to—it would appear he hasn't told the Prime Minister. Senator Brandis has indicated that
Senator Fifield didn't tell him. Senator Cormann has indicated that Senator Fifield didn't tell him. We do know that Senator Parry told other members of the government, so somebody else over there knows more about this than they are prepared to say.

When you evaluate all of that—and the community is going to think about this over the coming week while this issue is being discussed in the Senate—it will become increasingly clear that Senator Fifield's position is untenable. You can't get that sort of information—

Senator Brandis: Ridiculous!

Senator FARRELL: Don't laugh, Senator Brandis. His position is simply going to be untenable. He can't keep this information to himself. He's got obligations—I'll read his other obligations, just in case you haven't taken them in, Senator Brandis. Under clause 1.3(iv) of the Prime Minister's Statement of Ministerial Standards, he is required to uphold the laws of Australia. You've been advised that there's a potential breach of our most fundamental document, our Constitution, and you've done nothing about it. Not only have you done nothing about it but you've embarrassed your own Prime Minister, because you didn't tell him you knew about it and therefore explain why Senator Parry hadn't raised it earlier.

This government must at some time be held to account. It can't continue to embarrass Mr Turnbull by not telling him things. That's the worst thing you can do. At least if you'd told him, the government could have had a response, it wouldn't have been embarrassed and, more importantly, this Senate would not have been embarrassed.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (12:07): Mr President, let me begin by saying that, as I said during your recent election, Senator Parry was a very good President. He acted impartially. He was always prepared to take questions and issues that were raised from the crossbench, from the opposition and from his own party with an extremely impartial hand. But I think Senator Parry made a grave mistake when it came to his citizenship and the way in which he acted when he became aware—at least by mid-August—that he may have been a dual citizen. We know this from the statements that his colleague Senator Fifield has made. We know that advice was provided by party colleagues—we don't know who they were—to Senator Parry that he should not reveal the details or the circumstances of his situation, and that was advice that he heeded. Clearly, Senator Parry had some agency in this. He could have ignored that advice, recognising that to follow it wouldn't be uplifting the integrity of this parliament, but he chose to accept that advice, and here we have shared responsibility.

I find it remarkable that we could have a situation where the former President was sitting in the chair when referral after referral after referral was being made to the High Court. In some circumstances, those referrals mirrored his own circumstances, yet Senator Parry chose not to disclose them until very shortly after the High Court ruling. The inescapable conclusion is that he was hoping that the High Court ruling would find in favour of Senator Nash and others and that his situation would no longer be a problem for him. But that's not the standard we should accept from the Presiding Officer of the Senate. The standard has to be that when an individual is aware of those circumstances and they are something that can be verified very quickly then as soon as that verification of dual citizenship is made it should be disclosed to the parliament.
I've said this already. Senator Waters first called me on a Friday to say she was concerned that, by virtue of her birth in Canada and the law changing shortly afterwards, she may in fact be a dual citizen. We contacted our legal team, we got legal advice over a weekend and we had confirmation by the high commission, I believe, on the Monday. Within a space of four days we had that confirmed and Larissa Waters tendered her resignation. That's the process as it should work when you're relying on the integrity of individuals. That's exactly what should happen. These aren't difficult cases. We know that assessing someone's citizenship is something that can be verified by a number of facts, by a legal review and by confirmation from the relevant high commission. You can have that done in a matter of days, and we demonstrated that that's exactly what could happen. Instead, Senator Parry decided to sit on his information after receiving advice from senior ministers in the cabinet. He could have done a number of things. Even if he didn't choose to resign, which would have been the honourable course, he could have done what Senator Canavan did and step down from his position as a Presiding Officer. Instead, he remained silent, based on the advice of his colleagues.

Senator Fifield has admitted that Stephen Parry told him about doubts over his eligibility weeks ago. We do know from a number of reports that he was advised to keep quiet until the High Court ruling. Let's remember that the Presiding Officer of the Senate is somebody who plays a very important role in upholding the integrity of this parliament. Let's also remember that when we're talking about ministers who are responsible for critical decisions and for financial decisions, as we know Senator Fifield is and as we know many others who sit in the cabinet are, we expect a level of integrity and decency when these issues are raised. We do need to have trust with our elected representatives. Right now, trust in politics is at an all-time low. Who could blame people for not trusting that people in this place are acting in their very narrow self-interest, rather than in their party's interest and rather than in the nation's interest?

It appears, for all intents and purposes, that there has been a cover-up here. There are questions about who else knew. Who else did Senator Parry confide in? Who else was told about the circumstances around his dual citizenship? Was anyone within the Prime Minister's office aware of this situation? We do need to ensure that we get to the bottom of this. We do need to ensure that this issue is dealt with in a timely manner, because the stakes are extremely high. We currently don't know whether the government has the numbers on the floor of the lower house of parliament to form a majority. We don't know whether all ministers in this place are making decisions that are constitutionally valid. We don't know whether those decisions will be challenged in court. We already know that there's a possibility that that may happen with some of the decisions that Barnaby Joyce has made.

This is proving to be a huge distraction from the business that we're paid to do, which is to govern in the interests of people. This has consumed the parliament. It is absolutely critical that we reach a speedy resolution and it is absolutely critical that we get to the bottom of what happened in terms of ensuring that ministers of the Crown acted with integrity when they became aware of their circumstances. Obviously the Greens have been supporting a thorough, comprehensive independent audit. I note that the crossbench have also supported those calls. I know Senator Hinch has been a strong and vocal supporter of a thorough, independent audit so we can get on with the business of governing. As I said, this is a huge distraction. It is
something the Australian community are sick to the back teeth of; they just want to see it fixed.

None of this is to say that we think section 44, in this aspect relating to foreign or dual citizenship, has any place in modern multicultural Australia. In fact, it is the Greens' view that section 44, when it relates to dual citizens, is a relic of the past. It excludes many people from participating in their democracy when you consider that half of the Australian community either are born overseas or have a parent born overseas. We know that this is a law, or a part of our Constitution, that needs to be addressed. That's why we do support a referendum to ultimately deal with it, or at least interim steps to ensure that this never happens again.

Until that happens, it is our responsibility to uphold the founding document. Everything that flows from this place is based on our Constitution. It is our responsibility to uphold it, to ensure that we recognise that as democrats, whether we are on the progressive side of politics or on the conservative side of politics, if we respect democracy then it is our duty to uphold the Constitution—and the Constitution on this matter is very, very clear. That's why, when it comes to presiding officers—who should be exemplars of integrity, of accountability and of transparency—we have been so disappointed not just with the actions of a decent person who made a bad mistake in Senator Parry but also with the actions of ministers of this government who were aware of this information and advised the then President to keep his head down and to be quiet.

We will be pursuing this issue. We intend to continue to ensure that we get to the bottom of what happened. This is a very serious matter. It goes to the integrity of the government, and we will ensure that the truth, as it relates to this specific issue, is ultimately revealed and we will make sure that we put this crisis behind us by pursuing action for a thorough and independent review of all of the information that determines whether somebody may or may not be a dual citizen, that those individuals are dealt with swiftly through the High Court and that we get on with the business of doing what people pay us to do—that is, to start governing in the national interest.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (12:17): Thank you, Mr President, and can I take this opportunity to congratulate you on assuming the high office that you hold.

Mr President, former Senator Parry was a valued colleague and a friend to many in this place. I regret that he will no longer be serving this chamber and the people of Tasmania. I acknowledge the service he rendered in this place. Like many colleagues in this and the other place, I have engaged in discussions about citizenship. These discussions have traversed the complexities of the citizenship laws of other countries and questions such as, 'What would be the effect if North Korea granted citizenship to all in this chamber?' Being colleagues and friends, former Senator Parry and I were no exception when it came to such discussions. Given the varied and casual nature of these, I can't be definitive as to when former Senator Parry started to reflect about his particular circumstances. While it would have been more than a couple of weeks before the High Court decision, it was not months. He indicated that he was endeavouring to check his family's own records.

Former Senator Parry always recognised that it was the responsibility of each senator and member to determine and be satisfied about their own circumstances, and I encouraged him to
do so. This duty is individual and personal. It cannot be abrogated, outsourced or transferred, and former Senator Parry never sought to do so. Suggestions I directed the former senator are wrong. I did not speak to others about a private discussion with a colleague on a matter of their responsibility about which they had not, to my knowledge, reached a concluded view. On the Monday after the High Court decision, former Senator Parry let me know that he had sought advice from the British Home Office, had advised the Attorney-General of this and had thought it unlikely he would return to the parliament. Former Senator Parry has subsequently resigned his office. We are each responsible for assessing our own circumstances regarding eligibility to sit in this place.

Senator HINCH (Victoria) (12:20): I rise briefly to support Senator Farrell and Senator Di Natale on this issue, because, in the case of Senator Fifield, to use the old Watergate line, 'What did the senator know and when did he know it?' he said, 'A few weeks before the High Court came down with its decision.' I think it's too cute for Senator Parry to say that on the Monday after the High Court handed down the decision he decided he was probably in breach and therefore had to go. The inference to me is that Senator Fifield, Senator Parry and some other members of cabinet of the government obviously thought and conspired—it's not too strong a word to use—to say, after Senator Nash was sent up to the High Court: 'Keep your head down. The Prime Minister has said that the High Court shall find out that we're in the right. Keep your head down, because you won't be thrown out, and no-one will ever know that you were even under threat.'

I echo what has been said before, and I said earlier today: I thought Senator Parry was a fantastic President. If you do as well as he does, then you can walk away with your head held up. I think he was a fantastic President, and very fair, but in the end he let himself down terribly, because I believe Senator Parry, in the end—maybe with connivance of his colleagues—got seduced by the trappings: the President's dining room and the President's garden and the office. All those trappings got to him. He knew he was wrong. He knew, as he sat in that chair where you are, Mr President, and as he handed up the papers of Senator Nash to the High Court, that it was an exact mirror of his own situation. He knew it then, he'd known it for weeks but he sat there and did nothing, and that was despicable.

I also wonder why Senator Fifield didn't tell the Prime Minister 'Houston, we've got a problem'? You see others dropping like flies, other dominoes going. Why wouldn't he at least alert the Prime Minister to say something was going on and some dirt may be in there? Also, don't let the Attorney-General off the hook. Senator Brandis, you know, 24 hours before the Prime Minister did, that Senator Parry was illegitimate. I go by what I've read in the newspapers and the media. You said you found out on the Monday and you told the Prime Minister on the Tuesday. Why would the highest legal officer in the land not tell the Prime Minister, 'We've got a problem here', that we may have a legal problem here? It wasn't done. Correct me if I'm wrong, Senator Brandis, but I go by what I've read: that you knew on the Monday, that Senator Fifield knew, probably, a month before, and that other cabinet members probably knew as well. But you kept it private, you kept it quiet and you kept it from us, your colleagues. You knew something was rotten in the state of Denmark, and you did nothing about it. I'd love to hear an explanation from the Attorney-General.
Senator KIM CARR (Victoria) (12:23): Might I also take this opportunity to congratulate you on your appointment, Mr President, and indicate to you that I thought the previous President did a very good job in the chair. I wish you well. I note that your interest in constitutional law won't go astray with this government. I trust they will actually ask you on certain matters, because clearly there is need for substantial improvement in the advice that's being tendered to this government. I also note that you're a student of the IPA in Victoria, which puts you at odds with me in many respects, but I might suggest that you're part of the minority in the Liberal Party that's actually read a few books! I trust that you're still able to communicate to your colleagues on a range of matters, even though you are in that chair. I thought Senator Parry acted properly as the President of the chamber while in the chair. Unfortunately, the way in which he was treated and the manner of his departure has cast a serious stain upon his legacy, and that is a matter of some regret. It has also cast a serious stain upon the sincerity with which this government has dealt with the handling of the dual citizenship crisis.

If you look at the development of this question in recent times, it started of course with the Greens senators. It was said initially that this event occurred because of a vendetta that had been pursued by a legal eagle. It was suggested that there'd been some sort of search done to identify the citizenship entitlements of senators, particularly amongst the Greens. When that was first revealed, I remember it was the Deputy Prime Minister at the time who said that these were black and white questions, that this was carelessness on behalf of the Greens and that their failure to deal with these questions demonstrated, essentially, a recklessness on their part. He went on to say that this was a straightforward matter and it was just a question of them not being competent to deal with their paperwork.

The government went through a transformation in its approach as it became clear that there had been a few in the government whom that same opprobrium could be directed at, in terms of the failure of government senators to actually undertake the due diligence that's required when one fills in the nomination forms that are required by the Australian Electoral Commission, in terms of your requirement to state that you are in fact eligible to stand for parliament as a candidate in accordance with the Australian Constitution. We are all asked, in the process of nominating, to actually identify whether or not we are compliant with the Constitution.

I know that, on our side of the political divide, there is a rigorous process of vetting, including the production of birth certificates, to verify the claims made about people's right to stand—a vetting process that goes to these issues of section 44, in terms of both citizenship requirements and the other requirements of section 44 in regard to holding any office of profit under the Crown. This is a process which I think has been in place in the Labor Party now for many, many years. In the many elections that I've now contested, this has been the process that I've had to conclude on every occasion. It arose during the Cleary case, which is now 25 years ago, so it's not new. The requirements to fulfil one's obligations are not unknown, and have not been unknown for a very, very long period of time.

In fact, the transformation within the government went so far as to suggest that it was the Liberal Party that was able to get its paperwork in order but that the National Party—Senator Williams, you will recall this—were the country bumpkins and the fools who couldn't even fill in a form properly. That was the suggestion that was being made, until of course we
discovered the event with Senator Parry. Then Senator Parry was criticised by the Prime Minister. He was vilified, I thought, by the Prime Minister, by suggesting, from Jerusalem, how disappointed he was that Senator Parry had not made his predicament public some time ago. They were the Prime Minister's remarks.

We can understand the difficulty Senator Parry would have had in being the person signing the referrals to the High Court for six of his colleagues in this chamber and knowing, as he would have, his own personal circumstances. So I was surprised when I saw that this man, whom I regard as being honourable in his dealings, a man no-one could describe accurately as a stupid fellow, could be signing off on these declarations to the High Court when his own personal circumstances were in such a contradiction, and that he hadn't taken any action. When he was vilified by the Prime Minister from Jerusalem, I was not surprised that, very shortly thereafter, there came the riposte that he had in fact discussed the matter with colleagues in the government. Senator Fifield, of course, knew for weeks.

Now we are told, 'Well, of course, it was a private conversation,' and that a private conversation absolves you from upholding the law. That's what we're being asked to consider today: that Senator Fifield was given this information in a private conversation and had no obligation to tell the Prime Minister, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate because it was a private conversation and, under the ministerial code, information that comes to you in a private conversation is to be kept secret. That's the proposition that we're asked to accept here today. What an extraordinary notion—that breaches of the law are to be kept secret if they're given to you on a confidential basis! I'm sure Senator Parry, as a former policeman, would appreciate the irony of that proposition. I'm sure that proposition, down at the Centrelink office, would be understood every day of the week: 'Oh, I can't possibly take that forward, because it was given to me in a private capacity, in a private manner. I don't tell anyone about breaches of the law.' Ignorance is suddenly an excuse? You imagine telling the copper, 'Oh, I didn't realise the light was red; I thought it was green.' That seems to be the defence this government's presenting, and when people know differently they say, 'Oh, it was given to me in a private capacity or in a private conversation.'

Well, Minister, under the ministerial code, that won't wash. You have an obligation to share that information. The manner in which you share it is up to you, and anyone in any ministerial school will understand that proposition. You have an obligation. What did Senator Brandis do when he was told about it? Straightaway he directed his chief of staff, 'Get onto the Prime Minister.' That's the information that's on the public record. Senator Fifield, why didn't you do that? Why didn't you provide that information to other people within the government? Under the ministerial code you are required to do so. There is no exemption in the ministerial code to say, 'Oh, private information—I can't do anything about it.' At law, that's not a defence that you're able to pursue.

In fact, what I suspect you did say when you were given the information, Senator Fifield, is: 'Let's wait and see. We've got this legal advice here that says, "Don't worry; it'll be all right." The Prime Minister has got up in the parliament and he's directed the High Court to come to a conclusion. "It shall so rule," is what he said. We've got this red-hot opinion from the Solicitor-General that says, "All of this will go away."' My bet is your advice effectively
was this: 'Wait and see.' So, when Senator Parry raised his concerns with you, you said, 'Just wait and see, and it might just all go away.'

The fact that the High Court made a unanimous decision made Senator Parry's position completely untenable. What he knew, and what I suspect he had known for some time, was that the letters that he'd been signing off meant that he too was in a totally untenable position. What I can't follow, Senator Fifield, is why you didn't understand that, given your political experience and given your understanding of what actually goes on in the real world of politics and what the dangers were for the government in having the President of the Senate placed in these circumstances.

We know the situation is such that the Australian people are having great trouble coming to terms with this issue. They can't understand why it is that, if you're on the pension and you're out by a dollar, you're hounded by the Department of Social Services and Centrelink's onto you like a shot, and, if you fill in your form incorrectly, you're in trouble with the taxation department, yet, when you stand for this parliament and you fill in your form incorrectly, we say, 'That's all right; we've got some smarty legal opinion that says it will be all right.' Furthermore, repaying all the back pay and all the other entitlements you had will be waived when you get caught out. People are worried about that. They think you should actually pay a bit more attention.

Now, I understand that not everyone does know who their father or their mother is. But I tell you what: most people in this place do. To suddenly discover, 'Oh, I didn't realise they were born overseas'—that's nonsense. To suddenly discover that, and you didn't realise there was a problem, is nonsense—complete nonsense. And the Australian people know it. Ignorance is no excuse for anybody else in this country, and it's no excuse in the parliament; particularly when we had these propositions put to us by the High Court 25 years ago. This conservative government has been only too keen to appoint black-letter lawyers to the High Court and now complains bitterly about a black-letter interpretation of the Constitution.

This is not really about whether or not we've had senators and members of parliament filling in their forms. For the government we had two different points of view. The treatment of Senator Canavan was entirely different from the way Mr Joyce was treated. There was the approach taken by the senators, with the exception of Senator Parry, and the approach taken by Mr Joyce. What this is really about is a government that's just desperate to hang on to the last vestiges of office. I actually think it was quite unfair and unreasonable to make the point about former Senator Parry's garden and dinners. It was nothing to do with that. It was about the government's desperation to hang on to political office.

This is an issue for the Australian people, who understand that this is shambolic because the government is without authority, without direction and without principle. It's the Prime Minister who built his whole repertoire around the issue of being committed to one thing but has now come into office and abandoned all of that. The government's adrift. The government doesn't know what to do except to desperately hang on. It will duck and weave at every possible opportunity. So what do we find? The government is now crumbling. Every day there's further evidence of it. There are leaks within the cabinet suggesting that the authority of the Prime Minister is evaporating, to the point where the Treasurer, Mr Morrison, has been attacking the Prime Minister's proposals in regard to citizenship disclosure. He says, 'It would be such an own goal.' He opposed it because it would cost the government the next election.
Mr Morrison is saying that the government's handling of this matter makes him think its very survival is at stake. That's very much the case, because the government really has very little else to defend anymore other than its own survival.

We know, however, that public trust is actually very, very important. Trust in democracy is very much at stake. I don't mean that in a petty way about the way in which we elect institutions. It is about the institutions themselves and the authority of those institutions. It's not about whether a Liberal or a Labor government is in office but that the institutions of the parliament remain central to the Australian understanding of democracy. The method by which we elect people here and the fact that so many people had to be replaced highlights the enormous damage that's done by this issue. It goes, however, much, much further than even that, because we're now beginning to understand the impact that it's having in terms of the economy at large. Increasing numbers of people are saying it's beginning to affect this whole issue about confidence and the way in which our society is able to be managed, and it's going to the ability to drive investment and decisions about the future of the country itself.

I know that there has been this difficulty emerging about the aura that develops within a government. Senator Fifield, if you're not prepared to tell the Prime Minister or even the Leader of the Government in the Senate that the government has a problem with what's happening with Senator Cash—and I think Senator Farrell's point here was very valid—then it affects everything else. You had staffers sitting there at Senate estimates all day watching a minister say things which they knew to be untrue. We all know how closely ministerial offices monitor Senate estimates. On at least six occasions Senator Cash was asked a direct question about the role of her office in briefing the media about a raid on a union office. We know the politics behind it—there was an Australian Newspoll that week—and the games in trying to salt the evidence. But what we also know, this suggests to me, is that ministerial advisers take it upon themselves to not tell the minister that she is misleading. That becomes a defence, doesn't it? 'Oh, I didn't know. I didn't know.' Yet people sitting there watching, who of course do know, choose not to tell—and that's the problem. Senator Fifield, that's why ministerial codes are there. You actually have to have leadership whereby people actually look to the minister and say, 'That's the example we should follow.' The consequences of not doing that are profound. They're profound for the body politic, they're profound for the trust in this place and they're profound in terms of the consequences for people's confidence in the future of this country.

Senator WHISH-WILSON (Tasmania) (12:42): I can only begin to imagine what it would be like to one day be an active, constructive member of this chamber and this parliament and have a political career and then the next day have that taken away from you. I've seen the impact on my colleagues Senator Ludlam and Senator Waters. And I say here today that I feel for all senators and MPs who have lost their positions because of this constitutional crisis that we're in. I can only begin to imagine what it would be like to lose that part of your life. But to actually also lose your reputation and have your integrity questioned, particularly when you've done such a good job as President of this chamber, would be something altogether different and monstrous.

I'm quite conflicted when I stand here and speak today because I did speak to ex-Senator Parry the day after he resigned. I did discuss this issue with him in my home town of Launceston. I'm not going to stand here today and talk about our private conversation. But I
will say it was my view at that time that Senator Parry needed to speak out on this issue as to who in the government he had spoken to. All the money in the world— all the trappings, all the power—is not worth your reputation and your legacy being questioned. Politics is a brutal business. It's been often said that it is a blood sport. And there's a lot at stake when you're in power and when you're in government.

It sickened me to see an honourable man, who I think, as Senator Di Natale said, is a good person who made a bad decision—along with a government that made a bad decision—being dragged through the mud or, for want of a better term, being thrown under a bus because, somehow, an ex-President of this chamber was expendable. He was no longer of use to the government because he wasn't a senator or the President of the Senate. That's what actually disgusts me the most: the political cynicism of throwing someone under a bus. The only interviews I saw were with the Prime Minister and Senator Cormann clearly questioning Senator Parry's integrity on this issue. I think they owe it to Senator Parry to give us the details of exactly who knew what.

I reflect on the confidence that this government had in its legal advice from the Solicitor-General the whole way through this process—the Prime Minister standing up in question time dictating how the High Court would vote: 'You shall hold that these senators and MPs are eligible'—and I compare that to the Greens' independent advice on this issue from two QCs, who said to us: 'It's black and white. You can't be a dual citizen and be eligible'. That was difficult for us to take, to see two of our very best senators leave our team. But they did. They fell on their swords. This wasn't about them or our political party. It wasn't about hanging onto power. It was about doing the right thing.

I think broadly, right across this country, people respect the Greens for the position that we've taken in relation to this issue, as they respect the view we've taken in calling for an audit—an independent process that we can all trust that gets to the bottom of this and allows it to be solved so we can all move on. The key thing that they want is to restore trust and confidence in the institution of parliament, in this Senate chamber and in the decisions that we make.

I'm also of the belief that there are senators in this chamber who know they're dual citizens and haven't yet fessed up. How can it be that, three months later, people are still saying they're just checking now or they didn't know that they were a dual citizen?

I can't help but draw the conclusion that it was a political decision made by the Liberal Party that Senator Parry should wait to see the outcome of those already referred to the High Court. At a level, I can see why that strategy might appeal to some people: 'It's not necessarily going to do any harm. Let's wait and see, and then let's fess up.' But Senator Parry was the President of the Senate, one of the top five positions in this country. That carries with it so much weight and so much responsibility. This government, in my opinion, knowingly
allowed Senator Parry—and he was complicit in this too; he could have, on a personal level, fessed up to this—to sit there, because it was so confident in its legal advice that he would be fine. That beggars belief from my point of view and from the Greens' point of view, based on the legal advice that we had.

I know that hindsight is 20/20 vision and that, looking back on this now, Senator Parry should have said: 'Well, I'm in doubt. I need to be referred to the High Court as well. I will step down as President but remain as a senator in this chamber.' I really wish Senator Parry had made that decision. I wish he'd made that decision, because his legacy, his integrity and his reputation have now been tarnished. They have been tarnished by a brutal political process, by a lack of due process on behalf of this government and by a political decision, all designed to save the scalp of this government. That's what this is about. This is about the Liberal and National parties hanging onto power at all costs.

This is not a crisis any of us wanted. We've all been drawn into this. We've all suffered, or are likely to suffer, because this has undermined the confidence in our institution. At a personal level, it's impacted all of us, and that includes the government and everyone in this chamber—all of us. Every single person in this chamber has been impacted by this. We now need to clear this up. We need to move on and do what we were elected to do and what the Australian people put us in parliament to do, whatever that takes. We have to have confidence in the process, we have to have confidence in your position, Mr President, given what's happened with Senator Parry, and we need to have confidence in the government and the decisions they make here. It is extremely important that we get this done now. I urge you, Senator Fifield, and any other members of your party and your government, to say exactly what happened and get that on record, for your sake, for the country's sake and for Senator Parry's sake.

**Senator McALLISTER** (New South Wales—Deputy Opposition Whip in the Senate) (12:51): Mr President, congratulations on your new role. It brings me no great joy to take part in this debate, because we hear, time and time again, that what the Australian public want us to do is debate the issues that confront them in their daily lives, and I do wish that we were spending more of our time in this chamber talking about those questions. However, we need to have this debate and we need to do so despite the fact that the facts which drive today's debate were entirely avoidable.

This debate is a direct result of senior members of the government deciding that it was better to damage the institution of the Senate than to face the public embarrassment of having to refer a member of the Liberal Party to the High Court. The government and members of the government sat quietly and watched other parties' MPs being referred off to the High Court. This issue was discussed in this chamber for months. It is difficult to think of a recent sitting week, when we were all here, when citizenship wasn't on the agenda. Senator Parry was in the President's chair as this chamber referred six of its own senators to the High Court, and the facts of those cases were almost exactly the same as those of Senator Parry's. It now seems likely that, as those referrals were being made by the President, he was aware that his own name should have been added to the list.

As other people have said this morning, he was a good man who made a bad decision. But the point I would make is that he was a good man who made a bad decision on the basis of terrible advice from his colleagues, who really ought to have known better. He was actually
put in quite an invidious position. He found out he had an issue—it must have been quite worrying for him—and he went to his colleagues for advice on how to handle it. From what's been reported so far, the only conclusion that I can draw is that he was told that it was better for him to remain silent and wait for the outcome of the High Court cases. What's now clear is that he should have come forward right away. Even the Prime Minister thought this, before he worked out what a tangled web had been constructed over here on this side of the building. What did the Prime Minister say? He said:

He chose to delay his reporting of it, he should have reported it much earlier …

The Prime Minister's comments should now be seen as a rebuke not, actually, of Senator Parry but of those colleagues who did not urge him to step forward with his own concerns. They were complicit in their silence.

Senator Fifield made a brief statement earlier in this debate, and it's striking in its lack of detail. Senator Fifield gave a vague indication of the date on which his conversation with Senator Parry took place. He needs to provide a great deal more information. He needs to tell us when Senator Parry communicated his concerns to Senator Fifield—a date, not just a range of weeks around a High Court decision. He should communicate what exactly Senator Parry told him and what facts were provided about Senator Parry's own circumstances. He should tell us what advice he gave Senator Parry, not merely the conclusion of their conversation, which apparently was that they both agreed it was Senator Parry's burden to carry alone. He should be more specific about the nature of the advice that he provided, and he should explain on what basis he provided that advice to the President. He should explain who else he spoke to—something else he was silent on in the statement. He should explain if he spoke to the finance minister, to other senior colleagues or to the Prime Minister, and, if not, why not.

If I were a backbencher in this government, I would be fuming. The Nationals have been rightly upset about the Liberals hanging them out to dry in this first set of citizenship referrals whilst sitting very quietly on their own troubles. But the spectacle of senior members of the government ducking responsibility in ways that strain the credulity of the ordinary person should trouble backbenchers. If I were them I would be thinking: what else are they hiding from us? What else are they hiding from each other?

It is really odd that this was not communicated to the Prime Minister. I find it very, very hard to believe, in fact. This would never have happened under Prime Minister Howard. If the story that has been put to us is to be accepted as true, it suggests an absolute breakdown of control by the Prime Minister. If it's true, I would be very worried if I were a government backbencher. What other time bombs are members of cabinet sitting on? Are there other problems out there that even the Prime Minister doesn't know about? For months Senator Parry, the Minister for Communications and who knows who else sat and talked about the citizenship dilemma with their colleagues in the party room, here in the chamber, elsewhere and on telly and said nothing about the dilemmas confronting the President. The question I would be asking, if I were a member of the backbench, is: what other secrets are the members of my party keeping from me?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (12:58): I thank honourable senators for their contribution to the debate. Two things have emerged from this debate very clearly. The first is that, as no senator has actually spoken against the motion, it is plain that it is the
unanimous view of the Senate that the government is taking the right course in moving this referral motion under section 376 of the Commonwealth Electoral Act. There has been a lot of innuendo and there has been a lot of rhetoric and bombast from people like Senator Carr and Senator Whish-Wilson, but nobody has actually criticised the course the government is taking.

The other thing that emerges very plainly from this debate is the very high personal regard in which our former colleague Stephen Parry is held by all, because all who have risen in this debate to criticise him have at least had the decency and good grace to say words to the effect that he was a very good President of this Senate and a very good man, although there has been some criticism of the way in which he chose to deal with a situation with which he was confronted. As a friend of Stephen Parry's who passionately believes him to be a good, honourable and decent man who graced the office of President splendidly, let me merely say that those who wish to criticise how Senator Parry may have acted under pressure might do well to remember the advice of our Lord in John 8:7 and reflect upon the perfection or otherwise of their own conduct in difficult circumstances.

Lastly, because I don't want to delay the chamber, let me deal with an issue that only Senator Hinch has raised. As I said earlier, the first I knew of these matters was when Senator Parry rang me on Monday, 30 October. I've checked my mobile phone log: it records an incoming call from him at 9.11 am, Queensland time. Contrary to what Senator Hinch has said, Senator Parry didn't tell me that he had discovered that he was a dual citizen. What Senator Parry told me was words to the effect that, having studied the High Court's decision, he thought he might have a problem and that he had taken urgent steps to clarify the position with the British Home Office, but he had concerns. That's what he told me. As soon as that conversation was finished, I immediately rang my chief of staff, at 9.22 am Queensland time, and related to him what Senator Parry had said to me—namely, that he thought he might have a problem but he was checking to see what the position was and seeking urgent advice from the UK authorities. I asked my chief of staff to convey that to the Prime Minister's office, which he tells me he immediately did. I think—don't hold me to this—the Prime Minister was actually in the air at the time on the way to his visit to commemorate the centenary of the Light Horse charge at Beersheba.

Senator Hinch, you seem to misapprehend, if I may say so with respect. I'm not saying Senator Parry told me that he had concluded that he was a dual citizen. He told me that he had appreciated, having read the High Court's decision, that he may have a problem, and that is the information I caused to be conveyed immediately to the Prime Minister's office. I commend the motion to the Senate.

Question agreed to.

Qualifications of Senators

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:03): by leave—I move:

(1) That not later than 5 pm on Friday, 1 December 2017 (and within 21 days of making and subscribing an oath or affirmation as a Senator) each Senator shall provide to the Registrar of Senators' Interests a statement containing the following:

(a) a declaration by the Senator that, at the time the Senator nominated for election to the Senate in this 45th Parliament he or she was an Australian citizen;
(b) a declaration that the Senator is not a citizen of any country other than Australia;
(c) a declaration stating:
  • the place and date of the Senator's birth;
  • the citizenship that the Senator held at the time of birth; and
  • if he or she did not obtain Australian citizenship at birth, the date he or she was naturalised as an
    Australian citizen;
(d) so far as the Senator is aware:
  • the place and date of birth of the Senator's parents and grandparents;
  • whether the Senator has ever been a citizen of another country and if so which country or
    countries;
  • what steps the Senator has taken to assure him or herself that they have not inherited citizenship
    of another country from a parent or grandparent;
  • if the Senator has answered the question in paragraph (e) in the affirmative, then provide details
    and evidence of the date and manner in which the Senator's citizenship of that other country was
    renounced (if it was renounced) or the date and manner in which it came to an end in accordance with
    the laws of that other country;
  • if the Senator's citizenship of that other country had not come to an end at the date of his or her
    nomination for the Senate, detail and provide evidence of any steps the Senator has taken to renounce
    the citizenship of that other country prior to the date of nomination; and
  • if the Senator has declared that he or she was at the time of nomination or is now a citizen of a
    country other than Australia, on what basis the Senator contends that he or she is, nonetheless, not
    disqualified under section 44(i).
(2) If at any time the Senator becomes aware that information provided in their statement is no longer
accurate they shall update their statement as soon as practicable but not later than 21 days of being so
aware.
(3) Statements shall be made in accordance with this resolution and in a form determined by the
Committee of Senators' Interests. The Registrar shall, in accordance with procedures determined by the
committee, maintain a Citizenship Register comprising statements provided under this resolution. Other
than as specifically provided for in this resolution, the committee has the same powers and functions in
relation to the citizenship register as it does in relation to the Register of Senator's Interests.
(4) The Registrar shall, upon the expiry of the time for providing statements under this resolution, and
at other times determined by the committee, publish the register and any alterations or additions to the
register on the Parliament's website.
(5) Any Senator who:
  (a) knowingly fails to provide the statement and evidence required by this resolution to the Registrar
      of Senators' Interests by the due date; or
  (b) knowingly fails to correct an inaccuracy in his or her statement within the required timeframe; or
  (c) knowingly provides false or misleading information to the Registrar of Senators' Interests;
      shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly,
      but the question whether any senator has committed such a serious contempt shall first be referred to the
      Privileges Committee for inquiry and report.

The purpose of the motion is to require honourable senators to provide to the Registrar of
Senators' Interests, not later than 5 pm on Friday, 1 December 2017, a statement containing a
declaration by the senator that at the time the senator nominated for election to the Senate in
this parliament he or she was an Australian citizen; a declaration that the senator is not a citizen of any country other than Australia; a declaration stating the place and date of the senator's birth, the citizenship that the senator held at the time of birth, and, if he or she did not obtain Australian citizenship at birth, the date he or she was naturalised as an Australian citizen; so far as the senator is aware, the place and date of birth of the senator's parents and grandparents; whether the senator has ever been a citizen of another country and, if so, which country or countries; and what steps the senator has taken to assure himself or herself that they have not inherited citizenship of another country from a parent or grandparent.

If the senator has answered the question of whether they were a citizen of another country in the affirmative, the senator is required to provide details and evidence of the date and manner in which the senator's citizenship of that other country was renounced, if it was renounced, or the date and manner in which it came to an end in accordance with the laws of that other country. If the senator's citizenship of that other country had not come to an end at the date of his or her nomination for the Senate, the senator is required to provide details and evidence of any steps he or she had taken to renounce the citizenship of that other country prior to the date of nomination. Finally, if the senator has declared that he or she was at the time of nomination or is now a citizen of a country other than Australia, the senator is required to state on what basis he or she contends that he or she is nonetheless not disqualified under section 44(1). Of course, statements made to the Registrar of Senators' Interests in obedience to this motion can be made only to the best of the senator's knowledge or belief. I think that goes without saying.

This has been a difficult time for the Senate as an institution and indeed for the House of Representatives, and it is important that all senators and indeed members act with integrity. In my belief, certainly those government senators and members who have been affected by these issues have done so. Might I point out that, in the case of the Deputy Prime Minister, Mr Joyce, and in the case of the member for Bennelong, Mr Alexander, both of those gentlemen resigned from the parliament, causing by-elections in their constituencies, because they had themselves declared to the Australian people facts which, on the view taken by the High Court of section 44(1) of the Constitution, made it appropriate that they do so, just as Senator Canavan came forward, just as Senator Nash came forward and—although there's been some controversy about delay on his part—just as Senator Parry came forward when he appreciated the effect upon him of the High Court's decision. And, seldom though it is that I commend the Greens, I've said before and I say again that I cannot fault and do not criticise the way in which Senator Ludlam and Senator Waters dealt with this matter.

The one political party represented in this parliament which has not adopted the appropriate course is the Australian Labor Party. We know—and we now have the advice of an eminent constitutional lawyer, no less than the former Solicitor-General Dr David Bennett QC—in relation to at least two Labor members of the House of Representatives—the member for Braddon, Ms Keay, and the member for Longman, Ms Lamb—that, on the proper construction of the High Court's decision, they are also disqualified from sitting. But there is this difference: whereas Mr Alexander last Saturday came forward and said, 'In view of what I appreciate now to be the position, I believe that I should resign,' the Leader of the Opposition, Mr Shorten, remains insistent, in the face of all the evidence, that his members of parliament—in particular Ms Keay and Ms Lamb, and there are others as well who may
potentially be affected—will not budge. That is unsatisfactory and it is unacceptable, and it falls below the standards which the government has set.

When this issue first arose in the Senate, on 9 August this year, when the motion by Senator Di Natale concerning Senator Roberts was moved, I had this to say: I caution the Senate that it is a very dangerous course for this chamber or any parliamentary chamber to decide on what might be a party-line vote in the absence of clear evidence that a member of this chamber is not eligible to be here.

Of course, that statement does depend upon both sides of politics, all elements of the chamber, having a common appreciation of their legal and, dare I say, moral obligations in circumstances of this kind. Certainly in the case of the member for Braddon and in the case of the member for Longman, there is clear evidence. And it demonstrates a significant failure of leadership on the part of the Leader of the Opposition, Mr Shorten, that he has not been prepared to insist that members of his caucus observe the same standards that members of the government and members of the Senate crossbench have themselves observed, particularly now in the light of the High Court's very clear decision and in the light of the advice that has been obtained from Dr Bennett QC.

What do we know about the case of the member for Braddon, Ms Keay? We know that the member for Braddon, Ms Keay, was preselected to be the Labor Party candidate for that seat on or around 26 June 2015—more than a year before the 2016 election. We know—because this is a publicly admitted fact—that Ms Keay completed the UK Home Office declaration of renunciation of British citizenship form on 9 May 2016. She delayed by almost 11 months after she knew that she was going to be the Labor candidate for Braddon to even initiate the process of renunciation of her UK citizenship. She waited until the day after the election was called to even initiate the process. We know—this is not a controversial fact—that the process for renunciation of her UK citizenship was not complete until after the election had been held.

At the time Ms Keay was preselected, in June 2015, nobody knew when the next federal election was going to be, though it was expected to be sometime in 2016. But one thing Ms Keay did know from the time of her preselection was that she was going to be the Labor Party's candidate for Braddon. And she knew that, in order to be validly elected to this parliament, by the time of the next election she would have to have renounced her UK citizenship. And she didn't. She took no steps whatsoever for almost a year. Indeed, she delayed until after the election had been called before she even initiated the process. We know—this is not a controversial fact—that the process for renunciation of her UK citizenship was not complete until after the election had been held.

Under no circumstances could anybody possibly maintain, if they were being honest, that to delay for almost a year after you're preselected, to wait until the day after the election was called even to initiate the process, is taking reasonable steps to renounce the foreign citizenship. Indeed, Ms Keay had the boldness even to say that she wanted to wait and see whether she was elected or not. That was her explanation. But on no view could it be said that Ms Keay had taken reasonable, or indeed any, steps to renounce her foreign citizenship before the election was called.

Then there is the case of the member for Longman, Ms Susan Lamb, who was also a British citizen by descent from her father, as was Ms Keay. Ms Lamb, the member for Longman, was preselected on or about 10 July 2015, but she completed the UK Home Office form of renunciation on 23 May 2016. Like Ms Keay, she waited for almost a year—in her
case 10 months—before completing the form. Like Ms Keay, she did not lodge the form until after the election had been announced and in fact she did not complete the form until some 15 days—more than a fortnight—after the election had been announced. Yet, like Ms Keay, Ms Lamb knew from the time of her preselection in July 2015 that she would be the Labor Party's candidate for Longman at the election likely to be called in 2016 but which, theoretically, could have been called at any time from after the date of her preselection. So in these two cases the Labor members—Ms Susan Lamb, the member for Longman, and Ms Justine Keay, the member for Braddon—delayed by almost a year in initiating the process of renouncing their foreign citizenship. In both cases they didn't complete the forms—in the case of Ms Lamb—or even begin to initiate a renunciation of their citizenship until after the election had been called. Yet Mr Shorten expects us to believe that these two members took all reasonable steps to renounce their UK citizenship. The facts and the chronology of events plainly suggest that they did not.

There are other names that have been mentioned: Mr Wilson, the member for Fremantle; Ms King, the member for Brand; and there may be others. I have confined my observations this afternoon to the cases of the member for Braddon and the member for Longman because their cases are just so clear: preselected almost a year earlier; don't renounce their citizenship or even initiate a renunciation of their citizenship until after the election has been called; and still a foreign citizen on the day the election is held. The member for Longman and the member for Braddon are certainly in no more favourable a position from the point of view of section 44 of the Constitution than is the member for Bennelong, Mr Alexander, or the former member for New England, Mr Joyce. But Mr Joyce and Mr Alexander did the right thing, while Mr Shorten continues to protect the member for Braddon and the member for Longman, and we do not know how many others he continues to protect.

There has been a lot of sententious rhetoric from Mr Shorten, from Senator Wong and from others in the Labor Party, like Mr Burke, in recent days. But the truth of the matter is that the only political party—the only major political party—in this parliament which has refused to be observant of the process is the Australian Labor Party.

Now, late in the piece, we understand that the Australian Labor Party will support a process. They will support a motion moved, as I've done on behalf of the government, to enable there to be a public system of declaration so that the various inquiries set out in the steps that I've outlined in the motion can be satisfied. It is a shame that it has had to come to this. As the High Court has said by implication, it's a matter for this parliament to sort this issue out, and we are doing so. A similar motion will be moved in the House of Representatives as well.

Let me conclude where I began: when one exercises the jurisdiction under section 326 of the Commonwealth Electoral Act and section 47 of the Constitution to protect the integrity of the parliament against the presence within its chambers of people who—perhaps only for technical legal reasons and reflecting no bad character on themselves, by the way—were not validly elected, it does require both sides, and leaders on both sides, to act with integrity. That integrity has been singularly absent from the way in which the Leader of the Opposition, Mr Shorten, has dealt with this matter to date.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (13:22): Mr President, I'm very glad we end on the lack of integrity, because I can tell you where the lack
of integrity is: it's here. It's right here, with a government that has been dragged kicking and screaming to having any disclosure on this issue. Do you know why we've got this motion agreed to today? Because the government's picked up the Labor Party's proposal. That's why we've got this here.

I like the fact that the Leader of the Government in the Senate is telling me otherwise. Well, he wouldn't know, because he wasn't in the negotiations! He wasn't part of it; he was left out. The reality is this: the Prime Minister has been dragged kicking and screaming to this point—kicking and screaming to the point of requiring appropriate disclosure. We weren't able to come to agreement in the meeting. He, appropriately, asked Senator Cormann to deal with Mr Shorten, and now we have an agreement which reflects two important things. The first is a higher standard of disclosure than the government proposed. Mr President, you don't have to take my word for it. Have a look at what Mr Turnbull put out on the Monday and have a look at what we're voting on. The second issue is the date. The date is 1 December. I went out and did a press conference after the Prime Minister put out his proposal, and I made the point that under the dates he was proposing he was going to try to skate through past Christmas before he actually told people anything. And they want to talk about a lack of integrity! The Prime Minister put out a test that had a subjective test, had limited disclosure and had a date that kicked this off until after Christmas. Well, we are pleased that they've seen some sense.

The Prime Minister was dragged kicking and screaming to this. It's a good deal, because it's what Labor proposed, and the government has signed off on that. But it says everything about the Prime Minister that he had to find someone else to negotiate it with the opposition. I'm not sure, frankly, that we would have been able to get a stronger process in place if he were still negotiating. But leave that to one side.

What have we seen since this motion was first tabled today? I really enjoyed Ms Bishop and Mr Pyne going out there and claiming credit for it. I know that Ms Bishop is quite good at creating fantasies—a bit like the New Zealand conspiracy—but somehow, although she's had no involvement, she's now claiming credit for it. But I suppose that if you look at Newspoll today it might give an indication about the agenda there!

The reality is that this would not have occurred if Labor had not proposed a universal disclosure regime. The reason we did is once it became clear that the President of the Senate had sat on information—with the knowledge of a cabinet minister—which rendered him ineligible, the cover-up meant that the usual process around the parliament dealing with these matters appropriately had to be enforced with a more stringent procedure. That is why Labor proposed a universal disclosure and that is why we will be supporting this motion.

I do enjoy Senator Brandis's lectures—I'm sure we all do! 'Mendacious' might be an unparliamentary term so 'inaccuracy' might be the term I use, in deference to you, Madam Acting Deputy President. I like the way he told Senator Di Natale and Senator Whish-Wilson that he'd never said anything negative about the Greens. I don't think that's true. He actually said in the chamber on 15 August that he thought former Senators Ludlam and Waters had 'acted a little prematurely'. Do you remember that? He was all, 'We know better. They acted prematurely.' It is enjoyable to get a lecture from the Attorney-General of the Commonwealth about the operation of the law when he was assuring anybody who spoke to him, privately or publicly, that the legal advice the government had was very strong and all of the government
senators and MPs were going to be fine. It's good to get a lecture from the government, isn't it, about its understanding of the law when we had a Prime Minister who, on the floor of the House of Representatives, said that the Deputy Prime Minister was going to be fine, that he was going to be eligible, 'and the High Court will so hold'. That's what the Prime Minister said. Now he wants Australians to accept his word about what the High Court means.

It must be interesting being in a meeting with Mr Turnbull and Senator Brandis about who is the smartest person in the room, in their own minds. But I know both of them regard themselves as extraordinary legal minds and are engaging in this lecturing of us about legal precedents. Let me make one thing very clear: every Labor member and senator who they have referred to took steps to renounce. Not one of their members or senators who have been referred to the High Court took steps to renounce—not one. Mr Joyce didn't, Senator Nash didn't, Senator Parry didn't, and it doesn't sound like Mr Alexander did. So I'll come to some of those. The reality is that every single Labor member and senator took steps to renounce because that is what our vetting process ascertains and requires before nomination. The proposition that Mr Turnbull is putting to the Australian people in some desperate attempt to hold onto power, as his popularity externally and internally recedes, is one standard for the ALP and one standard for the government, one standard for the Labor Party and one standard for the coalition. Well, we didn't actually do anything, but we're okay. You did something, but it's not okay.

I want to be clear—and I think this has been on the public record, and I'll get some instructions on this—that we've got legal advice that goes directly to the advice that the Attorney-General spoke about that says that Mr Bennett is wrong, quite clearly. I do think it's interesting, don't you—just a side point, and this is for Senator Di Natale to consider as well—that the government won't provide the Solicitor-General's advice that enabled the Deputy Prime Minister and cabinet minister Nash to continue but somehow is able to provide legal advice on the Labor Party. Isn't that amazing! All of a sudden, some legal advice is okay to be released and other legal advice is not. You wouldn't think there was any partisan agenda here, would you? This is what this has come to. This Prime Minister is not behaving like a leader. He's behaving like a man desperate to retain power, and that desperation is there for all to see. I seek leave to table the opinion from Peter Hanks QC, which responds directly to Mr Bennett QC's opinion.

Leave granted.

Senator WONG: I thank the Senate.

I hope that Mr Turnbull had a chat to some of his backbench MPs before he decided to try and blow up the House of Representatives and use his numbers to refer Labor members who've sought to renounce their citizenship. It is actually a dangerous new precedent in Australian politics that the executive would seek to use its numbers on such an important issue in such a partisan way. It really demonstrates the desperation that Mr Turnbull is engaged in. He has become a diminished and desperate man. In fact, many Australians, when he was elected and when he took over the leadership, thought that he might be a leader whom they could respect; I think it has been a continuity of disappointment.

Let's remember the questions which have been raised about coalition MPs. Unlike Labor MPs, who took steps to renounce and have been public about that, we haven't got any information from these people. Questions have been raised about Ms Marino's potential
Italian citizenship as a result of her previous marriage. They have not been answered. Questions were raised about Ms Julia Banks's Greek heritage and, frankly, her answers have not been consistent with what we understand to be the law. We have members with Greek parents who have taken active steps to renounce, because Greek citizenship doesn't, as we understand it, require an active step in order for you to be entitled, but Ms Banks says, 'I never took any steps.' Well, I don't think that's the test. What's the answer? Alex Hawke also has parents with Greek citizenship. Tony Pasin potentially has parents with Italian citizenship. Ann Sudmalis potentially has parents with UK citizenship. If Mr Turnbull wants to start using his numbers to refer Labor MPs who have taken reasonable steps to renounce, I assume he has spoken with all of these MPs and any others from the coalition side and informed them that they are likely to have to be referred as well. If he hasn't, he's certainly hung them out to dry. It would have been nice, I suspect, for them to have had a chat prior.

We will support this motion because it deals with the issues that we demanded be in the motion. We wanted a more stringent disclosure and we wanted an earlier date. But what we say is this: do not be distracted by the desperate lashing out of a Prime Minister who, frankly, seems to be beyond his use-by date trying to point attention to others. The fact is that he has not dealt with those on his side, and he has been dragged, kicking and screaming, to a position that is now reflected in the motion before the chamber.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (13:33): One thing is certain: we have a constitutional crisis that is engulfing this parliament; and another thing is certain: this motion before the parliament will guarantee that this crisis will continue indefinitely. The shadow that's hanging over this parliament will continue. This motion does nothing to resolve the uncertainty, the huge lack of trust that we've seen displayed by members of this parliament and the lack of integrity—and, of course, that results in the erosion of trust from the community. This is a motion that will delay any action until the new year, and one thing's for sure: we can guarantee that we'll be talking about this issue well into next year.

It's a crisis that's been grinding on for months and months and months. People are looking at this place and they think this parliament is a joke, that it's a laughing stock and that people can't get their act together, work out whether they're eligible to be here, sort it out and move on. This proposal's not going to fix it. It won't. It can't. The Australian community are exasperated at what they're seeing unfolding in this parliament right now. What they wanted was swift and decisive action, and they're not getting it. They want MPs to put this matter behind them, to sort it out and to get on the business of governing, yet what we've got is a proposal that will continue the uncertainty and the chaos until well into next year and—who knows?—all the way up to the next election.

From the beginning of this crisis, which was precipitated with the resignation of Senator Ludlam and Senator Waters—

Senator Dastyari: You started it.

Senator DI NATALE: That's right: we did. We accept that we initiated the cascade of events that have now befallen a number of other members of parliament, but look at the way that both Senator Ludlam and Senator Waters acted. They acted with integrity. They took it on the chin. They didn't blame their mum. They didn't blame anybody else. They said, 'We
made a mistake, we should have done better, and we're going to accept full responsibility and resign.' That's what they did. They did it immediately.

They didn't do it because they agree with section 44 of the Constitution. We don't like it. We think it's a relic of the past. We think that it does need to be changed. We think that in a multicultural country like Australia, where so many people were born overseas, it has no role in modern Australia, and we'd like to change it. But you know what? It's in the Constitution. It's in our founding document, and, if you believe in representative democracy, you believe in upholding the founding document. You can't have it both ways. You can't on one hand say you believe in democracy and on the other hand trash the Constitution when it's convenient for you. You can't on one hand say, 'We expect other people to abide by our Constitution,' and on the other hand, when it comes to politicians, say, 'We'll ignore it when it's convenient.' That's where we are at right now: we have a constitutional crisis, a cloud hanging over this parliament that will continue well into next year.

Very early on in this process we called for an independent audit. We said, 'It's time to have an independent and transparent audit.' We called for that months ago. We had the support of every member of the crossbench. I know Senator Hinch has been very vocal in his support for an independent audit. If the Senate—that is, the Labor Party, the Liberal Party and the National Party—had agreed to that audit three months ago, we wouldn't be here right now. The whole thing would be sorted out. We'd have fixed it. Where there were doubts about MPs, those cases would have been heard, and we'd actually be here talking about how we're going to legislate for marriage equality and what it is that we're going to do to help those poor souls on Manus. That's what we should be talking about, yet right now this is a parliament consumed with itself, not with the business that affects people right around the country.

Of course, right through this, what it has revealed is a total lack of integrity, and Senator Wong is absolutely correct when she says that the government and this Prime Minister have acted shamefully, appallingly. Of course, when Senator Ludlam and Senator Waters resigned, that was incredible sloppiness! It was extraordinary negligence! It was a party not capable of governing! Yet, of course, what we now know is that there were members of the coalition sitting on this, not having the guts to come forward, own up to their mistakes and recognise that they too needed to do the right thing. We saw the incredible double standards when there were question marks over Senator Canavan and the decision was made for him to step aside from the ministry, yet when his Deputy Prime Minister got in trouble there was a totally different standard for him. He continued on as a minister, despite the fact that Barnaby Joyce knew in his gut he'd lose. He said that once the High Court handed down their decision. Double standards and hypocrisy—of course, this government is racked with it.

We saw an undignified end to the distinguished career of the former President of the Senate, Stephen Parry, who confided in his colleagues and was told to keep his head down, to shut up. He suppressed information in the hope that somehow the High Court would rule in their favour. We don't know whether members of the Prime Minister's office were aware of it, or indeed whether the Prime Minister himself was aware, but, if he wasn't, what does that say about the dysfunction in the heart of this government—that the President of the Senate could have been ineligible to stand and that information wasn't communicated to the Prime Minister? That speaks to a dysfunctional, divided government.
Then we have the extraordinary comments from Senator Brandis, who said that it's unthinkable that members of one party would refer members of another party to the High Court, yet that's exactly what they're proposing to do right now—again, more hypocrisy. We had the lecture from Senator Brandis about the information from the Solicitor-General—he was confident in the advice that was provided but so confident that he didn't have the guts to release it, to make it public. We called for an order for the production of those documents. We're still waiting. And we have the arrogance of the Prime Minister to instruct the High Court—'the High Court will so hold'. Well, it didn't. It was a seven-zip ruling. Now we are expected to believe that this motion, agreed to in a back room, is somehow designed to try and resolve this. Forgive me for not accepting the government's word that they are keen to put this behind them. It is a stitch-up; it is a fix. Nothing brings the two old parties closer together than the threat of losing people from their own side. That's what this is about. In an effort to avoid referrals to the High Court, we've seen this last-minute stitch-up to continue the protection racket that benefits Labor, Liberal and the Nationals. They're colluding today on this register in an attempt to be doing something when the reality is this is a smokescreen for inaction.

Let me get to the details of what is being proposed. There are four key problems with what the government has put forward. The first thing is that many of the so-called requirements for the register are based on belief or awareness. That is the reason we are in this mess. When we nominate, we declare on our nomination form to the Australian Electoral Commission that we believe we are not dual citizens. This is effectively asking us to do what we are asked to do when we nominate. That's all this does. Mr Shorten, in his letter to the Prime Minister, was absolutely correct when he stated that statements of knowledge and belief as to citizenship status are meaningless. They are meaningless. The High Court has made it clear here that it is the underlying facts that matter. What's the point in asking people to repeat on their declaration of interest the same information that they provide when they nominate for election? That's the reason we're here, for goodness sake—because people are either incompetent, or ignorant of the law, or in some cases have made genuine mistakes, and are found to be dual citizens. Yet paragraph 1(e) of the motion says that the senator must declare 'whether the Senator has ever been a citizen of another country and if so which country or countries'. It is asking the senator to make the same declaration that was made on the nomination form when they stood for election. By now we should recognise it is not a matter of individual senators (a) being trusted or (b) knowing whether they are dual citizens. That is the whole point of this issue, and simply asking them to declare it repeats the same mistake. Instead of making declarations, parliamentarians should be required to disclose the facts from which conclusions about citizenship can be drawn. This is a question of law determined by facts, not by belief, and that's what this register needs to include—facts, not questions of belief.

The second problem with this process is that there is no action to take this information forward—no active process of an audit or review or scrutiny of the information that is put on the register. It somehow leaves that work up to somebody else. So it's designed to provide information that's so vague, about a Senator's personal belief, and then ask somebody else to follow that up. Well, that's what's happening right now. That's why we're in this mess. We've got information that has been selectively disclosed, through the court of public opinion, with no process for independent scrutiny or review. Again, I come back to that single point: these
are questions of law to be determined by the facts of the case, and unless we start instructing individual senators to be clear about the facts of their circumstances rather than making declarations of belief then this can't solve the problem. And there has to be an active process of audit.

The third problem is: what happens when question marks are raised? We know from today that nothing will bring the two parties closer together than a threat to their own numbers. So how do we know that these individuals will end up being referred to the High Court? You're asking the Senate to believe that, should questions be raised around an individual senator's eligibility, somehow, miraculously, the parties to whom those senators or members belong will refer them to the High Court. Well, that's just not how it works. The only reason former Senator Malcolm Roberts was referred to the High Court was that the Greens threatened to refer him and gained the support of the crossbench and, indeed, the Labor Party. That's why Senator Roberts ended up being referred to the High Court. We can't trust individual parties to act in the national interest, because we know that, to date, they've acted only in their own narrow self-interest.

The fourth problem with this is the time frame. We think that, at the very least, this could be dealt with. The information that's required should be provided within the next fortnight, and I will get to the sort of information that's necessary. But you can bet your bottom dollar that, if any one member of this place got a phone call to say, 'You know what? On that lottery ticket you bought you've just won a million bucks, but we need you to provide a bit of information here, and you need to have it within the next couple of weeks,' they'd find the time to provide that information. It'd probably take only a few days, not weeks. And now we've got a time frame to 1 December. I mean, you would have had to be hiding under a rock not to understand that this information needs to be made available and be made available quickly.

So the Greens will be amending this motion that comes before this Senate, and we'll be amending it in a way that addresses those four key points. Firstly, we're going to propose a shorter time frame so that we get a speedier resolution, and we've said that there is no excuse for this information not to be provided in the next fortnight. So we want to have this resolved much more quickly.

Secondly, we propose that, rather than asking senators what they believe to be the case—the Malcolm Roberts defence—which is what this motion does, matters of fact on eligibility be provided by senators. You know, declarations that just duplicate the declaration that each candidate made in signing the AEC nomination are totally meaningless. That's what this motion does. The High Court has said very clearly: 'It is the facts of the case that matter, and we will draw conclusions about someone's citizenship from the facts of the case.' So we've outlined what those facts need to be: the date and place of birth of MPs, their parents and their grandparents; whether individuals or their parents or grandparents have been naturalised as citizens of any country and, if so, when; some details around information on foreign passports and whether they've been renounced; and of course details of any other act by MPs under which they relied on foreign citizenship—that is, 'Have you voted in elections in another country?' They are basic facts that will help us determine objectively, in law, whether somebody is a dual citizen.
Thirdly, we propose an active process of audit by the Senate Standing Committee of Senators' Interests. When this information is provided, what happens next? Well, at the moment, the uncertainty will continue. We know that there is no process for doing anything with this information. We believe that, if we are indeed to have an independent audit, what it should look like is that the Committee of Senators' Interests are able to review the facts of each individual's circumstances; that they've got the power to send for and examine individuals and documents; that they can, as with other Senate committees, move to sit in public or private to provide that information; and that, if they need to, they can be empowered to appoint persons with specialist knowledge for the purposes of the committee—that is external, legal expertise. They can do all of that. That is the process of independent audit that is necessary here. And finally, where there is a question to answer, we propose a clear process for referral to the High Court sitting as the Court of Disputed Returns.

We have to put this mess behind us. It just seems that the government doesn't understand that the longer this goes on, the more this uncertainty lingers and the more this chaos continues, the more it undermines faith in our democracy. People have had a gutful, and this declaration, which is a smokescreen for inaction and which serves to benefit the interests of both the Liberal Party and the Labor Party, is not good enough. So we urge all members in this place to look at those individual amendments and to recognise that we can't repeat the same mistakes that were repeated when individuals nominated through the Australian Electoral Commission forms—the facts relevant to each individual circumstance should be provided and provided in a timely way. We've already said that we would be prepared to refer all individuals who are put forward in a motion to the High Court, regardless of where those referrals come from, because we want to see this crisis end.

And it is a constitutional crisis, because, when we don't have the confidence that the governing party in this place has the numbers on the floor of the lower house of parliament, that is as serious as it gets. We need an effective resolution to this crisis and it needs to be done quickly. This resolution, this motion before the Senate, is not that. To use the Labor Party's own words, 'Statements of knowledge and belief as to citizenship status are meaningless,' and yet this motion duplicates those problems in most respects. We have to get it sorted. The parliament is looking like a joke—a laughing stock—and we continue to see more delay and a proposal that's a smokescreen for action, when the very last thing both the government and, indeed, the opposition want is serious action on this front. I move the following amendment:

Omit all words after "That", substitute "not later than 5 pm on Friday, 24 November 2017 (and within 5 days of making and subscribing an oath or affirmation as a Senator) each Senator shall provide to the Registrar of Senators' Interests a statement containing the following (along with any documentation):

(a) The date and place of birth of the parliamentarian;
(b) The date and place of birth of the parliamentarian's parents;
(c) The date and place of birth of the parliamentarian's grandparents;
(d) Whether the parliamentarian, his or her parents and his or her grandparents have ever been naturalised as citizens of any country, and if so, the country and date of naturalisation;
(e) Details, including dates of issue and, if relevant, cancellation, of any foreign passports previously held by the parliamentarian;
(f) Details of any other act by the parliamentarian under which they relied on foreign citizenship (e.g., voting in another country);

(g) Statement as to whether the parliamentarian, his or her parents and his or her grandparents have ever renounced citizenship of any foreign country, and if so, evidence of that renunciation and its acceptance by the authorities of the foreign country;

(h) The date on which the parliamentarian nominated with the Australian Electoral Commission for the 2016 federal election (or, for the House of Representatives, any more recent by-election).

(2) If at any time the Senator becomes aware that information provided in their statement is no longer accurate they shall update their statement as soon as practicable but not later than 21 days of being so aware.

(3) Statements and documentations shall be made in accordance with this resolution and in a form determined by the Committee of Senators' Interests. The Registrar shall, in accordance with procedures determined by the committee, maintain a Citizenship Register comprising statements provided under this resolution. Other than as specifically provided for in this resolution, the committee has the same powers and functions in relation to the citizenship register as it does in relation to the Register of Senator's Interests.

(4) The Registrar shall, upon the expiry of the time for providing statements under this resolution, and at other times determined by the committee, publish the register and any alterations or additions to the register on the Parliament's website.

(5) The Committee of Senators' Interests:

(a) commencing 24 November 2017, inquire into the citizenship status of each current Senator; and

(b) report to the Senate whether there are circumstances which may warrant a question or questions respecting the qualification of one or more Senators being referred to the Court of Disputed Returns under section 376 of the Commonwealth Electoral Act 1918; and

(c) present its final report on or before 6 December 2017; and

(d) during the inquiry:

(i) have power to send for and examine persons and documents;

(ii) to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives; and

(iii) have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit; and

(iv) be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President; and

(6) Any Senator who:

(a) knowingly fails to provide the statement required by this resolution to the Registrar of Senators' Interests by the due date; or

(b) knowingly fails to correct an inaccuracy in his or her statement within the required timeframe; or

(c) knowingly provides false or misleading information to the Registrar of Senators' Interests;

shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly, but the question whether any senator has committed such a serious contempt shall first be referred to the Privileges Committee for inquiry and report or, if appropriate, the Court of Disputed Returns.

(7) A message be sent to House of Representatives to acquaint it with this resolution".
Senator WATT (Queensland) (13:52): I also rise to speak in this debate, and I welcome the fact that this government has finally come to its senses as to how to handle the citizenship fiasco that has completely engulfed this government.

Only a few days ago, the Prime Minister met with the opposition leader and Senator Wong to try to resolve this matter, and the very reasonable requests that Labor made at that meeting were rejected by the Prime Minister. We now, finally, see the government coming to its senses today. It recognises that Labor's requests were entirely appropriate and reasonable, and the government has now agreed to support this process. This is a sensible way forward, and it should have been adopted by the Prime Minister on the day it was put forward. Yet again, we've had to see Senator Cormann come in and save the day, talking the Prime Minister around to a commonsense approach here. It's notable that the government's leader in the Senate, Senator Brandis, was completely excluded from these negotiations. I think that everyone in the government has now recognised that everything Senator Brandis touches turns to something you don't want to touch, and the citizenship fiasco is yet another example of that.

This disclosure regime will deal with the various claims and counterclaims that have been thrown around over recent weeks regarding citizenship and involving numerous senators. What the Prime Minister and his representatives in the other chamber should do immediately is commit to following exactly the same procedure in relation to members of the House of Representatives. If this process is good enough for the Senate, it is good enough for the House of Representatives.

This resolution is good as far as it goes. It does put forward a sensible approach to deal with the range of questions involving citizenship that have arisen in relation to senators in recent weeks. But as good as this resolution is it leaves unresolved a number of other questions regarding other senators in this place and their eligibility to remain serving in this chamber. In fact it leaves unresolved similar questions in relation to various government members of the House of Representatives. While most attention about section 44 of the Constitution in recent times has focused on the matter of people's citizenship, there are other strands to section 44 that potentially leave a senator or member of parliament ineligible to sit in this place. The most obvious one is that if a senator has a direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth they are ineligible to sit in this chamber.

I'm very pleased to see one such senator—Senator O'Sullivan—in the chamber to hear yet again the issues surrounding his ineligibility, because he seems not to want to listen but to want to put his head in the sand about this. There have been three instances now where Senator O'Sullivan, through his family companies and their activities, appears very likely to have fallen foul of section 44(v) of the Constitution, which would make him ineligible to serve in this chamber. We've learned over the weeks gone by that Senator O'Sullivan's family company, Newlands Civil Construction, was making a dollar out of Commonwealth funding that was directed, first of all, through contracts to work on the Toowoomba second range crossing and, secondly, through a contract and funding provided to Central Highlands council in Queensland under the government's NDRRA program. What we learned in the last two weeks, when the Senate was not sitting, was that there is now a third instance where Senator O'Sullivan's private, personal companies have benefitted from contracts awarded by the
Commonwealth and funding from the Commonwealth. It involves a contract of Commonwealth funding awarded to Balonne Shire Council in regional Queensland. The work that Balonne Shire Council contracted Newlands Civil Construction to perform was funded directly by the Commonwealth. The argument that Senator O'Sullivan has put up is that there is no state middle man in this contract. I don't accept that argument, but even if we do that argument does not apply here. This is a situation where Commonwealth funding is going through Balonne Shire Council and straight into the pockets of Senator O'Sullivan and his family through their family company.

What make it worse is that this Commonwealth funding program, the drought program, was absolutely lobbied for personally by Senator O'Sullivan. So we have the chair of the Senate's Rural and Regional Affairs and Transport Legislation Committee out there lobbying for government funding to create a program and then with his family company putting his hand out to take benefit from it. If that is not an indirect pecuniary interest in a Commonwealth contract, I do not know what is. This resolution deals with citizenship issues. There are other senators, particularly Senator O'Sullivan, whose matters are unresolved. We intend to continue to pursue these matters, because he shouldn't think that just because we have dealt with the citizenship matters he is off the hook.

It's very unfortunate that neither the Prime Minister nor Senator Brandis seems to take this matter seriously. Some weeks ago I wrote to both the Prime Minister and Senator Brandis asking that Senator O'Sullivan be removed as the chair of the rural and regional affairs committee. To this date, I have not received a response to that letter from either Senator Brandis or the Prime Minister. That's how seriously they take these issues. That's how seriously they take an indirect conflict of interest involving one of their own senators who has his hand out and his family company's hand out to benefit directly from Commonwealth funding. They need to take these matters more seriously. It goes to the character of this government and what is appropriate behaviour from senators, but it also goes to the eligibility of Senator O'Sullivan to remain in this chamber.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): For the information of honourable senators, I table the current list of ministers, dated 13 November 2017, including representation of House of Representatives ministers in the Senate.

QUESTIONS WITHOUT NOTICE

Parry, Hon. Stephen

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to Senator Fifield, the Minister for Communications. Following Senator Parry's resignation from this place, the minister revealed:

Former Senator Parry mentioned to me a few weeks ago that he was endeavouring to check his family's records.

When and how did the minister first become aware that Senator Parry's father had relevantly held British citizenship?
Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (14:00): I covered these matters in my contribution to the debate in relation to the High Court referral earlier today.

The PRESIDENT: A supplementary question, Senator Wong?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): Accountability Turnbull Government style! He was asked it here, and I ask it again: when did this minister first become aware that Senator Parry's father had relevantly held British citizenship? It is a simple question. He should answer it.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (14:01): As I indicated earlier, I made a contribution in the debate on the referral to the High Court. Senator Wong is asking for particular details about which I did not have knowledge.

The PRESIDENT: A supplementary question, Senator Wong?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): Can the minister explain to the Senate why he chose not to disclose questions about former Senator Parry's eligibility, given that the government had referred the then Deputy Leader of the Nationals, Senator Nash, to the High Court in the same circumstances? Why is there one rule for Senator Parry and one rule for Senator Nash?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (14:02): Mr President, I comprehensively covered these matters this morning.

Qualifications of Members and Senators

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:02): Mr President, may I take this opportunity to formally congratulate you on your election to President. My question is to the Attorney-General. Can the Attorney-General outline the steps the government is taking to ensure the current members of parliament are not dual citizens?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): Yes, I can. Following the decision of the cabinet last week, the government has this morning, as you know, introduced a resolution into the chamber which we hope will be accepted by other honourable senators. The government is firmly of the view, as the Prime Minister has repeatedly said, that it is a matter for each individual member and senator to assess their own eligibility and, if they cannot satisfy themselves that they are eligible, to resign, just as, most recently, the former member for Bennelong, Mr John Alexander, did.

To facilitate members' and senators' due diligence, the government has moved a motion today to require senators to provide a declaration to the Registrar of Senators' Interests. The declaration requires senators to set out key information regarding their personal circumstances, including their birth and the circumstances of their parents and grandparents. Senators will appreciate that making a declaration to the Registrar of Senators' Interests is a serious matter and, while we understand that honourable senators and members can only
declare to the best of their knowledge and belief, nevertheless making false or misleading statements on such a declaration constitutes a serious contempt. I am sure—at least I am hopeful—that senators will treat this process with the respect it deserves. Provision of this information will allow each house of parliament to determine as appropriate whether a parliamentarian should be referred to the High Court, recognising that in the end only the High Court can authoritatively determine the eligibility of parliamentarians. But let me stress, because it can't be said often enough, that the burden lies upon the individual member or senator who becomes aware of circumstances disqualifying them under section 44 to initiate their resignation.

The PRESIDENT: A supplementary question, Senator Bushby.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:04): I do have a supplementary. What course of action should senators and members take to certify that they are eligible to sit as a member of parliament?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:05): Members and senators have been given an abundantly clear series of questions in the event that the Senate adopts the government's resolution. As I said before, it needs to be taken very seriously. Nevertheless, if there are already circumstances known to any senator or known to any member of the House of Representatives that demonstrate that they were a dual citizen at the time of the 2016 election and the election of the 45th Parliament, they do not need to await the filing of the particulars with the register of members' or senators' interests. As a matter of personal integrity, they ought to come forward, as Mr Joyce did, as Senator Nash did and as Mr Alexander did, and they ought to proactively take those steps as my colleagues have done.

The PRESIDENT: Senator Bushby, a further supplementary question?

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:06): Is the Attorney-General aware of any senators or members of the House of Representatives who appear to be ineligible? What steps are open to the parliament to deal with any such cases?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:06): Yes, I am. In my contribution to the debate earlier during the day I did refer to the member for Braddon and the member for Longman, who have been the subject of an advice by the former Commonwealth Solicitor-General, Dr David Bennett QC. The former Commonwealth Solicitor-General arrived at the conclusion that, on the basis of their own public admissions, the member for Braddon and the member for Longman were dual citizens at the time of the 2016 election. In fact, those two members—the member for Braddon and the member for Longman—delayed by almost a year after they were preselected as the Labor Party candidate for those seats before they even initiated the process of renouncing their UK citizenship.

Parry, Hon. Stephen

Senator O'NEILL (New South Wales) (14:07): Mr President, congratulations on your new role. My question is to the Leader of the Government in the Senate, Senator Brandis. On Tuesday, 31 October, the minister said that the first time he became aware former Senator Stephen Parry may be a dual citizen was 'when Senator Parry contacted me yesterday
Can the minister guarantee to the Senate that the first he or his office became aware of the concerns about former Senator Parry's eligibility was on Monday, 30 October?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:08): Yes.

The PRESIDENT: Senator O'Neill, a supplementary question?

Senator O'NEILL (New South Wales) (14:08): Were any members of the Senate government leadership team made aware of concerns about former Senator Parry's eligibility before Monday, 30 October?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:08): The government's leadership team consists of the leaders of the respective coalition parties: the leader and deputy leader of the Liberal Party in the Senate and the leader and deputy leader of the Nationals. I have no reason to believe that any of those six individuals were aware of that matter.

The PRESIDENT: Senator O'Neill, a further supplementary question?

Senator O'NEILL (New South Wales) (14:08): Senator Parry has indicated that he raised the issue with senior members of the government in mid-August and Senator Fifield has admitted he was aware of Senator Parry's breach before his resignation. Which other senior members of the government were aware of concerns about former Senator Parry's eligibility?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): I don't believe former Senator Parry actually has said that. Nevertheless, I know Senator Fifield's name has been mentioned in this discussion. Senator Fifield responded to those issues in the contribution he made in the Senate earlier in the day, and that is the position.

Queensland: Mining

Senator O'SULLIVAN (Queensland) (14:09): Mr President, congratulations on your appointment. My question is to the Minister for Resources and Northern Australia, Senator Canavan. As difficult as it may be, can the minister please outline what excuses the Queensland government has given for pulling their support for the development of the Galilee Basin?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:10): Mr President, I too would like to pass on my congratulations on your appointment. Senator O'Sullivan makes a very important point. About 10 days ago, the Queensland government pulled their support for the job-creating Adani Carmichael Mine project. It was an act of betrayal of the people of North Queensland. The Queensland government have been leading the people of North Queensland down the garden path on this issue. It was the Queensland government who first applied to the federal government asking us to fund the Galilee Basin rail line in February last year. In May this year the Queensland government wrote to me confirming their support for that investment after some controversy and internal civil war erupted in the Labor Party.

Real people in North Queensland have been making real decisions about their future based on what they thought was the Queensland government's support for their region and this investment. People have been buying houses, investing in businesses, taking up jobs—there
are nearly 200 people in Townsville working for Adani now—and moving their families there because they thought the Queensland government backed them and was in their corner. They are not in their corner. We know that now.

Ten days ago the Queensland Premier came up with the cockamamie story that, because of the work of her partner, she had to pull the economic rug out from under the people of Queensland. That excuse didn't stack up; no-one believed that from day one. So the very next day the Premier was saying it wasn't because of that; it was because the project had to stand on its own two feet. That was the second excuse. The third excuse was from the Queensland Treasurer later that week. He said, 'The project is just not that popular; that's why we've pulled our support.' Now we have seen reports over the weekend that, in fact, the Queensland cabinet decided in May not to support federal government investment in the rail line. What have they been hiding from us for six months? Why have they been treating the people of North Queensland with this contempt? You'd think the Queensland government would have got their story straight before they called the election. They called the election—no-one else—but they're all over the shop on jobs in Queensland.

The PRESIDENT: Senator O'Sullivan, a supplementary question.

Senator O'SULLIVAN (Queensland) (14:12): Is the minister away of any advice the Queensland government has sought regarding the decision to veto any loan?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:12): As I mentioned, the Premier's first excuse for pulling the economic rug out from under the people of North Queensland was that there was a conflict of interest—her partner worked for PricewaterhouseCoopers, who were preparing the application for Adani to the Northern Australia Infrastructure Facility. So the Premier rightly sought advice from the Queensland Integrity Commissioner. That advice came back to the Premier and the Queensland government later in the first week of the campaign. The preferred option from the Integrity Commissioner was: 'Declare a conflict of interest to the chair of the Cabinet Budget Review Committee, the Treasurer and the Minister for Trade and Investment and exclude yourself from any part of CBRC meetings that involve deliberations and decision-making about NAIF projects at the investment decision and execution stage.' That's what the advice said, but the Premier made out that the Integrity Commissioner wanted her to simply veto the project. She misconstrued this advice and misled and deceived the Queensland people—and now they are being made to suffer for the Queensland government's inability to get on the same page on this.

The PRESIDENT: Senator O'Sullivan, a supplementary question.

Senator O'SULLIVAN (Queensland) (14:13): Minister, what are the benefits of opening up the Galilee Basin?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:13): I thank Senator O'Sullivan for the question. Unfortunately, there is only one major party in Queensland that supports the jobs that will come from the Galilee Basin. The reason we support opening up the Galilee Basin is that it will deliver thousands of jobs to the people of Queensland. These are areas of Queensland that are suffering under high levels of unemployment. High levels of unemployment continue in both Townsville and Rockhampton. We were buoyed a month ago by the decision of Adani to host their fly-in fly-out hubs in
those two cities. That is exactly the tonic North Queensland needs. And now there is only one choice at the Queensland election for people who want to back jobs and development in North Queensland. Unfortunately, the Premier is the second coming of Clive Palmer to the people of Townsville. In Clive Palmer, they had a bloke who made a lot of promises over the last few years. He said they were going to get jobs—just like the Premier has said in the last 18 months—and at the last minute pulled out of that town and caused economic devastation. I don't want to see that happen to the people of Townsville again. The only way we can deliver jobs to them is through the election of a Liberal National Party government now.

**Immigration Detention**

Senator McKIM (Tasmania) (14:14): My question is to the Leader of the Government in the Senate, Senator Brandis, representing the Prime Minister. Minister, I refer you to the humanitarian calamity that your government has created on Manus Island, by two weeks ago cutting off drinking water, food, electricity and medication from over 600 people. A few days ago, Papua New Guinea police entered the camp and overturned the rubbish bins that detainees had been using to contain their drinking water. Only an hour ago, Papua New Guinea immigration officials re-entered the camp and bored holes in those rubbish bins so that they could no longer be used to collect water. Will you immediately restore the essentials of life to the people you are responsible for in the Manus Island detention centre? Will you evacuate them as soon as possible to Australia or to a safe third country such as New Zealand?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:15): Senator McKim, a little history is relevant here. Let us never forget who started the Manus Island detention centre: it was the Labor government of Kevin Rudd.

The PRESIDENT: A point of order, Senator McKim?

Senator McKim: The Attorney is entirely irrelevant to the question. The question was very specific. It related only to events in the last two weeks. Will he act to restore the essentials of life and evacuate the camp immediately?

The PRESIDENT: Senator McKim, it is my first day on the job, but I have been around long enough to know that the preamble of a question is relevant when a minister wants to address a question. I might also say that he was 12 seconds in. I think we do give ministers some flexibility, and I would probably grant more than 12 seconds.

Senator BRANDIS: Thank you very much indeed, Mr President. If there is a problem with Manus Island, don't look to my side of politics, Senator McKim. Look to the Australian Labor Party, which began the Manus Island detention centre. For all the years since we have been in office we have been working to secure agreements with third-party nations, most notably the United States of America, to resettle the people from Manus Island, and it is proceeding very well.

Senator McKim, I cannot understand your position. One moment you're saying that Manus Island should be closed down. The next moment you're saying it is an outrage that Manus Island is being closed down. Now you come into the chamber this afternoon and say, 'Will the government evacuate Manus Island?' You are all over the place on this issue, Senator McKim. The reason you are all over the place is—
The PRESIDENT: A point of order, Senator McKim?

Senator McKim: He's now had one minute and 12 seconds and has not remotely approached the question he was asked. I urge you to remind the Attorney of the question and ask him to answer it.

The PRESIDENT: Senator McKim, your question had an extensive preamble. In the conclusion of your question you asked, 'Will you?' of the Attorney. He is addressing the question as you asked it.

Senator BRANDIS: Thank you. Might I also remind you, by the way, that the sovereign government—

The PRESIDENT: Senator Hinch on a point of order?

Senator Hinch: I have a point of order, Mr President. It is your first day here. The point of order is that Senator McKim's interjections have been longer than the Attorney-General's answers and it makes it very hard to hear in this part of the chamber.

The PRESIDENT: Having sat down at that end of the chamber, can I remind senators making interjections that not everyone is close to the minister and can hear the answer. Please have some courtesy for colleagues so senators at more distant parts of the chamber may hear the answer after the question is asked.

Senator BRANDIS: Thank you, Mr President. Might I remind you, Senator McKim, that the sovereign government of Manus Island is the government of New Guinea. The steps that are being taken in relation to Manus Island and the detention centre there are steps being taken in compliance with orders of the Supreme Court of Papua New Guinea. Now, Senator McKim, you may be of the view that Australia should disrespect the sovereignty of a friendly neighbour. You may be of the view that we should treat with contempt the orders of the Supreme Court of Papua New Guinea, but I am not.

The PRESIDENT: Senator McKim, a supplementary question?

Senator McKIM (Tasmania) (14:19): It was the Australian government that cut off their drinking water, not the Papua New Guinean government. Attorney, I refer you to the offer made by New Zealand Prime Minister Jacinda Ardern to accept at least 150 of the men that Australia remains responsible for under international law on Manus Island, as confirmed by the United Nations. Doesn't your government's refusal to accept this offer categorically give the lie to your claims that the detainees are not your responsibility?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:20): Senator McKim, you refer to responsibility under international law. You seem to be disregarding the fact that the High Court of Australia ruled two years ago, by a majority, that the offshore processing arrangements that the Australian government entered into are not administered by the Australian government. We've had a lot of reliance on and calling in of decisions of the High Court recently in this chamber, including by you, Senator McKim, on the question of section 44 of the Constitution. You ought also to respect the High Court's decision on a question of offshore processing.

Senator McKim: Mr President, I raise a point of order, once again on relevance. In my previous question, the Attorney did not answer the question I asked. He's now over halfway
through his answer to my first supplementary question and again has not approached within a billion miles of the question. I didn't ask about section 44 of the Australian Constitution, Mr President; I asked about the inconsistency in the Prime Minister and Australian government's position in regard to who is responsible.

**The PRESIDENT:** Senator McKim, your supplementary question began with an assertion, and it concluded with the phrase 'give the lie to claims' and asked for an opinion on that particular legal matter. The Attorney-General is relevant to the way you asked the question. We've already had an example in this question time of short, precise questions leading to short, precise answers. If you'd like short, precise answers, then avoid the preambles.

**Senator BRANDIS:** Thank you—very wise, Mr President. Senator McKim, the High Court has already decided on the question of who has responsibility under the offshore processing arrangements, but, just as you disrespect the sovereignty of New Guinea and just as you disrespect the authority of its Supreme Court, you seem to be disrespecting the authority of the High Court of Australia on this issue as well.

**The PRESIDENT:** Senator McKim, a final supplementary question?

**Senator McKIM (Tasmania) (14:22):** Just ignore the actual human beings who are starving to death, will we? Isn't it true, Attorney, that your government is doing everything it can to escalate the situation on Manus Island and create a violent flashpoint? Do you accept that your government will have blood on its hands if there is violence, along with the Labor Party because of their silent acquiescence to your torture?

**Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:22):** Senator McKim, not only is your assertion absolutely false but your own role in relation to Manus Island has been despicable and contemptible. You went up to Manus Island with TV cameras in tow for the explicit purpose of fomenting violence—that's what you did.

**The PRESIDENT:** Senator Brandis, have you concluded your answer?

**Senator BRANDIS:** No.

**The PRESIDENT:** Senator McKim on a point of order?

**Senator Di Natale:** The Attorney-General made some extraordinary allegations against Senator McKim.

**Government senators interjecting—**

**The PRESIDENT:** Order on my right! Senator Di Natale has the call. Order!
Senator Di Natale: Senator Brandis very clearly stated that Senator McKim's motives for going over to Manus Island were to incite violence. That is a very, very serious allegation for the Attorney-General to make. All of us in this chamber heard it. I ask the Attorney-General to stand up and withdraw.

The PRESIDENT: On the point of order, Senator Brandis?

Senator BRANDIS: On the point of order, the very allegation I make about Senator McKim is the very allegation he has made against the Australian government. It was Senator McKim, not me, who used the phrase, 'Don't you have blood on your hands?' It was Senator McKim who made the allegation of torture. It does not lie with you, Senator Di Natale, to demand that I withdraw an allegation against Senator McKim, which your own spokesman has just made against me and every one of my colleagues.

The PRESIDENT: Senator Di Natale, are you seeking the call again on the point of order?

Senator Di Natale: Yes, I am seeking the call again on a point of order. I would ask you to rule on my point of order.

The PRESIDENT: I am willing to rule—

Senator Di Natale: The Attorney-General is entitled to take his own point of order. He can challenge Amnesty International for alleging that what is going on is torture—he can challenge that—but we are not going to descend into schoolyard tactics where you believe that an inappropriate allegation can be made on the basis of something that you're offended by.

The PRESIDENT: Senator Di Natale, I agreed to give you, as the leader of your party, the chance to be heard a second time on the point of order. I did not hear it in the way it has been characterised. The question was asked with very emotive language. That tends to provoke a somewhat emotive response. If I am incorrect, I will review the Hansard and come back to the chamber, but I'm not going to rule what Senator Brandis said out of order with my incomplete knowledge. Senator Di Natale, are you rising on a point of order?

Senator Di Natale: I know it's very early in your presidency, so we are prepared for you to go away and read the Hansard. But the allegation was clear, it was explicit, and everybody in this chamber heard it, and I'd ask that you go and review the Hansard.

The PRESIDENT: Senator Di Natale, I have said that I will review the Hansard and come back to the chamber if it is recorded differently to that which I recall. There is no further discussion on this point of order.

Senator BRANDIS: Senator McKim, let us be very clear: the people with blood on their hands are the people who stood by and turned a blind eye when 1,200 or more men, women and children drowned because the previous Labor government, with your connivance and at your sufferance, lost control of Australia's borders. Those are the people with blood on their hands. Senator Di Natale, you did go to Manus Island to foment violence, and you should be ashamed of yourself.

The PRESIDENT: Are you rising on a point of order, Senator Di Natale?

Senator Di Natale: You certainly heard it that time. You're not doing your job if you didn't hear it that time, Mr President.
Senator Wong: Mr President—

The PRESIDENT: Senator Wong, I'll let Senator Di Natale continue and then I'll call you.

Senator Di Natale: In point of fact, I haven't been to Manus Island; it was Senator McKim.

The PRESIDENT: It's not a time for points of fact, Senator Di Natale. If you've got a point of order—

Senator Di Natale: The accusation was made that I personally went to Manus Island and that I went with the express intent of trying to generate and foment violence. I'd ask the Attorney-General to withdraw that allegation.

The PRESIDENT: Senator Brandis, on this point?

Senator BRANDIS: That was an intended reference to Senator McKim. If the reference was accidentally made to Senator Di Natale, it was not directed at you, Senator Di Natale; it was directed to Senator McKim.

The PRESIDENT: Senator Di Natale, I'm going to go to Senator Bernardi, because you've been on your feet a bit in the last couple of minutes, and then I'll come back to you.

Senator Bernardi: This is on a different point of order.

The PRESIDENT: Okay. I'll go back to Senator Di Natale on that basis.

Senator Di Natale: Now we've heard the allegation. I'm sure you heard it, Mr President. I ask the Attorney-General to withdraw any imputation that Senator McKim went to Manus Island with the intent of fomenting violence on Manus Island.

The PRESIDENT: Senator Wong, on the point of order?

Senator Wong: I appreciate that this is Senator Di Natale's point of order. The President has ruled against the senator and has said—

An honourable senator interjecting—

Senator Wong: I'm sorry; I think it is reasonable for the President to do as he has indicated, which is commonplace, and that is to go away and consider the Hansard and consider the point of order in that light.

The PRESIDENT: I will go to Senator Hinch, who has previously sought the call, and then to Senator Brandis.

Senator Hinch: On the point of order: the Attorney-General, with a slip of the tongue, did say that Senator Di Natale had gone to Manus Island and that he has withdrawn.

Senator BRANDIS: On the point order: when you consider the point of order, Mr President, no language I used was unparliamentary, and it is not a reflection within the meaning of the standard orders to impute a motive to a senator for ostensible public conduct.

The PRESIDENT: On the point of order: Senator Di Natale, I will review the Hansard, as I stated earlier. Motives are assigned in debate in this chamber on many occasions. This is an emotive issue, I appreciate. The question was asked in an emotive fashion and provoked a response. I will review the Hansard and come back to the chamber if it warrants a correction from the chair.
Senator Bernardi: Mr President, I just seek your ruling about whether it is parliamentary for Senator McKim to repeatedly direct at the Attorney-General the term, ‘You are a monster.’ And, if it’s unparliamentary, would you ask him to withdraw?

The PRESIDENT: As all senators should know, there should be nothing directed at another colleague in the chamber. It should be directed through the chair. I suppose that someone may want to call someone else a monster through me! But all comments should actually be directed through the chair rather than across the chamber directly at other senators.

Parry, Hon. Stephen

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:30): My question is to the Minister representing the Prime Minister, Senator Brandis. Following Senator Parry's resignation from this place, the Prime Minister said to the media:

I learned about it probably about the same time you did, on Tuesday.

Is the Prime Minister so out of the loop that Senator Fifield and other senior members of the government were aware of concerns about former Senator Parry's eligibility, but he was not?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:30): Senator Farrell, none of that is correct. None of what you have asserted is correct. The fact is that the Prime Minister was travelling—indeed, in transit—during part of the time. Senator Fifield has addressed the question. I don't think the characterisation you've placed on what you heard from Senator Fifield earlier in the day or earlier in question time is fair or accurate. What the Prime Minister said at his press conference in Israel, that he heard about the matter at about the same time the journalists heard about it—when the news broke, I think it was on a Tuesday afternoon—I'm sure was accurate.

The PRESIDENT: Senator Farrell, a supplementary question?

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:31): I refer to media reports which state that former Senator Parry spoke to 'various ministers'. What steps has the Prime Minister taken in order to determine which senior members of the government, or officers, were aware of concerns about former Senator Parry's eligibility but withheld the information?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:32): Once again, Senator Farrell, with respect, you are misrepresenting the position. Those words have never been attributed to Senator Parry. The words you quoted are speculation by some journalists, not the attribution of words to Senator Parry.

The PRESIDENT: Senator Farrell, a final supplementary question.

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:32): Clause 1.3(iv) of the Prime Minister's Statement of Ministerial Standards requires that a minister:

… upholds the laws of Australia …

How is the conduct of Senator Fifield and several other as yet unnamed ministers consistent with this requirement?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:32): Senator Fifield has always conducted himself on this, as on every other occasion during his career as a minister, in an exemplary fashion. He explained to the chamber, candidly and thoroughly this morning, the nature of the conversations he had with Senator Parry. None of those conversations warrant the characterisation that you have placed upon them or the imputation you make.

Senator Fifield has at all times upheld and, I'm sure, will always continue to uphold the letter and the spirit of the ministerial standards.

The PRESIDENT: Senator Wong?

Senator Wong: The Leader of the Government just stated that those words were never said by Senator Parry. I seek leave to table a report by Michelle Grattan in which Senator Parry is quoted as having spoken to 'various ministers'. I seek leave to table the document, given that the leader has said those words were never said.

The PRESIDENT: Is leave granted?

Government senators interjecting—

The PRESIDENT: Okay, I will let the government inspect the document. I will call Senator Georgiou for his question.

Goods and Services Tax

Senator GEORGIOU (Western Australia) (14:34): Before I start, Mr President, I would like to congratulate you on your appointment. My question without notice is to Senator Cormann. Minister, the Productivity Commission released a draft report on the current GST distribution, showing that Western Australia is getting an unfair share. That report outlined a proposal that Western Australia could get up to $3.6 billion in extra GST funding per year. However, another submission from the Grants Commission has cast doubts over that PC report, suggesting that in fact the big states of Victoria and New South Wales would benefit more. Can the minister outline what submissions he and his WA Liberal Party colleagues have lodged to ensure that Western Australia no longer keeps getting ripped off?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:35): Firstly, all WA Liberal members and senators have worked for a long time to get a better deal for WA when it comes to GST sharing arrangements, and the Australian government has long recognised that WA's share of the GST is inappropriately low, which is why, for some time now, the federal government has made more than $1.2 billion worth of top-up payments, in order to ensure that effectively WA's share of the GST does not fall, as a short-term measure, below the relativity which applied in 2014-15. Furthermore, as part of our efforts to look at this whole issue more on a medium- to long-term basis, and in the context of reforms over the medium to long term, the government initiated the Productivity Commission review. The report that Senator Georgiou references is indeed a draft report of the Productivity Commission in response to the government's initiative. Now, of course, there is a process to be followed. There is a final report due at the beginning of 2018. Once that report has been received, the government will of course properly consider the findings and recommendations in that report and make decisions as appropriate in due course.

The PRESIDENT: Senator Georgiou, a supplementary question?
**Senator GEORGIOU** (Western Australia) (14:36): Will the minister give an assurance, irrespective of the final report from the Productivity Commission, that he will lobby the PM and the Treasurer for WA to get a boost in GST distribution compared to the 34c in the dollar the state currently receives?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:36): Indeed, the state of WA already effectively gets more than 34c in the dollar. The WA share of the GST went as low as 30c in the dollar, and since the 2015-16 financial year the Australian government has made top-up payments to Western Australia, effectively to maintain WA's share of the GST at 37.6c in the dollar, which was about $1.2 billion worth of additional payments to WA to invest in infrastructure in Western Australia. Beyond that, of course, it is now a matter of awaiting the final report of the Productivity Commission, which is focused on assessing national productivity and national economic growth implications from current GST sharing arrangements. When that report has been received, of course the government will consider it and make a judgement in the national interest as appropriate.

The **PRESIDENT**: Senator Georgiou, a final supplementary?

**Senator GEORGIOU** (Western Australia) (14:37): Can the minister explain why no WA Liberal Party MP, other than Senator Dean Smith, attended the Senate estimates hearings on GST in May and October this year?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:37): I thank Senator Georgiou for that question. Senator Smith is one of the many hardworking WA Liberal members and senators. If Senator Georgiou were a student of the WA Liberal Party, he would realise very quickly that the WA Liberal members and senators work as a team. We are all focused on getting the best possible deal for WA. Of course, the Australian government have made the decisions that we have made so far, including allocating more than $1.2 billion worth of top-up payments towards WA infrastructure, as a result of the hard work as a team of all WA Liberal members and senators. WA Liberal members and senators will continue to be strong and effective advocates for the great state of Western Australia.

**National Security**

**Senator DUNIAM** (Tasmania) (14:38): Thank you very much, Mr President. I add my congratulations to you on your election today. My question is to Senator Cash, the Minister representing the Minister for Immigration and Border Protection. Can the minister update the Senate on how the Australian government is working to combat the scourge of people-smuggling?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:38): I thank Senator Duniam for his question. The one thing the coalition government has done is stopped the boats.
The PRESIDENT: The continual noise will merely chew up time in question time. Can we give the minister an opportunity to address the question before the vigorous debate of question time leads to interjections?

Senator CASH: Thank you. As I was saying, we have stopped the boats and we have secured our nation's borders, because, as we know, the first priority of the Commonwealth government needs to be maintaining national security, and we have smashed the people smugglers' model. But this has only occurred because the—

Senator Cameron interjecting—

Senator O'Neil interjecting—

The PRESIDENT: Senator Cameron and Senator O'Neill, we've already had one request from the end of the chamber for the noise to be a little bit less so that all senators can hear the answer. Senator Wong, on a point of order.

Senator Wong: The opposition's view is that this minister should have resigned. So you should not be surprised, frankly, after misleading the Senate five times, at the interjections.

The PRESIDENT: Senator Wong, precedence and privilege are granted to the Leader of the Opposition in the Senate, as should be the case, but that was not a point of order. I ask that we express some courtesy to the senators who might want to hear the answer to the question, particularly those not close to Senator Cash.

Senator CASH: The only reason we have been able to stop the boats, and for so long now, is that we have stood firm and implemented strong border protection policies. When those on the other side were saying you could not turn the boats around, what did we do? We did exactly that, despite the fact that they fought us every step of the way. We introduced temporary protection visas, again something that Labor and the Greens fought tooth and nail against. It is very, very obvious, given, in particular, what we have seen today, that if those opposite ever form government again this is what will happen, as it did before: 50,000 people arrived on in excess of 800 boats. There were 1,200 deaths at sea, that we know of—

Senator Cameron interjecting—

The PRESIDENT: Senator Cameron, I have asked you twice. There have been an uninterrupted stream of interjections. Please! Interjections have their place in the chamber, but an uninterrupted stream for more than a minute while a minister is answering a question is not appropriate. Senator Cameron.

Senator Cameron: This is a minister with absolutely no credibility.

The PRESIDENT: Senator Cameron, resume your seat. There is a place for interjections—this is not a chamber of silence—but an uninterrupted stream is not appropriate. Can we please have some courtesy, as we have been requested from our fellow senators at the end of the chamber, so that they may hear the answer?

Senator CASH: As I was saying, there were over 8,000 children in detention. They were detained by Labor when they were in government. I remind the chamber that at the height of Labor's policy failure in July 2013, there were 1,992 children in detention. As a result of the flood of people coming here illegally, those on the other side had to open 17 detention centres. There is a reason you have to stand firm. If you don't, you capitulate to the people smugglers.
The PRESIDENT: Senator Duniam, a supplementary question.

Senator DUNIAM (Tasmania) (14:42): I thank the minister for that answer—what I could hear of it. I'd like to ask why it's important that we have a zero-tolerance approach to people smuggling.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:42): Thank you for the question, Senator Duniam. Under this government, we control our borders. We will never ever abrogate control of our borders to the people smugglers. We also don't want to see, as a government—

Opposition senators interjecting—

The PRESIDENT: Senator Reynolds, on a point of order.

Senator Reynolds: You have made several rulings now in relation to this matter of disrespect that those opposite are showing both to the chair and to the minister. I'm one row behind the minister, and I cannot see. There are many other opportunities for these debating points for the minister. I would ask that the minister be heard in silence.

Opposition senators interjecting—

The PRESIDENT: Senator Cameron on the point of order.

Senator Cameron: There might be some little piece of credibility if it wasn't relating to this minister, who should know—

Opposition senators interjecting—

The PRESIDENT: Senator Cameron, resume your seat. That was not speaking to the point of order. Senator Reynolds raises a point. Again, please have some courtesy to our colleagues who may wish to hear the answer.

Senator CASH: As I was saying, under this government, we control our borders. We have sent a very, very clear message to the people smugglers that we will take all necessary steps to smash the people smugglers' business model. As a government, we also don't want to see people die at sea. People get on leaky boats to try and come to this country illegally and, as a result of that, lose their lives at sea. What we saw under the former Labor government, in conjunction with the Greens—

Senator McKim interjecting—

Senator CASH: And there is Senator McKim—

Senator McKim interjecting—

Senator CASH: Exactly—open borders under Senator McKim. There were 1,200 people. We have never heard about those 1,200 people. Those people, Senator McKim, were real people who lost their lives at sea. (Time expired)

The PRESIDENT: Senator Duniam, a final supplementary question.

Senator DUNIAM (Tasmania) (14:44): Noting the overwhelming success of the government's policy, is the minister aware of any ongoing threats to our nation's border security?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:45): They have been well
and truly on display over the past several weeks and also in the chamber today, particularly from those on the other side. Obviously Senator McKim makes his position, the Australian Greens position, if they were ever able to go into office again with Labor, very, very clear. We would have yet again a flood of boats coming into this country. We will recall that under the former Labor government a press release went out almost daily announcing the arrival of yet another boat. There was no regard given to those losing their lives at sea and no regard given to the fact that in excess of 8,000 children were placed into detention under the former government. This is a government on this side that will never capitulate to the people smugglers.

Minister for Employment

Senator KITCHING (Victoria) (14:46): Mr President, as one Victorian senator to another, may I offer my congratulations to you. I too have a question for Senator Cash, but in her ill-held portfolio of employment. On 25 October the minister told the Senate Education and Employment Committee at least five times that her office was not responsible for leaking the raids on the Australian Workers Union offices by the Registered Organisations Commission to the media. Given the minister's staff had the opportunity to correct her alleged ignorance of the facts during the morning tea break, the lunch break, the afternoon tea break, at her meeting with the Prime Minister or at any other stage through the day, does the minister really expect the Senate to believe she first became aware that her office tipped off the media during the dinner break?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:46): Mr President, it was remiss of me in my previous answer not to congratulate you on your election to the esteemed office of President of the Australian Senate. Senator Kitching, it's a little ironic that you're asking me questions given that a royal commission and the Fair Work Commission have both found that you broke the law.

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

Opposition senators interjecting—

The PRESIDENT: On my left! Your leader is on her feet and has the call.

Senator Wong: The point of order is on direct relevance. This minister has misled this chamber on five separate occasions and now wishes to engage in a personal attack on another senator in order to distract attention from her own failings. The principle of ministerial responsibility matters in our democracy, and she ought to answer the question.

The PRESIDENT: Senator Wong, you raise the question of direct relevance. We are less than 20 seconds into the answer. I'm listening to the minister's answer, and I call the minister.

Senator CASH: In answer to Senator Kitching's question, I answered the questions that were put to me based on the knowledge I had at the time. At the earliest opportunity, I came to the Senate estimates committee and I corrected the record—unlike you, Senator Kitching; you have never corrected the record. What did the Fair Work Commission find in relation to you, Senator Kitching? This what is the Fair Work Commission found:

On the totality of the evidence I find that Ms Kitching performed these tests. In other words, she sat someone else's right-of-entry test. The commission went on:
Ms Kitching's denials of knowledge and involvement—

The PRESIDENT: Senator Cameron on a point of order?

Senator Cameron: Yes, on relevance. The minister was asked a direct question and the minister has gone nowhere near that question. She should at least be drawn to the question. She has not gone near it.

The PRESIDENT: Senator Brandis, on the point of order.

Senator Brandis: Mr President, I think this bears upon the point of order: while Senator Cash, who is sitting only about two feet away from me, was trying to answer the question, I couldn't hear the answer because of the incessant stream of interjections from Senator Wong.

Senator Wong: She was probably lying. She was probably misleading.

Senator Brandis: Senator Wong should withdraw that.

The PRESIDENT: Senator Wong, I ask you to withdraw that.

Senator Wong: She was probably misleading.

Government senators: Withdraw!

Senator Wong: I withdraw.

Senator Brandis: Senator Wong, as the leader of the second party in this chamber, should show enough respect both to you, Mr President, and to the chamber to enable ministers to answer questions without an incessant stream of interjections across the table.

The PRESIDENT: Senator Farrell, if you have something unique to add to the point of order, I'll hear it.

Senator Farrell: I do, Mr President. I'm sitting further away from Senator Cash than Senator Brandis is, and I can hear her answers. She was very clearly not answering the question. The question was a very simple one: does the minister really expect the Senate to believe she first became aware that her office tipped off the media during the dinner break?

The PRESIDENT: There has been a lot of noise at this end of the chamber. I did hear Senator Cash address that particular part of the question with respect to correcting evidence at the hearing. I think that in that sense the minister was directly relevant to the question that was asked. I might also say that when there are colourful and personal interjections, of the volume that they are, across the chamber, a minister is also entitled to address them in an answer.

Senator CASH: As I was saying, in relation to the findings against Senator Kitching, the Fair Work Commission itself said:

On the totality of the evidence I find that Ms Kitching performed these tests. Ms Kitching's denials of knowledge and involvement—

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

Senator Wong: The point of order is direct relevance. It's clearly not relevant in any way whatsoever to the question of this minister misleading the chamber.

The PRESIDENT: Senator Cash has actually addressed the question of Senator Kitching. I heard her talk about Senator Cash coming into the committee and correcting evidence. I heard that earlier. So her answer, as I understand—
Senator Wong: On that ruling, if I may, if it is going to be your practice that a minister can be directly relevant by mentioning an aspect of the question in the first sentence and then going off on another tangent to attack another senator, then we will have to look to change the standing orders.

The PRESIDENT: Senator Brandis?

Senator Brandis: Senator Wong, in a rather threatening way, is reflecting upon your ruling, Mr President. She ought to withdraw the reflection.

The PRESIDENT: I thank senators for their contribution. My understanding of the practice in this chamber has been that ministers are allowed to address all or parts of a preamble or a question and expand on their answers with other material. However, Senator Wong, if I'm incorrect in the application of that in this case, I will again come back to the chamber and make a correction from the chair and do so quite humbly. I will happily look at the exact questions and the words that have been recorded in Hansard, through the noise, after question time today, and come back to the chamber. Senator Cameron?

Senator Cameron: On the point of order, can I draw your attention to standing order 193, which does talk about imputations of improper motives and personal reflections. That was clearly a personal reflection. This minister should actually answer the questions. She has not answered the question.

The PRESIDENT: I have said now on a number of occasions that I heard the senator talk about correcting evidence at an estimates hearing, which was referred to in the question. I believe those statements qualify as being directly relevant. I will review the question and the answer. I will also review past practice and ensure that any correction I come back to the chamber with, or what I just said, is entirely consistent with past practice of people in this chair. Senator Cash.

Senator CASH: As I was stating, I am referring to findings of both the Fair Work Commission and a royal commission. The Fair Work Commission said:

Ms Kitching's denials of knowledge and involvement cannot be accepted.

I will not take lectures on honesty and propriety from Senator Kitching.

The PRESIDENT: Senator Kitching, is there a supplementary question?

Senator KITCHING (Victoria) (14:54): Were any other members of the minister's staff aware that her office was responsible for tipping off the media before she claims she was told? If so, who was aware, and when did they first become aware?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:54): I have canvassed these questions in considerable detail at a number of estimates hearings, but I will also say that the question itself now relates to an ongoing inquiry by the Australian Federal Police into alleged unauthorised disclosure of information concerning the execution of search warrants. On the basis that it is the subject of an ongoing investigation by the Australian Federal Police, it would be inappropriate for me to comment any further.

The PRESIDENT: Senator Kitching, a final supplementary question?
Senator KITCHING (Victoria) (14:55): Were any members of the Prime Minister's staff, or any other ministers' staff, aware that her office was responsible for tipping off the media before she claims she was told? If so, who was aware and when did they first become aware?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:55): Again, I have canvassed these questions and provided answers to them. But, again, I refer to my previous answer: this is now the subject of an AFP investigation and, given that it is an ongoing investigation, it would be inappropriate for me to comment any further.

Energy

Senator IAN MACDONALD (Queensland) (14:55): My question is to the Minister for Resources and Northern Australia.

Opposition senators interjecting—

The PRESIDENT: Order on my left! Can we hear the question, please.

Honourable senators interjecting—

The PRESIDENT: Can we please hear the question from Senator Macdonald.

Senator IAN MACDONALD: If it's of any interest, I congratulated Senator Ryan hours ago, and I don't need to do it publicly to gain some notoriety, which apparently you do. My question is to Senator Canavan. I ask if the minister would update the Senate on the importance—

Opposition senators interjecting—

The PRESIDENT: Order! Order on my left!

Senator IAN MACDONALD: of affordable, reliable, base load power to Australian households and businesses, particularly for my electorate of Queensland, in the north, where reliable base load and affordable power are so very important. I ask for the minister's comment on that.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:56): I thank Senator Macdonald for his question. He is a passionate supporter of the development of the north and knows how important it is to have reliable and affordable power to develop the north. As he was alluding to, there is no base load power station in North Queensland right now. Indeed, I will quote from a press release from a Treasurer a few years ago, which says:

Currently, the only base load power supply available to North Queensland is generated south of Rockhampton, making it cost-prohibitive for many resource projects being explored in the Northern Galilee Basin.

That press release was actually from former Treasurer Wayne Swan, who commissioned a review into the potential for a new coal-fired power station to be built in the north so that we could have some jobs and development in North Queensland, just like the rest of the country enjoys. That review came back a few years ago, in early 2014, and it concluded that a major coal-fired power station will put strong downward pressure on electricity prices. A review commissioned by former Treasurer Wayne Swan had that conclusion, and what's the Labor Party's view today? No to coal-fired power; yes to higher electricity prices. That's their position.
We know that too because a couple of weeks ago we found out that the Queensland Labor government were sitting on a report that said pretty much exactly the same thing. The department of energy in Queensland earlier this year commissioned a review to see what the impact of a new coal-fired power station in North Queensland would be, and guess what? It found that it would generate power at a lower price than currently exists in Queensland wholesale markets and that, under a mid-electricity scenario and a mid-price scenario, the power station would have a net present value of $359 million to $734 million. That means it would make money for the state of Queensland. It would make money; it would bring down power prices, and still the Labor Party say no to the people of North Queensland.

The PRESIDENT: Senator Macdonald, a supplementary question.

Senator IAN MACDONALD (Queensland) (14:58): I thank the minister for that information, which is certainly enlightening. I ask the minister if he can outline how the coalition government is ensuring that Australians can have that reliable energy supply to keep those downward pressures on power prices, as apparently—as you say, Minister—the Queensland government had a report to say exactly that.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:59): I thank Senator Macdonald for his supplementary question. We're not shy—and I know Senator Macdonald's not shy—so we support the coal sector in the state of Queensland. We support the need for coal-fired power in Australia to keep prices down for the Australian people, as these reports commissioned by Labor governments show. They were not commissioned by coalition governments. These reports were commissioned by a former Labor Treasurer and the current Queensland Labor government, and they clearly show that—guess what?—having more supply of power brings prices down. Having a cheap source of power like coal-fired power brings prices down for Australians, and that's what we are for. That's why we are not shy of backing it. I support the leader of the Liberal National Party in Queensland, who has said that he will seek to build a coal-fired power station in North Queensland, with the support of the private sector, that will help the development of North Queensland. We're backing their desires and their wants to have the same kinds of job opportunities as everywhere else in this country.

The PRESIDENT: A final supplementary, Senator Macdonald?

Senator IAN MACDONALD (Queensland) (15:00): Again I thank the minister for alerting us to other approaches of consultants engaged by the Queensland Labor government. But I ask the minister, is he aware of any additional alternative approaches to this question?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (15:00): As I was saying, the Liberal National Party in Queensland support the development of the coal-fired power station. The Liberal National Party opposition in Queensland will back the ability of Queensland to keep prices down for Australian businesses and for households and families in Australia.

We have this absurd situation right now where the Labor Party in Queensland say that they support the export of coal overseas. They say they support that, although we do question sometimes their veracity on that. They say they support that. But apparently we're not allowed to use some of that coal to keep prices down for ourselves in our own country. We're allowed to export it to Asia and all over the world, and they're allowed to use it to create jobs in their
countries. But we're not, here in Australia. The coal doesn't get any cleaner on the boat. It can be used overseas or it can be used here. The only party in the Queensland election that's going to back job development and lower power prices in Queensland is the Liberal National Party, which is not shy to stand behind coal-fired power.

**Senator Brandis:** I ask that further questions be placed upon the Notice Paper.

**The PRESIDENT:** One issue remaining from question time was: Senator Wong sought leave to table a document, which was being inspected. Is leave granted?

Leave granted.

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**

**Parry, Hon. Stephen**

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

That the Senate take note of the answers given by the Minister for Communications (Senator Fifield) and the Attorney-General (Senator Brandis) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senators O'Neill and Farrell today relating to former Senator Parry.

I rise to take note of the answers—or non-answers—given by Senators Fifield and Brandis to questions asked by Senators Wong, O'Neill and me. You'll note, Mr Acting Deputy President Sterle, that the Attorney-General accepted a document that was tendered, and I'd like to refer to that document. It was a story by Michelle Grattan. I've known Michelle—

**The ACTING DEPUTY PRESIDENT (Senator Sterle):** Sorry, Senator Farrell. Senators, could I just ask those who are not taking part in the debate to quietly move outside so I can hear Senator Farrell?

**Senator FARRELL:** Thank you for that protection, Mr Acting Deputy President. I've known Michelle Grattan since she first interviewed me when I was a candidate in the Adelaide by-election in 1988.

**Senator Ian Macdonald:** Is that the one Penny knocked you off on?

**Senator FARRELL:** No, that was a different one.

*An honourable senator interjecting—*

**Senator FARRELL:** I've had a few ups and downs in politics. But Michelle Grattan—

*An honourable senator interjecting—*

**Senator FARRELL:** he's a relative now—is not known for writing inaccurate stories. In fact, she would be one of the most reliable journalists in this place. Senator Brandis, you might recall, tried to dismiss the references of Senator Parry about what he told and who he told it to. So I'd like to refer to this comment that Michelle Grattan made. She's directly quoting Senator Parry, former President of this place. She says:

He spoke to "various ministers". Though he wasn't ordered to shut up about his situation, the tone of the conversations suggested he say nothing until the High Court ruled in the "citizenship seven" cases …

I think that's pretty unequivocal as to the statements that former Senator and President Parry made. He was being honest. Why was he being honest?
It was because he'd been attacked by Prime Minister Turnbull for not coming forward earlier. Yet we know from Michelle Grattan's story that he did speak to various ministers, and the implication of those discussions was, 'Shut up about the issue.'

Senator Fifield said he's answered all the questions we have. Let me tell you, he hasn't answered any of the questions that we've got. His defence is the North Korean defence—'What happens if North Korea stops somebody from renouncing their citizenship?' We're not talking about North Korea here. We're talking about the United Kingdom. We're talking about a country from which, perhaps, 50 per cent of the Australian population has come. We're talking about a country that has a recognised and well-publicised method of renouncing citizenship. I happen to know something about it because, before I nominated for the Senate in 2007, I had to go through that process. My mother's father was born in Pontefract in Yorkshire to, interestingly enough, an Australian mother. But I had to go through that process. I had to pay my money. As it turned out, they said I wasn't a citizen after all. They did keep my money. But there is a very simple process you've got to go through. The problem here is that the people on the other side have chosen to ignore that process.

You might have seen Prime Minister Turnbull ramping up the issue today. He is going to refer all these Labor Party people to the High Court. Apart from being a complete waste of money, he's not relying on good legal advice. All of the people he's talking about have renounced their citizenship. These people are not like Barnaby Joyce, Fiona Nash or Stephen Parry, none of whom renounced their citizenship. All of the people that the Prime Minister is talking about today renounced their citizenship. Why did they do that? It was because the vetting processes—as you would be familiar with, Mr Acting Deputy President Sterle—are thorough. In every case, if there is any doubt whatsoever, as I know from my own personal experience, you renounce your citizenship. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) (15:07): This whole kerfuffle, if I might call it that, has been the subject of a lot of comment around the place and a lot of discussion in this particular chamber and in the other place. The thing that I'm so curious about is why those Labor Party members of parliament who have been named and who have actually admitted certain inappropriate procedures as far as their citizenship goes have not referred themselves to the High Court. I'm particularly interested in a number of people here. I see Senator Gallagher coming into the chamber. I don't know what her position is.

**Senator Gallagher:** Read my statement.

**Senator IAN MACDONALD:** I don't think I have ever heard her indicate it. But I have read certain articles written by particular journalists as recently as 8 November and 10 November raising issues about Senator Gallagher's position.

**Senator Pratt:** She made a statement to the chamber. It couldn't be more transparent.

**Senator IAN MACDONALD:** I think the interjection was saying that she's fine. If she is fine, can we see the evidence? Can we have a look at the evidence? If there is evidence, why would you not produce it? The same goes for other Labor Party people. It's an unfortunate saga in the annals of this parliament, I have to say. It's something that, I might say, has come completely from left field. Everyone's blaming Mr Turnbull for it, but it's very, very clear that it has nothing to do with Mr Turnbull and nothing to do with the government as such. It is simply an issue that has arisen under the Constitution, and certain facts have come forward.
that have made a number of parliamentarians think carefully about their origins. Could I just, as an aside, say that my great-great-great-great—or something—grandfather came out from Scotland, not a few years ago, like Senator Cameron, but in the 1850s. On my mother's side, they came out from Germany, I think, in the 1860s.

But I don't know. Perhaps Senator Gallagher has appropriate advice or appropriate evidence. But why isn't it tabled? Why isn't it in this chamber? Why don't the other Labor members of parliament who have been questioned table the information? If it's there—if Senator Gallagher says, yes, she's fine; it's there; she's got the renunciation; it's all tickety-boo, so to speak—then let's see it and put the question beyond doubt. If it's not beyond doubt, then it requires Senator Gallagher and others in the Labor Party to do the honourable thing, as has been done by many coalition members, in getting the High Court to look at it, to determine it and to make it clear one way or the other.

If there is a reasonable explanation for why Senator Gallagher shouldn't do that, then please tell us. But, otherwise, why don't we just put the matter beyond dispute? Why don't we table publicly all of the relevant information so that the public at large can be assuaged? As I say, these journalists are respectable people, as far as journalists go, and they seem to have some doubt about Senator Gallagher's citizenship. I don't really have the doubt, because I simply don't know. But, if the evidence is there, why aren't Labor people, including those in this chamber, coming forward with the documentation to put the matter entirely beyond doubt and entirely beyond argument? That would seem to be a very reasonable way to go.

**Senator O'NEILL** (New South Wales) (15:12): For those who are here in the chamber, you've come to Canberra on a day when the House isn't sitting and you've come into the Senate, and I'm sure that you're going to go away from here today making a judgement about the chaos and dysfunction that are at the heart of this government. I got the thumbs up from the gentleman there in the front row of the gallery because he is a representative of the true Australians out there who are sick and tired of the game-playing by this government that's going on.

We have seen a failure to answer questions in this chamber today. We had a minister standing up and refusing to show up at Senate estimates. There have been attempts to convene to get her to answer questions about what she knew about what was going on in her portfolio. She's refused to show up there. She is coming here and making up her own questions that she wants to answer.

But we've got Senator Fifield refusing to answer questions here in the chamber. For those who were here in question time and those who were listening, all they would've heard from Senator Fifield were these sorts of mealy-mouthed comments: 'I covered this in my statement this morning.' If he's so sure about the statement that he made this morning, why didn't he repeat it in question time when Australians were listening? It was because he doesn't care enough; he doesn't have the respect for the Senate chamber to stand up and repeat that clear answer. If it's so clear and it was so perfect that he's going to refer to it here, why didn't he tell the chamber when it was filled with Australian representatives? Why didn't he have the respect to repeat in question time what he said? He answered the second question that he was asked, mealy-mouthed again, with, 'Oh, I made a contribution.' Then he was asked about exactly what he knew.
Let me go back to this question to Minister Fifield: did the minister or his office discuss concerns about former Senator Parry's eligibility with any of his ministerial colleagues or their offices? Who did you talk to? That's what the question was: did you talk to anybody?
Do you know what he said? He said, 'There are particular details about which I have no knowledge.' We were asking about what he did himself. 'I have no knowledge about myself.' That is what Senator Fifield is actually asking us to believe in his response to questions today.

This government is in decay, it's in crisis and it continues to disrespect the rules of the Senate. We've had today—with a new President coming into the chamber and the handling of Senator Parry's resignation—a classic revelation of what goes on with the Turnbull government. I want to put on the record that Senator Parry, who was sitting in that chair as the President, was a thoroughly decent man, and everybody's comments this morning indicate that he took the role very seriously. But, when it came to the moment he thought he might not be a citizen, he had a bit of a chat with Minister Fifield, who can't recall the details. We don't know who he spoke to. He's trying to get us to believe that he didn't speak to anybody, but Michelle Grattan has it in the paper that he spoke to quite a few people. The story is out. Despite the fact that the Australian people are paying very close attention to this, this government continues to stand here and misrepresent what is going on. And it expects the Australian people—represented in physical presence by you here today—to believe the nonsense that we saw at question time today.

We know that Senator Fifield's answers were appalling. We followed up with some questions to Senator Brandis:

Were any members of the Senate government leadership team made aware of concerns about the former senator's eligibility before Monday, 30 October?

We got this long list of process from the senator about who is in the leadership team and who is not in the leadership team, just to give us the benefit of his wisdom. Then he finally summed it up with, 'I have no reason to believe any one of them'—any of the six people in the leadership team—'knew anything prior to Monday 30 October.' 'No reason to believe' is not a clear, concise and believable answer in this context. Senator Farrell has referred to Michelle Grattan's reporting. It tells us that Minister Fifield knew that Senator Parry was in doubt. Minister Fifield had conversations with a range of other people, and we have this chaotic, dysfunctional government in here continuing to misrepresent that reality. I want to go to one of the great comments we heard in question time today: 'This was a candid and thorough response from the minister.' That is the same as saying this government is functional and truthful. *(Time expired)*

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) *(15:17)*: We have just heard from Senator O'Neill a classic example of the way the Labor Party chooses to attack important political issues, and that is to build conjecture upon hypothesis upon speculation upon outright falsehoods. What we have heard from Senator O'Neill absolutely falls into that category. There has been some discussion—and you might care to wait for this, Senator O'Neill, because I am about to point out why what you just said to the Senate was not the truth—

**Senator Williams:** Don't leave, Deb. Stay here.
Senator BRANDIS: We heard from Senator Farrell and from Senator O'Neill, who is now skulking out of the chamber, some propositions attributed to Senator Parry on the basis of words quoted in an article by the respected journalist Michelle Grattan on the website *The Conversation*. It was asserted—

Senator O'Neil: A point of order, Acting Deputy President: I chose to leave the Senate chamber to do other work. I refuse to allow my departure to be described by Senator Brandis as 'skulking' out of the chamber. It is entirely inappropriate and he should withdraw.

The ACTING DEPUTY PRESIDENT: Senator O'Neill, it's not a point of order, but, Minister, Senator O'Neill has not 'skulked out'. She is here. I ask you to withdraw.

Senator BRANDIS: She is still here; I am glad about that, because I am about to point out—

The ACTING DEPUTY PRESIDENT: Minister, I am just asking you to—

Senator BRANDIS: I will withdraw if you want me to.

The ACTING DEPUTY PRESIDENT: I ask you to withdraw.

Senator BRANDIS: Senator O'Neill, if you care to wait, your error can be pointed out to you. But you obviously won't do that. Much has been made of words quoted by Michelle Grattan in an article on *The Conversation* website. Senator Wong, then Senator Farrell and now Senator O'Neill—none of whom, by the way, have delayed in the Senate chamber to hear the truth—have asserted that a reference in direct speech in Michelle Grattan's article is somehow proof that Senator Parry has said to Michelle Grattan that he had spoken to various ministers. I've just spoken to former Senator Parry in the last 10 minutes. Senator Parry tells me, and he has authorised me to tell the chamber, that he has never spoken to Michelle Grattan about this matter, ever. And he has also authorised me to tell the chamber that he has never used the words that are said to be attributed to him by the Labor Party in the article by Michelle Grattan—to any person, ever. So that is the truth. The truth is that the entire case made against our former colleague Stephen Parry is based on a falsehood.

I tried to make this point to Senator Wong across the table during question time, but, of course, she rudely refused to listen to me. I tried to point out that on a reasonable reading of this article in *The Conversation* the words in direct speech are not said by Michelle Grattan to be the words of Stephen Parry. Nevertheless, the Australian Labor Party has mounted its entire case on the assertion that they are. But we now know that they are not, because Senator Parry never spoke to Michelle Grattan and never used those words to anyone.

Senator PRATT (Western Australia) (15:21): What an extraordinary set of circumstances this parliament finds itself in. We have no more clarity from the answers given to us about the constitutional chaos that we find ourselves in by the government in question time today. You could, sadly, drive a truck through the answers given to questions. I note that Senator Fifield sought cause to reflect in his answer straight back to his earlier statements to the chamber today. So, in debating answers to questions, I will reflect on his answers earlier today.

Senator Fifield said to the chamber he could not be definitive as to when Senator Parry started to reflect on his own particular circumstances. I put to the chamber that he must have reflected on it when referrals were made to the High Court, because they were referrals he made as President which ultimately reflected his own circumstances—in that the reason that Senator Parry was found to have citizenship by descent was in the same way that others who
have left this place were also found to have. So we are expected to believe that while Senator Parry was participating in these matters as President he told no-one else of any importance within the government.

Senator Brandis: It's what he says.

Senator PRATT: Yes. Well, ultimately, what this reflects is the situation we now find ourselves in—that you have refused to exercise any internal accountability on each other on this matter until this point in time and until you've been pulled into the motion that's been put before this chamber today. So either you are derelict in holding your members to account in terms of their eligibility to be in this place or we in this place have been withheld the information of who knew what, when, how and if they ever acted. Patently, the government has not acted until this point in time. You've not asked your colleagues to reflect on their eligibility to be in this place.

Senator Brandis: Why did I move that motion earlier this morning?

Senator PRATT: Up until this point in time, you have not done so. You have been dragged kicking and screaming. The reality is that the motion before this place would not have occurred had Labor not proposed a universal disclosure regime. And the reason we had to do that is the very circumstances that have been reflected on in answers to questions today.

As Senator Wong made clear: when we found out that the then President of the Senate, with the knowledge of a cabinet minister, had sat on information that rendered him ineligible, this meant that this parliament could not be relied on to deal with these matters appropriately through its own usual processes and that we needed before us a more stringent procedure. I'm glad that we now have that, but you can certainly see, in the answers that have been given in this place this afternoon, how manifestly inadequate the government's response has been to the constitutional chaos that this parliament finds itself in. Senator Brandis, you said, back in August, that you thought former Senators Ludlam and Waters had acted a little prematurely, and perhaps you did indeed think that at the time. But it is apparent to all members in this place that, when the court found otherwise, you did nothing proactive to address this matter—until this point in time. The government has been entirely 'hear no evil, see no evil'. You have your own 'don't ask, don't tell' policy around these matters, where we see a Prime Minister who has refused to be apprised of the problem so that he can't be held accountable for it.

Question agreed to.

Immigration Detention

Senator McKIM (Tasmania) (15:26): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator McKim today relating to asylum seekers being held on Manus Island, Papua New Guinea.

What is happening on Manus Island right now is a sickening disgrace. It is a foul and bloody stain on our country's conscience. We've got a situation where more than 800 innocent people stretched out a hand to our country, in line with the refugee convention that Australia is a signatory to, and asked us for help. They stretched out their hand, and we have repeatedly kicked them in the teeth.

We've imprisoned them on Manus Island for nearly five years. For the overwhelming majority of that time, they were illegally prisoner there according to the Papua New Guinea
Supreme Court. In those five years, they have endured deprivations that none of us in this place can even begin to imagine. They've witnessed murder. They've witnessed riots. They've witnessed assaults. They've been provided with utterly deficient medical care. They were attacked by members of the Papua New Guinean navy earlier this year, where more than 100 submachine gun and shotgun shells were fired into Australia's Manus Island prison, some of them ending up in sleeping quarters of innocent refugees. And, if that wasn't enough, then the Papua New Guinean navy loaded up a PNG navy vehicle and tried to ram it through the gates so that they could assault and attack Australia's political prisoners on Manus Island.

You wouldn't have thought life could have got any worse or more dangerous or more desperate for these people, but over the last two weeks it has. On 31 October, on the orders of the Australian government, drinking water to the camp was cut off, food was cut off, medication was cut off—remember, about 20 per cent of these people are on antidepressant medication because of the harm we have caused them and because of the persecution in their home countries that they have fled—and electricity was cut off.

Then, on 10 November, Papua New Guinea police did the absolutely unthinkable. After having been abandoned, the refugees in Australia's prison on Manus Island were using rubbish bins that had been left behind by workers contracted to the Australian government. They were using the bins to store drinking water that they were catching when the rain fell. On 10 November, the Papua New Guinea police went into the Manus Island detention centre and overturned that precious drinking water and drained it into the dust. Today, Papua New Guinea government officials have again entered the detention centre, and have bored holes in those rubbish bins so that the detainees have nowhere to store rainwater when it falls. That water was their lifeline. They relied on it for their very lives. In a textbook and inspirational example of peaceful and non-violent resistance, they stood by peacefully while their very lifeblood, that drinking water, drained away into the dust—

**The PRESIDENT:** Order! Senator McKim, the time for the contribution has expired.

**Senator McKim:** I don't think it has, Mr President.

**The PRESIDENT:** I am informed that the clock was set at five minutes.

Question agreed to.

**CONDOLENCES**

**Stephen, The Rt Hon. Sir Ninian Martin**, KG, AK, GCMG, GCVO, KBE, QC

**The PRESIDENT** (15:32): I inform the Senate of the death, on 29 October this year, of former Governor-General the Rt Hon. Sir Ninian Martin Stephen KG, AK, GCMG, GCVO, KBE, QC, Governor-General of the Commonwealth of Australia from 1982 to 1989.

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:32): by leave—I move:

That the Senate expresses its deep regret at the death, on 29 October 2017, of the Right Honourable Sir Ninian Martin Stephen, KG, AK, GCMG, GCVO, KBE, QC, former Governor-General of Australia and Justice of the High Court of Australia, places on record its appreciation of his long and distinguished public service, and tenders its profound sympathy to his family in their bereavement.

The pages of history are littered with the deeds of great Australians, of men and women in each succeeding generation and every field of human endeavour, whose achievements have
enriched the tapestry of Australia's public life, who have represented the very best of our country to the world. Many great men and women have served the people of Australia with such distinction, yet there would be few whose achievements, in service not only to our nation but to our common humanity, could rival the life of Sir Ninian Stephen. He was Australia's 20th Governor-General and its first Ambassador for the Environment, a Justice of the High Court of Australia and a Judge of the Supreme Court of Victoria, a member of the Privy Council, a soldier, a skilled diplomat and international jurist and, to those who had the pleasure of his acquaintance, a man of immense warmth, intelligence, urbanity and charm.

Sir Ninian Stephen was born on a poultry farm in the village of Nettlebed, in Oxfordshire, England, on 15 June 1923, the first and only child of Frederick Stephen and Barbara Cruickshank. The farm belonged to Ms Nina Mylne, the daughter of the wealthy Queensland grazier and politician Graham Mylne, and heiress to her father's considerable pastoral holdings in New South Wales and western Queensland. Ninian's mother, Barbara, worked as a lady's maid for Ms Mylne, who would become the dominating figure in Ninian's early life. Indeed, it was after Nina, not after the eighth century Pictish saint, that Ninian was named.

Three weeks after his birth, Ninian's father left the family to board the Ausonia bound for Montreal, never to return. His father's fate was kept from Ninian for most of his life; until 2003 he believed that Frederick Stephen had died from the after-effects of mustard gas poisoning from the Great War. From that moment Nina Mylne took charge both of the family's finances and of young Ninian's education. The trio moved across Europe. In Edinburgh Ninian received his early schooling at George Watson's College and the Edinburgh Academy, then in London at St Paul's, before he moved once more to Chillon College, an international school for boys in Montreux, in Switzerland.

Regrettably, Ms Mylne was not entirely unsympathetic to the cause of national socialism in Europe. She took an exceptionally dim view of Communists and Jews and attempted to inculcate in young Ninian a bien pensant's appreciation of the achievements of Hitler's Germany. In September 1938 Nina and young Ninian travelled to Nuremberg to see the Nazi party's rally and celebration of the Anschluss. She had spared no expense to secure the best seats in the stadium directly above the Fuhrer's motorcade, from which young Ninian was ideally placed to take several photographs of the imposing spectacle. However, as his biographer, Philip Ayres, concludes:

… for all its impressiveness, Nina Mylne's gesture fell somewhat short of purpose. The sort of education she had provided for Ninian was the least likely to produce anyone attracted by regimentation and propaganda … he had acquired an interest in the complexities of history that was incompatible with political intensity.

Within three years of taking those photographs, Ayres continues, Ninian Stephen:

… would voluntarily enlist in an army fighting to defend Australia against the disastrous consequences of extreme ideologies.

And, in an age and moral universe even more distant from the stadium at Nuremberg, as a founding judge on the International Criminal Tribunal for the former Yugoslavia, Sir Ninian Stephen would play a seminal role in establishing the first war crimes tribunal since those which sat after the Second World War at Nuremberg and Tokyo.

War broke out in September 1939. Though they were safe, for now, in neutral Switzerland, by December the Australian Ms Mylne had secured for the trio passage to Australia. They
arrived in Melbourne in February 1940. Ninian was enrolled at Scotch College, where he completed his final year of school, gaining honours in English and French. On the advice of a school friend and with little burning ambition of his own, Ninian commenced an articled clerkship at the firm Arthur Robinson & Co in 1941. It was a chance introduction to a career that would define Ninian Stephen's life. Soon after he enrolled in a Bachelor of Laws at the University of Melbourne; however, his studies were interrupted by the surprise attack on Pearl Harbor and the beginning of the Pacific War.

Along with many of his contemporaries, Sir Ninian joined the Australian Imperial Force and saw action in Borneo and New Guinea during the famed jungle campaigns of the war. He took part in a number of dangerous reconnaissance expeditions as a member of the 43rd Landing Craft Company, which, along with the then Corporal Ninian Stephen, counted among its ranks one Captain Frank Packer, future patriarch of the Packer media empire and chairman of Australian Consolidated Press, and Captain Nigel Bowen, a future Commonwealth Attorney-General and the first Chief Justice of the Federal Court of Australia. Ninian Stephen was commissioned as lieutenant in April 1945 and discharged the following February.

Following his return to civilian life, Sir Ninian resumed his legal education and graduated from the University of Melbourne in 1949. It was the same year in which he would propose to Valery Mary Sinclair, an art student at the same university. After a five-month engagement, they were married on 4 June 1949 at St Mark's Anglican Church in Camberwell. Recently married, admitted to practice and with the couple's first child on the way, Ninian Stephen briefly returned to Arthur Robinson & Co to work as a solicitor. There were early signs that fate did not have in store a solicitor's career for him. He later recalled that his duties seemed very much to be a continuation of the tasks he had performed as an articled clerk, such as 'concealing from the firm's partners warm, indeed red-hot, letters from the firm's Brisbane agents, complaining about my delays in rescaling the probates they sent us'.

In January 1952, Ninian Stephen went to the bar. After spending six months reading with Douglas Little, later the Hon. Sir Douglas Little of the Supreme Court of Victoria, he took chambers at Saxon House in Little Collins Street—a room, as Sir Ninian would later describe it, 'just large enough for three desks if you didn't mind having to crawl under your desk to get to your seat, back hard up against the wall, when you heard a solicitor-like footstep in the corridor outside'. However, he was soon offered a place in the somewhat more salubrious surrounds of Selborne Chambers—in Sir Robert Menzies's former room, no less—overlooking Little Collins Street.

Over the next two decades, Ninian Stephen built up a successful practice specialising in equity, company law and constitutional law. He took silk in November 1966 and only four years later was appointed to the Supreme Court of Victoria. At 47 years of age, most, if not all, of the achievements for which he would gain international recognition lay ahead, but he would always reflect with singular fondness upon his time at the bar. He would reminisce, as he did in his address on the occasion of the Victorian bar dinner in May 1989, with sentiments familiar to every lapsed barrister that he missed:

… that intoxicating mixture of tension and excitement on the eve of each case, something that never wholly leaves you, however many cases you have fought; then that comfortable satisfaction when you
have written the concluding part of an opinion; and the even more comfortable satisfaction when you write up your fee book at the end of the day.

I can relate to that reminiscence.

Less than two years after his appointment to the Supreme Court, Ninian Stephen received a call from his old friend the then Commonwealth Attorney-General Sir Ivor Greenwood. The two had shared chambers in the room in Saxon House during Sir Ninian's earliest days at the bar. Senator Greenwood was now calling to offer Ninian the position of Justice of the High Court of Australia, to replace the retiring Sir Victor Windeyer. So it was that, at 48 years of age, Sir Ninian Stephen took his seat in the court, under the chief justiceship of the great Sir Garfield Barwick.

He was the youngest of the seven justices. In a court of generally high intellectual calibre, Sir Ninian was respected by his peers for his clarity of thought, diligence, easy manner and peerless charm. Sir Anthony Mason, with whom Sir Ninian served on the bench, described his voice as, by common account, 'the most mellifluous voice in the Australian legal world'. I remember that voice. I met Sir Ninian on several occasions in the early 1980s. It was deep, rich, plangent and urbane. Of his style, Sir Anthony writes that his judgements were:

… easy to read, a world apart from the dense, grinding judicial style which is characteristic of typical High Court judgments.

And:

A central element in the Stephen style was the air of disconnected impartiality and objectivity; that of a Proustian observer seemingly disconnected from the events which he describes.

As his first High Court associate, Ross Robson—later the Honourable Justice Ross Robson of the Supreme Court of Victoria—would observe:

It appeared as if Sir Ninian's life was a joy, not a trouble. He was not burdened by angst, worry, jealousy, ambition, envy or any other vices.

Professor Hilary Charlesworth, another of Sir Ninian's former associates, writes of his judicial philosophy that, 'While he was personally a liberal and progressive thinker, these views were not consistently reflected in his judgements, which revealed a cautious attitude to judicial review and a particular social or political agenda.'

He was not obviously a supporter of states' rights nor of the federal government. On his retirement he remarked that he had no burning interest in the outcome of cases, such as might have led other justices to seek in different ways to persuade the court to their point of view. He rather saw his duty as to decide each case as he thought appropriate and let the result of the case take care of itself.

In December 1981, Prime Minister Malcolm Fraser told Sir Ninian that Sir Zelman Cowen would be resigning as Governor-General in a few months time and that the Prime Minister wished to appoint Sir Ninian to his place. Although humbly startled at this invitation, he accepted and was sworn in on 29 July 1982. After Sir Isaac Isaacs, Sir Ninian Stephen is the second of three High Court justices to have served as Governor-General to date.

With the events of 1975 still fresh in the minds of many Australians, it is significant that Sir Ninian Stephen's appointment, like that of his predecessor, Sir Zelman Cowen, was lauded across partisan divides, and he more than maintained the confidence and respect of both coalition and Labor governments. Sir Ninian remains the only Governor-General to have
proved two double-dissolution elections during his term of office—in 1983, on the advice of Prime Minister Fraser, and in 1987, on the advice of Prime Minister Hawke. The first of these attracted particular controversy.

On the morning of 3 February 1983, Sir Ninian was preparing to welcome the retiring Polish ambassador to Government House when at 12:15 he received an unexpected and unannounced guest in the form of a very hurried Malcolm Fraser. The Prime Minister had just called a press conference for 1 pm that afternoon at which he hoped to announce a snap double-dissolution election and thus forestall the impending Labor leadership challenge to Bill Hayden by his putative rival, Bob Hawke. The Polish ambassador's arrival was imminent and, with close to 40 pages of the Prime Minister's reasons relating to 13 trigger bills to consider, Sir Ninian told Mr Fraser to leave and that his request would be considered after lunch so that he could properly inform himself of the matter.

It was not until 4.55 pm, and after further inquiries of the Prime Minister, that Sir Ninian advised Mr Fraser that he had agreed to his request for a double dissolution. But by then Bob Hawke had already replaced Bill Hayden as Labor leader and would go on to inflict upon Malcolm Fraser a landslide defeat. This was a turbulent episode in Australian politics, but one from which Sir Ninian Stephen would emerge unruffled and wholly untarred by partisan brush.

As Governor-General, Sir Ninian Stephen continued the work of his predecessor, Sir Zelman Cowen, in bringing what was described, borrowing Nehru's phrase, as a touch of healing to a nation divided by the turbulent events of 1975. To the achievement of this task, like his predecessor, Sir Ninian attached great importance to the many public speeches he gave around Australia. He was conscious of the challenge faced by governors-general in the delivery of vice-regal speeches—what Professor Geoffrey Lindell describes as the importance of saying something interesting without being controversial. But it was a task which Sir Ninian, like Sir Zelman before him, saw as an important part of the Governor-General's role—to represent or interpret the nation to itself—and one to which he would deftly apply his immense intellectual skills and energy.

On government advice, Sir Ninian was also instrumental in extending the practice of governors-general playing a significant role in representing Australia to the wider world. No doubt drawing upon his international upbringing and his natural diplomacy and charm, and building on the overseas duties performed by some of his predecessors, Sir Ninian Stephen was the first Governor-General to regularly represent the nation in an official capacity abroad, meeting with foreign leaders as diverse as Margaret Thatcher, Francois Mitterand and Lee Kwan Yew and, in the words of his biographer, 'taking his office beyond the merely ceremonial and into the world of diplomacy'. In 1984, for example, he represented Australia at the funeral of Indira Gandhi, following her assassination. He also had the somewhat more dubious honour of hosting Nikolae and Elena Ceausescu at Yarralumla. Standing alongside Bob Hawke, awaiting the arrival of Romania's first family on the tarmac of Canberra's Fairbairn RAAF base, conversation turned to the Carpathian leader's unusual habit of installing CCTV cameras in the hotel rooms of his ministers. 'Why don't you try that, Bob?' Sir Ninian asked, to which Hawke replied, 'There wouldn't be enough film.'
Sir Ninian's contribution to Australia's diplomacy went hand in hand with his significant symbolic contributions within Australia. In October 1985, Sir Ninian flew to Uluru to hand over the title deeds of the sacred land to its traditional owners. As Philip Ayres observes:

This was the most symbolically significant transfer of ownership ... during Stephen's tenure as Governor-General, and his speech was an effort to balance specifically Aboriginal rights, morally based in natural law in the light of historical catastrophe and dispossession, with the concept of national unity.

From these and many other achievements, it is safe to conclude that the consolidation over recent decades of the Governor-Generalship of Australia as a vibrant and admired form of unifying national leadership owes much to Sir Ninian Stephen's 6½ years in the role.

Sir Ninian Stephen's term as Governor-General concluded on 16 February 1989. At a farewell dinner speech given by Bob Hawke two days earlier, the Prime Minister thanked Sir Ninian for bringing to his tenure a wisdom and self-confidence that enhanced the role, noting that:

Where many people had imagined the Governor-Generalship could involve only the ritual performance of empty ceremony and where some still saw it as the avenue of intrusion into the affairs of elected Governments Sir Ninian Stephen showed that the post could be very different indeed. You, sir, showed the Governor-Generalship was a post of real substance, and you imbued it and refreshed it with an articulate, accessible, distinguished and may I say a very Australian spirit.

Having reached the apex of Australian public life, Sir Ninian Stephen was still far from retirement. On 21 July 1989, he was appointed by the Hawke government as Australia's first Ambassador for the Environment. This new role saw Sir Ninian represent Australia in important multilateral fora, taking part in environmental negotiations, then in relative infancy, as well as undertaking a public diplomacy role within Australia.

In 1992, the governments of the United Kingdom and the Republic of Ireland chose Sir Ninian Stephen to facilitate peace talks on Northern Ireland between the Protestants and the Catholics of Ulster. Although Sir Ninian did not single-handedly achieve the impossible task of bringing to an end the long Irish troubles, his scrupulous and fair-handed work was reasonably judged a success. As the Hon. Justice Michael Kirby recalled at a dinner at Ormond College to mark Sir Ninian's 80th birthday:

When I visited my family in Ulster, outside the little town of Cullybackey, they told me that they had every confidence in "Mr Stephen". After all, they believed that he had been baptised a Presbyterian and came originally from Scotland. So for Ulster Unionists, who thought the Reverend Paisley a wimp and far too compromising, the image of the tall gracious Australian was reassuring.

No less significantly, in 1993 Sir Ninian was elected to sit as one of the first 11 judges of the International Criminal Tribunal for the former Yugoslavia. He was instrumental in devising the procedural and evidentiary rules necessary to turn the UN Security Council resolution into a fully functioning tribunal. As his tribunal colleague Professor Antonio Cassese recalls from his earliest meetings with Sir Ninian Stephen:

His moral authority, his balance, combined with friendliness and wit, naturally made him the fellow judge to whom I would turn any time I had a serious problem requiring much wisdom and experience for its solution ... When Sir Ninian Stephen decided not to seek a second term and left the Tribunal in 1997, all judges felt they would lose an irreplaceable colleague. This is indeed what happened.

As to Sir Ninian's conduct at these novel proceedings, as the Hon. Dyson Heydon has observed, 'he frequently stressed something which it is easy for war crimes tribunals to
forget—the need to confer procedural fairness on the generally despised defendants'. Sir Ninian was always an upholder of the rule of law.

Aside from his work mediating the Irish troubles and establishing the first war crimes tribunal since those of World War II, Sir Ninian contributed to several other major international developments of the 1990s. He advised on the democratic transition in South Africa, helped to mediate the worsening political crisis in Bangladesh, led two UN missions to Burma to investigate forced labour and chaired the United Nations Group of Experts for Cambodia in 1998 and 1999. Although these difficult ventures inevitably met varying degrees of success, the one consistent theme throughout his extraordinary career is the universally high regard in which he was held by those who had the pleasure of working with him. Several qualities shine out from these many accounts: his first-rate intellect and world-renowned charm, his wisdom and fairness, and, above all, his human warmth. It is perhaps both remarkable and unsurprising that over the course of his life Sir Ninian Stephen was honoured by no fewer than five knighthoods. Most notably, Her Majesty the Queen appointed Sir Ninian a Knight of the Garter in 1994, making him the most recent Australian to receive this personal gift of the sovereign.

Sir Ninian Stephen will be remembered for his many achievements as a jurist and a diplomat and for being a man of enormous intelligence and immense charm—the paradigm of the modern statesman. He was a truly eminent Australian, but he was also a dedicated family man, supported in all that he did by Lady Stephen. Sir Ninian and Lady Stephen have aptly been described as one of the great enduring double acts in Australian public life, and it is to Lady Stephen and their children, Mary, Ann, Sarah, Jane and Elizabeth, and to their 12 grandchildren and five great-grandchildren that I tender my condolences on behalf of the government and of a grateful nation.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:57): I rise on behalf of the opposition to acknowledge the passing of the Rt Hon. Sir Ninian Stephen, KG, AK, GCMG, GCVO, KBE, QC on 29 October 2017, and at the outset I convey the opposition's condolences to Lady Stephen and to Sir Ninian's family and friends. Sir Ninian Stephen was a pre-eminent Australian. The honours and awards conveyed on him are testament to this—knighted in five separate orders including, as the Leader of the Government has said, the Order of the Garter. Yet these are surpassed by the inestimable value of the public service he provided over eight decades to the military, to the law, on the High Court, as Governor-General, as Ambassador for the Environment and as an international jurist and peacemaker. As former High Court judge Michael Kirby said at Sir Ninian's 80th birthday dinner, serving Australia was not enough for Ninian Stephen—he went beyond and served a wider world.

Sir Ninian Stephen was born in England, near Oxford, in 1923 and after a childhood that included living in continental Europe and being educated in Edinburgh, London and Switzerland he arrived in Australia as a 16-year-old in 1940, completing his education at Scotch College, Melbourne, before moving to the University of Melbourne. He was effectively raised, as his biographer Philip Ayres put it, by two caring mothers—his own mother, Barbara, and Miss Nina Mylne. His father left for Canada three weeks after the boy's birth and was not to return. It was the love and provision of these two women, particularly Miss Mylne, who had an inheritance of shares in large pastoral holdings in Australia, that saw
him receive a varied education across multiple countries driven partly by the preferences of his carers and partly by necessity as hostilities drew closer on the continent in the late 1930s. The growing threat of war prompted migration to Australia, Miss Mylne's home country, and they sailed from Genoa in December 1939 amongst some 300 passengers, including many Hungarian Jews getting out of Europe while they still could. Although he was already something of an internationalist given his upbringing, the sea journey provided an even greater window to the world, with stops in Suez, Colombo and Fremantle before docking in Melbourne in February 1940.

As was the case for many young men in Australia at that time, Sir Ninian Stephen's education was interrupted by the onset of war. He enlisted as a private in the Melbourne University Regiment at the end of his first year, in December 1941. En route by rail to a training camp in regional Victoria, they heard that the Japanese had bombed Pearl Harbor. Sir Ninian would go on to serve in the Australian Imperial Force, spending 1½ years in Geraldton, where his tent mates included the artist John Brack, before finding himself sent back to New South Wales. He retrained for infantry service and then saw action in Lae, Papua New Guinea. After being commissioned as an officer in 1945, he was posted to serve in New Britain, Bougainville and Borneo before being discharged in February 1946. As we reflect at this time on the extent of his service and the duration of his life, we should remember that Sir Ninian was once an ordinary soldier, serving alongside working-class men during one of the nation's and the world's darkest hours.

The year 1949 brought two significant developments for Sir Ninian Stephen. He married Lady Valery in July of that year. They would go on to have five daughters. Then in December he graduated with his degree in law from the University of Melbourne. As the Attorney has outlined, Sir Ninian fell into law somewhat by accident, gaining a job as an office boy at the firm of solicitors known as Arthur Robinson and Co. in December 1940 whilst he decided what to do. This experience was sufficient to boost his confidence, and he was accepted to read law, beginning in February 1941. After the interruption of the war, to which I have referred, he resumed his articles and study in 1946. Significant teachers of influence in the law school at the time included Professor Wolfgang Friedmann, whose principal area of interest was international law, and Associate Professor Geoffrey Sawer, who would be a leading contributor to the study of Australian constitutional law and federalism over the ensuing decades. However, the teaching of law at the University of Melbourne at this time was, according to Sir Ninian, hardly designed to capture students' imaginations. He would go on to say that the only important feature of his time at university was 'meeting and marrying Val'.

Nevertheless, a career in the law followed. I note this came only after rejection for a position in the diplomatic corps. Beginning as a solicitor, he was called to the bar in January 1952. He shared his tiny chambers with two gentlemen who went on to significant service—Ted Woodward, who became Director-General of ASIO, a federal court judge and a chief proponent of Aboriginal land rights, and Ivor Greenwood, who became a senator and Attorney-General, eventually inviting Sir Ninian to join the High Court. It was pretty good company! But it ought to be remembered that Sir Ninian did not come to the bar with the qualifications of many others and was not deeply embedded in the Melbourne establishment, nor necessarily at that point highly credentialled in the law. However, within a decade, he
established a reputation as a barrister that supplanted the need for such credentials by authoring opinions which were described as 'tightly written and clearly organised in their arguments' across many areas of law. He took silk in 1966 at the age of 43. He was appointed to the bench of the Supreme Court of Victoria in June 1970; however, that was a short stay because in March 1972 he became a justice of the High Court of Australia.

Some have written that Sir Ninian was regarded as being a judge in the tradition of Justices Dixon, Fullagar and Kitto. He received not a little encouragement to continue in this tradition upon his ascension, including from Sir Owen Dixon himself months before his death. This was a High Court before the constitutional amendment which fixed the age of retirement at 70. It was a court in which Justice McTiernan was still serving at the age of 80, having been appointed under Sir Isaac Isaacs, who had sat with the first Chief Justice, Sir Samuel Griffiths. In the 10 years Sir Ninian served on the court, it underwent substantial generational change. Sir Ninian brought a conscientious work ethic to his role at the court, but he did not allow himself to be consumed by his burdens. His first associate, Ross Robson, who has been quoted already by the Leader of the Government in the Senate, stated that Sir Ninian was 'not burdened by angst, worry, jealousy, ambition, envy or any other vices'. Perhaps that is advice or an example that should be followed in this parliament more.

During the time Sir Ninian was on the full court, there was great constitutional upheaval, not the least as a result of the events of Remembrance Day 1975 but also as a consequence of the new legislative broom that swept through the nation in the form of the Whitlam government's dramatic new legislative approach compared to the malaise and stupor of the previous two decades. These were interesting times on the court. Towards the end of his tenure, Sir Ninian described the difficulties that he saw could emerge from judges, and the High Court in particular, paying greater attention to parliamentary debates and committee reports as a means of interpreting legislation than to the legislation itself. He said, 'My own recent venture into Hansard debates left me more dubious than before about such excursions.'

On his departure from the High Court, Sir Ninian expressed his belief that he had fulfilled the role of adjudicator rather than legislator.

In 1981, Mr Fraser recommended to the Queen that Sir Ninian Stephen replace Sir Zelman Cowen as Governor-General, and he took up the role in July 1982. A former jurist from Australia's highest court may seem like a natural fit for the role of Governor-General—particularly so given that, in addition to Sir Ninian, his successor in the High Court, Sir William Deane, would later be recommended for that role by the Keating government. Former judges of other courts have held the office before and since, but it is worth noting that the only time prior to Sir Ninian's appointment that a former High Court justice had occupied the position was Sir Isaac Isaacs in 1931. After the controversy that had embroiled Sir John Kerr, Sir Zelman Cowen had restored confidence in the role of Governor-General, and there was a great national interest for this to continue. Sir Ninian had recommended himself for the role not just through his record as a balanced and apolitical judge but also by his engaging personality and skill as a speech maker.

The constitutional turmoil of the previous decade was still very much front of mind for the country, and many of the questions asked of him at the informal press conference at his home after the announcement of his appointment addressed this matter. Asked for his views on the reserve powers, Sir Ninian said, 'These were a necessary fallback,' adding, 'For instance, if the
Prime Minister has lost the confidence of the House and could no longer command a majority, then it is extremely doubtful that a Governor-General would be obliged to accept his advice.' As one would anticipate, he had a strong command of the constitutional responsibilities of a Governor-General but also recognised that the role did not require him to entirely surrender his independent judgement.

Senator Brandis has also referenced the events of February 1983, when Mr Fraser sought a simultaneous dissolution of the House and the Senate—in part, in an attempt to forestall the replacement of Mr Hayden as leader of the opposition by Mr Hawke. As Senator Brandis outlined, Sir Ninian insisted on being properly informed of the reasons for the simultaneous dissolution and acted to satisfy himself of the constitutionally correct course—of course, the appropriate action to take. But, in the process, Mr Fraser, so confident of the outcome of his request that he had scheduled the press conference for 45 minutes after his appointment at Government House, unannounced, found himself facing Mr Hawke, not Mr Hayden, and the rest is history. Of course, it was Bill Hayden who subsequently replaced Sir Ninian at Yarralumla in 1989.

The duties of a Governor-General are many and varied in addition to the constitutional role, and, certainly, many speeches were made by Sir Ninian Stephen. He came to the role at a time when it became more acceptable for the head of state to represent Australia overseas, and he did so. But perhaps one of the most significant acts of his term occurred in the centre of our country, because, in October 1985, Sir Ninian handed over the title deeds to Uluru to its traditional owners, who then leased it back to the nation as a national park. In this speech, he recognised that the handover symbolised the need:

… to balance specifically Aboriginal rights, morally based in natural law in the light of historical catastrophe and dispossession, with the concept of national unity.

Whilst there is no consistent precedent for the term of office of a Governor-General, it is a measure of the regard in which he was held that his tenure was extended beyond five years, to include the whole of the bicentennial year and into 1989. His biographer, Philip Ayres, stated that Prime Minister Hawke had the highest regard for him, his integrity, his intelligence and his commitment to this country. Sir Ninian saw his primary role as representing the Australian nation to the Australian people.

The next stage in Sir Ninian's service was, of course, as Ambassador for the Environment, a post to which he was appointed, as Australia's first ambassador, by Bob Hawke. Sir Ninian's interest in the environment had manifested itself in several different ways throughout his life. He was an occasional bushwalker, he had maintained a holiday residence on the River Murray and whilst on the High Court he had travelled the wilderness of Tasmania near Lake Pedder with Chief Justice Sir Garfield Barwick, then President of the Australian Conservation Foundation—that I had not remembered, Mr President—and a young doctor from Launceston, Bob Brown. I note that, as early as 1990, Sir Ninian was articulating the economic and environmental dangers that would stem from increasing average global temperatures. Reflecting on changes to the productivity of land and rising sea levels, he stated, 'Climate change may mean that in relatively few years our whole infrastructure becomes mislocated'.

I turn now to his work as an international jurist and peacemaker. The work Sir Ninian Stephen undertook in the 1990s and early 2000s is perhaps the most underappreciated of the
phases of his career, but in many ways it is the most significant. He became a key peace broker in Northern Ireland in 1992, hardly an easy task given the sectarian divide which stretched back centuries. It's little wonder a headline in The Sunday Age asked the question 'Belfast bound, so why is this man still smiling?' Six years before the Good Friday Agreement, the going was tough. Sir Ninian attempted to mediate a dialogue between parties who at that time were not ready to come to the table with sufficient compromises or a willingness to accept others in order to bridge the gulf between them. In 2012, Lord Mayhew, who was Secretary of State for Northern Ireland at the time of the talks, stated that he had:

... absolutely no doubt that Sir Ninian's contribution prepared the ground very significantly for the developments that subsequently culminated in what came to be known as the Good Friday Agreement.

In 1993, the UN General Assembly elected Sir Ninian to the International Criminal Tribunal for the former Yugoslavia for a four-year term. The Attorney has spoken in more detail about that contribution. Already serving on the International Court of Justice—in which he was involved in a case between Portugal and Australia contesting oil exploration and exploitation rights in the Timor Gap, an issue that only now seems to be coming to an acceptable conclusion—and the Permanent Court of Arbitration, Sir Ninian's nomination was announced by the then Minister for Foreign Affairs, Gareth Evans, and Attorney-General, Michael Lavarch. His duties later extended to the tribunal for Rwanda.

Following the completion of his term at the international tribunals—he had elected to retire rather than seek reappointment—Sir Ninian found himself at work again, at the request of UN Secretary-General Kofi Annan, who appointed him to head a group of experts inquiring into the feasibility and practicalities of a tribunal to try former leaders of the Khmer Rouge in Cambodia. It was a difficult, political assignment but, much like his mission in Northern Ireland, Sir Ninian's groundbreaking endeavours would later bear fruit. Three surviving Khmer Rouge leaders finally went on trial in November 2011. International assignments such as this continued into the 2000s, including as head of an International Labour Organization team to investigate whether or not assurances to eliminate forced labour were being fulfilled in what is now known as Myanmar.

The first whole-of-life biography of Sir Ninian Stephen, by Philip Ayres, is titled Fortunate Voyager. It is easy to see how Sir Ninian, a warm and caring man described by Ayres as 'charming and witty in conversation, and non-judgemental and optimistic in outlook', was indeed a fortunate voyager. Yet in his journeys along multiple paths throughout his life—all 94 years of it—one can appreciate how fortunate so many have been to benefit from his dedicated and selfless service. His work was diverse, his contributions significant, his commitment to service manifest. Our country—and, indeed, the world—owes Sir Ninian Stephen a great debt. We mourn his passing and again extend our deepest sympathies to his family and friends at this time.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:13): On behalf of all of my parliamentary colleagues in the Greens—and, indeed, the entire Australian Greens family—I'd like to offer our deepest condolence to the family of Sir Ninian Stephen, including to Lady Stephen, their daughters and their respective families. I won't spend too long, as most of the contribution that I wanted to make has been covered by both the Attorney-General and Senator Wong. We've heard of Sir Ninian's incredibly distinguished legal career with the Supreme Court of Victoria before moving to the High Court of Australia,
where he brought a moderating influence to the bench. He was often a voice of reason. Among many things Sir Ninian will be remembered for is providing the deciding opinion in the case of Koowarta v Bjelke-Petersen, effectively to uphold the legitimacy of the Commonwealth government to make the Racial Discrimination Act and to give effect within Australia to the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. The effect of that decision was that the Wik traditional owners of the Aurukun region of the Cape York Peninsula were able to purchase land, a right that one might think today is unquestionable, but it wasn't; it was a hard-fought right, and Sir Ninian played a pivotal role in that outcome.

He was held with regard while Justice of the High Court. His calm and measured style well explains his appointment to the role of Governor-General, where he contributed to the restoration of trust and confidence in that office following the events of 1975. Sir Ninian went on to become Australia's first ambassador for the environment and in that capacity he worked to ban mining in Antarctica. He headed up peace talks in Northern Ireland. He was a judge for the international criminal tribunal investigating war crimes in the former Yugoslavia, and he helped draft a constitution for Afghanistan. Sir Ninian was a statesman, he was a humanitarian and he was a devoted family man. On behalf of the Australian Greens, we would like to thank and honour him for his service.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (16:15): I rise on behalf of the Nationals to pass on our condolences to the family of Sir Ninian Stephen and to celebrate his contribution to the nation. Much has already been contributed in this place to his remarkable career. Sir Ninian was a man of humility, intellect, generosity and courtesy, and a man with a sense of a lifelong duty and warmth of character. He is most notably known for his role as Australia's 20th Governor-General serving between 1982 and 1989, but his life is full of achievements that deserve reflection in this place.

Born on a poultry farm in Nettlebed near Oxford in the United Kingdom on 15 June 1923, he was the only child of Frederick and Barbara Stephen. Sir Ninian's father passed away when he was only six months of age, so he was raised in the loving care of his mother, who worked for an expatriate daughter to a wealthy Queenslander, Miss Beatrice Mylne. Miss Beatrice Mylne was a strong-minded woman with some political views that I'm sure many people in this place would take some issue with, but she did make a significant contribution to the education and early years of Sir Ninian's life. Miss Beatrice Mylne and his mother insured Sir Ninian received a good education, and it was on this solid foundation started in the United Kingdom and continued here in Australia that set Sir Ninian on a life path of humble achievement. He spent time abroad in Europe, and because of this Sir Ninian became fluent in German as well as speaking French impeccably—a skill he would use in later life, including as Governor-General during a conference with French President Mitterrand.

At the age of 16, Sir Ninian moved to Australia with his mother, and he spent a year at Scotch College in Melbourne. In 1941, he commenced the study of law at the University of Melbourne whilst working as an article clerk with Allen Arthur Robinson solicitors in Melbourne. But Sir Ninian's time as a university student was short lived, as he stood like many men of the time in active service of our country in World War II. From 1941 to 1946—a significant time both in history and in a young man's life—Sir Ninian served with the
Australian military forces in the Pacific, specifically in Borneo and New Guinea, and he made his way up to the rank of lieutenant before being discharged. Upon return to Melbourne, he resumed studies and completed a law degree and a legal career followed. Others have reflected upon this career that lead to his appointment as Justice of the High Court in 1972.

Prior to all this, however, Sir Ninian met and married his lovely wife, Valery Mary, and together they had—what may have been seen certainly from him as his five proudest achievements, his daughters—Mary, Ann, Sarah, Jane and Elizabeth. Mrs Stephen was described by The Canberra Times in 1982 as the very model of a Governor-General's wife, but we know she was an esteemed lady in her own right involved in many of the community activities supporting other women and children, as well as successfully raising five career-orientated and successful daughters. Prime Minister Malcolm Fraser chose Sir Ninian Stephen as an admiral successor to Zelman Cowen, Australia's 19th Governor-General. Sir Ninian Stephen's posting was said to be years in the making, well deserved and widely welcomed. In fact, Gough Whitlam congratulated the then Prime Minister, Malcolm Fraser, for a Governor-General of Sir Ninian Stephen's calibre.

Governor-General was a role that Sir Ninian was humbled by, stating in his official statement to the posting: 'This is a very great honour that our country has done us.' He articulated his thoughts on the role as representing not simply the Queen in Australia but 'the Australian nation to the people of Australia'. He is remembered as a highly successful Governor-General, including for his contribution to Australia's foreign affairs. Sir Ninian Stephen's contribution in this area continued in his future career, including in his role in peace negotiations in Northern Ireland. He would acknowledge that his contribution might not have brought immediate peace to Northern Ireland; however, many have reflected that his patient efforts helped bring about the Good Friday agreement in 1998.

I think we could all learn something from his approach to these and other difficult discussions that he was involved in. His technique was to encourage those he was working with to state their positions and then allow a solution to be brokered through that discussion rather than imposing himself and his solutions onto others. It is a tribute to his humility that, when asked what he thought of the role of Governor-General and why he was chosen, he thought it best that his actions do the talking and responded with:

I don't know. That calls for an immodest answer. It's much better that others should think up the reasons. The reasons are certainly renowned now. Since his passing on 29 October 2017, tributes have flooded in for Sir Ninian and the man that he was. High Court Judge Michael Kirby, at Sir Ninian's 80th birthday, said:

Serving Australia was not enough for Ninian Stephen. He went beyond and served a wider world.
He was a great statesman, a great mind and an even greater man. Vale Sir Ninian Stephen.

Question agreed to, honourable senators standing in their places.

BUSINESS

Rearrangement

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (16:22): I move:
That the following general business orders of the day be considered on Thursday, 16 November 2017 at the time for private senators’ bills:

No. 57 Taxation Administration Amendment (Corporate Tax Entity Information) Bill 2017

Question agreed to.

Leave of Absence

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:23): by leave—I move:

That leave of absence be granted to the following senators:
(a) Senator Bilyk from 13 to 16 November 2017, for personal reasons;
(b) Senator Collins from 13 to 15 November 2017, for personal reasons;
(c) Senator Lines for today, for personal reasons; and
(d) Senator McCarthy from 13 to 16 November 2017, on account of parliamentary business.

Question agreed to.

NOTICES

Postponement

The Clerk: Postponement notifications have been lodged in respect of the following:

Business of the Senate notice of motion no. 1 standing in the names of Senators Rhiannon and Lambie for today, proposing a reference to the Economics References Committee, postponed till 27 November 2017.

General business notice of motion no. 545 standing in the name of Senator Dodson for today, proposing the establishment of a joint select committee on progress towards Indigenous recognition, postponed till 27 November 2017.

COMMITTEES

Reporting Date

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


Community Affairs References Committee—Future of rugby union in Australia, extended to 14 November 2017.

Economics References Committee—Non-conforming building products—Interim report [Illegal importation of products containing asbestos], extended to 22 November 2017.

Finance and Public Administration References Committee—


Community Development Program, extended to 6 December 2017.

Digital delivery of government services, extended to the Tuesday of the first sitting week in March 2018.

Foreign Affairs, Defence and Trade References Committee—
Impact of Defence training activities and facilities on rural and regional communities, extended to 29 March 2018.


**MATTERS OF URGENCY**

**Energy**

**The PRESIDENT** (16:24): I inform the Senate that, at 8.30 am today, five proposals were received in accordance with standing order 75. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Hanson:

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

"The need to restore the international competitiveness of Australian manufacturers by reducing electricity prices."

Is the proposal supported?

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

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

**Senator HANSON** (Queensland) (16:25): The federal government will be remembered for its monumental failure to provide reliable electricity and gas prices. There is no mood for forgiveness in the electorate. The next election will be a bloodbath. The small number of Liberal and National candidates who win a seat will be huddled together on the opposition benches. It's the only way they will keep warm.

Queensland, more than any other state, is dependent on electricity because it is uncommon for gas to be used for heating or cooking. Consequently, Queensland households and businesses feel the pain of high electricity prices more than those in any other part of Australia.

Malcolm Turnbull claims his electricity plan will cut household bills by between $100 and $155 a year, or $2 a week. This is a joke, when households are paying $2,000 a year and more for electricity. Australia needs electricity prices which are comparable to those available to
manufacturers overseas. We regularly pay more than $100 per megawatt for electricity. That is twice or three times the international competitive electricity price. Electricity which costs more than $45 a megawatt, including transmission and distribution, makes Australian manufacturing uncompetitive. Australian coal-fired power stations can produce electricity in the range of $8 to $32 a megawatt, making it possible to provide electricity at globally competitive prices. But these old faithful power stations are being phased out and they are not being replaced, because of the belief that carbon emissions are causing climate change. Some scientists say climate change is caused by burning fossil fuels, and others say we are experiencing a natural warming cycle. But, before the science is clear, we must decide whether to destroy our manufacturing and agricultural industries. Even if Australia ceases all man-made carbon emissions today, it would make no difference to the world, because China, India and the United States plan to continue to burn fossil fuels.

It is just too easy to move our manufacturing to countries that have what we do not—and I am talking about reliable, continuous and globally competitive electricity prices. All the polls say we will have a Labor government soon. But be warned: Labor is without a plan to reduce electricity prices to globally competitive levels. In Queensland, the Labor government wants to have 50 per cent of power coming from renewable schemes by 2030. But let's look at the cost, because they range from $100 to $800 a megawatt-hour to produce. These renewable sources are intermittent in their generation and do not provide the continuous supply required to support manufacturing and agriculture.

As I have already said, the price of electricity needs to fall below $45 a megawatt hour if we are to maintain and further attract manufacturing in this country. The government's solution to the crippling electricity price is to introduce the National Energy Guarantee, the NEG, to the National Electricity Market, the NEM. The NEG simply obliges retailers to guarantee supply and emissions, but there is no price promise. Twenty years ago, the National Energy Market did not exist, and individual states had their own generators, transmission lines and means of distribution. Under this arrangement, real electricity prices fell continuously between 1955 and 1984.

During this period, manufacturing thrived in Australia and we attracted energy-intensive industries, including steel, aluminium and fertilisers. Today, these same energy-intensive industries are leaving us and taking with them thousands of jobs. This government would like to tell you that our labour costs are too high, that our future is in service industries and that we need to work smarter. But I'm here to tell you that it won't matter how smart we work if we cannot deliver to business and households globally competitive gas and electricity prices.

The manufacturer of aluminium in Australia is, indeed, the canary down the coalmine. One electricity price caused this industry to move offshore, and the balance of our manufacturing will be in danger of doing the same. I am a Queensland senator, and there's no way I am going to look the other way while manufacturing jobs are lost in Queensland. The Boyne aluminium smelter, located south of Gladstone, was built in 1981 following the negotiation of a long-term electricity contract to provide electricity every minute of every hour for 30 years. Later, the Boyne smelter owners bought their electricity supply from the Gladstone power station. But, in 2016, the smelter could not acquire additional electricity, so they cut production and announced job losses. These jobs meant everything to the people who relied on them, but
their families were not the only ones to suffer; many other jobs indirectly associated with the smelter were also lost.

Two other Australian aluminium smelters have closed recently, one in New South Wales and one in Victoria, because they could not find long-term electricity contracts at globally competitive prices. I don't want to see the only aluminium smelter in Queensland close because politicians will not solve the problem of uncompetitive, high electricity prices. Electricity represents 40 per cent of the cost of producing aluminium, which is high compared to the Australian manufacturing average of around nine per cent. But when the electricity price stops products being made or grown in Australia, the government needs to act decisively.

Agricultural businesses also use huge amounts of electricity to irrigate and keep produce cool. Farmers have repeatedly shared their concerns about electricity prices with the Australian Labor Party, but they have been ignored. There is no point in the government bragging about free trade agreements that open up markets if electricity prices mean Australian products and produce are too expensive to be sold in these newly opened markets. Rapidly escalating energy prices, like the ones we have seen in the past year, are a death sentence for manufacturers in Queensland. The economic argument that high prices breed efficiency is rubbish if you go out of business before you can develop those efficiencies.

We don't have much time to save manufacturing in Queensland or anywhere else in Australia. One Nation is a small party with limited influence, but in Queensland One Nation has a plan to cut electricity prices and keep them that way. My four-point plan is to build a new coal-fired power station in Queensland to ensure we generate electricity at a globally competitive price; write off billions of dollars spent on gold plating the transmission network, which will immediately drop electricity prices; negotiate the removal of the GST from electricity bills; and end excessive margins made by energy retailers.

It is a disgrace that each year 22,000 Queensland households have their electricity disconnected for failure to pay. That is a shocking 430 households a week. These electricity bills should never have been so high in the first place. It is a little-known but well-documented fact that the state government of Queensland sets the electricity price in Queensland. So, if you have been disconnected or stressed paying electricity bills, I recommend you put Labor last on 25 November in the Queensland state election. Labor, with its ideological but not scientific devotion to green energy, is prepared to throw manufacturing jobs under the bus for government. It's a tragedy.

If the next Queensland government follows my prescription, it is going to have to give up its debt habit and learn to manage its budget. I want the savings from lower electricity prices left with households and businesses. Families and businesses know how best to spend or save money from lower electricity bills. Wake up Australia: take your power back and vote for candidates who can explain to you how they are going to lower electricity prices and bring manufacturing back to Australia.

Senator IAN MACDONALD (Queensland) (16:34): I could be a little cheeky and echo Senator Hanson's words, 'Vote for candidates who will reduce electricity prices in my home state of Queensland,' but I would mean, 'Vote for the LNP candidates,' because that's exactly what they will do.
I want to congratulate One Nation for raising this real matter of urgency. Too many times in this chamber we have urgency debates about ridiculous topics that the Greens and the Labor Party dream up, but I thank One Nation for raising this very important issue. I have to say that the idea of reducing electricity prices to help the competitiveness of Australian industry is a good one but not a new one. I well remember that in Townsville, where I'm based, almost 20 years ago—it may even have been 30 years ago—when there was a Liberal government in power in Canberra, we worked hard to encourage Korea Zinc's subsidiary Sun Metals to set up a zinc refinery, and one of the attractions we proposed to this significant Korean company was cheap power, which Australia had 20 to 30 years ago. They were looking at setting up in Korea or in Queensland. I remember that the Hon. John Moore was the business minister who negotiated this deal. There was cheap power in Queensland, so Sun Metals set up there. The cheap power, of course, was because in Queensland we are blessed with high-quality coal that produces good electricity cheaply, and that's why Korea Zinc came there. Over the years, with Labor Party interaction at both state and federal level, the prices of electricity have gone up and up and up, to the extent that I'm sure that Korea Zinc and Sun Metals now wish they had never heard the word 'Australia', because they are struggling to maintain the 300, 400 or 500 people that work at that plant in Townsville, because of the cost of electricity.

It's not just the renewable cost. The Labor Party in Queensland have actually been gouging the electricity prices to prop up their own budget. How can they gouge the price? Well, that's easy: they're the only ones who own the generators in Queensland. So, if the state budget is a little bit shy in any year, they just whack up the price of electricity. Don't worry about the jobs in Townsville. Don't worry about the jobs elsewhere in Queensland.

Whilst I respect what Senator Hanson says about her party, can I tell you that the LNP in Queensland, of which I'm a member, don't just have promises; they have a track record. They were the ones who, in government, froze household tariff 11 for one year, saving the average household $120 a year. They were the party who, in government, opposed the carbon tax, saving an average Queensland household $170 a year. They were the ones who reduced wasteful expenditure on the network infrastructure, which Senator Hanson mentioned, which would have increased electricity prices by some $7 billion. They were the government that closed Labor's Solar Bonus Scheme, which was expected to cost Queenslanders around $3.4 billion by 2028. They were the ones who maintained the uniform tariff policy to ensure that regional Queenslanders like me don't pay more for electricity than people in the south-east. They also capped prices on obsolete and transitional tariffs at 10 per cent to support Queensland farmers and businesses, and they exposed Labor's secret plans for the government network business to jack up prices, which would have resulted in even higher prices.

I want to say that, whilst I agree with much of what One Nation says, One Nation are not blameless themselves. APPEA have said:

In a miracle of economics, One Nation claims that it will bring gas prices down by banning gas production across most of Queensland.

Perhaps this is an outdated thing, Senator Hanson; perhaps you have a different policy now. But certainly this was your policy on 5 October. You can't reduce prices if you are restricting the flow of gas into the grid and into electricity generation within Queensland and elsewhere.
in the nation. So One Nation are not blameless in this. But, if that's wrong, Senator Hanson, you or one of your colleagues might clarify that later in this debate.

GetUp! people or union people invaded my office last Friday to give me a petition, this time on Manus. Fortunately when they were there I was in Papua New Guinea doing real work, so I don't know why they were hoping to give me a petition when I was in another country working for Australia. The guy who was arrested there—I've never met him or seen him or heard of him, but he's clearly a GetUp! person or a union man—has a letter in today's paper saying, 'All these renewable energy projects around Townsville will mean the difference, and it's not costing the taxpayer anything; it's all privately funded.' We all know that is absolute rubbish. The subsidies that go into renewable energy are just incredible. Huge subsidies go into renewable energy, which someone has to pay for, and it's the Australian taxpayer.

Unfortunately, former Senator Roberts is not here. I used to like his forensic examination of these issues. He and I keep asking the Greens, 'Okay, so you want renewable energy to reduce carbon emissions from Australia so we'll save the Barrier Reef?' I keep asking the Greens to answer this. None of them ever will. Australia emits less than 1.2 per cent of the world's carbon emissions. So, if it's carbon emissions that are killing the world, only 1.2 per cent of those emissions are from Australia. The Labor Party have promised to reduce our emissions by 50 per cent. Fifty per cent of 1.2 is 0.6. I once asked the Chief Scientist in estimates: 'What impact will it have on the world's climate if we reduce our emissions by 1.2 per cent?' and the Chief Scientist said, 'Virtually none.'

The Greens and the Labor Party, with all of this renewable energy, will destroy Australian industry—and Senator Hanson mentioned that very clearly in her address—and make costs so expensive, not just for manufacturing but also for each household. And what impact will that have on the world's climate change? Absolutely none, according to the Chief Scientist. The Greens are hell-bent on reducing Australia's output of carbon. According to the Parliamentary Library, the number of power plants that Australia has commissioned in recent years is 73 units. At the same time, China have increased their output by 2,107 units, and India by 877 units. I repeat: Australia, 73; China, 2,107; and India, 877. All this rhetoric you get from the Greens to make you feel warm and fuzzy—'Yes, we're going to reduce our carbon emissions'—will make absolutely no difference to the changing climate of the world, but it will destroy jobs. It has destroyed jobs in Australia, and it does make it more expensive for Australians to live.

In the last few seconds remaining to me, I can give the Greens some good news: the Australian Institute of Marine Science and GBRMPA are doing research and are now working on making coral resistant to bleaching—not that any coral bleaching is the fault of Australia; it might be the fault of the world, but it's certainly not the fault of Australia. Our scientists have taken a proactive, positive approach and are developing corals that are resistant and that are continuing to grow.

Thank you for raising this matter, Senator Hanson. The Greens hypocrisy and mistruths are becoming more and more obvious as each day passes. (Time expired)

Senator DASTYARI (New South Wales—Deputy Opposition Whip in the Senate) (16:45): Woe is me, for my sins in a previous life, that I get the opportunity to follow Senator Hanson and Senator Macdonald in this chamber once again! But we're here to discuss the
need to restore international competitiveness of Australian manufacturing by reducing electricity prices. At the heart of all of this, there is a lot of ideology. If we're serious about reducing electricity—

 Senator McKenzie: Let it go!

 Senator DASTYARI: I'm getting some Frozen references thrown at me—

 Senator McKenzie interjecting—

 Senator DASTYARI: Oh, I thought you were saying 'Let it go' in terms of the cooling of the planet. I thought that's where you were heading. I thought we were heading down that path.

 The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Dastyari, ignore the interjections.

 Senator DASTYARI: There's ideology at stake here, because, if we're serious about reducing electricity prices, the one thing that is more important than anything else is providing a level of certainty to industry so that they're able to provide supply. What you have is such a level of uncertainty in what is going on that it is making it difficult for business and industry to make decisions.

 One of the fortunate things that we're able to do as senators—and other senators have had these opportunities too—is, through the committee process, to go out and see different parts of Australia and talk to different communities. The Senate Environment and Communications References Committee, which I am a member of, held an inquiry into these matters last year regarding, specifically, the power station at Morwell, which had just announced it was shutting down. It gave us an opportunity to go out there and talk to the workers, specifically, and to the industry and others behind it. Putting aside what I think was some pretty reprehensible behaviour by the French company and how they made those decisions, when we had the opportunity to talk to the other companies that came before us, what they all spoke about was the need to have a level of certainty when they were making investment decisions.

 Regardless of where you sit ideologically in relation to the debate on renewable technology, what they were saying was they needed to have certain lines drawn in the sand so they could make investment and business decisions based on them.

 The government, however, is held back by its own ideological debate and ideological fights on these issues. The Turnbull government is beholden to what can only be described as a far-Right element of their own party. Their latest plan restricts growth in renewables to as little as 28 per cent of Australia's energy by 2030, including rooftop solar. The current renewable energy target will deliver 23.5 per cent by 2020. The government's plan for renewable energy will mean renewable energy will grow by less than 0.5 per cent per year over the next decade, or 250 megawatts a year to 2030, given demand is projected to be flat. When you have the opportunity to have a growing renewable energy sector, surely that is where investment should be directed.

 The renewable energy industry is booming across the world, creating hundreds of billions of dollars of investment, great research and development and, across the world, 9.8 million jobs, but what we've seen is this government, under Prime Minister Turnbull, turning its back on the renewable energy sector and embracing an old-school vision of a coal-fired future for Australia. With all the rhetoric about innovation, jobs and jobs of the future, if jobs in the
renewable energy sector aren't jobs of the future then you really have to ask yourself: what are? Already the Abbott-Turnbull government has destroyed one in three energy jobs in Australia based in the renewable sector, and the plan that was recently announced—the NEG, or whatever you want to call it—will destroy thousands more.

The conservatives dream of a time in Australia when manufacturing in Australia was at its strongest, yet their policies are actually what's bringing manufacturing to its knees by putting so much uncertainty into the market that electricity prices are going to rise. Under the Prime Minister, power prices will keep going up and up, and thousands of jobs in renewable energy and with gas-intensive manufacturers are now at risk. Australia's industrial gas customers have seen no price relief from the Prime Minister's 'gentleman's agreement' with LNG gas exporters, and no export control means the government's gentleman's agreement—this cup of tea; this relationship they believe they've built—isn't actually backed up by anything. There's no legal mechanism at the heart of this, and so gas exporters are free to export gas that could otherwise be used to increase supply and lower prices here in Australia.

For years, Aussie manufacturers have had ready access to cheap and renewable energy suppliers which provided Australian firms with the competitive advantage they needed to compete globally. This is an advantage that has now disappeared. In October the outgoing CEO of BlueScope Steel, Paul O'Malley, told the company's AGM that from 2016 to 2018 BlueScope's energy electricity cost would rise by 93 per cent. The enormity of a rise like that on industry is staggering. In August, it was reported that steel company Milltech's electricity bill had blown out by 160 per cent, which actually related to $1.2 million. Chief Executive of the Australian Chamber of Commerce and Industry, James Pearson, has said that the surge in energy costs has forced business to defer investment decisions, with some even thinking of moving abroad.

Australian gas users are once again at the mercy of gas exporters and will continue to pay the price for the Turnbull government's failure to stand up to the big gas exporters. If you look at the government's own regulatory impact statement, it advised that this kind of agreement—this gentleman's agreement or whatever you want to call it—with gas exporters, will 'result in some users exiting the market, resulting in a loss of jobs and economic output'. That is the government's own statement. As it stands, the Turnbull government's latest energy policy thought bubble will strangle the renewable energy industry for perhaps a lousy 50c in three years time. Minister Frydenberg and the Prime Minister can't even guarantee a figure as low as 50 per cent; that's just what has been predicted by others. So, really, at the heart of it is an issue that the government has about certainty and providing certainty.

But it's not just on the issue of electricity that we have seen this ideological debate play itself out; we have seen it play itself out elsewhere. I note that Senator Macdonald was given a little bit of leeway in this debate, and I will take that leeway too. There is an ideological challenge that drives this government on every issue. Take the issue of marriage equality. Australians have now given their opinion through the postal survey; yet there are those in this argument who, just as they are doing with energy and just as they are doing with energy prices, are using ideology to try to drive an agenda. What Senator Paterson has proposed to put in this place is as dangerous as this energy policy that we're here to discuss today. It's not about ensuring equality; it's about ensuring discrimination and taking Australia back 60 years.
fogies. Australians have had their say to make our country a fairer and more equal place, not to take us back to a time where people could be denied service at a shop. The majority of parliamentarians need to respect the outcome of the postal survey when it comes down this week. What I would hate to see is those who oppose marriage equality try to take some kind of a possible 'yes' victory in the postal survey as a basis for more discrimination or as a basis to make a case against equality. That is not the question of this survey and that is not what the amendments should be. Frankly, Senator Paterson should know better than to be led astray by the old fogies in his own party.

Ideology on the conservative side of politics has led to increasing uncertainty when it comes to those who need to make investment decisions as it relates to energy prices. Until this government is able to get itself straight and in order on what it wants to achieve on energy, it is not going to be able to place the downward pressure on prices that is needed to protect and keep Australian manufacturing and jobs.

Senator BARTLETT (Queensland) (16:55): Before I commence, I would like to clarify that this is not my first speech. The Senate is debating today the very important issue of the need to reduce electricity prices. That is something that I expect everybody in this chamber agrees on, but the key point is how we reduce electricity prices—and we certainly don't do it by sloganeering and we certainly don't do it with the economically illiterate arguments that we've heard from some in contributions to the debate thus far. The simple fact is that the people of Australia, including the people of Queensland, my home state, are being ripped off—they are being ripped off by massive corporations like Origin and AGL in my own state of Queensland, and they are being ripped off by the two establishment parties that have put in place the energy and electricity regimes across the states that have led to massive price gouging, that have led to these price rises and that have led not just to increased costs for manufacturing, which is referred to in the proposal before us today, but also to increased costs for households.

Let's not forget that in the last financial year the state government of Queensland made $3 billion from the profits made by state-owned energy corporations, straight out of the pockets of Queensland households. Leading into the state election—we released our policies on this two months ago—the Greens are proposing to put that money straight back into the pockets of Queenslanders. Origin and AGL made $7.2 billion in profits. Those are profits for corporations, and that is profits being put before people. That is the energy regime that has been put in place by Labor and the LNP over successive governments in my home state of Queensland over the last decade. Since Queensland Labor privatised electricity retail in 2006, prices have doubled. Retail charges are now 35 per cent of power bills. The Greens' approach is to roll back Labor's privatisation, to end that price gouging, and to invest in renewable energy.

We hear the economically illiterate and ludicrous approach that we need to build new coal-fired power stations in northern parts of Queensland, which will take 10 years to build—as though that will somehow make energy cheaper rather than more expensive. I had an email from a constituent from Gladstone today. Gladstone, as some may know, has the largest power station in my state of Queensland. It has almost unlimited amounts of gas, if they wanted to tap into it, going through the port of Gladstone and yet the prices are sky-high. It is simply a factor of the privatised, corporatised electricity generation, distribution and
marketing regime that has been put in place by Labor and LNP governments following the bidding of their corporate donors. That is what we need to reverse and that is the thing that will reduce electricity prices by substantial amounts, not just for a year or two by way of a subsidy but for year after year after year by reversing the privatisation that occurred before, legislating to make reliable, affordable energy for all Queenslanders something that the government is required to provide. That is what we need to do and that is the approach the Greens have put forward for the Queensland state election. Independent economists, independent energy experts who have examined the Greens' policies, agree that that would lead to savings of at least $600 a year for each and every Queensland household. If we scrapped private electricity retailers and created a single public retailer with a legal mandate to provide affordable and reliable electricity to all Queenslanders, they would each save $600 a year on their electricity bill.

The same sorts of savings would apply to manufacturers in Queensland as well. The jobs would flow on from that. Investing in renewable energy would create over 5,000 jobs a year every year for five years. The Liberal and Labor parties in Queensland want to create a ridiculous, unsustainable mine that would deliver maybe 1,500 jobs and would take all of the investment money that could otherwise be put into renewable energy that would generate over 5,000 jobs year after year and create cheaper electricity along the way. They are the visions and the policies that the Greens are putting forward in the state election in Queensland and that is the guaranteed way to get cheaper electricity for all people across this country.

Senator McKENZIE (Victoria) (17:00): It gives me great pleasure to stand up as a senator from the great manufacturing state of Victoria and talk about the need for reliable, affordable access to energy in this country right now. Unfortunately, as I sat in the chamber and listened to Senator Dastyari, I didn't hear a lot about the ALP's energy policy. I didn't hear a lot about the promotion of a 50 per cent renewable energy target. I didn't hear about the impact of Premier Weatherill's energy policy on his home state of South Australia. I didn't hear a lot about the impact of Daniel Andrews' policy on my home state of Victoria. And I didn't hear a lot about Bill Shorten's energy policy. But one thing I can be sure of from the noises we have heard from the Labor Party about this particular area of policy endeavour is that they have nothing. What they are pursuing is vanity. It is vanity to chase an international target to be seen as do-gooders on the international stage while there are over 950,000 men and women in this country who work hard every day at manufacturing in regional towns, in Melbourne proper and in the northern suburbs and western suburbs of Sydney. There are 950,000 Australians in manufacturing jobs, and they rely on reliable and affordable access to power.

It's great to see Senator Kim Carr in the chamber, a great champion of the manufacturing industry. But I do note Senator Carr is not on the speaking list, because he knows that advanced manufacturing, something he has championed as long as he has been shadow minister and as minister prior, requires access to affordable and reliable energy sources. He knows that there is no use standing up and talking about the Labor Party's energy policy, because they ain't got nothing. He also knows the costs of blackouts, particularly to manufacturers.

The Turnbull government have been delivering in spades in this very complicated and complex area of access to reliable and affordable energy supply. We've accepted 49 out of 50
of the Finkel recommendations, which will actually see us being able to work with the regulators and state and territory counterparts to ensure that our National Energy Market is functioning for all and ensuring that there is competition throughout the market, which will ensure lower prices at the end of the day. We've legislated to abolish the limited merits review process for networking businesses. We've got the ACCC looking at competition policy, because we know that there is a lack of competition within the energy market. Their interim report showed it. We are looking forward to some recommendations when they bring down their final report into what things we can do to get greater competition. We've been able to stop the gaming that was going on around poles and wires. We've suggested that certain state governments who own that infrastructure not take the cream off the top and actually give their own citizens fair access to power prices. We are also working through the COAG Energy Council. We've got the Australian domestic gas security mechanism.

With this particular conundrum, you don't just pull a lever and it all happens. You don't build solar farms all over inland Australia and suddenly have this renewable energy source. That is not how it works. That is how South Australia got into the situation it did. AEMO brought down their report that says my home state, the manufacturing state, will have a 43 per cent chance of a blackout this summer if we keep doing things the same and pursuing policies that, at the end of the day, don't deliver what we need, which is access to reliable and affordable power. We on this side of the chamber know what the impact is of increased energy prices. It's simple; the impact is on jobs. It is on the jobs of working men and women across this country—mums and dads and small business enterprises.

I just want to mention the defence industry, and I note the Minister for Defence is in the chamber. Twenty-five thousand Australians are employed in the defence manufacturing sector. It's a high-tech, future-looking industry which we are building right now. But, when I was speaking at the New South Wales conference of small to medium enterprises engaged in the defence manufacturing sector, the No. 1 concern mentioned by Chris Jenkins was the cost of energy to these businesses. It was having a direct impact on their competitiveness overseas and also on their ability to continue to grow and to employ local Australians in jobs.

I'm a National Party senator, and I cannot come to this energy debate without talking about our $62 billion agricultural industry and our food-processing industry. These are key drivers of our national economy, and in the regions they're our heart and soul. There are 320,000 jobs in the food-processing sector. We know that the increasing energy costs are going to cause agriculture to contract by up to $4.5 billion, and the food-processing sector conducted a study that said it would lose nearly 15,000 jobs simply as a result of increased energy prices. Contrary to those opposite saying the manufacturing sector is contracting, this is a sector which can grow, which wants to grow and which has the nous and the drive to grow, but it cannot when its primary input cost is exponentially increasing year on year.

I just want to touch briefly on one industry very dear to my heart as a Victorian National Party senator, and that's our $13 billion dairy industry, employing 43,000 Australians right across the country. I spoke at a dairy industry meeting a couple of weeks ago, and again high energy costs came to the fore. They are impacting our jobs and our ability to export and to ensure that these businesses are sustainable. When you're producing milk, you've got the farm where you produce the milk, where there's a high energy cost, and you've got the processing of that milk, another high-energy process. For dairy processors, their energy costs around
$170 million a year. We are going to see that increase by 50 to 70 per cent this year, another $100 million for our milk processors to simply take what the cows produce in a very natural way and to make sure it's available on the shelves of our supermarkets and our restaurants. Another $100 million equates to an additional 1c a litre per year, or 15 grand for every dairy farmer in this country. That's how much they're going to lose as a result of doing nothing in this space. That is unacceptable.

In terms of on-farm costs, for our individual dairy farmers on the 5,800 dairy farms across this country, we've got a 20 per cent issue around their energy costs. We've got their sheds, the milk vats and the cooling systems they have in place on farm to keep the product fresh. We've got the irrigation pumps, particularly in north central Victoria, where our dairy industry relies on the irrigation sector. The on-farm costs of energy looking forward over this next year are an additional $4,800 per farm for this year. So that's nearly 20 grand for every single farmer when you put the increased costs of processing onto the increased cost of production from simply doing nothing and allowing energy prices to continue as they have and as they've been modelled to do.

It is unacceptable. It's a handbrake on our growth and development, and where that will be most felt will be in the regions. The highly energy-intensive industries are located in regional Australia, and it is those people who will be feeling the impact of those job losses. We can very glibly just shoot off a thousand here and 17,000 people losing their jobs there. Those are actual mums and dads. It is kitchen table stuff—people losing their jobs. It is unacceptable, because we stand here and, as Senator Dastyari said, pursue ideology over a practical response that sees the whole mix up for discussion and on the table. I would implore those senators here who care about Australian families, about a vibrant manufacturing industry and about the 950,000 Australians employed in that industry and the 43,000 Australians employed in the dairy industry to consider a pragmatic, practical approach which, yes, looks at renewables but also ensures there's reliability within the national energy system and electricity market that drives costs down and increases competition so that we can have a vibrant manufacturing sector going forward into the 21st century. It's what we're doing as a government. Please support us.

**Senator McALLISTER** (New South Wales—Deputy Opposition Whip in the Senate) (17:10): It's not a bad place to pick up the debate. Senator McKenzie has argued for a practical approach to energy policy grounded in facts—I think the facts mightn't be a bad place to start. The whole premise of the debate set out by those thought leaders from One Nation is that we have to choose between dealing with climate change and having a manufacturing industry. They're just wrong. They're wrong about this, as they are about many other things. This particular proposition is particularly irritating, because it's not grounded in any facts whatsoever. Bloomberg New Energy Finance—they're the people you might commonly look to in the market for a market-led assessment of what's viable in energy investment—state that the levelised cost of energy of new ultra supercritical coal in Australia will cost between $134 and $203 a megawatt hour. They are very big numbers if people are seriously contemplating investing in new coal-fired energy. By contrast, they put solar at between $78 and $140 a megawatt hour, new-build wind at between $61 and $118 and combined cycle gas at between $74 and $90 a megawatt hour. They sensibly make the observation that new coal is not a viable solution for the pressing need that we have in the
energy market, which is to replace our ageing infrastructure. Bloomberg further consider the
fact that when you are looking to invest in these very carbon-intensive industries there are real
risks—reputational risks, financing risks, regulatory risks—associated with the very high
carbon emissions that come from these technologies. They go on to say that even if the
government were to completely de-risk coal by paying for the whole plant and guaranteeing
an exemption from any future liabilities the lowest levelised cost of energy that could be
achieved is $94 a megawatt hour, well above solar, gas or wind.

These are the facts on the ground that the ideological advocates for new coal, sitting mostly
up in that back corner of the chamber, need to contend with. Their assertion that this will
present a cheap alternative is simply not true. It's simply not true and it's a mark of how far
the debate has descended in the coalition party room that the people peddling these untruths
are allowed to continue to lead the debate while the more moderate voices sit silently. I do
note that every time one of these debates takes place in the Senate, we never hear from the
moderate voices. We just hear from the people who have no commitment to facts, who are simply committed to repeating the ideological
and untrue proposition that new coal-fired power presents any solution whatsoever to Australia's
energy problems.

Bloomberg also engaged, earlier this year, in a wide-ranging speech with some of the
propositions around reliability and the characteristics of coal that are said to make it so
important for maintaining stability and reliability in the NEM. They say we can no longer
accept the assertion that coal's base-load characteristics make it inherently more desirable.
They say:
In the grid of the not-too-distant future coal’s baseload operation becomes a curse, not a blessing.
The fundamental control paradigm of grids is changing from base load and peak to forecast
and balance. The balancing component will require more flexible or firming capacity, not
base-load. Gas-fired generation is much better suited to providing the flexibility to this system
than coal and it can provide it at a much lower cost.

This group of people up in the back corner of the chamber, in One Nation and the National
Party, are living in the past. They are not engaging with the reality of new energy
technologies; they are not engaging with the reality of the NEM. They are propagating,
essentially, a kind of culture war around energy, where the facts matter much less than what,
for them, has become a kind of cultural significance of coal, a cultural attachment to coal.
That'd all be very touching and sweet if it weren't being allowed, by the weakness of this
Prime Minister, to drag the entire national debate off course.

The thing is that it's not just One Nation proposing new build in coal; it's also Senator
Canavan, newly returned to the front bench of this government. He was up again today
talking about it and citing, in support of his arguments, a report produced by the Queensland
government that, he alleges, supports his ideas. I've done a bit of checking on that, and it is
true that the Queensland government engaged a consultant to look at all of the options. That's
a sensible thing to do, right? If you're the department and someone's put up a proposition
about new coal-fired generation in North Queensland, you might want to go and have a look.

What did they find? They found that an ultra-supercritical coal power station in North
Queensland would only be viable under sustained high wholesale energy prices over the 40-
year life of the plant, where the wholesale price is maintained at $75 per megawatt hour. They
also found that if you introduce a carbon price, say $40 a tonne, the whole thing becomes completely unviable. They highlighted that there are significant risks associated with the development of such a plant, including a real risk that it would become stranded, a white elephant, during changing market conditions. It would be highly exposed to the introduction of a federal carbon price, and this would inhibit the ability for any such plant to obtain finance and maintain value over the life of the plant. It doesn't sound like a good investment to me, not even a little bit. But that is the proposition that One Nation is taking to the election, and, from the sound of it, that is the proposition that the LNP is putting to Queenslanders.

The sad truth is that we are in the midst of an energy crisis, and it is entirely the making of this government. Our investors in the energy sector have been crying out for stability. They have come before committee after committee, review after review, and they've said, 'What we need is a clear set of investment guidelines that are realistically aligned to the carbon reduction task that the global community will expect us to perform.' And they've been waiting for a set of settings just like that for four years, from this government. The truth is that, under the previous Labor government, we did have a clear framework in place to manage the National Electricity Market and reduce carbon, and, in a fit of pique and through a series of entirely opportunistic decisions, the whole thing was dismantled under Mr Abbott.

The coalition have been crab walking sideways towards re-establishing something since they realised the scale of the catastrophe they created. Mr Turnbull—who previously, as we all know, supported emissions trading—kind of floated, through Mr Frydenberg, the idea of an emissions intensity scheme, but that lasted a full 24 hours before it was knocked over by the dinosaurs in the hard Right of the party room. They then fiddled around for a while with Mr Finkel's report, and he, helpfully, tried to support the government by coming up with a clean energy target. That was something that everybody thought was entirely sensible as well, but it couldn't survive the coalition party room. They then came back again for a third go, with a proposition called the NEG, the National Energy Guarantee, which appears to be something that was cooked up in the space of five or six weeks by the Energy Security Board and constitutes an eight-page letter containing a set of ideas to be referred to COAG. This is the sum total of the energy debate in the four years that the government has had to consider this issue and to resolve the pressing investment questions that are facing the sector. There's no point coming in here and bleating about manufacturing and high energy prices if you're sitting over there. If you've been sitting over there and providing support to this government day after day in this chamber, you have to take responsibility for the decisions that they've taken—and the decisions they've taken are precisely none. This is a government entirely paralysed by its own divisions, and it is failing Australia.

Question agreed to.

**DOCUMENTS**

**Community Development Program**

**Consideration**

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:21): I move:

That the Senate take note of the document.

I wish to speak on Auditor-General report No. 14, *Performance audit—Design and implementation of the Community Development Programme: Department of the Prime*
Minister and Cabinet; Department of Employment; Department of Human Services. This report was tabled last week and to say that it's shocking would be putting it mildly. You'd think that we were talking about two completely different programs.

I'm a member of the Senate Finance and Public Administration References Committee, which is inquiring into the Community Development Program—an inquiry, which I might say, is being ably chaired by Senator McAllister. We have heard the most amazing and shocking evidence around the faults in this program. It was like we were talking, as I said, about two completely different programs. It's almost like the ANAO are saying, 'They've implemented this really well, but they've implemented a really poor policy design.' Is that what they're saying? It's absolutely incredible. They also rely on Andrew Forrest's Creating Parity report as if that is some accredited document that is signed off by all of the community. That report has been soundly rejected by a large number of Aboriginal and Torres Strait Islander peoples and it has been critiqued extensively, in terms of the deep concerns that a lot of people have about that report. But the ANAO report almost references it as if it's the bible of what we should be doing in Aboriginal policy in this country, when, as I said, it has been soundly rejected by a large number of people.

The ANAO's report makes no sense when you actually look at what's happening on the ground. It's almost like a doctor saying, 'Gee, the surgery was really good; it's a pity the patient died!' Hundreds of thousands of people have been penalised and thrown off income support. There are about 35,000 people on the CDP in rural and remote areas, and 85 per cent or more are Aboriginal and Torres Strait Islander peoples. There are more penalties and more people breached off income support with that program than there are for the whole of the income support process and those that have compliance issues. It is having a dramatic and fundamental impact on people's lives.

At our Senate inquiry hearing in Kalgoorlie, one of the people that gave evidence was the superintendent of police in the Kalgoorlie region. He spoke about the impacts of the program that he had seen on communities—the consequences of people being breached and the consequences for people having to move from, for example, Warburton. I myself went to Warburton and spoke firsthand to the people affected by this—and to those in a number of other communities, I might add. They say a number of people are having to move into Kalgoorlie because they don't have access to any funding supports. They're trying to find work or some other visible means of support. And they're having to leave their children back in their home communities. That's having a cascading effect—on grandparents, for example. We've had a number of reports about the reduced spending in communities because people have been breached and don't have money, and of people in communities who have work who are basically spending the whole of their wages now in supporting other community members.

The problems with this program are absolutely intense. As I said, it's like we're talking about two completely different programs. There was very little to no consultation when RJCP was rolled over into the Community Development Program. The program is so bad that even the minister knows that it needs reform. The minister has tried once, with an even worse policy—which, thank goodness, was one of the zombie bills, when that bill was before the last parliament. But even the minister has acknowledged that.

The ACTING DEPUTY PRESIDENT (Senator Leyonhjelm): Thank you, Senator Siewert. Your time for speaking has expired.
Senator Siewert: I seek leave to continue my remarks.
Leave granted; debate adjourned.

**Australian Renewable Energy Agency**

**Consideration**

Senator BARTLETT (Queensland) (17:26): I move:

That the Senate take note of the document.

I would again note that this is still not my first speech. This annual report of the Australian Renewable Energy Agency for 2016-17 demonstrates—and this flows on well from the debate we've just had about—the crucial role renewable energy plays not just in generating clean energy and reducing carbon emissions but in generating significant numbers of jobs for Queenslanders and for other people around the country and also in driving down electricity prices. That was the debate we've just had, which concluded a few minutes ago. Purely in one year, as this report shows, ARENA's, the Australian Renewable Energy Agency's, projects are now capable of generating 263 megawatts of electricity—enough to power a city bigger than Newcastle in New South Wales.

It does need to be stated time after time that the Australian Renewable Energy Agency is very much an achievement and initiative of the Australian Greens. It would not exist without the work of the Greens in conjunction with the former Labor government.

Let us not forget: we were speaking before about the economic illiteracy of the coalition under Mr Abbott and under Campbell Newman and the LNP government in Queensland. They did everything they could to destroy the renewable energy industry and to destroy all of the jobs and all of the investment that goes with it—to destroy all of the opportunities to drive down electricity prices. But, despite those attempts to deliberately sabotage the renewable energy industry on behalf of their corporate donors, which influence so much of the policies of the two establishment parties, it is a simple fact now that the decarbonisation of our economy, the decarbonisation represented by renewable energy and the cheaper energy prices that are driven by renewable energy, are all driven by economic factors now, regardless of the environmental benefits that go along with them.

Let's also not forget that—along with the cheaper electricity prices, extra jobs and carbon reductions that are proactively created by the Greens-initiated Renewable Energy Agency—we also have the jobs protected and preserved. Every time we hear about new coal-fired power stations in Queensland or digging up massive new coalmines and massively increasing carbon emissions, what we're not hearing about from those that keep pushing those things, on behalf of their corporate donors, are the tens of thousands of jobs in Queensland and elsewhere around this country that will be lost as we continue to have the massive environmental and social harms caused by those projects. There are 70,000 jobs, for example, that rely on a healthy Great Barrier Reef. More and more of those are put at risk from the LNP governments and those that continue to push the agenda of the coal lobby because of those donations. Those jobs existing now that are so crucial to regional economies are being put at risk, so it is worthwhile to have a look at these annual reports and at an agency like the Australian Renewable Energy Agency, because it details in very simple language the very significant number of projects that are already being rolled out. It demonstrates just how many jobs are being put at risk by this coalition government. Because of its incoherent energy
policy there is an inability to enable any certainty for anybody wanting to invest down the track.

In contrast, the Greens approach, which we are reinforcing at the state election in Queensland—prepolling in which started today, so people are voting from today in the Queensland state election—is not just about the jobs that go with it but about the cheaper prices. I mentioned earlier the massive profits that electricity retailers are currently generating in Queensland. Let's not forget that, alongside that, at the very same time in Queensland alone, over 21,000 Queensland households have had their power cut off because they couldn't afford to pay their bills. We have people who cannot afford to put food on the table. They have to choose between food and housing prices and electricity prices. That's why an agency like the Renewable Energy Agency is so important, why it has to continue to be supported and why ideologically motivated attempts to tear it down—attempts motivated by massive donations from the resources sector—continue to be resisted. The Greens will continue to resist them and, if we succeed in getting people elected to the state parliament at the next election, we will promote that agenda at the state level as well. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Great Barrier Reef Marine Park Authority

Consideration

Senator RICE (Victoria) (17:32): I move:

That the Senate take note of the document.

The Great Barrier Reef Marine Park Authority annual report, along with a number of other reports that have been tabled today, focuses in particular on the impact of global warming and the impact that that is having on the health of Australia's ecosystems, economy and environment in general. The opening pages of the annual report of the Great Barrier Reef Marine Park Authority lay this out in very stark terms. The chairman's review says:

It has been a challenging year for the Great Barrier Reef and for tropical coral reefs around the world. Many have been affected by human-induced global warming causing mass coral bleaching and significant losses of live coral cover.

It states:
The Authority reported the impacts of the mass bleaching in 2015-16 in the Marine Park, identifying long-term ocean warming as the underlying cause. We also pointed to the need to reduce global greenhouse gas—in particular the need to deliver the commitments of the 2015 Paris Agreement on Climate Change.

It also notes that some of the other factors that are impacting on the reef, such as an outbreak of coral disease and crown-of-thorns starfish, have been ongoing and that it's likely that the increase in coral disease is a symptom of physiological stress after coral bleaching. Then adding to these impacts was severe Tropical Cyclone Debbie, and the chairman's review notes:

This tropical cyclone was very large, powerful and slow-moving, causing massive waves that break coral into rubble. These category 4 and 5 storms are not unprecedented but are increasing in frequency, with more occurring in the past 12 years than occurred in the previous 100 years.
In other words, it is authoritative; it backs up all the other evidence from all over the world about the impact that global warming is having on such significant natural features as well as on our economy in Australia and across the world. It points out starkly that we cannot address the problems that the Great Barrier Reef is facing without making serious efforts to reduce the impact of global warming. That's what it comes down to. With all of the work that we can do—we can be reducing sediment run-offs, we can be doing our best to be addressing crown-of-thorns starfish and doing everything else that we can—unless we address the underlying cause of mitigating global warming, it will all be for nought. We've seen from the unprecedented back-to-back years of coral bleaching what impact that has had, with 90 per cent of the reef being affected. We are looking down the barrel of seeing the death of the Great Barrier Reef or vast portions of it within coming years. This was not what was being foreshadowed, even just five years ago. These are the impacts that global warming is having on the Great Barrier Reef, as well as on other ecosystems around the country and, as a consequence, on our economy and social wellbeing.

Without the Great Barrier Reef there, think of the tens of thousands of jobs that aren't going to be there. Think of the massive impact on the Queensland and the Australian economies when you have such a large portion of the reef that will no longer be there as the tourist attraction that it currently is, let alone the massive impacts on the marine ecosystems with the death of large portions of the reef. Yet, this government continues on just paying lip service to climate change. It continues on wanting an expansion of coalmining and an expansion of coal exports. It continues on with actually wanting to put billions of dollars of our taxes into subsidising the coal industry, which we know is only going to exacerbate climate change. We know that if the Galilee Basin and the coal there is used it is going to be the equivalent of having another whole country of carbon emissions going up into the atmosphere, destroying the precious jewel that is currently there in the Great Barrier Reef.

It is there in black and white. It is stark and it is important. It is the most important thing that we need to do as a country—to work out and to be serious about reducing our carbon emissions.

Senator BARTLETT (Queensland) (17:37): This is still not my first speech. In regard to the Great Barrier Reef Marine Park Authority, as senators would be well aware, I represent the fabulous state of Queensland. I have just heard from my colleague Senator Rice a very good elaboration of just how crucial that littoral wonder of the world is, not just for my home state of Queensland but for all Australians to feel proud of. It's a significant part of our Australian identity. In regard to the state of Queensland, it is also a key driver of our economy.

This report details the serious threat that the Great Barrier Reef Marine Park is currently under. It is worth noting that when we talk about the Great Barrier Reef Marine Park it is not just the reef. The reef and coral are magnificent—and the life that depends explicitly on it in that location. But we're talking about the entire marine park—all the other waterways. It runs right up to the coast. So it is all of those coastal areas of Queensland that, literally, abut the Great Barrier Reef Marine Park. So the health of the entire marine park, beyond just the coral, is something that we all need to be significantly conscious of. The health of the entire marine park is something that is at serious risk.
Let's not forget that we were very much on the cusp of the World Heritage listing of the Great Barrier Reef Marine Park as being in danger on a global level because of inadequate management. And that's not a reflection on the marine park authority; it's a reflection on government policies at both state and federal levels, allowing the pressures on the marine park to become worse and worse. Climate change and the impact of the continued push to expand coalmines in Queensland is a key part of that, but there are so many other factors, as well, particularly along the coastal areas of Queensland. I want to give one example. The city of Gladstone is not often thought of as an environmental destination. It's thought of as an industrial hub—and it's certainly part of that—but it is also at the southern end of the Great Barrier Reef Marine Park. It is an area of amazing natural beauty. When I was travelling through there a couple of times in the lead-up to last year's federal election, I met with some of the people from the local council there, and they are very much conscious of the need to diversify their economy into the future—to not just rely on the old approaches of resource extraction. The day I went through was a day when a cruise ship came into Gladstone Harbour. It is not what people think of first up when they're thinking of going to Gladstone, but it is an area where the natural environment is that of the entire marine park, where you can dive among coral and look at the fish. There are all of the wonders of the marine park that are a natural attractor to that region.

Just a couple of weeks ago I was in Rockhampton and was able to speak to people there from Capricorn Enterprise, an umbrella organisation for a whole range of businesses in that region. They were emphasising a number of factors important to the economy and the jobs of that region, particularly in regard to being able to promote the Capricorn region as a key tourist destination. Again, part of that is the reef but part of it is the marine park and the health of the marine and water environment. For example, the moves and positive initiatives in recent times—again, driven by the Greens and many others in the environment movement—to preserve more marine areas from commercial fishing were resisted fiercely by some on the opposite side, by some in the LNP in particular. But, as was predicted, they have enabled better growth of fish stocks in those regions, making it more available for people who are attracted to recreational fishing.

We have Great Keppel Island, a key driver for people to come to that area, where economic and social opportunities in that region alone have not been able to be advanced because of an appalling lease that was given many years ago on state government owned land for an inappropriate massive development. We have the absurd approach in this state election at the moment from people suggesting that the way forward is to build a casino on Great Keppel Island—a completely economically unsustainable approach when there are so many other proposals that would enable the restoration of that island environmentally and as a great tourist destination, and enable a multitude of different small, appropriate economic activities that would bring people to the island and to the region.

Tourism just in the Capricorn region injects $525 million of direct expenditure each year which supports over 5,000 jobs just in that region. That's over three to four times more than the figures given out for the entire Adani mine. It's a key reason why I defend the Great Barrier Reef Marine Park—not just the reef but the marine park itself. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Removal of Aboriginal and Torres Strait Islander Children
Consideration

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:42): In relation to the response by the South Australian Minister for Education and Child Development to the Senate resolution of 10 May 2017 on the removal of Aboriginal and Torres Strait Islander children—which in fact was one of my motions—I move:

That the Senate take note of the document.

The letter from the government of South Australia says, 'I note the Senate's resolution addresses a range of matters relating to the overrepresentation of Aboriginal children in the child protection system. The resolution calls to state governments to implement the recommendations contained in 2016 Family Matters report on Aboriginal and Torres Strait Islander child care as a matter of urgency.' And it says, 'I am pleased to confirm that the South Australian Department of Protection is a formal signatory to the Family Matters statement of commitment.' That is fantastic; I'm really glad that they have signed up. The letter says, 'More broadly, the department is actively working to reduce the number of Aboriginal children and young people in out-of-home care through this and a number of child protection reforms and initiatives.' I'm really pleased to hear about it. Unfortunately they don't go on to list the nature of the work that they are doing. That is particularly important so that they are actually addressing the issues that are culturally appropriate and addressing some of the causes for the escalating number of Aboriginal children going into out-of-home care.

It's an area that I've brought up in the chamber before. If you look at the statistics over the three-year period between 2011-12 and 2014-15, for example, the secretariat, in their report on the Family Matters program, say that the rate at which Aboriginal and Torres Strait Islander children are living in OOHC, out-of-home care, increased by almost 22 per cent, while the comparable rate for non-Aboriginal children increased by only five per cent. That is the average across Australia. It is pretty shocking in my home state of Western Australia, where we have, along with the Northern Territory, the very dubious record of having the highest number of Aboriginal and Torres Strait Islander children going into out-of-home care, and it continues to go up.

There are a number of really critical issues that need to be addressed if we are ever going to seriously address the number of Aboriginal and Torres Strait Islander children going into out-of-home care. I will note here that the Don Dale royal commission reports on Friday, and I'm very sure that that report will be talking about many of the issues that I'm going to very quickly cover in my remaining time, because these are issues that have come up time and time again in the hearings that the royal commission has held.

First off, we need to make sure that Aboriginal and Torres Strait Islander controlled organisations are making decisions and implementing programs, that they are the ones that are specifically running the programs and that they're community controlled. Time and time again we hear that that is what needs to be done, but time and time again governments, both state and federal, ignore that and take 'we know what's good for you' approaches. It is absolutely critical to ensure that we have peak Aboriginal and Torres Strait Islander children's organisations so that the childcare agencies are actually under the control of Aboriginal people. We need to make sure that programs are culturally appropriate and culturally based and that they're reconnecting children back to country. Again, what I've seen that's worked on
the ground is where the programs are developed, run and controlled by Aboriginal organisations and contain a strong cultural element.

We also need to make sure that we are really strongly addressing prevention and early intervention. What we see time and time again is that those are the programs that are short-changed if it comes to cancelling programs or withdrawing money. It's always the early intervention and prevention programs that are getting cut, and we need to reverse that. We need to make sure that we have adequate funding going into those organisations.

One that you've heard me talk about again and again in this place and that I'm going to talk about until I'm blue in the face is making sure we're addressing Aboriginal children's hearing, because we know that that has a direct relationship to a whole lot of other impacts, including interaction with the justice system. It is absolutely fundamental that we address that particular issue, along with many others. Fundamentally, we need Aboriginal community controlled decision-making, otherwise we are not going to be making progress. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Department of Immigration and Border Protection
Consideration

Senator McKIM (Tasmania) (17:48): In respect of the Department of Immigration and Border Protection annual report for 2016-17, I move:

That the Senate take note of the document.

In the last fortnight I've been twice to Manus Island, and I've seen the results over there of the bipartisan cruelty that is Australia's offshore detention regime. I've witnessed the effects on hundreds of our fellow human beings of years of illegal detention and torture on Manus Island and of people being deprived of their drinking water, their food, their medication, and electricity. I've spoken to hundreds of these guys. I've looked at their battered faces, their exhausted bodies and their tired spirits. But I say to both sides of this chamber, the Liberal-National side and the Labor Party side, that, despite all that you have collectively put these people through, they have maintained their pride and their dignity. They are a shining example to all of us in this place.

When Papua New Guinea police went into that centre a few days ago and overturned the precious rainwater that the men had captured and stored in rubbish bins, they stood in silence, peacefully, and did not retaliate. These men have suffered a five-year jail term that was imposed on them by the Labor and LNP parties in this place. Today, Papua New Guinean officials went into that centre and drilled holes in the rubbish bins so that the men could not even store that precious drinking water that falls from the sky and is their lifeblood, and again they stood peacefully by.

What is happening on Manus Island is sickening and disgusting. It is a dark, foul and bloody stain on our national conscience. Respected international agencies have described it as torture because that's exactly what it is. The reason that the government has been allowed to get away with this is the silent complicity of the Labor Party—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator McKim, your time has expired. Do you wish to seek to continue your remarks?
Senator McKim: I seek leave to continue my remarks later.
Leave granted; debate adjourned.

The ACTING DEPUTY PRESIDENT: I inform senators that any of the reports up to and including No. 151, where senators have not sought leave to continue remarks, will be discharged from the Notice Paper, and committee reports on pages 10 and 11 will be listed for consideration in tomorrow's Notice Paper.

DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:

Departmental and agency appointments and vacancies—Budget estimates 2017-18 (Supplementary)—Letters of advice pursuant to the order of the Senate of 24 June 2008—Attorney-General's portfolio.
 Department of Veterans' Affairs.
 Environment and Energy portfolio.
 Industry, Innovation and Science portfolio (Resources and Northern Australia).
 Departmental and agency grants—Letter of advice pursuant to the order of the Senate of 24 June 2008—Budget estimates 2017-18 (Supplementary)—Agriculture and Water Resources portfolio [2].
 Department of Veterans' Affairs.
 Industry, Innovation and Science portfolio (Resources and Northern Australia).
 Estimates hearings—Unanswered questions on notice—Budget estimates 2017-18—Statements pursuant to the order of the Senate of 25 June 2014—Agriculture and Water Resources portfolio.
 Attorney-General's portfolio.
 Defence Housing Australia.
 Health portfolio.
 Foreign Affairs, Defence and Trade References Committee—Report—The constant battle: Suicide by veterans—Government response, dated October 2017.

MINISTERIAL STATEMENTS

Foreign Affairs, Defence and Trade References Committee

Government Response to Report

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:53): On behalf of the Minister for Veterans' Affairs, Mr Tehan, I table a ministerial statement in response to the Foreign Affairs and Trade References Committee report on the inquiry into suicide by veterans and ex-service personnel and a related document.
MINISTERIAL STATEMENT IN RESPONSE TO FOREIGN AFFAIRS, DEFENCE AND TRADE COMMITTEE'S REPORT ON THE INQUIRY INTO SUICIDE BY VETERANS AND EX-SERVICE PERSONNEL

As all Australians know, one suicide is one too many. Tragically, suicide affects all areas of our community—around seven Australians a day will tragically take their own life and it remains the greatest cause of death for men between the ages of 14 and 44.

Veterans and members of our Australian Defence Force (ADF) are sadly not immune. In the latest official figures available from the Australian Institute of Health and Wellbeing (AIHW), which I have detailed to the Parliament, between 2001 and 2015, 325 veterans took their own lives.

Sadly, it appears the number has increased over time. In 2014, the figure was 31. In 2015, this rose to 33.

The Government is committed to addressing suicide in our community. We must understand that everyone including the Government has a role to play if we are to address the incidence of suicide in Australia.

The Senate Foreign Affairs, Defence and Trade References Committee's report on the Inquiry into suicide by veterans and ex-service personnel, The Constant Battle: Suicide by Veterans, was tabled in Parliament on 15 August 2017.

The work of the Committee in preparing this report has been significant and the Government has carefully considered all recommendations that it made.

The Committee's report states:

'The aspirational target rate for suicide by veterans and ex-service personnel should be zero. However, it would be misleading to represent that the recommendations in this report will achieve that goal. Any effective measures to decrease the rate of suicide by veterans and ex-service personnel will require a long-term multifaceted approach involving government, business, non-government and ex-service organisations and the wider Australian community. Change is likely to take a substantial period of time.'

Today, I table the Government's response and outline the measures that we will put in place to reduce suicide and self-harm in the veteran community.

The Government has agreed to all of the recommendations made by the Committee. Today I announce a package of $31.0 million and provide new programs that will deliver better support for veterans and their families.

Jesse Bird—Review

Through its work in its Inquiry, the Senate Committee has drawn on many individual stories. As the Committee notes in the Report, 'bereaved widows, partners, parents, friends and advocates have shared stories which have often ended in tragic loss.' Sadly, the Government has seen examples where the current support services were not good enough.

One such veteran was Jesse Bird. With the approval of his family, today I will show how Jesse's case highlights the need for us to continue to improve the current system.

Jesse Bird took his own life on 27 June this year, at the age of 32. I would like to take this opportunity to acknowledge his parents Karen and John Bird, his siblings Brendan, Kate and David and their partners, who I have gotten to know since Jesse's regrettable death. I would also like to acknowledge his extended family and extensive network of friends, many of which he served with in the ADF. I would like to reiterate my commitment to them that this Government will continue to drive the reforms necessary to improve the support and care available to veterans and reduce the risk of suicide in the veteran community.
Jesse joined the Australian Army as a Rifleman in 2007. His family remembers him as "an elite level athlete, booming with charisma and self-confidence and proud to be a member of the ADF." In 2009, Jesse deployed on Operation SLIPPER to Afghanistan. There he faced the challenging and dangerous nature of service. On 18 July 2009, a close friend of Jesse's was killed in an improvised explosive incident. Jesse returned to Australia in 2010 and in 2012 he voluntarily discharged from the Army.

Following Jesse's discharge, he faced the challenge of transition back into civilian life. Due to physical injuries and the deterioration of Jesse's mental health with the impact of PTSD during his time in the Army, Jesse found it increasingly difficult to find meaningful work that gave him the sense of purpose he had during his time serving in the ADF. Departmental processes failed or simply did not exist to offer services to help Jesse. While struggling with all this, Jesse decided to end his life.

Jesse's case highlights the complexity and breadth of the challenge the Department of Veterans' Affairs faces to support our veterans, particularly those with mental health conditions as a result of their service. These Australians have risked themselves in the service of our country. If these people are not receiving the support they need, then we must continue to drive change.

Following Jesse Bird's death, I asked the Departments of Veterans' Affairs and Defence and the Veterans and Veterans Families Counselling Service to thoroughly examine his case. They have conducted a review which looked at his experience with Defence and Veterans' Affairs. This occurred in consultation with his family.

I delivered a report on this investigation to Jesse's family on 15 September. Amongst other findings, the report into the management of Jesse Bird's case shows that while some aspects of process and management were within expectations, others were contrary to the Department of Veterans' Affairs policy and practice. The Department of Veterans' Affairs either did not or could not provide the support or proactive engagement Jesse needed.

In particular, the report highlighted the issue of providing timely compensation and financial assistance to support those veterans suffering mental health conditions. The requirement for mental health conditions to be stable before being considered for compensation needs to be addressed. In addition, the provision of financial assistance when veterans are at their most vulnerable is needed. These issues let Jesse down as he was unable to get financial assistance when he needed it.

The report identified 19 recommendations, which I have accepted on behalf of the Government and will table today. Many of these align with recommendations put forward by the Senate Committee. These recommendations include priority actions to improve current processes and practices in DVA and progressing initiatives already being considered as part of the Veteran Centric Reform program. The implementation of the recommendations will be independently reviewed after 12 months.

It is the Government's commitment to address the shortfalls identified by this investigation and to put in place urgent changes in the provision of support to our veterans, especially those who are vulnerable or at risk. These veterans must have their claims assessed quickly and have case managers to assist them during what can be a difficult process.

The Department of Veterans' Affairs has apologised to the Bird family for the way in which its processes failed their son and brother. Today I put that apology on the public record. The Department of Veterans' Affairs apologises to the Bird family and to Jesse's extended family and friends.

In examining what happened to Jesse Bird, we have developed plans together that will change Defence and Veterans' Affairs.

The lessons from Jesse's case have helped inform the Government's response to the Senate Committee's report.

I want to assure Mr and Mrs Bird and Jesse's family and friends that the Government is committed to making change happen.

The Senate Report
The Senate Committee made 24 recommendations in its Report. These recommendations asked that the Government undertake a number of different reviews and policy changes to address veterans and defence personnel mental health and suicide prevention.

Firstly, the Committee has recommended that the Government undertake wide-ranging reviews of its processes in Defence and Veterans' Affairs.

Amongst others, the Committee recommended that the Productivity Commission should review the legislative framework of compensation and rehabilitation and review other arrangements in the Department of Veterans' Affairs.

The Government has accepted the recommendations and will ask the Productivity Commission to undertake this review. The Treasurer and I will develop the terms of reference for this review, which will be open to submissions from all Australians.

The Government also accepts the Committee's recommendation that the Australian National Audit Office conduct a review into the efficiency of veterans' service delivery by DVA and will write to the Auditor-General to request to include this review in the 2017-18 programme of work.

In its report, the Committee identified a number of measures that the Departments of Defence and Veterans' Affairs should implement without the need for review. They included recommendations that:

- the Departments align the provision of mental health care;
- the Career Transition Assistance Scheme include an option for external work experience for veterans;
- ADF members are provided DVA White Cards on discharge; and
- a two-track program be developed for ADF members leaving Defence.

The Government welcomes these recommendations and agrees to implement them. Many are already being implemented.

Throughout the inquiry, the Committee covered a number of issues relating to the current functions of DVA. To address this, the Committee has provided a number of recommendations.

Firstly, the Committee has recommended a continuation of the Veteran Centric Reform program in DVA, while also providing resources to alleviate claims times and resolve complex cases. This is consistent with the Government's commitment in this year's Budget, which provided over $160 million to Veteran Centric Reform. It represents the largest investment in the Department in over a decade.

The Committee has also recommended that the Government establish a formal Bureau of Veterans' Advocates with the capacity to commission legal representation and training for veteran advocates.

There is an opportunity to improve the regulation of veterans' advocacy to increase quality and consistency of services to veterans. The Government agrees with the Committee in principle that the current advocacy system needs to change.

We will consider the Committee's recommendation for a Bureau of Veterans' Advocates alongside other advocacy models and will consult the veteran community about future directions in veteran advocacy.

Most importantly, the Committee has identified measures that can help us provide support to those who need it today. The Government knows that mental health treatments work best when intervention is early.

This is why we have put in place a system that provides free and immediate treatment for all mental health conditions for anyone with one day's full time service in the military.

As the Committee noted, 'there was almost universal praise from stakeholders regarding the extension of non-liability health care for all mental health conditions.' This reform over the past 18
months has been revolutionary. It has meant treatment for veterans without the need to prove it was linked to service, cutting the administration and processing burden.

However, the Committee has recommended the expansion of a number of services and systems to support this:

1. The development of specific suicide prevention programs targeted towards at-risk groups and a pilot of a case management service for at risk veterans;
2. The expansion of online engagement with younger veterans; and
3. The funding of a trial program to provide assistance animals for veterans with PTSD.

I am pleased to say that work on these recommendations has begun or is about to begin.

Finally, the Committee recommended that the Government should maintain a National Veteran Suicide Register. The Government commissioned the Australian Institute of Health and Welfare (AIHW) to provide the first accurate, robust data ever produced on suicide among the serving and ex-serving populations. This data was published last year. The Government has asked the AIHW to continue to independently track this data.

To achieve all of the Committee's recommendations, the Government will put forward a package of $31.0 million. This package will include:

- A new Veteran Payment;
- Extended Support for Veterans' Families;
- GP Health Assessments for the First Five Years Post Discharge;
- A Case Management Pilot; and
- A Scoping Study to Professionalise Veterans' Advocacy.

This package is part of around $550 million of new programs and money this Government has provided over the last 18 months to veterans and their families.

Conclusion

In closing, I want to reiterate to the entire Australian Defence Force and ex-service community that this Government will continue to prioritise mental health support for our veterans.

Please remember, help is available. Help can make a difference.

If you, your family, or friends are worried about how you are coping or feeling, please reach out. The Defence All-hours support line, VVCS and Lifeline are there for you at any time of the day or night.

The Government would like to thank the Senators who participated in this inquiry and the Secretariat. In particular it would like to thank the work of the Chair Senator Alex Gallacher, and the Deputy Chairs Dr Chris Back and Senator Bridget McKenzie.

The Government would like to thank the individuals and organisations who made a submission to the inquiry or gave evidence at the public hearings for their contribution to this important issue.

Their evidence helped shape this report and will add further to the Government's understanding of how to serve veterans and their families.

As the Prime Minister has said, in this Centenary of Anzac period, we best honour the diggers of over a century ago by caring for the current and former service men and women of today.
COMMITTEES
Select Committee on Lending to Primary Production Customers
Membership
The ACTING DEPUTY PRESIDENT (Senator Sterle) (17:54): The President has received a letter requesting changes in the membership of a committee.
Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:54): by leave—I move:
Select Committee on Lending to Primary Production Customers—
Appointed—
Senator Hanson
Question agreed to.

BILLS
Medicare Levy Amendment (National Disability Insurance Scheme Funding) Bill 2017
Fringe Benefits Tax Amendment (National Disability Insurance Scheme Funding) Bill 2017
Income Tax Rates Amendment (National Disability Insurance Scheme Funding) Bill 2017
Superannuation (Excess Non-concessional Contributions Tax) Amendment (National Disability Insurance Scheme Funding) Bill 2017
Superannuation (Excess Untaxed Roll-over Amounts Tax) Amendment (National Disability Insurance Scheme Funding) Bill 2017
Income Tax (TFN Withholding Tax (ESS)) Amendment (National Disability Insurance Scheme Funding) Bill 2017
Family Trust Distribution Tax (Primary Liability) Amendment (National Disability Insurance Scheme Funding) Bill 2017
Taxation (Trustee Beneficiary Non-disclosure Tax) (No. 1) Amendment (National Disability Insurance Scheme Funding) Bill 2017
Taxation (Trustee Beneficiary Non-disclosure Tax) (No. 2) Amendment (National Disability Insurance Scheme Funding) Bill 2017
Treasury Laws Amendment (Untainting Tax) (National Disability Insurance Scheme Funding) Bill 2017
Nation-building Funds Repeal (National Disability Insurance Scheme Funding) Bill 2017
First Reading
Bills received from the House of Representatives.
Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:54): I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bills read a first time.

Second Reading

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:56): I move:
That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

MEDICARE LEVY AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

With this Bill, this Government is instituting landmark reform to protect Australians in need through fully funding the National Disability Insurance Scheme (NDIS).

This Government does not just talk big when it comes to protecting our most vulnerable, but delivers decisively for the benefit of future Australian generations.

Sustainably funding our most important programs — such as the NDIS — is real tangible reform; not just empty promises and hot air.

We also know that Australians support this reform because they believe in looking after their mates, no matter their circumstances.

Australians place great faith in our government's range of essential services. However, the burden is still too great on those living with a disability or caring for a family member. No one can truly prepare for the hardship or cost of these responsibilities.

By funding the NDIS, we are working to lighten their load and provide a quality of care that they deserve; to give Australians living with a disability the absolute certainty that high-quality care will be provided for them, both now and into the future.

This is about properly caring for people with disabilities. It has nothing to do with the politics of envy or debates about inequality. Such debates should not be an excuse to do the wrong thing, which is what Labor is sadly doing, despite using the same means to provide NDIS funding themselves when they were in government.

With this Bill, the Government is protecting the essential disability support services that Australians rely upon daily.

With this Bill, the Government is providing certainty. Certainty for people with a disability. Certainty for their families and carers. And certainty to all Australians who may find themselves in a situation that requires these services. Certainty that the NDIS will be fully funded for the long term.

Today, we can give that assurance to all Australians with permanent and significant disability and those who care for them that this vital service will be there for them into the future.

Let me now turn to the detail of the Bill.

The Medicare Levy Amendment (National Disability Insurance Scheme Funding) Bill 2017 is part of a package of measures to secure the Commonwealth's contribution to funding the NDIS.
This Bill will increase the Medicare levy rate by half a percentage point, from 2 per cent to 2.5 per cent, from 1 July 2019.

Following this increase in the Medicare levy rate, one fifth of the revenue raised by the Medicare levy will be credited to the NDIS Savings Fund Special Account. The NDIS Savings Fund Special Account will also hold NDIS underspends, selected saves across the Government, and uncommitted funds from the Building Australia Fund and the Education Investment Fund. Along with the Commonwealth's share of the DisabilityCare Australia Fund and the repurposing of existing Commonwealth disability-related expenditure, this meets the Commonwealth's contribution to the NDIS.

Low-income earners will continue to receive relief from the Medicare levy through the low-income thresholds for singles, families, seniors and pensioners.

People who are exempt from the Medicare levy, such as blind pensioners and people who are entitled to full free medical treatment for all conditions under defence force arrangements or Veterans' Affairs Repatriations Health Card (Gold Card), will continue to be exempt.

A number of other tax rates that are linked to the top marginal rate and the Medicare levy will also increase in line with this change — these include increases in the rate of fringe benefits tax and superannuation excess non-concessional contributions tax.

Bills to give effect to these amendments will also be introduced today and further details of these consequential increases are set out in the Explanatory Memorandum.

With the decision to increase the Medicare levy rate from 1 July 2019, this Government is asking Australians to contribute – according to their capacity – to funding the NDIS and ensure it is guaranteed and secure for current and future generations.

A few years ago, the Opposition Leader asked Australians to do the very same thing, and contribute to the NDIS through a 0.5 per cent increase in the Medicare Levy.

The Opposition Leader voted 'yes' then, and now he wants to vote 'no' to suit his political agenda, pitting Australians against Australians.

When Labor left office in 2013, they also left a $55.7 billion funding shortfall for the NDIS. Now is the time to finally rectify that shortfall. This is why I now appeal to all in this Parliament to put aside partisan squabbles about funding, and do the right thing by our most vulnerable fellow Australians.

By fully funding the NDIS, Australians with permanent and significant disability can be assured of access to vital care and support.

Let us not forget that the NDIS has had bipartisan support from the very beginning. Together, the Commonwealth and the States and Territories are committed to delivering the NDIS across the country and the NDIS is on track to be fully rolled out from 2020.

There must be no turning back on this commitment. There must be no more playing politics with disability. Now is the time to fully fund the NDIS once and for all, and, with this Bill, we will finally achieve that objective.

Full details of the measure are contained in the Explanatory Memorandum.

**FRINGE BENEFITS TAX AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017**

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

**INCOME TAX RATES AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017**
This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NUS.

Full details of the Bill are contained in the Explanatory Memorandum.

SUPERANNUATION (EXCESS NON-CONCESSIONAL CONTRIBUTIONS TAX) AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

Second reading speech I Superannuation (Excess Non-concessional Contributions Tax) Amendment (National Disability Insurance Scheme Funding) Bill 2017

SUPERANNUATION (EXCESS UNTAXED ROLL-OVER AMOUNTS TAX) AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

INCOME TAX (TFN WITHHOLDING TAX (ESS)) AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

FAMILY TRUST DISTRIBUTION TAX (PRIMARY LIABILITY) AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

TAXATION (TRUSTEE BENEFICIARY NON-DISCLOSURE TAX) (NO. 1) AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

TAXATION (TRUSTEE BENEFICIARY NON-DISCLOSURE TAX) (NO. 2) AMENDMENT (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

TREASURY LAWS AMENDMENT (UNTAINING TAX) (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

NATION-BUILDING FUNDS REPEAL (NATIONAL DISABILITY INSURANCE SCHEME FUNDING) BILL 2017

Full details of the Bill are contained in the Explanatory Memorandum.
This Bill forms part of a package of bills that supports the Government's commitment to fully fund the NDIS.

Full details of the Bill are contained in the Explanatory Memorandum.

Debate adjourned.

**Fair Work Laws Amendment (Proper Use of Worker Benefits) Bill 2017**

**Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2017**

**First Reading**

Bills received from the House of Representatives.

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:57): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:57): I move:

That these bills be now read a second time.

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

Leave granted.

*The speeches read as follows—*

**FAIR WORK LAWS AMENDMENT (PROPER USE OF WORKER BENEFITS) BILL 2017**

The Fair Work Laws Amendment (Proper Use of Worker Benefits) Bill is designed to protect — for the workers — the hundreds of millions of dollars held in these funds for workers' redundancy pay, sick leave and other employee benefits and to ensure these funds are spent for the benefit of workers and not for other purposes.

In 2015, the Royal Commission into Trade Union Governance and Corruption estimated that worker entitlement funds hold close to $2 billion. Since that time they will have grown.

The Heydon Royal Commission and, the Cole Royal Commission before that, found that, while on the face of it these funds look like they are run for the benefit of workers, these funds in fact funnel millions of dollars back to the unions and employer groups which make up their boards.

Given there is little governance of these funds, Commissioner Heydon found that there was a 'compelling case' for reform and that new laws were needed to comprehensively deal with governance, financial reporting and disclosure in worker entitlement funds.

That is what this bill does.

Given the amount of money in these funds, and that the money in these funds is meant to be for the benefit of the workers, it is crucial that the monies in these funds are managed transparently and responsibly and spent on genuine benefits for workers.
Currently, basic rules of good governance that apply to other managed investment schemes do not apply to worker entitlement funds. In fact, Commissioner Heydon found that this multi-billion-dollar industry is currently subject to virtually no regulation at all. This bill will change that.

Workers' money will need to be responsibly invested and transparently managed by trained professionals.

Funds will need to have at least one independent voting director on their boards.

They will have to be run by people of good fame and character. They will have to be managed at arm's length.

They will be required to treat union members the same as non-members. And they will be required to be transparent by providing information to workers, to employers, and to the Registered Organisations Commission, which will register and monitor the funds and ensure they comply with the law and manage workers' money responsibly.

In short, this bill will ensure worker entitlement funds are run for workers, not for anyone else. These are basic standards that should apply to people who manage other people's money.

The funds will still be able to spend money on training and welfare services for the benefit of workers such as crisis counselling or health checks, but the arrangements will have to be reasonable, transparent, and made at arm's length.

The bill makes a number of other crucial changes recommended by the Heydon Royal Commission. In total, the bill implements 10 recommendations of the Royal Commission aimed at stopping corruption, coercion and financial mismanagement.

The bill ensures that registered unions and employer organisations have written and binding policies on such things as financial decision making, credit card use, procurement, hospitality and gifts. The Royal Commission found that some unions did not have policies on these basic matters. Sometimes if there was a policy, it wasn't even written down. This is hardly a recipe for good financial management of other people's money and is certainly not in the interests of union members.

The bill provides that enterprise agreements and employment contracts cannot include terms that require people to contribute to 'election funds' that are set up to fund the campaigns of people running for office in a union or employer group. These contributions should only be voluntary and not a condition of working for a union or employer group.

The bill also prohibits people coercing employers to contribute to particular superannuation funds, welfare funds and other worker benefit funds. The Royal Commission heard cases of union officials placing extraordinary pressure on employers to pay into particular worker benefit funds, basically because the union stood to gain from the arrangement. There is no place for this sort of bullying and coercion in the workplace.

Finally, the bill requires unions, employer groups and employers to disclose any financial benefit they will receive from promoting or arranging insurance products, or payments to worker entitlement, training or welfare funds. This will ensure that employers who make these payments and employees who are supposed to be receiving a benefit are made aware of any conflicts of interest, similar to the arrangements the Government introduced in regard to transparency in enterprise bargaining.

This bill is about transparency, good governance and the proper use of money that is there to help other people and should be used only for the benefit of those people.

SOCIAL SERVICES LEGISLATION AMENDMENT (BETTER TARGETING STUDENT PAYMENTS) BILL 2017

The Government is committed to ensuring the long term sustainability of Australia's welfare system. This Bill introduces a package of measures announced in the 2017-18 Budget that act on this
commitment by better targeting student payments. I thank the Senate Community Affairs Legislation Committee for its report on the bill and its recommendation that the bill be passed.

This bill:

- restricts the Relocation Scholarship to students relocating within Australia and studying in Australia;
- changes the rates of the Pensioner Education Supplement and the Education Entry Payment to better align with study loads; and
- ensures the payment of Pensioner Education Supplement aligns with when students are engaged in study and not during study breaks or holidays.

Several supplementary payments within the social security payments system are directed to students and are designed to encourage people to undertake further education and training to enhance their employment and career prospects. However, these supplementary payments should be better targeted and designed for a specific purpose to ensure that they are reflective of student's circumstances and the intent of the payments.

**Relocation Scholarship payments**

From 1 January 2018, or the first 1 January or 1 July following Royal Assent, this bill restricts the Relocation Scholarship to students relocating within Australia and students studying in Australia. This measure is consistent with the simplification of the payment system and aims to streamline the delivery of the Relocation Scholarship and better reflect its policy intent.

The Relocation Scholarship primarily assists students from regional and remote areas of Australia moving away from home to study. This is in recognition that regional and remote students face additional costs in pursuing tertiary education and have much lower participation rates in higher education than students from major cities areas of Australia.

The Relocation Scholarship is a supplementary payment for dependent and some independent Youth Allowance and ABSTUDY Living Allowance recipients who are required to live away from home to undertake higher education studies. The Scholarship commenced in 2010 and is an annual lump sum payment.

The rate of the Relocation Scholarship paid to qualified students depends on their circumstances. In 2017, students receive $4,376 in their first year of study and $1,094 in each following year. In recognition of the additional costs of study, students from regional and remote areas receive $2,189 in their second and third years of study. These amounts are indexed in January each year.

The legislation and administration of the Relocation Scholarship is complex. At present, students with a parental home or usual place of residence overseas are eligible for the Relocation Scholarship regardless of whether they are relocating to a major city of Australia or to a regional or remote area.

Continuing to pay the Relocation Scholarship to students moving away from an overseas home to Australia is not consistent policy with the purpose of the Scholarship to assist regional and remote students with additional costs they face. It is also not consistent policy to pay the Relocation Scholarship to students who relocate to study part of their Australian course overseas.

Under this measure, students will no longer be eligible for the Relocation Scholarship where each of their parent's homes is overseas or where the student's usual place of residence is located overseas. Students studying a component of their Australian degree overseas will also no longer be eligible for the Relocation Scholarship while they are overseas.

Where a student's parents return to Australia to live or the student returns to Australia to continue studying after undertaking part of their course overseas, the student's eligibility for the Relocation Scholarship will be retested and depending on the circumstances, the student may become eligible for the Scholarship.
Youth Allowance recipients receiving the Relocation Scholarship prior to the commencement of this measure with a home overseas will continue to receive the Relocation Scholarship after this date if, on the day they started their current course their home was overseas.

Students studying part of their Australian course overseas will have their qualification for the Relocation Scholarship retested after this measure commences, including students who had previously received a Relocation Scholarship whilst studying overseas.

Commonwealth supported students who undertake part of their Australian course overseas often relocate for short periods of time, for example on exchange for a semester may be able to access Overseas Higher Education Loan Program (OS-HELP) loans to assist with airfares, accommodation or other travel or study expenses. In addition, Youth Allowance recipients undertaking overseas study as part of their full-time Australian course may be paid for the entire period of their overseas study as long as the study can be credited towards their Australian course. This measure will not affect students’ ability to access these forms of assistance.

This measure will also apply to ABSTUDY Living Allowance recipients through the ABSTUDY Policy Manual.

In 2016, approximately 23,000 students received a Relocation Scholarship. It is estimated that fewer than 300 students per year with parental homes overseas will no longer be eligible for the Relocation Scholarship under this measure, and fewer than 150 students per year studying overseas will no longer be able to access the Relocation Scholarship.

This measure is estimated to result in savings of approximately $1.9 million over the forward estimates.

Pensioner Education Supplement and Education Entry Payment

From 1 January 2018 or the first 1 January or 1 July following Royal Assent, this bill aligns the Education Entry Payment and Pensioner Education Supplement payment rates with the study loads undertaken by eligible students, with four payment tiers introduced for each payment. Additionally, the Pensioner Education Supplement will only be paid during the periods students are studying.

Introduced in 1987, the Pensioner Education Supplement is a fortnightly supplement to assist income support recipients with some of the ongoing costs of full-time or part-time study, so that they may obtain skills and qualifications to participate in the labour market. The Pensioner Education Supplement may be paid to eligible people receiving:

- Carer Payment
- Disability Support Pension
- Newstart Allowance as a single principal carer
- Parenting Payment single
- Special Benefit (as a single parent)
- Widow Allowance
- Widow B Pension
- Wife Pension, if the partner receives Disability Support Pension
- Youth Allowance (job seeker) as a single principal carer, or
- certain payments under the Veterans' Entitlements Act.

It is currently paid at two rates, $62.40 or $31.20 per fortnight, depending on an individual’s primary income support payment and study load.

The Education Entry Payment was introduced in 1993 to provide a lump sum payment to eligible income support recipients to assist with some of the up-front costs of education and training. Payment is
made each 12 months or each calendar year, depending on the primary social security payment being received. Recipients may receive the Education Entry Payment as well as the Pensioner Education Supplement.

This bill will align the rates of the Pensioner Education Supplement and Education Entry Payment with the amount of study undertaken. Irrespective of their base income support payment, eligible students will be paid a Pensioner Education Supplement of $62.40 per fortnight if they are undertaking a study load that is at least 76 per cent of the normal amount of full-time study. The rate of payment will reduce incrementally to $46.80; $31.20 and $15.60 each fortnight to align with minimum reduced and part-time study loads of 51 per cent; 26 per cent and 25 per cent respectively.

These same levels of study will also be applied to the Education Entry Payment. The current payment of $208 a year will continue for students studying at least 76 per cent of the normal amount of full-time study. The lump sum payment will reduce incrementally to $156; $104 and $52 to align with reduced and part-time minimum study loads of 51 per cent; 26 per cent and 25 per cent respectively.

I note the dissenting Community Affairs Legislation Committee report on the bill raised concerns that these changes will result in a reduction in payments to some students.

It is important to point out that the changes to the rates of the Pensioner Education Supplement and Education Entry Payment will not impact on a recipient's primary income support payment. Rather, the changes to the rates of the additional payments of Pensioner Education Supplement and Education Entry Payment are fair and equitable, and better reflect the circumstances of the recipients.

Students undertaking part-time study loads do not generally incur the same study costs as those studying full-time, as many of the costs associated with study are proportionate to study load. This includes the purchase of text books, stationary, and transport costs. It is appropriate for the rates of the Pensioner Education Supplement and Education Entry Payment to reflect this. In addition, the Pensioner Education Supplement will be paid only when a recipient is actually engaged in study. This is the time when study costs are incurred.

Changes to the Pensioner Education Supplement and Education Entry Payment are estimated to result in savings of approximately $94.7 million over the forward years.

By better targeting student payments to ensure they are reflective of a student's circumstances, and the intent of the payments, the Government will improve the long term sustainability of Australia's welfare system so that it remains available for those who need it long into the future.

Debate adjourned.

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

Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 2) Bill 2017

Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017

First Reading

Bills received from the House of Representatives.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:59): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.
Second Reading

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (17:59): I table a revised explanatory memorandum relating to the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

TREASURY LAWS AMENDMENT (IMPROVING ACCOUNTABILITY AND MEMBER OUTCOMES IN SUPERANNUATION NO. 2) BILL 2017

This bill amends the Superannuation Guarantee (Administration) Act 1992 to strengthen accountability of superannuation funds and improve outcomes for members.

This bill contains measures that will ensure that choice of fund is provided to over one million more Australians and that salary sacrifice contributions are reflected in members' retirement savings.

It is part of a broader package of Government reforms that are squarely focused on protecting members' money, prioritising members' interests and strengthening the foundations of the superannuation system.

The measures in this bill deliver on the findings of the 2014 Financial System Inquiry and address issues identified in the Government's Superannuation Guarantee Cross Agency Working Group report 'Superannuation Guarantee Non-compliance'

Choice of Fund

Individual choice of fund is a longstanding, hard fought-for feature of compulsory superannuation. The Government believes all individuals should be able to decide where their compulsory superannuation contributions go.

However, it is estimated that around a million people are covered by federal enterprise bargaining agreements that restrict their ability to choose their own fund.

Providing choice of fund to individuals is a no-brainer. It was a recommendation of the Financial System Inquiry and the Trade Union Royal Commission. It was also endorsed in a recent draft report by the Productivity Commission.

In 2015, the Member for McMahon also agreed with extending choice of fund when he said in a television interview on the ABC,

"...there's a relatively small number of circumstances where an enterprise agreement says you can only go to that fund: that fund alone. And the Government has said that they'd introduce more choice. Of course, that's something which would be fine. Who could argue with more choice for members?"

This bill will extend choice of fund by narrowing the deemed choice provisions in the Superannuation Guarantee (Administration) Act.

It will no longer be possible to deny choice to individuals on the grounds that they are part of an enterprise bargaining agreement or similar determination.

Why should a student working two jobs, for example one in hospitality and one in retail, who is covered by separate enterprise agreements be required to have their superannuation paid to two different funds?

Why should they have to pay two sets of fees? And likely two sets of insurance premiums too?

Unfortunately, this is not an uncommon scenario. Almost 44 per cent of people have two or more superannuation accounts. Multiple fees and insurance premiums erode a person's retirement savings.
Frankly, it's not good enough.

We want people to be able to make choices about their deferred wages — we want them to be active in making decisions about their future.

And most of all, we want the settings that underpin the system to be focused on their interests – on maximising their retirement savings from the first contribution and throughout their working life.

To be clear, this measure does not prevent enterprise bargaining agreements from specifying a particular fund. It simply allows individuals to choose a different fund, including a self-managed superannuation fund, if it suits them better. After all, it is their money and they should be able to choose where they put it.

Salary Sacrifice

We will also close a legal loophole that has been used by some unscrupulous employers to short-change employees who make salary sacrifice contributions.

Fixing this legal loophole was one of the key recommendations of the Government's Superannuation Guarantee Cross Agency Working Group.

There are instances where employees that enter salary sacrifice arrangements discover that their superannuation has increased by less than they were expecting because employers have used salary sacrifice amounts to satisfy their superannuation guarantee obligation or have based their superannuation guarantee contributions on the lower, post salary sacrifice earnings base.

To address these inappropriate practices we are taking steps to ensure that an individual's salary sacrifice contributions do not reduce their employer's superannuation guarantee obligation in any way.

If Australians are to continue to have confidence in the integrity of the superannuation system, we must ensure employers are paying workers their full entitlements, whether they are wages or superannuation.

Prior to finalising the salary sacrifice amendments, the Government released draft legislation for consultation.

I want to make it clear that Government is focused on ensuring Australia's superannuation system delivers outcomes for all Australians first and foremost, and is working for them.

A system that encourages people to participate actively and make informed decisions, and one that gives people the confidence that their salary sacrifice contributions will boost their retirement savings as they intend.

I'm confident the measures in this bill will achieve these outcomes.

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

VETERANS' AFFAIRS LEGISLATION AMENDMENT (OMNIBUS) BILL 2017

I am pleased to present the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017 (Omnibus Bill.) The bill comprises nine Schedules that would implement several small, but necessary amendments to veterans' legislation to clarify, improve or streamline the operation of the law.

Schedule 1 of the Omnibus Bill would amend the Veterans' Entitlements Act 1986 to modernise and align the Veterans' Review Board's operations with those of the Administrative Appeals Tribunal, following the amendments made by the Tribunals Amalgamation Act 2015. The amendments also support the alternative dispute resolution processes and the recent amendments to the Military Rehabilitation and Compensation Act 2004, which provide for a single appeal path for reconsidering decisions.

Schedule 2 would amend the provisions of the Veterans' Entitlements Act 1986 concerning the Specialist Medical Review Council (SMRC) to improve the operation of the SMRC, streamline some of the SMRC’s administrative arrangements, and to better reflect the manner in which its functions and
processes have evolved over time. The proposed amendments would simplify the nomination and appointment process for councillors, enable online lodgement of claims, streamline the notice of investigation requirements and give the SMRC an ability to pay the travel costs of applicants who appear before an oral hearing of the SMRC.

The proposed amendments in Schedule 3 would enable international arrangements to be made that would cover allied veterans and defence force members with service of the type for which benefits and payments, including rehabilitation, can be provided by the Repatriation Commission or the Military Rehabilitation and Compensation Commission under the relevant Acts. Currently, the Minister for Veterans' Affairs can only enter into arrangements with the governments of countries that are, or have been, Dominions of the Crown. These amendments would enable the Minister for Veterans' Affairs to enter into arrangements with a broader range of countries.

The proposed amendments in Schedule 4 are intended to clarify the vocational rehabilitation assistance available under an Employer Incentive Scheme in the form of a wage subsidy, through incentive payments, which are within the scope of the enabling provisions of relevant legislation. The Department will undertake an independent evaluation of the Employer Incentive Scheme after it has been in operation for two years. It is expected that two years should provide sufficient time to determine the effectiveness of the scheme and to determine if any adjustment is required to improve the scheme’s outcomes. The evaluation will be in addition to business as usual program management activities.

The proposed amendments in Schedule 5 would amend subsection 409(2) of the Military Rehabilitation and Compensation Act 2004 and subsection 151A(1) of the Safety, Rehabilitation Compensation (Defence-related Claims) Act 1988, to add the Commonwealth Superannuation Corporation (CSC) as a person to whom the Military Rehabilitation and Compensation Commission (MRCC) may provide information, for purposes allowed under CSC's legislation.

The proposed amendments would implement a recommendation by the 2011 Review of Military Compensation Arrangements, intended to improve the information sharing framework for incapacity and superannuation benefits between DVA and CSC and therefore reduce the time taken to process claims by DVA and CSC which would better support injured former ADF members.

In addition, enabling the CSC to use medical information and reports held by the MRCC to determine superannuation claims would also avoid the need to send ADF members for further medical assessment, where DVA already holds relevant medical evidence that could be used by the CSC to determine superannuation benefits. ADF members would be spared from any re-traumatisation from having to retell their stories. This is particularly significant for ADF members who suffer psychological conditions, including those that have arisen as a result of physical or psychological abuse.

The proposed amendment in Schedule 5A ensures that a holder of a Pensioner Concession Card will have access to discounted pharmaceuticals restored. The proposed amendments in Schedule 6 amends the Military Rehabilitation and Compensation Act 2004 to provide for the delegation of the Minister for Veterans' Affairs' powers and functions. Unlike section 212 of the Veterans' Entitlement Act 1986, the Military Rehabilitation and Compensation Act 2004 makes no provision for the delegation of the minister's powers and functions. The omission has prevented some administrative reforms from being implemented to achieve efficiencies across the Department of Veterans' Affairs as part of the government's commitment to reduce red tape.

The proposed amendments in Schedule 7 amends Veterans' Affairs portfolio legislation to exempt certain legislative instruments from subsection 14(2) of the Legislation Act 2003. The amendments would enable these legislative instruments to incorporate material contained in another non-disallowable legislative instrument or another non-legislative writing as in force from time to time. The amendments would also update the language of some of the provisions under which legislative instruments under Veterans' Affairs portfolio legislations to accord with a contemporary drafting style.
Many of DVA's legislation instruments contain reference to external documents, such as fee schedules, and the Rehabilitation Appliance Program National Schedule of Equipment, which are incorporated by reference into the instruments and are legally regarded as being part of the instruments. Currently, any change to an incorporated document cannot be recognised unless the changed version is incorporated in the legislation instrument by an amendment or a replacement instrument. Under the proposed amendments, changes to the incorporated instrument would be automatically recognised and not require the minister or commission to remake instruments each time an incorporated document is changed.

The proposed amendments in Schedule 8 are included as part of the lapsed Repeal Day (Spring 2015) Bill 2015. They repeal redundant and spent provisions covering benefits that are no longer made and cannot be made again. Removing these redundant elements will make veteran legislation easier to interpret.

Each of the sets of amendments are relatively modest, they enhance the operation of the Department and will mean better outcomes for veterans.

I commend this bill.

Debate adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

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

**Criminal Code Amendment (Firearms Trafficking) Bill 2017**

**Consideration of House of Representatives Message**

Message received from the House of Representatives acquainting the Senate that the House has agreed to the bill with amendments and requesting the concurrence of the Senate in the amendments made by the House.

Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

**Customs Amendment (Singapore-Australia Free Trade Agreement Amendment Implementation) Bill 2017**

**Returned from the House of Representatives**

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

**Australian Grape and Wine Authority Amendment (Wine Australia) Bill 2017**

**Fisheries Legislation Amendment (Representation) Bill 2017**

**Regulatory Powers (Standardisation Reform) Bill 2016**

**Returned from the House of Representatives**

Message received from the House of Representatives returning the bills without amendment.
 COMMITTEES
Trade and Investment Growth Committee

Membership
Message received from the House of Representatives notifying the Senate of the appointment of Mr Hart to the Joint Standing Committee on Trade and Investment Growth in place of Mr Hill.

BILLS
Competition and Consumer Amendment (Competition Policy Review) Bill 2017
Australian Border Force Amendment (Protected Information) Bill 2017
Competition and Consumer Amendment (Abolition of Limited Merits Review) Bill 2017
Defence Legislation Amendment (2017 Measures No. 1) Bill 2017
Treasury Laws Amendment (2017 Measures No. 6) Bill 2017
Customs Amendment (Anti-Dumping Measures) Bill 2017
Customs Amendment (Singapore-Australia Free Trade Agreement Amendment Implementation) Bill 2017
Customs Tariff Amendment (Singapore-Australia Free Trade Agreement Amendment Implementation) Bill 2017
Australian Grape and Wine Authority Amendment (Wine Australia) Bill 2017
Fisheries Legislation Amendment (Representation) Bill 2017
Regulatory Powers (Standardisation Reform) Bill 2016

Assent
Messages from the Governor-General reported informing the Senate of assent to the bills.

REGULATIONS AND DETERMINATIONS
Citizenship (Authorisation) Revocation and Authorisation Instrument 2017
Citizenship (Authorisation) Revocation and Authorisation Amendment Instrument 2017

Disallowance
Consideration resumed on the motion:
That the following legislative instruments, made under the Australian Citizenship Act 2007, be disallowed:
(a) the Citizenship (Authorisation) Revocation and Authorisation Instrument 2017 [F2017L01044]; and
(b) the Citizenship (Authorisation) Revocation and Authorisation Amendment Instrument 2017 [F2017L01074].
Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (18:03): I won't hold up the Senate up for long. The government opposes the disallowance motion. The Australian Citizenship Ceremonies Code provides:

Citizenship ceremonies are non-commercial, apolitical, bipartisan and secular. They must not be used as forums for political, partisan or religious expression …

In August, the Darebin and Yarra city councils passed motions cancelling their Australia Day citizenship ceremonies to protest the practice of holding Australia Day on 26 January. They also endorsed the #changethedate campaign and defied a warning from the Assistant Minister for Immigration and Border Protection that their motions seriously breached the code. Assistant Minister Hawke responded by revoking the councils' authority to preside over citizenship ceremonies. We believe, in all of the circumstances, this disallowance motion is inappropriate and should not be supported by the Senate.

Senator BARTLETT (Queensland) (18:04): I note for the record that this is also not my first speech. I speak in support of this disallowance motion by Senator McKim. This is an extraordinary act of political censorship by this government. It likes occasionally to talk about freedom of speech when the speech it wants to be free is its own and that of those who want to racially vilify others, but when others in the community want to speak out and elected representatives want to make decisions on behalf of and having listened to Aboriginal and Torres Strait Islander people in their community and around the nation, this government tries to gag them. Talk about political correctness; talk about trying to stop legitimately-elected local government councillors from being able to make decisions reflecting the views of their local communities. The way democracy is supposed to work is that, if their local community doesn't like the decision they made, they vote them out the next time around. We don't have Big Brother sitting up in the ministerial wing in Parliament House just saying, 'I'm going to put a gag on this entire community because I don't like what you've decided.' That's the attitude of this government on so many things when it comes to the basic freedoms of people in our community.

We heard from the minister just then that somehow or other this is seen as a political or partisan action by the council. If you're elected representatives, pretty much everything you do can be framed as political. I had cause to reflect on this just today. As senators will be well aware but others listening might not be, I was sworn into the Senate just today. I spent nearly 11 years in the Senate last decade—stretching back into last century, if I want to remind myself how old I am. When we started out today, in the formal part of proceedings we had prayers, as we have always had, and we had an acknowledgement of country. That is just sitting there on the order of business for the start of proceedings every day. When I left this place in 2008 there was no acknowledgement of country. It was only just at the opening of that final parliament I was involved in when the Rudd government was first elected that we had a formal welcome to country for the new parliament conducted by elders of the local Aboriginal community here in Canberra. That was a very moving ceremony, and I think everybody there from all parts of the political spectrum felt what a positive and valuable act of reconciliation that was. It was recognition that the traditional owners, the first people of the land that Parliament House is built on, still have an ongoing living culture that deserves respect and acknowledgement, as does the graciousness of their providing that welcome to us as a new parliament at that time.
These procedures were proposed by the second Aboriginal person elected to this parliament some time back, Senator Aden Ridgeway, following on from Queensland's Neville Bonner. I think we might have had a Senate inquiry into them, and they were opposed as being political—having an acknowledgement of country or a welcome to country was seen as political: 'You can't politicise the parliament; how terrible!' Now, thankfully, not all that much later, we have that welcome to country at the start of every new parliament after an election and we have the acknowledgement of country as part of proceedings every single day in this chamber. That is a welcome development but one that would have been attacked as being partisan, as being political, as politicising the supposedly non-political operations of this chamber and this parliament. It just shows how reactionary and how blinkered and how bullying the approach of the Turnbull government is on this, as it is on so many other issues.

In my home city of Brisbane the Brisbane City Council similarly have an acknowledgement of the traditional owners before council meetings start in that local government authority—the largest local government authority in this country, as people may be aware. At the last election, in 2016, Jonathan Sri became the first Green to be elected to that local government authority. He put forward that proposal and, to the credit of the LNP, which currently has the numbers on that council, they agreed to it. Just one person putting forward that proposal shows the difference it makes when you get even one Green representative into a chamber, whether it is local council or let's hope in the state parliament in Queensland in the next couple of weeks.

What we're seeing here is a government that is resisting the tide of history, as the Liberal Party and the National Party tend to do more and more, digging in with that worn-out reactionary, destructive, divisive political agenda, defending their own power, even against what would often be seen as symbolic shifts to recognise others in the community and particularly when we're talking about recognising the original inhabitants of this land. How miserly and how pathetic that they can't just let a democratically elected local council make such a simple decision, and there is debate and discussion that goes around it.

I accept it's fine for the government at the federal level to say, 'We don't support changing the date.' Fine, they can argue that case and others can argue an alternative case, as the Greens are doing. The Greens and others on the local councils in the places in question—Yarra City Council, Darebin City Council and Fremantle City Council, which I'm sure my colleague Senator Steele-John will talk about shortly—have been part of movements in the community and supported movements in the community, including the voices of Aboriginal and Torres Strait Islander people, to promote the cause of changing the date. The Liberal Party and the National Party don't have to support that position, but they should not be crushing the views and decisions of the people who have an alternative view, particularly the democratically elected representatives.

I am confident to predict that the change-the-date movement will succeed, that this date will change. There will come a time. It may be 10 years down the track, as it was from when Senator Ridgeway first proposed having a welcome to country at the start of parliament to when it was first implemented. Perhaps it will take 10 years. Who knows? The Greens and others in the community will continue to push for that change, promote that change and support the views of many people in the community, particularly, essentially and necessarily those of first nations people in this country. I said a number of times in this chamber some
years back that the one area this institution of federal parliament has failed more than any other is in regard to the first nations people of this country. It has been on so many levels but even on the most basic level of just listening to their views and seeing even just simple things we can do.

We saw this again recently—and I know Senator Dodson has already had a lot to say on this issue—after so much energy by so many Aboriginal and Torres Strait Islander people around the country, partly on the urging of this government, to come together and say: ‘This is what we want. Not 100 per cent of us agree, but we've come as close as we can get with the Uluru Statement from the Heart.’ They couldn't have put it more simply. This isn't a hard-bitten ideological position; this is a statement from the heart. They put that statement from the heart. They put a lot of heart into and had difficult conversations in providing that statement, and this government couldn't even be bothered to tell them their decision on it. They just dismissed it and they dismissed something as fundamental as that by misrepresenting it atrociously. That's on the big scale.

On the small scale at a local community and a local council level, again people were acting from the heart. You might not agree with their decisions—I certainly do, but others may not—but you cannot dispute that they're acting out of goodwill, acting from the heart and acting from having listened. They are trying to do something to acknowledge and to take some steps to move this nation towards listening to and acting in response to the wishes of Aboriginal and Torres Strait Islander people in this country.

It is so disappointing to have such a reaction. It was such a sledgehammer, bullying and speech-crushing approach from this government. That shows me, frankly, that, apart from being bullies, they are scared of the community movement on this and so many other issues. That is why it is so important for the Senate to support this disallowance motion to say that we won't stand for this sort of rubbish—this sort of appalling, pathetic, petty, Nazi nonsense that we're getting now.

It is worth noting in the context of the change-the-date movement, which the government, through the minister, have expressed their opposition to, that three or four days ago in the SA Music Awards the song 'Change the Date' by AB Original and Dan Sultan won best song. It is a song that has captured the imagination of young people and not so young people, like me, around the country because they see what it taps into. Again, it taps into the heart, and maybe that's why this government doesn't get it—because it has no heart. The heart is long gone; whatever was there has been bought off by its corporate donors. But Australians get it. So many Australians get that we need to change the date, and we need to change our approach, as a parliament and as a wider community, to one that just listens—listens to what Aboriginal and Torres Strait Islander people want.

This parliament—through this government and previous governments—is a signatory to, and has given its commitment on the international stage to, the United Nations Declaration on the Rights of Indigenous Peoples and its simple components. It's not a particularly long document and it's not full of complex legalese; it's about some very basic and important principles. Australia, among many other nations around the world, unfortunately, has some of the worst records when it comes to the treatment of its indigenous peoples—and I won't catalogue all of them here now. Within that declaration, which this parliament and its government has said on the international stage that it supports, is a simple fact about ensuring
that there is free, prior and informed consent with regard to indigenous peoples on issues that concern them.

It should be pretty obvious to everybody what Aboriginal and Torres Strait Islander people think about Australia Day and the debate around it. It does concern Aboriginal and Torres Strait Islander people—and it concerns many of them deeply. Of course, there is not a 100 per cent universal view across every single Aboriginal and Torres Strait Islander person in the country; there never is with any group in the community. But there is clearly very widespread and, in many cases, very deep concern and a lot of hurt about Australia Day as it operates today and some of the jingoism and other symbolism, statements and actions that attach to it.

If we as a parliament, in particular, and at the local level can't listen to our own communities, particularly those communities who have been most harmed by past actions and often by current actions, what hope do we have for the future if we cannot listen to something as simple as this? Local government is often dismissed, particularly at the federal level, as being a small matter, and it's a matter of great disappointment to me and the Greens that what seemed like a window of opportunity under the Gillard government to finally get constitutional recognition of local government—to recognise its importance; something that was agreed to as a commitment by the Gillard government—never came about and the question was never put to a referendum. So local government once again was left dismissed as not significant enough. But it is of course the area of government that is closest to the community.

The councils that I mentioned previously—the Yarra City Council and the Darebin City Council—are closest to the community and, at the local level, are listening to the people about something as basic as a citizenship ceremony. I'm sure all of us here have been to citizenship ceremonies and recognise what beautiful, lovely ceremonies they are. As I and many others have said many times, alongside the clearest failure of Australia as a nation, which has been the failure to properly work with, engage with and listen to Aboriginal and Torres Strait Islander people, the first nations people, one of the great successes and positives, one of the things that has built the real positives of this nation, has been the migrant communities and their willingness to engage with and build on the nation as it continues to evolve.

In my experience, it's often those recent arrivals and new citizens who are the ones that are most open to listening to the views of the nation's original inhabitants. Their hearts are still open when they come to this new land and sign on and commit as citizens in an explicit act that those of us that were born here haven't had to do. For those of us that are born here, it's just an accident of history that we're citizens. We're talking about people who've come here and have made a positive decision to become a citizen of this country. In my experience, in so many cases, those people are the ones who are most open to wanting to hear more about not just the history but also the living cultures of the original inhabitants of the entire continent of Australia and their local communities.

It's wonderful how citizenship ceremonies have started to build in more and more involvement of representatives from the original inhabitants of the areas where the ceremonies are held. That is another thing that has evolved over time. If councils had tried to do that in the past, they probably would have been attacked for trying to be political by involving Aboriginal representatives and traditional owners in citizenship ceremonies. Now it's seen as not only acceptable; I think it would be seen as inappropriate if there was no
involvement of traditional owners or Aboriginal representatives in citizenship ceremonies. So why not allow individual councils to explore progressing further in this regard? Why not try it out? Why not see how it works? Why not give a local council that basic freedom to decide how they want to welcome people into their community? It frankly baffles me.

The only reason I can see that we would have such nasty pettiness is that that is what the Liberal and National parties are now reduced to. All they are now capable of is instantly reacting in such a mean, nasty, bullying, heartless, cruel, pathetic way. I really hope that everyone else in this chamber is not signing themselves up to that agenda and that they will ensure that Australia continues to be a welcoming, open-hearted, open-minded country that looks to continually progress and evolve—one that, if we ever hope to move beyond the colonial era, which we still haven't really done, properly listens to and works with as well as supports and acts in response to the views of Aboriginal and Torres Strait Islander peoples.

Senator STEELE-JOHN (Western Australia) (18:21): Before speaking to this disallowance motion, I would first like to acknowledge and pay my respects to the traditional owners of the land on which we meet—the Ngunawal peoples. It is upon their ancestral lands that this parliament is built, and I believe every occupant of this chamber would do well to remember that in all that they do.

I would also like to acknowledge and recognise that 26 January is a day of mourning for many Aboriginal and Torres Strait Islander peoples and that the Greens support them in their call for the date of Australia Day to be changed. We in the Greens recognise this call; however, I am sorry to say that this chamber and the other place do not. It is also the case that our states and territories of Australia also do not at this point recognise that call, so it has been left to local governments to act in this space and to show the leadership which is so sadly lacking in so many of our other democratic institutions.

I am proud to say, as a senator from Western Australia, that it was in fact the City of Fremantle which first put this on the national agenda last year when they, as a community, consulted with the Whadjuk people, who are the traditional owners of that area, and decided that they would take the first national step in bringing attention to the fact that 26 January is not viewed by our traditional owners as a day upon which you can simply kick back and have a beer and that it is in fact a day on which it is remembered that these lands, which we call our own, were and remain the lands of others, that they were forcibly taken and that dispossession and murder were commonplace and formed the foundation of this country.

I am very sad to see that Senator Cormann has decided to suggest that any council which seeks to recognise this reality of our history is in fact playing politics in an area where politics does not belong. I would caution anybody on either side of this chamber from making such an argument. I would ask them to reflect deeply upon the company in which they are placing themselves when they suggest that this is something which should not and cannot be done. It was once—and in this place and in others and at other points in time—suggested that it could not be done in relation to leaving Aboriginal children with their parents. It was once suggested that there could not and should not be reconciliation processes in this country. It is, sadly, still suggested that there is no place for a dedicated voice of our first nations people in this chamber. But, as we have seen, and as history shows with those first two examples, such views prove themselves not to last well in the stark sunlight of history. Movements rose up
and said no. They said no to segregation. They said no to a nonexistence in terms of voting rights. They said no to the stealing of children. And they said no to the hiding of that reality.

Today, I take my seat in a chamber which was opened alongside the traditional owners of this place, and Senator Bartlett is right to note that it is only recently that this has become the case. I do not believe it will be too long before we look back upon discussions such as this and think to ourselves: how could we ever have suggested that a day which has only been a national holiday since the year in which I was born, 1994, should be held as such a sacred moment of national unity that it should be continued with at the expense of our first nations people and their profound traumatic experiences.

I speak to this motion as a proud Western Australian, as a proud member of the Australian Greens and as someone who hopes to see a little more leadership in this place in the future. Thank you.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Thank you, Senator Steele-John. I take it—

Senator Steele-John: It's not my first speech.

The ACTING DEPUTY PRESIDENT: Yes, we're on the same wavelength. That's fine.

Senator McKIM (Tasmania) (18:27): I rise to sum up.

The ACTING DEPUTY PRESIDENT: Sorry, Senator McKim, I've been informed that you have spoken before.

Senator McKIM: My advice is that, as the mover of the motion, I'm entitled to respond to the speeches given.

The ACTING DEPUTY PRESIDENT: As the mover of the motion, yes, that's correct.

Senator Cormann: So you're closing the debate.

Senator McKIM: If no-one else wishes to contribute, then, yes, Senator Cormann, I presume I will be closing the debate and, in doing so, I thank everyone for their contributions. I particularly thank the last two speakers, Senator Bartlett and Senator Steele-John, for outstanding contributions to this debate. I thank the Labor Party for its support for this disallowance motion and I take this opportunity to condemn, with absolutely no surprise at all, the culture warriors in the Liberal Party who, once again, have prevailed in this debate, who, once again, have exercised their muscle internally inside the Liberal and National parties and who, once again, are demonstrating, as Senator Bartlett just went through in fine detail, their pettiness and their refusal to listen to the most important people in this debate: the Aboriginal and Torres Strait Islander peoples of Australia, our first peoples, the people who had this land stolen from them, at the point of a musket, when Europeans arrived just over 200 years ago. They are the people who—at least in my home state in Tasmania—have faced an attempted genocide, and I do use that term advisedly, in the full knowledge and understanding of what it means in law to say that there was an attempted genocide in Tasmania not long after European people arrived.

I remember attending the first Invasion Day—

The ACTING DEPUTY PRESIDENT: Senator McKim, I'm sorry to interrupt, but it being 6.30, the Senate now shall suspend until 7.30.

Sitting suspended from 18:30 to 19:30
Senator McKIM: As I was about to refer to before we suspended, I attended the first Invasion Day march in Hobart a number of years ago. From memory, there were about 50 people at that march. I have attended most, if not all, of the Invasion Day marches in Hobart since that day. I have watched the crowds grow and grow in number. I am proud to say that at the Invasion Day march in Hobart this year, on Invasion Day, there were well over—and I do mean 'well over'—1,000 people. In fact, there were potentially as many as 1,500 people at that rally. They were rallying to say that this is not a day that can be celebrated by them because it is a day that unfortunately symbolises for Aboriginal and Torres Strait Islander people in this country the day that their land was taken from them at the point of a musket.

It is worth pointing out that senators who will vote against this disallowance motion today—the Liberal Party, National Party, One Nation and, sadly, Nick Xenophon Team senators in this place—will find themselves on the wrong side of history, because the day will change. The date of Australia Day will change. It will change so that all Australians can celebrate Australia Day. Tragically, that is not the case at the moment because many, many Australians—including, of course, the first peoples, the Aboriginal and Torres Strait Islander people of this country, but also many non-Indigenous Australians, me and my Greens colleagues included—find that we can't genuinely celebrate Australia Day on the date on which it is currently marked because of the dark history that is associated with that day. It will be a great day for our country when the date is changed.

I remember when I had the honour to be sworn in as a minister in the Labor-Green government in Tasmania which existed between 2010 and 2014. One of the first portfolios that I held was the Aboriginal Affairs portfolio in Tasmania. One of the first actions I took as the Minister for Aboriginal Affairs in Tasmania was to write to the then federal Aboriginal affairs minister, Ms Macklin, and ask her to support me as the Tasmanian Aboriginal affairs minister in moving to change the date on which Australia Day is marked. I remember how disappointed I was when Ms Macklin declined my offer and indicated by return letter that, in fact, Labor at that time supported—and they still do, unfortunately—the current date of Australia Day.

This disallowance motion obviously relates to the actions of two councils in Victoria that quite appropriately and after deep consultation with their local communities made a decision not to conduct citizenship ceremonies on Australia Day. Now, citizenship ceremonies, and I'm sure all senators would agree, are amongst the most joyous events that we get to attend. They are events at which people take the ultimate step to become Australians. Many people who do that have come to our country fleeing persecution, fleeing war, fleeing trauma and fleeing dispossession, and they go through the lengthy and onerous process that exists to become Australian citizens. They're fantastic events, and I'm sure that I'm not the only person in this place who gets the odd tear in their eye at citizenship ceremonies throughout the year. But these two councils, Yarra and Darebin, made a decision, on the basis of the dispossession of Aboriginal and Torres Strait Islander people, that they could not in good conscience continue to hold citizenship ceremonies on Australia Day. I would like to congratulate all the councillors in those two councils who supported those decisions.

What was the government's response? Well, the government's response was vindictive. It was petty. It was mean-spirited. It took the biggest sledgehammer it could find to one of the smallest walnuts you would ever like to see. It is as big a storm in as small a teacup as I have
seen. This government came into this place and brought in a disallowable instrument that means, if it passes, that the capacity of those councils to conduct any citizenship ceremonies at all will be removed. And that's what we are debating today, whether that instrument should pass through this Senate, and therefore the parliament, or whether it should be disallowed. The Greens, by moving this disallowance motion, have made our position abundantly clear. Again, I want to thank the Labor Party for their support for this motion.

A number of arguments from Liberal and National party senators, both in this place and in the public conversation in our country, have attempted to rationalise their petty and vindictive decision by reference to the Australian Citizenship Ceremonies Code—in particular, that part of the code in chapter 3 which goes to the holding of citizenship ceremonies themselves. They are relying on the following words to justify their pettiness and vindictiveness. Page 6 in chapter 3 of the Australian Citizenship Ceremonies Code says:

Citizenship ceremonies are non-commercial, apolitical, bipartisan and secular. They must not be used as forums for political, partisan or religious expression or for the distribution of material which could be perceived to be of a commercial, political or religious nature.

When you look at those words in context, their meaning is clear. Their meaning is abundantly clear. What they mean is that the citizenship ceremonies ought not be conducted in a commercial way, a political way or a partisan way. They, as the words explicitly state, ought not be used as forums for political, partisan or religious expression. When taken in context, these words clearly relate to the conducting of citizenship ceremonies—that is, what happens within citizenship ceremonies that are conducted.

The Greens agree absolutely that citizenship ceremonies should not be political. They should not contain political matter or political material. They should not contain commercial matter or commercial material. They ought not contain religious matter or religious material. Any of those things occurring within a citizenship ceremony would be grossly inappropriate, but on no reasonable construction of those words can they be read to mean that councils cannot make a decision on which date to hold a citizenship ceremony for political reasons. Yet that is what the government is arguing here.

The government is arguing that the Yarra and Darebin councils are in breach of the code. Well, I say piffle and hogwash to that. Those councils are not in breach of the code at all, because the code clearly goes to how citizenship ceremonies should be conducted. It is a heroic interpretation of this code to suggest that the words that I just read out can reasonably be taken to mean that councils cannot make decisions on which date to hold citizenship ceremonies for political reasons. Yet that heroic interpretation of the code is the only foundation that the government is relying on to support its view that two councils in Melbourne ought to have their capacity to hold citizenship ceremonies stripped away from them because they have made an entirely reasonable and entirely justifiable decision not to hold citizenship ceremonies on Invasion Day.

It's a sad reality in this place—and something that I hadn't come across in large part in my time in the state parliament of Tasmania—that so many members of the Liberal and National parties did not come into this place to make a difference to how we manage our environment, to make a difference in terms of creating jobs, to make a difference in terms of infrastructure investment, or to advance human rights; they came here to fight the culture wars. When you distil everything that has been done and said in this debate, when you evaporate away all of
the hot air, what you are left with is a small rump inside the Liberal and National parties whose sole reason for coming to this place was to fight the culture wars and who again are flexing their muscle and delivering riding instructions to the Prime Minister and the rest of the LNP party room in this place. It's a sad, sad reality that in fact it is that small rump who are responsible for the motion that this disallowance motion seeks to disallow.

Of course we can't forget, and we ought never forget, who is actually pulling the strings here. Although this motion to strip away the powers of two Melbourne councils to hold citizenship ceremonies is in the name of Mr Hawke, never forget who his boss is—Mr Dutton, the man who boycotted the apology to the stolen generations, an out-and-out racist. He's the one who is pulling the strings here. He's the one who instructed Mr Hawke to bring into the parliament this motion that the Greens are seeking to disallow. He's one member, if not the most powerful member, of that small cabal inside the Liberal and National parties who have come into this place with one aim and one aim alone: to make progressive change in this country more difficult and slow and, where possible, to wind back progressive changes that have been made. We are seeing that today, and never more starkly, in regard to marriage equality. We have a bill that achieved consensus support through a committee process and yet we have got representatives like Senator Paterson, the agent of the IPA in this place, and others who are in that cabal inside the Liberal and National parties coming out with their own piece of legislation which if passed would actually increase discrimination faced by LGBTIQ people.

Just as that is a front in the culture wars, so is the motion that we are seeking to disallow today a front in the culture wars. Well, I have got some news for that cabal, and that is that the Australian Greens are prepared to take on that rump, that cabal, inside the Liberal and National parties at every step. We have taken them on over their desire to water down the protections against race-based hate speech in this country, section 18C of the Racial Discrimination Act. We took them on and we won. We took them on on their divisive and hateful citizenship legislation. We took them on and we beat that, and thanks to a Greens motion that was recently discharged from the Notice Paper. That was legislation designed to make it more difficult for non-English-speaking people to become citizens in this country. Again, they were taken on and they were defeated. We are going to take them on every step of the way because we believe in multiculturalism as a foundation of our country. We believe that people from diverse cultures right around the world have made an epic contribution to our country and have helped us to build this country into what it is today. We want to work with anyone from any party in this place towards more progressive change in this area, towards a treaty with Aboriginal and Torres Strait Islander people, towards stronger protections against race-based hate speech and racism in our country. We want to see citizenship made available to those who genuinely deserve it without their having to pass tertiary-level English language tests to achieve it. Make no mistake, that citizenship legislation risks taking our country back to the White Australia policy because of course it was language tests that gave effect to the White Australia policy back in the day.

In summary, again I thank the Australian Labor Party for indicating their support for this disallowance motion. I just want to leave senators with one final thought: when the date on which Australia Day falls is moved—and that will come in the future—the date it is moved to
will genuinely be a day we can all join together as a country and celebrate Australia Day as it should be celebrated. *(Time expired)*

**The President:** The question is that the motion moved by Senator McKim to disallow two instruments to the Australian Citizenship Act be agreed to.

The Senate divided. [19:53]

(The President—Senator Ryan)

<table>
<thead>
<tr>
<th>Ayes .................</th>
<th>29</th>
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<td>Noes ..................</td>
<td>31</td>
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<td>Majority .............</td>
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**AYES**

Bartlett, AJJ
Cameron, DN
Dastyari, S
Dodson, P
Gallacher, AM
Hanson-Young, SC
Kitching, K
McAllister, J (teller)
Moore, CM
Polley, H
Rhiannon, L
Siewert, R
Steele-John, J
Urquhart, AE
Whish-Wilson, PS

Brown, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallagher, KR
Ketter, CR
Leyonhjelm, DE
McKim, NJ
O’Neill, DM
Pratt, LC
Rice, J
Singh, LM
Sterle, G
Watt, M

**NOES**

Abetz, E
Birmingham, SJ
Burston, B
Canavan, MJ
Cormann, M
Fawcett, DJ
Georgiou, P
Hanson, P
Hume, J
Lambie, J
McGrath, J
O’Sullivan, B
Reynolds, L
Ryan, SM
Seselja, Z
Williams, JR

Bernardi, C
Brockman, S
Bushby, DC
Cash, MC
Duniam, J
Fierravanti-Wells, C
Griff, S
Hinch, D
Kakoschke-Moore, S
Macdonald, ID
McKenzie, B
Payne, MA
Ruston, A
Scullion, NG
Smith, D (teller)

Question negatived.
Consideration resumed of the motion:

(1) That not later than 5 pm Friday, 1 December 2017 (and within 21 days of making and subscribing an oath or affirmation as a Senator) each Senator shall provide to the Registrar of Senators' Interests a statement containing the following:

(a) a declaration by the Senator that, at the time the Senator nominated for election to the Senate in this 45th Parliament he or she was an Australian citizen;

(b) a declaration that the Senator is not a citizen of any country other than Australia;

(c) a declaration stating:
   • the place and date of the Senator's birth;
   • the citizenship that the Senator held at the time of birth; and
   • if he or she did not obtain Australian citizenship at birth, the date he or she was naturalised as an Australian citizen;

(d) so far as the Senator is aware:
   • the place and date of birth of the Senator's parents and grandparents;

(e) whether the Senator has ever been a citizen of another country and if so which country or countries;

(f) what steps the Senator has taken to assure him or herself that they have not inherited citizenship of another country from a parent or grandparent;

(g) if the Senator has answered the question in e) in the affirmative, then provide details and evidence of the date and manner in which the Senator's citizenship of that other country was renounced (if it was renounced) or the date and manner in which it came to an end in accordance with the laws of that other country;

(h) if the Senator's citizenship of that other country had not come to an end at the date of his or her nomination for the Senate, detail and provide evidence of any steps the Senator has taken to renounce the citizenship of that other country prior to the date of nomination; and

(i) if the Senator has declared that he or she was at the time of nomination or is now a citizen of a country other than Australia, on what basis the Senator contends that he or she is, nonetheless, not disqualified under section 44(i).

(2) If at any time the Senator becomes aware that information provided in their statement is no longer accurate they shall update their statement as soon as practicable but not later than 21 days of being so aware.

(3) Statements shall be made in accordance with this resolution and in a form determined by the Committee of Senators' Interests. The Registrar shall, in accordance with procedures determined by the committee, maintain a Citizenship Register comprising statements provided under this resolution. Other than as specifically provided for in this resolution, the committee has the same powers and functions in relation to the citizenship register as it does in relation to the Register of Senator's Interests.

(4) The Registrar shall, upon the expiry of the time for providing statements under this resolution, and at other times determined by the committee, publish the register and any alterations or additions to the register on the Parliament's website.

(5) Any Senator who:

(a) knowingly fails to provide the statement required by this resolution to the Registrar of Senators' Interests by the due date; or
(b) knowingly fails to correct an inaccuracy in his or her statement within the required timeframe; or
(c) knowingly provides false or misleading information to the Registrar of Senators' Interests;

shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly, but the question whether any senator has committed such a serious contempt shall first be referred to the Privileges Committee for inquiry and report.

to which the following amendment was moved:

Omit all words after "That", substitute "not later than 5 pm on Friday, 24 November 2017 (and within 5 days of making and subscribing an oath or affirmation as a Senator) each Senator shall provide to the Registrar of Senators' Interests a statement containing the following (along with any documentation):

(a) The date and place of birth of the parliamentarian;
(b) The date and place of birth of the parliamentarian's parents;
(c) The date and place of birth of the parliamentarian's grandparents;
(d) Whether the parliamentarian, his or her parents and his or her grandparents have ever been naturalised as citizens of any country, and if so, the country and date of naturalisation;
(e) Details, including dates of issue and, if relevant, cancellation, of any foreign passports previously held by the parliamentarian;
(f) Details of any other act by the parliamentarian under which they relied on foreign citizenship (eg voting in another country);
(g) Statement as to whether the parliamentarian, his or her parents and his or her grandparents have ever renounced citizenship of any foreign country, and if so, evidence of that renunciation and its acceptance by the authorities of the foreign country;
(h) The date on which the parliamentarian nominated with the Australian Electoral Commission for the 2016 federal election (or, for the House of Representatives, any more recent by-election).

(2) If at any time the Senator becomes aware that information provided in their statement is no longer accurate they shall update their statement as soon as practicable but not later than 21 days of being so aware.

(3) Statements and documentations shall be made in accordance with this resolution and in a form determined by the Committee of Senators' Interests. The Registrar shall, in accordance with procedures determined by the committee, maintain a Citizenship Register comprising statements provided under this resolution. Other than as specifically provided for in this resolution, the committee has the same powers and functions in relation to the citizenship register as it does in relation to the Register of Senator's Interests.

(4) The Registrar shall, upon the expiry of the time for providing statements under this resolution, and at other times determined by the committee, publish the register and any alterations or additions to the register on the Parliament's website.

(5) The Committee of Senators' Interests:

(a) commencing 24 November 2017, inquire into the citizenship status of each current Senator; and
(b) report to the Senate whether there are circumstances which may warrant a question or questions respecting the qualification of one or more Senators being referred to the Court of Disputed Returns under section 376 of the Commonwealth Electoral Act 1918; and
(c) present its final report on or before 6 December 2017; and
(d) during the inquiry:

(i) have power to send for and examine persons and documents;
(ii) to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives; and

(iii) have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit; and

(iv) be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President; and

(6) Any Senator who:

(a) knowingly fails to provide the statement required by this resolution to the Registrar of Senators' Interests by the due date; or

(b) knowingly fails to correct an inaccuracy in his or her statement within the required timeframe; or

(c) knowingly provides false or misleading information to the Registrar of Senators' Interests;

shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly, but the question whether any senator has committed such a serious contempt shall first be referred to the Privileges Committee for inquiry and report or, if appropriate, the Court of Disputed Returns.

(7) A message be sent to House of Representatives to acquaint it with this resolution."

The PRESIDENT (19:56): The Senate is now considering the motion moved by Senator Brandis proposing a citizenship register and the amendment moved by Senator Di Natale. If there are no further speakers to the amendment, I'll put the question on the amendment moved by Senator Di Natale. The question is that the amendment moved by Senator Di Natale to the motion of Senator Brandis be agreed to.

The Senate divided. [20:01]

(The President—Senator Ryan)

Ayes .................... 13
Noes .................... 36
Majority ............... 23

AYES
Bartlett, AJJ
Griff, S
Hinch, D
Lambie, J
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS
Di Natale, R
Hanson-Young, SC
Kakoschke-Moore, S
McKim, NJ
Rice, J
Steele-John, J

NOES
Abetz, E
Brandis, GH
Brown, CL
Bushby, DC
Cash, MC
Dodson, P
Fierravanti-Wells, C
Gallacher, AM
Georgiou, P
Hanson, P
Birmingham, SJ
Brockman, S
Burston, B
Canavan, MJ
Cormann, M
Duniam, J
Fifield, MP
Gallagher, KR
Gichuhi, LM
Hume, J
Question negatived.

The PRESIDENT (20:04): The question now is that the motion moved by Senator Brandis be agreed to.

Question agreed to.

BILLS

Treasury Laws Amendment (Housing Tax Integrity) Bill 2017
Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017

Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (20:04): Thank you, Mr President, and can I also extend my congratulations on your new appointment today. Labor will not oppose the passage through the parliament of the Treasury Laws Amendment (Housing Tax Integrity) Bill and the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017. The Parliamentary Library does a very helpful report on all bills that come before this chamber. The report on these bills states that their purpose is to do three things: firstly, to ensure that travel expenditure incurred in gaining or producing assessable income from residential premises is not deductible and not recognised in the cost base of the property for capital gains tax purposes; secondly, to deny income tax deductions for the declining value of 'previously used' depreciating assets used in producing assessable income from the use of residential premises as residential accommodation; and, thirdly, to amend the Foreign Acquisitions and Takeovers Act 1975 to provide that an annual vacancy fee is payable by foreign owners of residential real estate where property is not occupied or genuinely available on the rental market for at least six months in a 12-month period.

The government indicated at budget time that these measures were their crackdown on negative gearing in relation to the two aspects I have already mentioned and that the measures were about reducing pressure on housing affordability. Whilst I've said we won't oppose these bills through the parliament, we certainly don't believe that these measures, in isolation of a broader housing response, will reduce the pressure on housing affordability that is needed, particularly in certain markets. It's typical of the Orwellian way the government likes to operate that these measures are being put together in a bill and put forward as initiatives to
reduce pressure on housing affordability. I don't think anyone should operate under the illusion that these measures will do that. This government, which has now been in power for five years, has failed to have a minister responsible for housing, has failed to have a housing strategy, has failed to renegotiate a national housing agreement and has failed in any way to respond to the genuine pressures that are affecting particularly those on lower incomes, those who are renting and those who are struggling to enter the housing market to deal with some of the distortions that we have seen in recent years.

In contrast, from opposition, Labor has put forward—reconfirmed by Senator Cameron as the shadow minister responsible and the leader this year—a comprehensive plan to deal with pressure on housing affordability, including genuine reform of negative gearing. We are not dealing at the fringes but actually reforming negative gearing and the capital gains tax discount as a central focus of our policy. I think it's genuinely understood, even by the government, that any housing affordability package that does not deal with these concessions in a serious way—where the majority of those benefits, those tax concessions, that revenue forgone, are going to high-income earners—is a sham. We know that 50 per cent of the benefit of negative gearing goes to the top 10 per cent of income earners and that 70 per cent of the benefit of capital gains tax concessions goes to the top 10 per cent of income earners. This is where action needs to be taken, and it's not just the Labor Party saying this; there is strong support across groups with expertise in housing and with expertise in tax. Prominent senior economists in this country understand this. The government's own financial systems inquiry drew attention to this. It is not just the Labor Party saying this.

These bills seek to introduce three measures that the government announced in the budget, which I alluded to: disallowing the deduction of travel expenses for residential rental property, limiting plant and equipment deductions to outlays actually incurred by investors, and introducing an annual charge on foreign owners of underutilised residential property. The reform to these arrangements is the reform that you do when you're not really serious about the reform that needs to be done. The government, in this bill, proposes to disallow deductions for travel expenses related to inspecting, maintaining or collecting rent for a residential property. The amendments also do not affect deductions for travel expenditure incurred in carrying on a business of providing property management services. The government estimates this will raise $540 million over the forward estimates.

We're all for ensuring that tax concessions are targeted. I don't think anyone would suggest that Labor haven't been very vocal in this debate—in fact, leading the debate, particularly in relation to negative gearing. But this is not a housing affordability measure. In fact, Treasury in answer to a question on notice about this even said so. It said this was a tax integrity measure, which is an important thing on its own, but this is an acknowledgement from those who have been involved in drafting this bill and advising government that this measure is not something that will reduce pressure on housing affordability.

The second measure involves limiting deductions for assets in residential premises, denying deductions for the decline in the value of previously used depreciable assets used in gaining or producing assessable income from the use of residential premises for the purposes of residential accommodation. The government estimates that this will raise $260 million over the forward estimates. Again, as I said on the previous measure, we are absolutely here for the debate and for supporting ensuring that tax concessions are targeted. That's why we've been...
arguing for genuine reform on negative gearing. But this on its own, limiting deductions, is not a housing affordability measure. Again, Treasury also accepted in an answer to a question on notice that this is an integrity measure.

The government estimates that the third measure, the charge on foreign owners of residential property where the property is not occupied or genuinely available on the rental market for at least six months per year, will generate $16.3 million in revenue over the forward estimates. Again, we don't have any objection to this measure. After all, as part of our plan for housing affordability in the announcements which were made earlier this year, we announced we could facilitate a COAG process to introduce a uniform vacant property tax across all major cities. It's notable that Treasury admitted in an answer to a question on notice that the states and territories were not consulted in relation to this measure. This appears to be the style and practice of this government. We've seen it play out recently, with the government introducing legislation around the national housing agreement that they've put before the parliament without seeking to legislate an agreement that was previously negotiated through COAG or through housing ministers for agreement by COAG. States and territories were not consulted on that either. That would raise the issue of whether the Commonwealth is actually serious about reaching national agreements on areas of such importance, particularly when it relates to some of our community's most vulnerable citizens in relation to homelessness and in relation to the provision of public housing, or social housing, when this is the approach that it's taken. Treasury also confirmed in that answer to the question on notice that there wasn't a direct assumption about how many foreign owners of residential properties would decide to make their properties available to rent. So that is something that is clearly unknown, and perhaps we'll need to wait for this legislation to be amended and to watch it in operation.

I think everyone in this chamber knows that Australia is in the midst of a housing affordability and homelessness crisis. House prices in many major cities have skyrocketed, home ownership rates have plummeted and many vulnerable Australians have limited or no access to housing. The housing crisis is only getting worse. Since the government came to office in September 2013, capital city house prices have soared by 30 per cent, with increases of nearly 50 per cent in Sydney and over 30 per cent in Melbourne. Home ownership is at a 60-year low, and home ownership rates for 25- to 34-year-olds have collapsed from around 60 per cent to less than 40 per cent in the last 30 years. Rental stress is also on the rise, with the proportion of low-income households experiencing rental stress now at more than 40 per cent.

That great Australian dream of home ownership has really turned into a nightmare for many, and it has done so on this government's watch. In stark contrast to the approach that the government has taken, the Labor Party, from opposition, has been the only one genuinely engaged on the reforms and the cooperation needed nationally to tackle this and to ensure that, despite the varied nature of the pressures on particular housing markets—and they are different across the country—we have a suite of policies that look to improve housing affordability, increase financial stability, reduce homelessness and, at the same time, boost jobs. This is all work that has been done from opposition. Indeed, if I were the government, I would be looking at some of these, because these are definitely areas where they will need to move, and should move.
Top of the list is to reform negative gearing and capital gains tax concessions. This is a big area of expenditure and revenue forgone to the budget and it's growing exponentially. The large part of that concession is going to high-income earners, often to very high-income earners. We've also outlined a plan to limit direct borrowing by self-managed super funds for property. This is another area that returns some savings to the budget. We've talked about facilitating a COAG process to introduce the uniform vacant property tax across all cities. That's in recognition of the fact that not one level of government can solve the pressures that we're seeing on housing, the provision of housing and the affordability of housing. It is something that is going to have to be worked on through COAG. It is something that will have to be dealt with through council-level government, state and territory governments and the Commonwealth government, because every level of government has a lever available to it that, if coordinated, could significantly reduce pressures and be localised to the pressures in individual regions.

A focus for Labor is very much on how to ensure that there's increased investment in affordable housing, and I'm sure my colleague Senator Cameron will talk more about this when he speaks in this debate. This is an issue that Labor, when last in government, worked hard at, with policies which were very successful, like NRAS, the National Rental Affordability Scheme. If you talk to people who are operating those properties now they will tell you that the fact that it was just cut off and stopped sent a big shock to those who were considering investing in Australian affordable housing supply. It seems that even good ideas get ripped up when governments change. But there does need to be some way of ensuring there is increased investment in affordable housing. I see the government have come lately to this, once they'd ripped up NRAS and taken away all the infrastructure that was actually investing in this type of housing. They are trying to rework it and recreate a system that will deliver it. I know that Senator Cameron has been doing a lot of work around a bond aggregator, and this forms part of our policy.

Regarding homelessness support, the fact that the homelessness agreement has been rolled over for one year at a time creates enormous uncertainty. I know the government likes to blame former Labor governments for everything. We see you do it on absolutely every area of policy, but at some point you have to accept that this is the fifth year you've been in government and you are responsible, and the fact is that homelessness services have been going cap in hand every year without any certainty of funding from this government. In fact, not only is there no certainty of funding but funding has also been cut, because the capital infrastructure funding that was to have gone along with that homelessness agreement was cut, which meant that homelessness services couldn't invest in the extra capacity that they needed to deliver extra services. That is something that we have already announced that we would provide more funding for. That situation needs to be sorted, but the approach being taken by this government, essentially to bully the states and territories by putting legislation into the House and presumably passing it without any discussion with the states and territories, who have a key responsibility in funding public housing and ensuring an adequate supply of affordable housing product, is testament to this government's inability to deliver on anything that requires cooperation. We agree that there need to be better results from the National Affordable Housing Agreement. There is a lot of money that goes into that agreement from federal taxpayer dollars, and there should be more accountability for how that money is spent and what it actually delivers.
The other area we need to focus on—and, again, this is something that housing and finance stakeholders have talked about—is getting the National Housing Supply Council back in place, to have a body that's responsible for monitoring housing supply and for making recommendations to government. Since it was abolished, the data is lacking, the planning is lacking, the recommendations aren't there. Reinstating a minister for housing—there's a novel idea. How about we have a federal housing minister that actually takes responsibility for this area of government? It's clear that whilst it's shared across portfolios—and it might be the Treasurer who is actually in charge of it, but there are other ministers who come and go, depending on what area they're talking about—it means there is no coordination and there is no leadership within the cabinet, with the sole focus on a national housing strategy. That's what is needed. It's needed to look at not only the taxation arrangements around owner-occupier but how you work with states to deliver adequate supply whilst you're looking at the taxation arrangements. It's about looking at what's happening for renters across Australia—the growing population of families and individuals who will be renters for a long period of time, if not for life. It's about having a look at how that works nationally. There's no focus on that and no leadership on it at all. Looking at how we deal with the constant demands that are faced in the homelessness sector is another area that needs a genuine focus from this government.

But for five years they have been denying there actually is a problem or denying that they have to do something about the problem, or blaming the problem on the previous Labor government or blaming it on the states and territories. At some point, you have to accept that it's the responsibility of a Commonwealth government to have a housing strategy—to have a housing policy, perhaps—and, we would argue, to have a housing minister. Without it, we're going to see these continued minor efforts to tinker at the edges to make it look like you can stand up and say you've got a bill that's actually doing something, especially if you name it as 'this is a bill to reduce pressure on housing affordability,' even if it does nothing of the sort—even if it's a tax integrity measure. I doubt that any of these three changes are going to make one bit of difference for someone saving for a housing deposit at this point in time. I don't think they will have to save any less money to get into the housing market. For someone who is trying to move from renting to owning a house, I don't think this will make the slightest bit of difference.

As I said at the beginning, Labor is not going to stand in the way of the bill—the tax integrity measure. We're supportive of it. It will raise a small amount of money across the forward estimates to assist with budget repair. But Labor is very, very cynical that this bill will do anything to reduce pressure on housing affordability.

Senator WHISH-WILSON (Tasmania) (20:23): I rise to speak on the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 and the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017. I'm pleased to speak on this legislation because housing affordability is a very serious issue. We have a housing affordability crisis in this country and have had for a number of years. As a serious issue, it requires our serious attention. It requires a real, effective, comprehensive and serious policy response from this chamber and this parliament. While the Greens will be supporting this legislation before us tonight, let me say very clearly that this is not an effective, comprehensive, serious policy response to a critical issue for so many Australians,
particularly young Australians who may never get to buy their own home, and who certainly feel that's the case at the moment, and particularly for a number of struggling low-income Australians for whom also the thought of owning their own home is still a dream. This is fiddling around the edges—that is the best term I can come up with. Nevertheless, we'll be supporting it.

This is a very good opportunity for all of us to debate in here tonight what an effective and comprehensive plan would look like. As luck would have it, I happen to have one in front of me, and it's called The Greens housing plan—everyone needs a home. You may have heard me at Senate estimates, every chance I get, asking the Treasury secretary and the departments what they're doing about housing affordability. I'm very pleased to have been part of a party that over the years has led on a national discussion about a comprehensive plan to fix this issue. But all it's going to take is a spine and some political courage to tackle these issues. I do feel that we've come some way in recent years. I remember in 2013 the Greens discussing internally, amongst ourselves, a policy to scrap negative gearing and capital gains tax. Although we implemented that policy, it was considered a politically risky thing to do. Nevertheless we did it. Having had Labor fall across the line and adopt the same policy as us has been very pleasing. I'm glad that Senator Gallagher outlined that Labor are looking at changing at least the perverse incentives in place in this country that don't give us a level playing field, that make it extremely difficult for young Australians and lower income Australians to compete with wealthy investors who own multiple properties and who go to auctions and bid up property prices. We've seen a housing bubble in this country, and I got the Treasury secretary, Mr Fraser, to admit it was a bubble when I brandished an avocado—it was a shameless prop that I took to Senate estimates but it got his attention and the attention of the Treasury and the media about what our Treasury was going to do to tackle this issue. All it took was an avocado. I don't want to give the false impression that we have made progress when we haven't, but we are at least having a debate about a measure to tackle part of the negative gearing incentive, which we should be removing. There's still a long way to go.

The purpose of the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 is to amend the Income Tax Assessment Act 1997. We will ensure that travel expenditure incurred in gaining or producing assessable income from residential premises is not deductible and not recognised in the cost base of the property for capital gains tax purposes, and we're planning to deny income tax deductions for the declining value of previously used depreciation assets used in producing assessable income from the use of residential premises as residential accommodation. In addition, the housing tax bill amends the Foreign Acquisitions and Takeovers Act 1975 to provide that an annual vacancy fee is payable by foreign owners of residential real estate where property is not occupied or genuinely available on the rental market for at least six months in a 12-month period, and we'll be imposing a vacancy fee as a tax when this legislation passes this place.

What evidence have we got before us that we do have a housing affordability crisis in this country? Even though our Treasury haven't put together comprehensive research, even metrics they can measure or benchmarks they can assess this issue against, we know from speaking to young Australians in our electorate that this is a serious issue for them. I'm looking forward to hearing the contributions of our new senator from Queensland, Senator Bartlett, and of our new senator from Western Australia, Senator Steele-John, who is going to
be talking about the specific effect on young Australians of housing affordability and the crisis that we have around this country.

But one set of data that we do have is the Household, Income and Labour Dynamics in Australia Survey, commonly referred to as the HILDA. Someone pressed the emergency button when this was released. This data was only released a few months ago. It is a five-year survey and is the best data that we have on the dynamics around housing affordability in this country. It looks at a lot of the key issues that we should be assessing in our policy responses. The picture that it painted was very troubling indeed, especially for young Australians. It said:

As documented in the 2016 edition of this report, home ownership has been declining in Australia for some years now. This decline has been particularly concentrated among young adults.

In 2014 approximately 25 per cent of men and women aged 18 to 39 were homeowners. That's down from nearly 36 per cent in 2002. So, over 12 years, home ownership amongst that category of Australians has fallen by nearly a third; it is nearly a third less than it was in 2002. There is a lot of data in the 2017 report about why that is the case. It said:

The decline in home ownership primarily occurred between 2002 and 2006 and between 2010 and 2014. This pattern is very much consistent with movements in house prices as measured by the Australian Bureau of Statistics over the 2002 to 2014 period, with house price growth particularly strong in the mid-2000s and since 2012.

So there is a high correlation between rising house prices and a collapse in home ownership amongst young Australians.

In the HILDA Survey they go further than highlighting a correlation; they draw qualitative assessments about causation. They talk about the recent decline in home ownership amongst those aged between 18 to 39 as being a very important economic and social issue for this country, and go on to explain the dire consequences of the impact to our economy if we don't fix this. They clearly say the broad pattern is that home ownership is greater the higher your income. The most striking comparison is the large decline for the second lowest quartile. In 2002, 37 per cent of people aged between 18 to 39 who were in this quartile were homeowners, but this fell in 2014 to 16 per cent. So it halved over that time period of 12 years—half as many young Australians had home ownership in that quartile. The survey went on to say that it's worse in Sydney and Melbourne—something that we probably could have drawn from our own anecdotal conclusions about housing prices—and it talked about debt and the problem with indebtedness, especially for young Australians in these categories of income. It said:

Home owners aged 18 to 39 are likely to be particularly susceptible to rising debt in an environment of rising house prices, since most are relatively new entrants to the housing market.

And it went on to explore that in some detail.

We have a situation in our country where the number of young Australians owning their own house has fallen by a third in 12 years, because of the boom that we've seen in housing prices. Why do we have perverse incentives in this country that give investors tax deductions? The Australian taxpayer is actually giving deductions to wealthy investors and wealthy Australians to buy their second, third, fourth, fifth, sixth or seventh investment property in some cases. We've all have seen the TV programs encouraging flippers and investors to get into the market. But what have we done to actually help those who may never have their dream of owning their own home?
I asked Mr John Fraser, the Treasury secretary, a different question about wages growth only a few weeks ago at Senate estimates. I wasn't expecting the answer that I got from the Treasury secretary. I said to him that there seems to be a global crisis, which is particularly evident here in Australia, and that there are a lot of theories around why workers aren't necessarily pushing for higher wages. There were discussions about technology changes and international labour competing with them in the markets—things that were making workers reticent to push for pay rises. The question I asked the Treasury secretary was:

It makes sense to me that, following the GFC, businesses would be concerned about credit risk and these kind of things. From a workers' point of view, and collectively from a union's point of view, who may represent workers, what is going on in terms of the decoupling of wages growth and high employment numbers?

He said:

I will pass to Dr Grant, who's written some very good stuff on this. From my own point of view, because of the higher levels of debt—

household debt—

people are more concerned about job security than may have been the case in the past.

That's all he said. I thought that was very telling—that the Treasury secretary was saying that that is one of the reasons that we've got a problem with wages growth in this country. The Treasury's introduction to estimates highlighted it as one of the key issues that we need to address. It has underperformed relative to expectations. No-one's quite sure when we're going to have a wages breakout in this country and we're going to see workers' wages rising in line with corporate profits, but here's the Treasury secretary saying household indebtedness is one of the key issues why workers are reticent to push for pay rises. In other words, he's saying that household debt is a key issue for job security and insecurity in this country. That's the conclusion I draw from this, which I think is a pretty reasonable conclusion to draw.

We have ABS data on high vacancy rates. Following the 2016 census, in relation to the number of houses that were apparently empty, it was reported that in Australia 200,000 more homes were sitting empty than a decade ago. New figures show that, despite the country grappling with a housing supply shortage that is pushing the cost of a first home beyond many of our residents, especially young Australians, we have nearly 200,000 houses that don't have people in them. On the night of the 2016 census 1,039,874 dwellings were empty—11.2 per cent of all Australian dwellings. That's extraordinary, when we have a housing supply crisis in this country. I wonder how many of those would be held by investors. My guess—and I didn't actually follow it up—is that a lot would be held by investors.

So what do we do about this occupancy problem? What do we do about the fact that investors are pushing up housing prices and outcompeting young and low-income Australians who want to own their first home? Our comprehensive package is actually fairly simple, if we had the courage. We'd remove negative gearing and capital gains tax concessions and, while we're fixing an economic problem that goes to the heart of inequality in this country, we would raise tens of billions of dollars in revenue to help pay for schools and hospitals. It's a no-brainer. Rather than charging foreign investors a meagre fee, which is what this bill does, why don't we have a comprehensive plan to swap what is, I think, undoubtedly the most inefficient and hated of all taxes, stamp duty, and swap it for a broad-based land tax? It is one of the most efficient and popular taxes. We did this in the ACT. The Greens have suggested
this and a way forward on how to do it, whereby the federal government would loan the states
to compensate them for a loss of revenue in an off-balance sheet transaction. It would be self-
financing by 2030 and it would lead to what we believe would be a comprehensive change in
behaviour.

Don't just take it from the Greens. I am proud that we have led this debate for a number of
years now, but the Productivity Commission, which are not always an organisation that agree
with the Greens, recently put out a paper where they dealt with this same issue. Before I get to
what their paper said, I will talk about a question I put them at estimates about their report on
land tax and swapping stamp duty for land tax, because they thought that that wasn't a bad
thing to consider. I can't read their full response, but at the end of it Mr Harris said:
We see, from time to time, a lot of fiddling at the margin with propositions around how to make first
home buyers' lives easier—
'a lot of fiddling at the margin'—
which appear substantially to just drive up the price of property rather than deal directly with the issue.
What we were proposing was substantive. I encourage anyone who wants to read the
productivity review to read pages 28 to 31. There is a summary there of a shift from stamp
duties to taxes based on land value, and why this would be really good for the country and
why this would help tackle many issues, including the housing affordability crisis in this
country. That's one comprehensive policy that the Greens have put forward. While I'm at it—
Mr Fraser again—Treasury's paper Re:think, on pages 23 and 25, also raises the possibility of
a broader based discussion around broad-based land taxes, such as municipal rates, and how
they have a low economic cost (and they bundle municipal rates and land tax in the same
category in their analysis) and why it actually might be worth exploring this policy outcome.

I'm also pleased to announce that when we released our policy on swapping stamp duty for
land tax—may I say, years after we had been campaigning on getting rid of taxpayer funded
concessions for the wealthy in this country, like negative gearing and capital gains tax
concessions—we got a good rap from many journalists and many economists. I will read out
some comments from Peter Martin, who we all know in here, who is a very good economist
and very well-respected writer. He says:
… the government will have an opportunity to actually do something that will last; something far more
important, and more transformative, than the apparently doomed plan to cut the rate of company tax.
He then says:
It's an idea from the Greens, but that's a plus. It gives it a good chance of getting through the Senate.
There's no doubt about what's the worst tax in Australia, and no doubt about the best bang-for-your-
buck tax swap—
which is swapping stamp duty for a broad-based land tax. He goes on to say:
It means that a stamp duty for land tax swap could boost the economy by a massive 82c for each dollar
swapped. There's no bigger benefit imaginable from rejigging tax.
We all know—and I especially know, as an economist—that models are useful for helping to
make decisions. They don't always dial down to the exact detail, nevertheless we're talking
about billions of dollars in productivity gains from this policy alone. Of course, we've had all
of that fully costed by the Parliamentary Budget Office.
To summarise, we'll be supporting these measures tonight, but let's not kid ourselves: this is not any attempt at a holistic approach to tackling the crisis in this country, especially for young Australians, of housing affordability. There's a role for government in our lives, a role for correcting market failures. Let's take away the perverse incentives that have been in place now for a number of years that give property investors a chance to use taxpayer funded concessions to buy more properties while young Australians who are struggling on the lowest income brackets are paying their tax. They don't get the same taxpayer concessions. They don't have the same opportunities to go into the market. Let's fix this. Let's get on with holistic reform.

Senator HUME (Victoria) (20:43): I rise today to speak on the government measures to improve housing tax integrity, the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 and the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017. The Turnbull coalition government is committed to improving housing affordability for all Australians and ensuring that investors, both from Australia and from abroad, cannot abuse our tax system and claim tax deductions that are inappropriate or invalid. Indeed, this bill goes to the core of the government's budget announcements highlighting our commitment to reduce pressure on housing affordability. The Turnbull coalition government is committed to ensuring that all Australians have an opportunity to own an Australian home. These measures are designed to make that more accessible.

As many senators in this chamber and members in the other place have said before, there is something uniquely Australian about the idea and the ideal of home ownership. This is by no means a 21st century phenomenon. Considering the Australian housing affordability crisis is part of the lexicon of commentators, academics and politicians, I think it is worth bearing in mind the historical context of how we reached this place. I read recently something that suggested that Australians' obsession for home ownership began at the turn of the 20th century when Australian houses not only housed people but also fed them. While other countries would place their farmland just outside town centres, Australians grew their food in their backyards, and so saw the rise of the quarter-acre block, a truly Australian phenomenon. This was very significant during wartime in particular when there was rationing.

Postwar there was a new challenge, and that was the scourge of communism. During the Cold War home ownership was actually seen as a way to quell revolutionary tendencies. People with mortgages, jobs, families and responsibilities tend not to be the type of people who want to storm the Winter Palace. The waves of postwar migrants who came to Australia saw home ownership as an opportunity that wasn't available in Britain and Europe. By the mid-1970s home ownership in Australia had reached a high point of about 70 to 75 per cent. Financial deregulation in the 1980s changed things up again. It saw the levelling of the playing field between owner-occupiers and investors. Of course the system had been geared around those owner-occupiers. With 17 per cent interest rates and the recession we had to have in the early 1990s seared on people's brains, and on their bank balances in particular, and only a nascent compulsory retirement saving system at that stage, the moment property markets started to rise faster than inflation investors came back into the market, attracted by the idea of being landlords. So housing moved beyond becoming sort of a democratic ideal. Its value then was seen in dollars as well as in dreams.
These sorts of seismic shifts we have seen in the Australian housing market have brought us to where we are today. Home ownership is still very much part of the Australian dream, and the Turnbull government recognises this. It recognises that there is a part for the government to play in assisting Australians to realise this dream. I hate to ever admit that Senator Whish-Wilson is right about anything, but this time he in fact is. The measures detailed in these bills at hand are only one small part of the solution, but they are a very important part. They form a very important part of a greater suite of policy measures designed to ease the burden of housing affordability.

These measures also reinforce the Turnbull coalition government's commitment to removing significant abuses of the tax system. There are three significant measures in these bills that, for the benefit of the chamber, I would like to examine in more detail. While no-one on my side of politics would deny the right of businesses and individuals to legitimately claim on their tax return expenses incurred, it is always incumbent upon the government to ensure that the tax code adequately reflects the reasonable and legitimate degree to which these deductions are accessed. Inappropriate use of tax deductions is essentially tantamount to stealing from the public purse. We have said many times in this place that this is a government that realises the imperative of budget repair to this nation's future economic prosperity. We are committed to ensuring that all taxpayers contribute fairly. There are some deductions that are simply inappropriate and are currently being used to game the system. For instance, travel that is essentially a leisure trip shouldn't be considered wholly tax deductible simply on account of a single viewing of a potential investment property. To claim such a deduction is entirely inappropriate. The phrase used so often in this chamber is, 'It doesn't pass the pub test.' As such, the bills before the chamber tonight go straight to the heart of addressing such abuses of tax deductions for residential property investment.

The Australian Taxation Office has identified areas which constitute excessive and incorrect claims for travel expenses, and it now falls to the government to take a comprehensive and considered approach to clarifying and legislating rules around what actually constitutes excessive and incorrect claims, and to spell out to both current and potential residential real estate investors what is and is not an appropriate deduction. By employing a comprehensive approach, as demonstrated in this legislation, the government goes part of the way to meeting our budget night commitments to strengthen the residential investment property domain as well as ensure a fairer tax system for all.

From 1 July 2017, travel deductions for an individual investor with residential investment properties, including travel costs associated with inspecting and maintaining properties, will no longer be deductible. This denial of deductible status will limit the excessive and inappropriate claims and will send a very strong message that residential property investor status does not confer special privileges. The tax system is not there for people to pay for holidays by claiming travel costs as a rental expense. As the Assistant Minister to the Treasurer, the Hon. Michael Sukkar MP, outlined in his speech to the other place on 7 September this year:

The existing law allows deductions for travel relating to income produced or gained from residential investment properties. When a property is used for a mixed purpose, such as a holiday home and rental; or where the travel is for a mixed purpose, such as travelling to maintain an investment property and simultaneously go on a family holiday; travel expenses need to be split between income-producing and private purposes.
The problem here is there has been widespread abuse around excessive travel expense claims relating to residential investment properties.

As a result of these changes, travel costs for individual investors inspecting and maintaining residential investment properties will no longer be deductible.

For the sake of clarity, it's important to note that the government understands that third parties, such as real estate agents, may inevitably from time to time need to provide property management services, and of course these activities will remain deductible expenses. These measures are in no way an assault on the nature of our tax deduction expenses, which allows for a reasonable deduction of expenses incurred in earning an assessable income.

Other inappropriate deductions also fall within the net of this legislation. Depreciation is another area of ambiguity that is potentially open to abuse. The tax system currently creates opportunities for plant and equipment to be depreciated by not one but multiple owners of a property, in excess of their actual value. Both previous and subsequent owners of a property can make deductions on the same pieces of plant and equipment. According to the Australian Taxation Office, abuses of residential investment tax deductions for depreciation are very widespread. The legislation before the chamber tonight specifically targets plant and equipment depreciation deductions for investors in residential properties, limiting depreciation claims only to assets that have not been previously used—that is, assets not previously claimed upon by the previous purchaser.

Depreciation is a very important accounting concept for residential investors, and, claimed appropriately, it recognises the allocation of cost of an asset over its useful life. But, in residential property investment, we must consider the use of such deductions on such things as dishwashers or air-conditioning systems, claimed not once to their actual value but well in excess of the asset's actual value, by multiple successive owners of the same property. So you can see how the changes proposed to deal with this interpretation of successive ownership and depreciation will actually improve the integrity of the tax system. Importantly, too, however—and I think this is an extremely salient issue—this means that investors who have purchased a newly-built residential investment property are not, in fact, disadvantaged when no other person has claimed a depreciation deduction.

So, while it may seem on face value to be a purely administrative amendment, I cannot overemphasise the importance of these measures. The government knows that part of the equation to ease the burden of housing affordability is to encourage investment and growth in the market for new residential property—not existing but new residential property. The measures specified in this bill ensure that deductions for assets in residential investment properties are consistently and fairly treated.

The other major component of these measures is the so-called ghost tax, where a penalty is raised on foreign owners of properties who leave their properties vacant. I had no idea how common this was, but apparently 11.2 per cent of houses on census night were recorded as unoccupied. That is one in 10 properties. I find that quite extraordinary. That's more than one million dwellings. In a period of apparent housing crisis, such a statistic is, indeed, startling. So, once again, the Turnbull coalition government has listened to public concerns and is taking appropriate action. This year's budget papers announced:
To discourage foreign investors from buying residential properties and leaving these vacant, the Government will now charge foreign owners of residential properties an annual charge if the property is not occupied or available to rent for at least six months in each year.

Where a foreign-owned residential property is left vacant for more than six months in a year, a charge will be levied on the foreign owner equivalent to the foreign investment application fee which was paid at the time of application.

The new charge builds on the Government's existing foreign investment regime which seeks to increase the number of houses available for Australians to live in. The charge provides a financial incentive for the foreign owner to make their property available on the rental market if they do not intend to reside there.

This regime, the ghost tax, will be ably administered by the ATO, the Australian Taxation Office, and is expected not only to increase the number of homes available to Australians who wish to rent but also to generate revenue of over $20 million over the forward estimates. That's a very significant contribution to budget repair. This is clearly a supply-side measure and it will also effectively increase the available housing stock.

The Turnbull coalition government understands Australia's housing affordability issues. It has deep dived into this issue, and this is just one component of a suite of measures. Housing affordability is not something that has occurred overnight. It's occurred through a series of economic phenomenon and political decisions, many of which have been fundamental to the prosperity of our nation over many, many decades, but some have had unintended consequences. Australia's housing affordability issues are not something that can be fixed with easy answers, a glib response or ill-considered or populist policy that will inevitably create a cure that is potentially far worse than the symptoms. Also, it is not a universal phenomenon; it is something that occurs far more in our capital cities and, in particular, in Sydney and in Melbourne. It is not a nationwide issue. No-one has yet articulated what the objective of a successful housing affordability policy looks like. There is a reason for this. The reason for this is that the answer is different for everyone on the continuum—and the continuum is what is so important here. The continuum starts with homelessness, and it moves beyond homelessness to social housing, beyond social housing to first home buyers, on to investors, to downsizers and eventually those moving into aged care. This is the spectrum of housing affordability. A successful housing affordability solution looks different to those in Sydney and Melbourne than to those in Adelaide or Hobart, and it looks very different to those in Shepparton or Moree. While the answer is very different to everyone, it remains an important issue to thousands of Australians.

The government is targeting the whole of the housing spectrum. As the federal Treasurer, the Hon. Scott Morrison, said in his budget address in May:

There are no silver bullets to make housing more affordable. But by adopting a comprehensive approach, by working together, by understanding the spectrum of housing needs, we can make a difference.

There is so much more to this issue than just a knee-jerk reaction on capital gains tax or negative gearing. There is so much more than just dealing with homelessness or just dealing with social housing or just dealing with first home buyers and the demand side of the equation. There are no silver bullets. Most importantly, there is no city-centric solution; it has
to be a solution that covers the regional areas as well and covers things like decentralisation of services and infrastructure investment. The measures that have been outlined in the legislation tonight go some way to addressing the issue of housing affordability. It is one part of a much broader suite of policy objectives.

I can only implore my colleagues opposite and on the crossbench—and I was very pleased to hear Senator Whish-Wilson's support for these measures tonight—to support the legislation. Housing accessibility and affordability, as well as a fairer tax system, are truly important matters for this chamber to consider. It is not just one issue—not just first home buyers, not just homelessness, not just social housing, not just downsizing. It's so important to address the whole spectrum of housing affordability issues. I urge my colleagues opposite to consider this legislation seriously and support these changes that have been put to the chamber tonight.

Senator CAMERON (New South Wales) (21:02): I must say, having to implore those opposite to reach a saving of $16.3 million beggars belief. This legislation, the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 and the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017, is an absolutely minuscule contribution to dealing with any housing issue. It goes nowhere near dealing with the problems that young families have. It goes nowhere near dealing with the problem of first home buyers having to front up against wealthy investors. It goes nowhere near that. Labor will support this, but it's more out of pity for a government that just does not get it, a government that does not understand the issues facing young people trying to get into a home, never mind those at the bottom of the housing market, who can't access social housing, who can't access public housing, who are left on the street every night in this country—105,000 at the last census. We will see far more when the most recent census announces the homeless figures in this country. Senator Hume tries to paint this as a core aspect of the budget—$16.3 million over the forward estimates. What would that buy? It might buy a couple of houses in the eastern suburbs of Sydney. That's about all. It's not going to help families in this country.

What Labor is proposing is to deal with the fundamental issue of disadvantage: capital gains tax and negative gearing allowing wealthy investors to outbid young couples trying to buy their first home in this country. What we are proposing would deliver $32.1 billion over 10 years and $565 million over the forward estimates. That is $32.1 billion currently going to wealthy investors predominantly to outbid young people trying to get into their first home. That's where Labor sees the core issues. Senator Hume stands here and talks about the coalition being committed to improving housing affordability. 'This is the core of the budget plan on housing affordability,' says Senator Hume—$16.3 million, an absolute pittance. For any senator to get up here and say that this is a really good thing on housing affordability shows just how out of touch the Turnbull government is, not only on housing affordability but on living standards for the working people of this country. To give us a little lecture about the quarter acre block—I don't think there are many quarter acre blocks left around where I live, in the lower Blue Mountains, or out in the western suburbs of Sydney. They're all getting chopped up by investors to make more money for builders, more money for investors and more money for those that fund the coalition's re-election campaigns.

Senator Hume talked about the scourge of communism—what a load of rot we have just heard! If this government were really interested in dealing with housing affordability, it would
adopt the policy that we have said the alternate government—I think the next government—will implement: negative gearing and capital gains tax changes. Senator Hume talked about this being an important part of the suite of policy measures. What did the experts on this in the Grattan Institute say about the coalition's housing policies? They said that you would need an electron microscope to see any difference from all of their housing policies combined, including this one on housing affordability. The government just doesn't get it; it just doesn't understand. And the reason that they are so supportive of continuing the rort that is negative gearing and capital gains tax is that most of the money goes to Liberal electorates—to wealthy professionals and high-end income earners. That's where this money goes to. I say, and Labor says, that that $32.1 billion is better off in government funds, being spent on the issues that are important for the working class in this country, instead of continuing the inequality in this country that this type of policy delivers, the policy supported by the coalition.

Senator Hume talked about the imperative of budget repair. Well, the budget has gone out of control under this mob. They have not improved the budget one iota. They just live in fantasy land on the other side of this chamber. The Turnbull government are so out of touch, so arrogant, so unconcerned about the real issues that face Australians. They say that they're sending a strong message that people can't pay for their holidays by this change that they're proposing. We agree. But don't stand here and say that $16.3 million over the forward estimates is some fantastic gain, some fantastic fix for those who can't afford to ever think about buying a home in this country. She spoke about the ATO. One of the first things that the government did was cut the funding for the ATO. They cut the funding for the tax office so that their wealthy mates who put the money into their election coffers can continue to rip the tax system off in this country. What a pathetic rabble of a government this lot are. Senator Hume said that they understand the issues. Well, if this is how they understand the issues—and this is what she calls deep diving in to fix the problem—this is just complete nonsense. And they said they're going to target the whole continuum, meaning that they're going to deal with public housing, social housing, rent, private rentals, helping people to buy a home. This will not make a mark on that.

We think that this is appropriate to do this, but, as I've said, we do it more out of pity for a government that's completely lost its way. We will support these. But, if you really want to know what's going on, go out and talk to young people that are fronting up at auctions in the majority of the major cities around this country and see what they would think of this. My view is they would not think much of it at all. Go out and talk to the young couples that are moving down the housing chain for rentals so that they can try and afford to put a deposit together. As they move down that housing continuum, as Senator Hume talks about, they are pushing the working poor and pushing social security recipients out of housing at the bottom and onto the streets. That's what is happening under the government—a government that in the budget made all these proposals about how they were going to reconstitute the national housing agreement. They renamed it, they have met with the states and they are delivering nothing on reform. We're nearly at the end of the year. From May till now, they have not delivered one agreement with the states on how to deal with housing affordability or the crisis that is there for young people and many older people getting into housing.
What did they do? In the first budget, supported by every one of the Liberals that are over there who were in the chamber at the time of the first Liberal budget, they took $44 million a year out of support for emergency housing for disadvantaged people. They took that money out and made sure that women threatened with domestic violence would get less access to support, comfort and security. That was their first thing. We didn't hear Senator Hume talk about that. We didn't hear her talk about that first Liberal budget. We didn't hear her say anything about the austerity budget that was going to rip away security and support from some of the poorest people in this country but hand over $65 billion in tax cuts to multinational corporations and businesses, including the banks, which are making massive profits and sacking thousands of workers. Did we hear anything about that from Senator Hume? Not a word.

Let me tell you about the other area that many working people in this country depend on to ever be able to access their own home or even to be able to afford rental accommodation—the growth area for accommodation in this country—and that is access to penalty rates. I needed my penalty rates to be able to buy my first house. If I hadn't had access to penalty rates, I would never ever have been able to get on the housing ladder. My penalty rates and my capacity to have a decent job with a decent union that provided decent rights on the job gave me the capacity to access the first house that I ever bought. But this mob want to cut penalty rates. They support cuts to the penalty rates of 700,000 Australian workers, most of whom are the working poor, the real battlers, and those that need their penalty rates to actually put food on the table and a roof over their heads. We never heard anything about that from Senator Hume.

If we're really talking about doing something in relation to housing and homelessness and housing affordability, we are saying, 'Yes, we'll cop this—this miniscule proposition. We'll cop it. We'll support it.' But what we are saying is that you actually need to do something about negative gearing and capital gains tax. You also need to do more than mouth off, which is basically what the government have done about doing anything more substantive. What we are saying is that we will deal with negative gearing, we will deal with capital gains tax and we will also make sure that there is a plan in place to try to increase housing stock in this country. The Productivity Commission recently came out with a report that said that one of the ways that you can deal with in regard to housing is to give people in public housing a choice. We have a situation where 4.4 per cent of housing in this country is public housing and social housing. How can anyone ever get choice if that's the level of public housing and social housing that we have in this country? It's a nonsense.

In Glasgow, where I come from, I was brought up in what were called the prefabs. In Scotland, they were basically big caravans without wheels. That was the transitional housing after the war until a major government investment went into housing. They were stinking hot in the summer—and it does happen in Scotland; now and again you it gets hot—and freezing cold in the winter, which was most of the time. I can tell you that that is not the way forward. We need decent housing. We need environmentally sustainable housing. We need to do what the UK government's doing. It is a conservative government that is looking at how it can increase the stock of public and social housing. It has undertaken what's called the Farmer review. The Farmer review is looking at how they can actually create an industry in the UK with fabricated off-site homes of high quality and high environmental sustainability, create
jobs and make it cheaper to build quality homes and erect them around the country. They need to look at these issues rather than trying to come in here and say that $16.3 million over the forward estimates is a great example of the coalition doing something about housing. It is absolute nonsense.

The coalition refuse to reform negative gearing and capital gains tax. They closed the National Rental Affordability Scheme that provided 38,000 new affordable housing units and was on track to achieve its target of 50,000. They scrapped the first home saver accounts scheme, which was helping people save for their first home, and they're trying to put a copycat proposal in this non-delivery of their budget proposals. They closed their ears and their eyes to the growing evidence of a housing affordability crisis by abolishing the National Housing Supply Council, and the Prime Minister's Council on Homelessness. That is their record on the other side with housing and homelessness—absolutely pathetic: a pathetic government, a pathetic budget, a pathetic response to housing and homelessness. They cut $44 million a year out of capital funding for homelessness services. That meant that young kids, coming out of home care, ended up on the streets, and that is why the NGOs are telling me that one of the key issues that has to be dealt with is young people coming out of home care, especially young women, ending up on the street and being groomed by some of the hard-heads out there. It's absolutely ridiculous. They cut out $44 million a year. Older women who end up with no superannuation, lose their husband and have nowhere to live have nowhere to go on housing and homelessness under this government.

The speeches those opposite were making a couple of years ago suggested that this was not a federal government responsibility; it was the states’ responsibility. But Labor sees putting a roof over people's head as a fundamental responsibility of a federal government. That's why we will have a housing minister, that's why we will have someone there dealing with the states in a proper way. That's why we will reform the housing agreement nationally and why we will be saying to state governments and local governments that inclusionary zoning should be considered. If the business community is going to make squillions out of housing, some of it must go back into housing for the poorer people in this country. This mob do not have a clue. They think that two or three or four per cent inclusionary zoning will fix it. They think a bond aggregator without further government support will fix it. They have rocks in their head, they are an absolute rabble and they just don't get it.

**Senator LEYONHJELM** (New South Wales) (21:23): In a way, the legislation before us today converts our income tax into a turnover tax and our capital gains tax into a wealth tax. It is also set to extract about $800 million extra from taxpayers over the next four years. It's the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017. As the name suggests, the government is moving towards a turnover tax and a wealth tax for those individuals who do the reprehensible act of investing in housing. Under standard income tax rules, travel costs to generate assessable income can be deducted. But it won't be once this bill passes. By denying deductions, this bill is effectively making people pay tax on their turnover instead of their income. Turnover taxes are a terrible idea, even worse than income taxation, but the government is going ahead regardless.

Travel costs to generate assessable income may also form part of the cost base of the residential property investment under standard capital gains tax rules. This ensures that capital
gains tax is on the gains, not the entire value of the capital. But once this bill passes it will no longer be possible to include these travel costs in the cost base, so for the affected people capital gains tax will move more towards a tax on the entire capital—in other words, a wealth tax. Wealth taxes are a terrible idea, even worse than capital gains taxation, but the government is going ahead regardless. But wait, there's more. Under standard income tax rules the decline in the value of previously used depreciating assets used to earn assessable income is deductible, but, under this bill, if you are earning assessable income by investing in residential property, you will now be denied these deductions. This is a further step away from income taxation towards a turnover tax. All of this will shift investment away from residential property, and rents will go up as a result. This is pure folly. The government's willingness to remove standard tax features just to attack individual investors in residential property begs the question: what is stopping the government from going completely anti-investment and completely anti rental housing and scrapping negative gearing for investment in residential property?

This bill demonstrates, once again, that the coalition and Labor are cut from the same cloth, and the small policy differences they maintain are mostly for show. In any case, housing affordability is a state issue. Labor or Liberal, the Commonwealth government should not be pretending it has any role to play.

Before I finish, don't let me forget that this teeming chamber of reasoned debate and insight is also debating a second bill, the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017. This bill introduces a tax on foreign owners of residential real estate whenever the property is not occupied or genuinely available for rent for six months in a year. It is an example of government micromanagement and intrusion—telling property owners what to do with the property they own. Protection of property rights is the most important function of any government. Yet, here we have this government seriously eroding them. Even worse, much of the revenue generated from this new tax will be eaten up by the cost of administering the tax. With nonsense policies like this we're on the road to Venezuela, getting closer with each sitting day of parliament. I condemn these bills to this near empty chamber.

Senator DUNIAM (Tasmania) (21:27): You would be surprised if I didn't say it was an absolute delight to rise tonight to speak on the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 and the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017. I'm pleased to be following Senator Leyonhjelm. I'm not sure I share his negative outlook on this legislation; I tend to think these are positive steps in the right direction. I'm not sure I would agree, either, with Senator Cameron's characterisation of Senator Hume's contribution: that this bill was the be-all and end-all of dealing with the issue of housing affordability—which, of course, is a significant issue. No-one in this place can deny it. No-one in this place has to struggle with it either, frankly. All of us are on in excess of $200,000 a year, and I hope the seven people listening across the country don't forget that fact: anyone who has made a contribution to this debate is doing very well out of the taxpayer, thank you very much. So for us to sit here and lecture one another on housing affordability is a bit rich, I suppose. But those of us who do get out into the community and listen to those we seek to represent would, hopefully, have an understanding of the problems we face when it
comes to ensuring that we have a supply of affordable housing that is accessible to those in
the community who need it, in all parts of the country.

It's not a simple issue. It's not one that can be dealt with by one pull of a policy lever and then hopefully it's all okay tomorrow. I don't think it is as simple as has been made out by previous contributions in this debate, and it's something that we need to take very seriously. In reflecting on what I was going to say tonight in my contribution, I had a bit of a look at the previous considerations of Senate committees on the particular issue of housing affordability. In the last parliament, the Economics References Committee considered this very issue. It published a report entitled Out of reach? The Australian housing affordability challenge, which aptly set out some of the challenges that are faced. That report states:

… no single measure can capture the diversity of Australian experiences of housing affordability … most indicators point toward a deterioration of affordability in recent decades. This decline is keenly felt by a broad array of people, including people wanting to become homeowners, renters and people living in community and public housing. Homelessness, meanwhile, is a tremendously complex problem, and it would be reductive to suggest it is simply a corollary of housing affordability and nothing more besides. Nonetheless … poor housing affordability creates pressures throughout the housing system …

I think that's an important point for us to take on board as we consider what is, as this report states, a very complex issue. To suggest it is simple, to suggest that we can just fix it by tweaking one set of tax arrangements or creating an incentive for affordable housing to the exclusion of any other policy measure, is naive, to be frank. So I think the report in that sense is a very helpful one to consider before moving to exactly what's being talked about in the bills we are considering today.

The Treasury Laws Amendment (Housing Tax Integrity) Bill 2017, the principal bill that we are considering tonight, at its heart, is about housing affordability. In the Australian way of life, having access to housing and housing that you can afford is fundamental to wellbeing. To be able to provide shelter for your family and for yourself, to ensure good health, and to be warm in winter and cool in summer and the like is so incredibly important. Having access to those things, either by way of home ownership or being a renter, is so incredibly important.

Home ownership, or having access to reasonable standards of accommodation at an affordable level, is a driver of social and economic opportunities in this country. We all know it. I heard Senator Cameron in his contribution — and I'm sure I'll refer to this a little later on — refer to getting onto the housing ladder when he was talking about the need for penalty rates. When he bought his first home, he needed that money to afford that property. That's the reality of home ownership in this country and has been for time immemorial. People buy homes, and — hopefully, for anyone who does so — they increase in value. That is what we want so that that increased value can be translated into assets that we can realise the value of and we can invest in something else — a smaller home, a holiday, things like that. That's what we do with home ownership. We save for the future to pay for our kids' education, to pay for the things we need in life. It is about those social and economic opportunities, which are really a part of the Australian dream that we often talk about in this place.

The need to deal with the rising cost of housing across the country has long been talked about. My home state of Tasmania, particularly the southern half, with the city of Hobart, is no exemption. If I look at some of the recent examples of housing prices in the city of Hobart,
various real estate agents, including representatives of the Real Estate Institute of Tasmania, have talked about the fact that, although a decade or even five years ago, houses rarely reached the $1 million or $1.5 million mark, it’s now quite common to see houses selling for that price or well in excess of it. In recent years, one house in our little city of Hobart, which has a population not far in excess of 250,000, sold for $6½ million and another one for $8 million. They are record-breaking prices and they are certainly outliers, but it indicates that, when the market is hot, the prices go up. That has a flow-on to the other parts of the market which are more within the reach of most of the people that occupy this chamber.

In her contribution a little earlier, Senator Hume did talk about the government’s plan to try and tackle this matter, and the bills that we have before us today are just part of that. It’s not the whole thing, as Senator Cameron tried to characterise it as; it is just part of it. We also need to look at increasing the supply of affordable housing, which is something that many states and territories, if not all of them, are doing ardently. State and territory governments, who have responsibility for social housing and for many of the policies that relate to the supply of housing in each of their jurisdictions, are looking after this policy as well.

I know it was acknowledged by previous speakers in this debate that it is a matter that comes up at ministers meetings or COAG meetings. We can't ignore that. To assume in this debate that housing affordability is purely the domain of the federal government is naive and just plain wrong. It is a priority for this government. I'm sure it is also a priority for all Australians—particularly for those of us who have children who I hope will be growing up in this country—to be able to access affordable housing, to make sure that their kids can live, as I referred to before, the Australian dream, and to have a home with a yard and whatever else they need to raise their kids. That's what we need to be able to provide for.

The bill itself, as has been referred to by previous contributors in this debate, has a couple of measures that will go some way to dealing with this issue. First of all it will limit foreign ownership in new developments—in other words, there will effectively be a cap. We will see foreign ownership in new developments being limited through a 50 per cent cap on the number of properties that can be sold to foreign investors through developer pre-approvals and as a condition on New Dwelling Exemption Certificates for new property developments where an application was made after budget night. We are talking about reserving the supply of new houses, with at least half the level being made available to local buyers, preventing them going, as seems to be the popular belief for the most part, to foreign investors.

There is also, as I heard Senator Hume talking about earlier on, the penalty for properties being left vacant. I think that is an important step in addressing the matter relating to the cost of rentals in this country. An annual charge of at least $5,000 on foreign owners of residential real estate will be applied where Australian residential property is not occupied or genuinely available on the rental market for at least six months of the year. The measure is designed to free up more dwellings for Australian renters, and this measure builds on the government's existing foreign investment regime by seeking to increase the number of houses available for Australians to live in. These are just two parts of the bill, with the other one being the tightening of tax rules to reduce the use of the current taxation arrangements to the advantage of some property owners. This will ensure that we actually receive revenue on these investments, which can then go towards investment in essential services across this country.
I will just briefly go back to the Tasmanian experience and look at some recent reports from the last 12 months—the year of 2017—about what's been going on in Tasmania. I think we'd all have to agree that Tasmania is probably one of the more affordable states when it comes to housing, notwithstanding the two examples I gave earlier on. Saul Eslake, who is a respected economist that some of you may be familiar with, has commented on this issue. He said on 24 June 2017 that 'Tasmania is now getting net migration from the mainland after a period of out-migration' and pointed to the issue of housing affordability as one of the things that is attracting people to Tasmania. Obviously people will make decisions about where they live and the occupations they pursue based on how affordable buying a house is.

Real estate agents in Tasmania are increasingly noticing that young families are moving back, drawn by affordable housing. 'It's happening more over the last 12 months', said Ant Manton from Ray White real estate in Tasmania. He pointed to the markets in Melbourne and Sydney as being factors that are driving people out of these mainland major cities to places like Tasmania, which I think is a great thing. That, in turn, has a flow-on effect for places like the state of Tasmania. Let's reflect on home prices in Tasmania. In Hobart, for instance, home prices jumped 5.8 per cent to the year ending 31 May of this year to a median of $350,000, while Sydney and Melbourne each added more than 11 per cent, with medians of $872,300 and $665,000 respectively, as reported by CoreLogic. These are significant differences in the affordability of housing in this country.

It takes me to another point I want to make in relation to this debate—that is, reflecting on the difference in housing prices between major metro cities on the mainland and the prices we have in Tasmania. There has been a lot of discussion about trying to attract people to these regional cities and regional communities. Part of that, of course, is the decentralisation process being undertaken. It was being led by the former senator and former minister—a very good minister too—Fiona Nash. It is about getting Public Service agencies out of Canberra and into our regional communities. I would think that, for many of the people who work in these agencies, it would be a great thing to be able to unlock the value of your home here in Canberra, Sydney or Melbourne and head out to somewhere beautiful like Hobart and invest probably one-fifth of the price and snare yourself a five-bedroom mansion down on the waterfront somewhere.

Reflecting further on some of the experiences in Tasmania more recently: on 3 November it was reported that Tasmania is breaking records with regard to the housing market. It passed $4 billion for one year of sales in the state. The interesting thing about this article, which appeared on news.com.au and also in The Mercury newspaper in Hobart, was that first home buyers purchased 220 properties, at the median price of $275,000, and they remain steady at 13 per cent of the market. There were only 13 sales to foreign investors, blowing out of the water this notion that all of our properties are being snapped up by foreign investors. The majority of homes sold to interstate buyers were to interstate buyers moving to Tasmania to live, not to investors who wanted to buy a home to rent out and to prop up their bank balances, as those opposite would claim. Vacancy rates in the rental market continue to tighten, with Hobart now at historical lows below two per cent. Of course, that does lead to the problem we've talked about previously—the affordability of rental properties in Tasmania.

I do just want to briefly touch on what the Tasmanian government is doing with regard to housing affordability. Every state and territory does have its own housing affordability
strategy and programs that address this issue. In Tasmania, their strategy is a significant one. It is a 10-year strategy which will improve access in all sectors of the housing market. It runs from 2015—so it has been going for two years—until 2025. It's supported by an action plan which provides $73½ million over a number of years. It will see 1,600 vulnerable Tasmanian households housed. It is supported by the construction of 900 new homes. It is a significant number for a small state the size of Tasmania. Of course, that policy, that action plan and that strategy have all been developed after exhaustive consultation with stakeholders, social services, peak groups and those who actually need the services as well. I commend the Tasmanian government for the various initiatives they have, including the home-share initiative, which will develop 250 homes for people on low to moderate incomes. The Streets Ahead incentive program is a deposit incentive program, offering $12,000 to people looking to purchase Tasmanian dwellings. There are supply initiatives where we are seeing nearly 30 homes developed by private developers. And there are community housing stock leverage programs which will see 172 new homes in addition to 31 upgraded homes. That's just the tip of the iceberg in the little old state of Tasmania.

I will reflect briefly on the contributions made by a couple of others in this debate. I was listening to what both Senator Gallagher and Senator Cameron had to say about the issue of housing affordability. It seems to be that it's all care and no responsibility in opposition. I heard Senator Gallagher say that this government has had five years to fix it and, 'You've just got to do it.' The last time I checked, those in opposition have a responsibility to provide serious policies that would help to address issues that this nation faces. I didn't hear one utterance from either Senator Gallagher or Senator Cameron on how they would deal with these issues. All they want to do is stand on the sidelines and throw stones. They don't actually want to be constructive. They don't want to talk about ways and measures that might tangibly and properly improve the situation we face as a country when it comes to housing affordability. They, we can't forget, are the aspiring government. They are the people who want to be on this side of the chamber, and they owe it to the Australian people to provide and explain their policies and be subject to the scrutiny that the government is.

One thing that we did hear was mention of a minister for housing. I'm not a firm believer in creating new bureaucracies or new ministries just to solve a problem—in fact, quite the opposite. The last time I checked, if you went out onto the main street of any of the towns I represent, the creation of a new political position or a new ministry would not inspire anyone, and it certainly won't fix the problems that our country faces. The centrepiece for the Labor policy seems to be the creation of this new minister for housing. I look forward to seeing what this new minister for housing would ever do if, one day, this mob ever got into government.

I go back to my starting point: the position of privilege that most of the people in this chamber occupy. All of us are on a good income and many of us in this place own multiple properties. So it is interesting to listen to Senator Cameron talk about the working-class individuals, the people who really struggle. I don't know how many homes Senator Cameron owns. I know he has one in New South Wales and a very, very nice one in Hobart.

Senator Pratt: I think that was two.

Senator DUNIAM: Two; he may have more. In fact, on his register of interests entry I think there are more, but I'm not going to go into that now.

Senator Dastyari: Oh!
Senator DUNIAM: And I don't know how many you have, Senator Dastyari. But the point is this: it's great to hear people talk about how important it is to solve this issue and how awful those who haven't solved it are, but, when you consider the position of privilege we all live in, it's a bit rich to just throw stones the way Senator Cameron has been. As I said, I didn't hear anything by way of an alternative, other than the creation of a new portfolio for the ministry of housing, which I think is ridiculous, although I did have a look at Labor's *Positive plan to help housing affordability* and I did see this:

... Labor has been working and acting. In March 2015 Labor held a Housing Affordability Roundtable.

I love a good roundtable. It's good to talk. It's good to get through the issues. But it does matter where the rubber hits the road and where action actually comes to the fore and, again, I'm not seeing any of that.

I don't think there's much more to say other than I looked at the Greens' policy, *The Greens housing plan: everyone needs a home*, which says it is going to generate $51 billion of economic returns to the nation. It is two pages long and there is not much in it. This is an important issue and it is disappointing to hear the lack of substance from those on the other side of the chamber. I commend the bills to the House.

Debate adjourned.

**COMMITTEES**

**Legal and Constitutional Affairs Legislation Committee**

*Report*

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (21:47): On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, I present the report on the provision to the Criminal Code Amendment (Impersonating a Commonwealth Body) Bill 2017 together with the documents presented to the committee.

Ordered that the report be printed.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (21:48): Order! It being very close to 9.50 pm, I propose the question:

That the Senate do now adjourn.

**Life Insurance Industry: Genetic Testing**

Senator O'NEILL (New South Wales) (21:48): I rise this evening to put some remarks on the record with regard to genetic testing. The Parliamentary Joint Committee on Corporations and Financial Services, of which I am deputy chair, is inquiring into the life insurance industry, and it has been quite concerning to hear evidence of insurers discriminating against those who undertake genetic testing. Certainly, it's a very live issue.

Life insurance is a risk-based industry, so life insurers need to be able to assess risk accurately for each applicant on the basis of what information is available to them. But life insurance also spreads risk across a pool of individuals. Currently, insurers can ask if an applicant has undertaken or is considering undertaking a genetic test. Now, let's be clear: genetic testing does not mean somebody will develop a condition; it's about the likelihood of having that condition.
Importantly, the point has been made many times in the course of this inquiry that the reliability of tests is somewhat varied.

Evidence presented to the committee indicates that if someone receives an adverse result based on a genetic test, insurers undertake a number of options. Perhaps they might charge a higher premium causing access issues by effectively pricing the applicant out of the market. Indeed, when that has occurred, we have heard evidence that that needs to be disclosed to the next insurer and the person then is unable to secure insurance from any source. The other option that we have heard is an exclusion of insurance cover for certain conditions, particularly issues that are common in the Australian population such as cancer. This is despite individuals being able to actually take practical and proactive steps to detect any early possible signs of cancer and to adjust their lifestyle. The other option, which is all too common, sadly, is the refusal of insurers to cover completely—no cover—leaving individuals and their families financially vulnerable.

If someone undertakes a genetic test, that's a good thing. It signals that they are taking proactive steps to better inform their health. It's a new technology that we need to engage with. Following getting the results, people tend to respond very vigilantly and take further steps to minimise their chance of developing a condition, or they take steps to ensure early detection is more likely. Given that reality of positive health response to genetic testing, why are individuals and their families left worried about their financial status and their financial situation following this sort of action?

Pricing risk is a fundamental and necessary dimension of life insurance, particularly to make sure that this is a long-time and sustainable industry, and I appreciate this. We all appreciate this. The value of proper insurance is a critical part of a stable economic life for Australians. The life insurance industry plays a critical role in the lives of everyday Australians. I particularly acknowledge the important role that group insurance inside superannuation is playing for what was, prior to that, a very uninsured Australian population. Life insurance must remain viable, but it also must serve its purpose. Risk is spread across an entire pool of individuals. We can't see that continue to reduce as people undertake testing. I don't accept that individuals and their families have to make decisions where they're trading off financial stability, which could be secured through life insurance, against their health, which could be better informed by genetic testing.

The way life insurers use the result of genetic testing also has an impact on the broader community through innovation and through research and development. Increasingly, I am hearing reports that people do not want to be part of trials that require genetic testing because of concerns this will adversely impact on their life insurance cover either through higher premiums or no cover at all. In fact, we heard evidence that indicated ethics boards at universities were now advising researchers that they need to let potential participants in their trials know that by participating in a genetic test there might be negative financial impacts for them and that they would need to go and see their financial adviser or check with their insurer. This is not a sustainable practice. Evidence presented to the committee indicated that in one study when people were asked the reason for them not participating in research, insurance concerns were the reason for over 50 per cent of all of the people who said no.

Just last week, a 7.30 program on Channel 2 brought this issue to light again. We saw a story of a young father taking reasonable steps to check whether he had a genetic mutation
called Lynch syndrome, which carries an increased risk of bowel and other cancers. What happened to him was something familiar. He provided the results of his genetic test to an insurance company and he was refused life insurance for cancer. But this young father, because he is aware of his genetic mutation, has the regular check-ups and cautiously monitors his health in this way, thanks to the information provided by the genetic test. Doctors tell him that the risk of cancer that he actually has, according to the professionals, is the same as the rest of the population. He just has more information about it than somebody who hasn't had the test and isn't disclosing the information. This is a real and pressing problem that we need to deal with in this country. Sadly, this father continued to struggle to gain life insurance.

Similarly, we heard the story of a young woman who has a genetic mutation which increases her risk of breast and ovarian cancer. She was told she'd only get life insurance if she undertook preventive surgery to remove her breasts and ovaries. Some stressful months later she was finally insured.

This problem is not just restricted to adults; it's also a problem facing children. I have had correspondence from a family who've had a child diagnosed with autism. There is increasing opportunity for a test for developmental delay and there are proposals about gene deletion and duplication matters for research that should be able to be undertaken. Information is available, and I understand from the correspondence that I received that this is starting to impact on people in terms of exclusion from insurance. There are proposals to do broader tests to get a better dataset, but increasingly people are saying, 'It is too risky for my child to be a part of this trial because it will impact on their capacity to get insurance later in life.' We are talking about young children who are looking at a lifetime of not being able to get insurance simply because their parents are taking, on their behalf, positive health action to improve their wellbeing, prevent their illness and improve their quality of life.

In the future, genetic testing is only going to increase in frequency as genetic technology is becoming cheaper and developments are ensuring it is more advanced. It must always be remembered, though, that genetic tests vary in quality, and current interpretations of results can be the subject of intense debate amongst clinicians. As more and more people rightly undertake genetic testing for health reasons, the way in which life insurers use genetic testing is only going to grow in prominence. At the moment, the use of genetic testing for life insurance is self-regulated through the Financial Services Council's Life Insurance Code of Practice. The code currently does not pressure individuals to have genetic testing undertaken, and I think that's a good thing. Other countries, though, have seen this problem. Countries such as the UK and Canada have protected consumers by restricting or banning the use of genetic information for insurance altogether—with certain limits, varying from country to country.

The inquiry of the Parliamentary Joint Committee on Corporations and Financial Services into the life insurance industry is due to report to parliament soon, and we will make recommendations in due course. I look forward to recording these concerns of our time. It is important that we have this issue on the table so that people can take reasonable steps to check their health and not end up being locked out of insurance. We took evidence from Dr Simon Longstaff, the Executive Director of the Ethics Centre. He said at one stage of the committee public hearings: 'If you could get to the point where you had absolute certainty
about the particular fate of a particular individual based on their genome, there would no longer be insurance in the sense that we understand it. All of the communal benefits that come from insurance would progressively be lost. ‘We are not at that point. We do not want to get to that point. But we need to manage the reality that those who take proactive steps to better health cannot continue to be locked out of the life insurance market and dissuaded from taking positive health action. There needs to be a sensible balance achieved for the benefit of Australians more broadly and for the industry as well.

Tasmania: Tourism Industry

Senator DUNIAM (Tasmania) (21:58): Mr President, congratulations on your first adjournment. It’s a very short one tonight. While you are not a Tasmanian, given Melbourne was planned out from the Tasmanian city of Launceston, you are the next best thing! Tonight, it is my great pleasure to rise and speak on the great and wonderful Tasmanian tourism industry. On Friday night of last week we had the annual Tasmanian Tourism Awards, which are a celebration of the finest and the best of what is a terrific industry and absolutely a nation leader. The awards are set up by the Tourism Industry Council Tasmania, with the support of a great many organisations—including Qantas, to name one—to recognise those who are really forging ahead to help this industry which supports so many economies to grow not just in our major population centres but also in our regional communities and to create jobs. There were gold, silver and bronze awards over 25 categories throughout the entire industry, ranging from major tourism attractions through to boutique and very niche operations as well.

Tonight I want to pay particular tribute to one individual from Tasmania—Josef Chromy, who was named the 2017 Tourism Champion. He is certainly, not only in this sector but broadly in Tasmania, an inspirational Tasmanian and someone that many look up to, particularly in the northern part of the state around the city of Launceston. Joe Chromy’s contribution has spanned six decades in our state. He's been a real contributor to the history of our state and development in more recent times. He was born in Czechoslovakia. He fled his war-torn community in 1950, at the age of 19, following more than a decade of Soviet and Nazi occupation in his country.

In Tasmania in the 1990s Joe purchased, cultivated and developed a number of vineyards along the Tamar River in the northern part of the state—vineyards that are now home to some of the best-known brands of wine from Tasmania, including Tamar Ridge and Jansz, the sparkling wine label there. More recently the family company has grown the signature Josef Chromy and Pepik wine labels. They also developed the Josef Chromy wine centre, which was notably named as one of Australia's top 10 cellar doors, which is an excellent achievement for our little state.

One of the best contributions Joe Chromy made to our state was at the height of the global financial crisis. He injected some economic activity into a community that needed it, with the development of the former Launceston General Hospital into what is now a great hotel in the city of Launceston—the Charles Hotel. This provided much economic activity and a great many jobs. More recently Joe Chromy has invested in and redeveloped the Penny Royal Complex just outside the Launceston CBD. He has revealed his vision to develop one of Australia's best hotels—the Gorge Hotel. Joe Chromy has an absolute commitment to regional Tasmania and our regional economy. He has shown absolute confidence by investing his own
money into that community. I know my colleague and friend Senator Bushby would agree with me in that assessment.

Alongside those developments Joe's JAC Group is renowned for cultivating local Tasmanian talent and skills in our wine, hospitality and tourism sectors. He has—I don't think anyone in Tasmania would argue—a reputation as an outstanding employer and someone who recognises talent, fosters that and helps the people who work for him create a future in our great state of Tasmania. Joe Chromy is a very worthy addition to the honour roll of Tasmanian tourism champions. I was pleased to be there on Friday night, along with the Premier of Tasmania, Will Hodgman, and many others, to celebrate his addition to that honour roll.

The Tasmanian tourism sector, as I've said in this place, is an absolute engine room for our economy and our state. Here are a few figures to demonstrate in more recent times how the tourism sector is growing and supporting our economy, both innercity and more regional. More tourists are arriving in our state. The year to June 2017 saw 1.27 million visitors come to our state. These are not people returning home; these are visitors. This is up from 1.1 million two years ago. Tourists are spending more. Visitor expenditure is up 10 per cent to $2.26 billion—that's an average spend of $1,783 per visitor. Tourists are staying longer, with a total of 10.83 million nights across that same period of time, which was up six per cent.

We've got more interstate visitors. We've cracked one million interstate tourists in a 12-month period. The number was at 1.06 million at June 2017, which is up again six per cent on the previous year. We've got more international tourists—up 13 per cent to 253,200 visitors—and they're spending. Spending by that sector of visitors is up 24 per cent. We have the highest increase across the nation in the number of visitors. There are a great many indicators to show that the tourism industry is a massive contributor to the Tasmanian economy. I have noted in previous debates that the east and west coasts of Tasmania, which are made up of many regional communities, are the fifth and sixth most tourism-dependent economies in the nation. In Tasmania, the tourism industry directly and indirectly employs over 37,000 people, most of those in regional communities.

Other awards that have been chalked up recently by Tasmanian tourism and hospitality establishments include the Thousand Lakes Lodge in the Central Highlands being named by Lonely Planet as one of the top three places to stay in the world. The city of Launceston, which I've mentioned already, is going to play host to the Qantas Australian Tourism Awards gala dinner in 2019. That is a great boon for the community. We'll find 800 tourism operators and industry leaders from across the country converging on our city to celebrate the achievements in the industry. Having said that, though, the Tasmanian industry is no stranger to the Australian Tourism Awards. We've received around 70 of the awards from the Qantas Australian Tourism Awards in the last five years—33 gold, 22 silver and 16 bronze. Some other accolades in 2015 were that MONA, Cradle Mountain and Port Arthur were named by Lonely Planet as amongst the 10 Australian destinations in the top 500 places in the world to visit. In July 2015, Tasmania was named the best island destination in Australia, New Zealand and the South Pacific region, and the fourth-best island in the world at the Travel + Leisure World's Best Awards.

Tasmania has got it going on in the tourism space. We have a great industry. There is still room to grow. We are seeing an extra 1,600 beds required in Hobart alone to cater for the
demand in the tourism sector for those international visitors who are going to be coming from the extended runway funded by the coalition government in Hobart, with direct flights from China and other Asian destinations into Hobart. To cater for that demand, we will be seeing the increase in accommodation facilities. My hope too is that we will see a greater flow of visitors from inner city parts of the state—downtown Launceston and Hobart—into our regional communities like Burnie, Devonport, Cradle Mountain, the west coast and the east coast. I'm very proud of our state and what we have to offer—what many of you should come down to see and spend more time sipping our wine and tasting our oysters. I commend Joe Chromy and the entire Tasmanian tourism industry and thank the Senate for its time tonight.

**Federal Government**

**Senator BERNARDI** (South Australia) (22:07): It's always wonderful to hear about the hopes and dreams of other senators. I'd like to share with you a couple of my own. I'm prompted to make this contribution because, in 11 days, it will be the 10-year anniversary of what I call the death of good government in this country. It may rankle and contradict some other opinions here but, however we examine the metrics and what has happened over the last 10 years in political life, Australia is diminished as a result. No-one—least of all many on the other side—would say that the Howard government was perfect but, my goodness, its stability, strength of purpose and sense of commitment to the nation stand it in pretty good stead compared to what we've had since.

It was 24 November 2007 that marked the ascendancy of the first Rudd government. If I recall accurately, Mr Rudd said there was not a sliver, not a cigarette paper, between the economic management and competence of the Howard government and what he would be producing under his government. We know that was a complete furphy, because Mr Rudd, in his wisdom—or lack of wisdom—and in his sense of always seeming to be doing something, made mess after mess after mess. We could go through the cheques that he sent out, in response to the global financial crisis, to people living overseas and to dead people, to simulate our economy, and the Rudd government's defence of people spending those cheques on flat screen TVs, to prop up the Chinese television manufacturing industry. We could talk about the billions and tens of billions of dollars that Mr Rudd accumulated in debt as a consequence of that, and how the Treasurer of the year—or Treasurer of the century or whatever he was anointed—Mr Wayne Swan, promised us a surplus in 2009, 2010, 2011; it just was never happening.

It was the start of the great falsehoods in politics. Politicians have always been held in relatively low regard, but it marked the start of a new low for politics. The new low culminated in the bloody coup launched against the elected Prime Minister in his first term, Kevin Rudd, by his deputy, Ms Gillard, who promised there would be no carbon tax under a government she led, until she did lead a government and tried to introduce—and did introduce, actually—a carbon tax. In latter terms, we had the ascendancy of Mr Rudd coming back again after his relentless undermining of Ms Gillard and his leaks through his emissaries in the Gillard cabinet to members of the media. It marked a very low point. I was—as was my former party, the Liberal Party—quite rightly very critical of the coming and going and toing and froing of the Labor administrations over two government cycles. They delivered what was then a record debt. They delivered the Building the Education Revolution scheme, which squandered billions more than it needed to. They delivered the cheques to dead people, as I
said. They also delivered the pink batts scheme, which not only ruined a market but resulted in the deaths of four people. Of course, no-one was held accountable for that, because of the protection racket that saw former Minister Garrett take the rap for it—on the condition that he could stay in cabinet if he didn't blame Mr Rudd. It was an unedifying spectacle.

People, quite rightly, thought that with the election of the Abbott government things would change. For right or wrong, some mistakes were made there, but none more so than to convey the same sense of despondency to the Australian people and take out a first-term, duly elected Prime Minister. I said at the time it would have consequences and that the transaction costs would be greater than what was immediately apparent. I think that's been born out.

There's a crisis of confidence in politics in this country. As I said, if it's the behaviour of politicians by which we're measuring it, I think there's a reason for that. But if it's about the Australian people, there's an even greater reason why we should examine the collective behaviour of what's going on in this place. However you want to measure it, we're not delivering the results. I say that in a crossbench, partisan manner: we're not delivering results for the Australian people. In the last 10 years we have accumulated over $500 billion of debt. We continually promise there's a surplus around the corner. It's not eventuating, and no-one in this place who I have spoken to privately really believes that we're going to deliver a surplus. They believe we are going to deliver on the $750-odd billion worth of debt by 2021, but no-one believes a surplus is going to be around the corner. And if it is, at the measly rate that they're projecting it might only take 100 years to pay back the debt that we've accumulated in the last 10 years.

You can look at our educational standards. They're pumping more and more money into education—we've had the debate in this place about that—and yet our kids are less literate and less numerate. The education system is failing them. What is the answer? To throw more money into it. In recent times we saw the government make an $18 billion injection into education, but they had no measurable outcomes to say, 'What are we going to get for our money?' That wasn't good enough. Some of the populists on the crossbench, who always want to put their stamp of authority on government legislation—but never want to save money—insisted that another $5 billion go in, so it became a $23 billion education funding package that had no measurable outcomes. There was no pre-empted desire to improve literacy or numeracy: just allocate the money and we'll work out what to do with it later. It's absolutely wrong.

We can look at ministerial standards and how they have declined over the years. We know that no government is perfect, but we had the protection rackets for ministers: if ministers had done something wrong or they knew where the skeletons were buried, they remained in cabinet. We saw that with the Labor Party and former Minister Garrett. We have seen that with ministers from the other side, who were taking notes during the cabinet meetings and then releasing them as part of their books. Somehow, that was okay for cabinet solidarity. We have seen the brutal betrayal within the coalition of some longstanding policies.

It really doesn't matter to me whether you're on the 'yes' side or the 'no' side of the same-sex marriage debate—you're entitled to your opinion—but the coalition's longest held position was always going to be that marriage was between a man and a woman. It had never changed that position, and yet it was being absolutely undermined and flouted by members of the cabinet. Members of the cabinet were openly out there undermining and speaking against the
party's position. I found that reprehensible at the time. It diminished cabinet solidarity and it diminished and undermined the position of the coalition. I raised that with Prime Minister Tony Abbott, but of course he wasn't prepared at the time to take on Malcolm Turnbull, Christopher Pyne and George Brandis and their acolytes in the outer ministry, in the case of Simon Birmingham and others.

Ministerial standards and ministerial accountability have fallen. The Westminster system has fallen. The Australian people have less faith and confidence in the system. We know the intergenerational debt, which is the true moral challenge of our time, is growing exponentially, and there is no end in sight. I say to the Australian people: if you really want to have a look at how governments are impacting your life in a negative fashion, examine the electricity industry. It's full of well-meaning green dreams—let's subsidise this; let's foster that; let's blow this up. It has all resulted in the most expensive and unreliable electricity anywhere in the world in places like South Australia and Queensland. It's a Third World electricity system in a First World country. That's why we don't have manufacturing here. We can't afford to manufacture anything, because we need electricity to do it. That's why you can't get people to invest in states like South Australia—because they've got the green dream of a 50 per cent renewable energy target, supported by many in this place, that will cost us tens of billions of dollars over decades, and we're not going to have reliable power.

Rather than admit that and say, 'We got it wrong; let's fix it by getting the government out of the system and providing some certainty to it,' they're doubling down by pledging $100 million for batteries here, there and elsewhere. And, if it wasn't bad enough under the Labor administration in South Australia and the previous administration, where they fell in love with the green rhetoric from the United Nations, they're doing it with this government too—throwing $30 million here and tens of billions of dollars' worth of subsidies for stuff that doesn't work. Why are the Australian people having to pay the price of experimental politics?

The last 10 years has seen this place diminish. I've been here for it. I've been tearing my hair out over it. Sometimes I may have played some role in it. We are mad if we think we can continue going down this path and not diminish this place further. November 24 marks the 10th anniversary of the death of good government. I hope it marks the revitalisation and the start of good government again.

Senate adjourned at 22:18

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislation (FRL) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


CHAMBER


Australian Research Council Act 2001—
Approval of ARC 2017 Linkage Projects for funding commencing in 2018—Determination No. 164. Funding Rules for schemes under the Discovery Program (2017 edition) [F2017L01407].

Aviation Transport Security Act 2004—
Charter of the United Nations Act 1945—
Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2017 (No. 3) [F2017L01430].
Civil Aviation Act 1988—
Civil Aviation Regulations 1988—Direction — number of cabin attendants (Alliance Airlines)—CASA 100/17 [F2017L01369].
Civil Aviation Safety Regulations 1998—
Black Thermal Insulation Retrofit Kits—AD/DHC-8/40 Amdt 1 [F2017L01382].
Direction — operation of certain unmanned aircraft—CASA 96/17 [F2017L01370].
Engine Cowl Door Retention and Pressure Relief—AD/DHC-8/11 Amdt 2 [F2017L01388].
Exemption, approval and direction — operation of model aircraft – members of Model Aeronautical Association of Australia—CASA EX156/17 [F2017L01397].
Part 66 Manual of Standards Amendment Instrument 2017 (No. 3) [F2017L01421].
Part 90 Manual of Standards Amendment Instrument 2017 (No. 1) [F2017L01414].
Passenger Oxygen Masks—AD/OXY/6 Amdt 1 [F2017L01427].
Repeal of Airworthiness Directive—CASA ADCX 017/17 [F2017L01440].
Commissioner of Taxation—Public Rulings—
Taxation Determinations—
Notices of Withdrawals—TD 92/131, TD 92/186, TD 94/39, TD 94/65 and TD 94/87.
Taxation Ruling (old series)—Notice of Withdrawal—IT 2450.

**Competition and Consumer Act 2010**—

**Criminal Code Act 1995**—
Criminal Code (Terrorist Organisation—Islamic State Khorasan Province) Regulations 2017 [F2017L01420].

**Defence Act 1903**—
Section 58B—Overseas consequential and miscellaneous amendments—Defence Determination 2017/38 [F2017L01393].


**Education Services for Overseas Students Act 2000**—Education Services for Overseas Students (Publishing Results of Enforcement Action) Instrument 2017 [F2017L01406].


**Financial Sector (Collection of Data) Act 2001**—
Financial Sector (Collection of Data) (reporting standard) determination No. 15 of 2017 – ARS 110.0 Capital Adequacy [F2017L01372].
Financial Sector (Collection of Data) (reporting standard) determination No. 16 of 2017 – ARS 120.1 Securitisation – Regulatory Capital [F2017L01373].
Financial Sector (Collection of Data) (reporting standard) determination No. 17 of 2017 – ARS 120.2 Securitisation – Supplementary Items [F2017L01374].
Financial Sector (Collection of Data) (reporting standard) determination No. 19 of 2017 – ARS 210.0 Liquidity [F2017L01390].

**Fisheries Levy Act 1984**—Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amount) Regulations 2017 [F2017L01424].
Fisheries Management Act 1991—
Northern Prawn Fishery (Early Closure) Direction No. 175 [F2017L01453].
Southern Bluefin Tuna Fishery Management Plan 1995—
Southern Bluefin Tuna Fishery Actual Live Weight Value of a Statutory Fishing Right Determination 2018 [F2017L01439].
Southern Bluefin Tuna Fishery Australia’s National Catch Allocation Determination 2018 [F2017L01433].
Southern Bluefin Tuna Fishery Fishing Season Determination 2018 [F2017L01438].
Southern Bluefin Tuna Fishery Transfer Weighing Determination 2018 [F2017L01437].
Southern Bluefin Tuna Fishery Undercatch and Overcatch Determination 2018 [F2017L01434].
Food Standards Australia New Zealand Act 1991—
Food Standards (Application A1127 – Processing Aids in Wine) Variation [F2017L01389].
Health Insurance Act 1973—
Health Insurance (Bone Densitometry) Revocation Determination 2017 [F2017L01365].
Health Insurance Legislation Amendment (2017 Measures No. 3) Regulations 2017 [F2017L01429].
Health Insurance (Section 3C General Medical Services – Transcatheter Aortic Valve Implantation) Determination 2017 [F2017L01380].
Health Insurance (Subsection 3(5) General Practitioner Post-Operative Treatment) Direction 2017 [F2017L01377].
Migration Act 1958—
Migration Legislation Amendment (2017 Measures No. 4) Regulations 2017 [F2017L01425].
Military Rehabilitation and Compensation Act 2004—
National Health Act 1953—
National Health Determination under paragraph 98C(1) (b) Amendment 2017 (No. 7)—PB 86 of 2017 [F2017L01386].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2017 (No. 10)—PB 89 of 2017 [F2017L01402].

National Health (Growth Hormone Program) Special Arrangement Amendment Instrument 2017 (No. 2)—PB 91 of 2017 [F2017L01405].

National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2017 (No. 9)—PB 88 of 2017 [F2017L01399].

National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2017 (No. 9)—PB 84 of 2017 [F2017L01383].

National Health (Pharmaceutical benefits – early supply) Amendment Instrument 2017 (No. 8)—PB 87 of 2017 [F2017L01387].

National Health (Pharmaceutical Benefits Scheme – Exempt items – Section 84AH) Amendment Determination 2017 (No. 1)—PB 90 of 2017 [F2017L01400].


Private Health Insurance Act 2007—Private Health Insurance (Benefit Requirements) Amendment Rules 2017 (No. 8) [F2017L01401].


Radiocommunications Act 1992—
Radiocommunications (Compliance Labelling) Amendment Notice 2017 (No. 1) [F2017L01395].
Radiocommunications (Duration of Community Television Transmitter Licences) Determination (No. 1) of 2008 (Amendment No. 2 of 2017) [F2017L01376].

Remuneration Tribunal Act 1973—
Official Travel by Office Holders—
Remuneration Tribunal Determination 2017/19 [F2017L01409].

Social Security Act 1991—


Superannuation Act 2005—
Superannuation Amendment (PSSAP Trust Deed—Membership) Instrument 2017 [F2017L01436].
Superannuation (PSSAP—Former Commonwealth Ordinary Employer-Sponsored Member) Determination 2017 [F2017L01441].
Trans-Tasman Mutual Recognition Act 1997—Trans-Tasman Mutual Recognition (NSW Container Deposit Scheme) Regulations 2017 [F2017L01432].

Veterans’ Entitlements Act 1986—
Statement of Principles concerning immune thrombocytopaenia (Balance of Probabilities)—No. 64 of 2017 [F2017L01449].
Statement of Principles concerning immune thrombocytopaenia (Reasonable Hypothesis)—No. 63 of 2017 [F2017L01448].
Statement of Principles concerning osteoarthritis (Balance of Probabilities)—No. 62 of 2017 [F2017L01442].
Statement of Principles concerning osteoarthritis (Reasonable Hypothesis)—No. 61 of 2017 [F2017L01443].
Statement of Principles concerning substance use disorder (Balance of Probabilities)—No. 60 of 2017 [F2017L01445].
Statement of Principles concerning substance use disorder (Reasonable Hypothesis)—No. 59 of 2017 [F2017L01444].
Statement of Principles concerning ulnar neuropathy at the elbow (Balance of Probabilities)—No. 66 of 2017 [F2017L01452].
Statement of Principles concerning ulnar neuropathy at the elbow (Reasonable Hypothesis)—No. 65 of 2017 [F2017L01451].
Veterans’ Entitlements (Non-warlike Service—Operation Litten) Determination 2017 [F2017L01416].

Tabling

The following documents were tabled pursuant to standing order 61(1) (b):
1. Qualification of Senators Canavan, Ludlam, Water, Roberts, Nash and Xenophon—References to Court of Disputed Returns—Letter to the Clerk of the Senate (Mr Pye), dated 27 October 2017, and court orders and reasons for judgment.
2. Murray-Darling Basin Plan—Allegations concerning illegal structures and water diversion—Order agreed to on 5 September 2017—Letter to the President of the Senate from the Minister for Regional Development (Senator Nash), dated 19 October 2017, responding to the order and raising public interest immunity claims, and attachments. [Received 20 October 2017]
4. Aboriginal Hostels Limited—Report for 2016-17. [Received 31 October 2017]
5. Army and Air Force Canteen Service (AAFCANS)—Report for 2016-17. [Received 27 October 2017]
8. ASC Pty Ltd—Report for 2016-17.
9. Australia Business Arts Foundation Limited (Creative Partnerships Australia)—Report for 2016-17. [Received 31 October 2017]
11. Australian Accounting Standards Board and Auditing and Assurance Standards Board—Reports for 2016-17. [Received 30 October 2017]
12. Australian Aged Care Quality Agency—Report for 2016-17. [Received 27 October 2017]
13. Australian Broadcasting Corporation (ABC)—Reports for 2016-17 (2 volumes).
   Australian Building and Construction Commission—
   Performance of the functions and the exercise of powers of the Australian Building and Construction Commissioner—
15. Quarterly report for the period 1 April to 30 June 2017.
17. Australian Centre for International Agricultural Research (ACIAR)—Report for 2016-17. [Received 20 October 2017]
18. Australian Charities and Not-for-profits Commission (ACNC)—Report for 2016-17. [Received 27 October 2017]
19. Australian Commission for Law Enforcement Integrity—Report for 2016-17. [Received 27 October 2017]
22. Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2016-17. [Received 31 October 2017]
24. Australian Electoral Commission (AEC)—Federal election 2016—Funding and disclosure report. [Received 2 November 2017]
25. Australian Federal Police (AFP)—Report for 2016-17, including reports on assumed identities, the National Witness Protection Program and unexplained wealth investigations and proceedings.
27. Australian Financial Security Authority (AFSA)—Report for 2016-17, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009. [Received 27 October 2017]
29. Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2016-17. [Received 30 October 2017]
30. Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2016-17. [Received 30 October 2017]
Australian Institute of Health and Welfare—
34. Report for 2016-17.
37. Australian National Maritime Museum—Report for 2016-17. [Received 31 October 2017]
38. Australian Naval Infrastructure Pty Ltd—Report for period 26 March to 30 June 2017.
39. Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2016-17. [Received 20 October 2017]
41. Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2016-17. [Received 27 October 2017]
Australian Postal Corporation (Australia Post)—
42. Diversity and inclusion—Report for 2016-17.
43. Report for 2016-17.
44. Australian Prudential Regulation Authority (APRA)—Report for 2016-17.
45. Australian Rail Track Corporation Limited (ARTC)—Report for 2016-17. [Received 1 November 2017]
48. Australian Research Council (ARC)—Report for 2016-17. [Received 31 October 2017]
50. Australian Skills Quality Authority (ASQA)—Report for 2016-17. [Received 31 October 2017]
51. Australian Sports Anti-Doping Authority—Report for 2016-17. [Received 31 October 2017]
53. Australian Sports Foundation Limited—Report for 2016-17. [Received 31 October 2017]
54. Australian Taxation Office (ATO)—Report of the Commissioner of Taxation for 2016-17. [Received 27 October 2017]
56. Australian Transport Safety Bureau (ATSB)—Report for 2016-17. [Received 30 October 2017]
59. Cancer Australia—Report for 2016-17. [Received 30 October 2017]
61. Civil Aviation Safety Authority (CASA)—Report for 2016-17. [Received 20 October 2017]
62. Clean Energy Finance Corporation (CEFC)—Report for 2016-17. [Received 31 October 2017]
64. Climate Change Authority—Report for 2016-17. [Received 30 October 2017]
66. Comcare and Safety, Rehabilitation and Compensation Commission—Reports for 2016-17. [Received 20 October 2017]
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97. Independent Hospital Pricing Authority (IHPA)—Report for 2016-17.

98. Independent Parliamentary Expenses Authority (IPEA)—Report for period 3 April to 30 June 2017. [Received 31 October 2017]


103. Infrastructure Australia—Report for 2016-17. [Received 20 October 2017]

104. Inspector-General of Intelligence and Security (IGIS)—Report for 2016-17. [Received 23 October 2017]


106. Moorebank Intermodal Company Limited—Report for 2016-17. [Received 30 October 2017]

107. National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2016-17. [Received 31 October 2017]

108. National Australia Day Council Limited—Report for 2016-17. [Received 31 October 2017]

109. National Capital Authority—Report for 2016-17. [Received 31 October 2017]


111. National Film and Sound Archive (NFSA)—Report for 2016-17.

112. National Health and Medical Research Council (NHMRC)—Report for 2016-17. [Received 30 October 2017]

113. National Health Funding Body—Report for 2016-17. [Received 20 October 2017]

114. National Health Funding Pool—Report for 2016-17, including financial statements for state and territory State Pool Accounts. [Received 20 October 2017]

115. National Library of Australia—Report for 2016-17. [Received 27 October 2017]


120. Northern Australia Infrastructure Facility (NAIF)—Report for 2016-17.

121. Northern Land Council—Report for 2016-17. [Received 31 October 2017]

122. Office of the Official Secretary to the Governor-General—Report for 2016-17.


124. Outback Stores Pty Ltd—Report for 2016-17. [Received 9 November 2017]

Productivity Commission—

CHAMBER
126. Report no. 84—Shifting the dial: 5 year productivity review, dated 3 August 2017.
127. Report no. 86—Collection models for GST on low value imported goods, dated 31 October 2017. [Received 9 November 2017]
128. Professional Services Review—Report for 2016-17. [Received 27 October 2017]
129. Public Lending Right Committee—Report for 2016-17.
130. Repatriation Commission, the Military Rehabilitation Commission and the Department of Veterans’ Affairs—Reports for 2016-17. [Received 31 October 2017]
131. Repatriation Medical Authority—Report for 2016-17. [Received 31 October 2017]
132. Royal Australian Air Force Veterans’ Residences Trust—Report for 2016-17. [Received 31 October 2017]
134. Royal Australian Navy Central Canteens Board (Navy Canteens)—Report for 2016-17. [Received 31 October 2017]
135. Safe Work Australia—Report for 2016-17. [Received 30 October 2017]
136. Screen Australia—Report for 2016-17. [Received 27 October 2017]
137. Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)—Report for 2016-17. [Received 20 October 2017]
138. Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2016-17. [Received 27 October 2017]
139. Snowy Hydro Limited—Financial report for the period 3 July 2016 to 1 July 2017. [Received 31 October 2017]
140. Special Broadcasting Service Corporation (SBS)—Report for 2016-17.
141. Sydney Harbour Federation Trust—Report for 2016-17. [Received 30 October 2017]
143. Tax Practitioners Board—Report for 2016-17. [Received 27 October 2017]
144. Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2016-17. [Received 31 October 2017]
145. Tiwi Land Council—Report for 2016-17. [Received 9 November 2017]
146. Tourism Australia—Report for 2016-17.

Treaties—

148. List of multilateral treaties under negotiation, consideration or review by the Australian Government as at 13 June 2017:
149. Veterans’ Review Board—Report for 2016-17. [Received 31 October 2017]