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### SITTING DAYS—2019

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### RADIO BROADCASTS

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FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

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

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

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

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

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

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


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


PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
CA—Centre Alliance; CLP—Country Liberal Party; IND—Independent;
JLN—Jacqui Lambie Network; LNP—Liberal National Party;
LP—Liberal Party of Australia; NATS—The Nationals;
PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—C Surtees
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—J Wilkinson
# MORRISON MINISTRY

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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon. Scott Morrison MP</td>
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<tr>
<td><strong>Minister for the Public Service</strong></td>
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<tr>
<td><strong>Minister for Women</strong></td>
<td>Senator the Hon. Marise Payne</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for the Public Service and Cabinet</strong></td>
<td>The Hon. Greg Hunt MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Australians</strong></td>
<td>The Hon. Ken Wyatt AM MP</td>
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<tr>
<td><strong>Assistant Minister to the Prime Minister and Cabinet</strong></td>
<td>The Hon. Ben Morton MP</td>
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<tr>
<td><strong>Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development</strong></td>
<td>The Hon. Michael McCormack MP</td>
</tr>
<tr>
<td><strong>Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management</strong></td>
<td>The Hon. David Littleproud MP</td>
</tr>
<tr>
<td><strong>Minister for Population, Cities and Urban Infrastructure</strong></td>
<td>The Hon. Alan Tudge MP</td>
</tr>
<tr>
<td>Minister for Regional Services, Decentralisation and Local Government</td>
<td>The Hon. Mark Coulton MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Road Safety and Freight Transport</strong></td>
<td>The Hon. Scott Buchholz MP</td>
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<tr>
<td><strong>Assistant Minister to the Deputy Prime Minister</strong></td>
<td>The Hon. Andrew Gee MP</td>
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<tr>
<td><strong>Assistant Minister for Regional Development and Territories</strong></td>
<td>The Hon. Nola Marino MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon. Josh Frydenberg MP</td>
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<tr>
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<td>The Hon. Alan Tudge MP</td>
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<tr>
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<td>The Hon. Michael Sukkar MP</td>
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<tr>
<td><strong>Minister for Housing</strong></td>
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<tr>
<td><strong>Assistant Minister for Superannuation, Financial Services and Financial Technology</strong></td>
<td>Senator the Hon. Jane Hume</td>
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<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senator the Hon. Mathias Cormann</td>
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<tr>
<td><em>(Vice-President of the Executive Council)</em></td>
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<tr>
<td><em>(Leader of the Government in the Senate)</em></td>
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<td><strong>Assistant Minister for Finance, Charities and Electoral Matters</strong></td>
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<td>Senator the Hon. Marise Payne</td>
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<tr>
<td><strong>Minister for Trade, Tourism and Investment</strong></td>
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<td><em>(Deputy Leader of the Government in the Senate)</em></td>
<td>The Hon. Alex Hawke MP</td>
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<td>Senator the Hon. Richard Colbeck</td>
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<td>Minister for Youth and Sport</td>
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<td>Assistant Minister for Vocational Education, Training and</td>
<td>The Hon. Steve Irons MP</td>
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<tr>
<td>Minister for Industry, Science and Technology</td>
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Thursday, 5 December 2019

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

DOCUMENTS

Tabling

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

COMMITTEES

Meeting

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

Human Rights—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) from 9.40 am.

Rural and Regional Affairs and Transport References Committee—public meeting from 5 pm, to take evidence for the committee's inquiry into the performance of Australia's dairy industry and the profitability of Australian dairy farmers since deregulation.

Scrutiny of Bills—Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 5 December 2019, from 9.35 pm.

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

BILLS

Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:31): As senators will recall, I am speaking in continuance on the Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019, which is phase 2 of transitioning powers and functions to the Aged Care Quality and Safety Commission and the commissioner. I was talking about the issues we need to be looking at, including a continuous quality improvement framework. As mentioned last year, the Australian Greens want to see a quality improvement framework being adopted to ensure that near misses are reported and work is done to continuously improve care for older Australians.

Last year I chaired the Senate Community Affairs References Committee inquiry into the effectiveness of the aged-care quality assessment and accreditation framework for protecting residents from abuse and poor practices and for ensuring proper clinical and medical care standards are maintained and practised. The committee recommended that the government work to expand the role of the commission to drive continuous improvement in quality and safety in aged care. Unfortunately, this bill has not touched the issue of continuous quality
improvement, and we still have questions around the status of the framework. I will be asking about the status of the Serious Incident Response Scheme and the quality framework during the committee stage later this morning.

We have other concerns about the scope of the commissioner's complaints function. There is a significant lack of complaints and resolution of complaints about aged-care services being published. This is possibly driven by the reluctance of the secretary and the commissioner to use their respective powers to make information publicly available. It could also be due to the interpretation of the definition of 'protected information', as raised by COTA during the inquiry into the Aged Care Quality and Safety Commission Bill last year.

Today I will put forward an amendment that seeks to remedy this problem, by placing an obligation on the commissioner to publish information relating to complaints that have been made. The amendment requires the commissioner to publish a report at the end of each month on the number of complaints received about each approved provider or service provider, the number of complaints received about approved providers or service providers that were not resolved, and the type and number of actions taken by the commissioner to address the complaints. This amendment will lead to greater transparency and accountability regarding decision-making around aged care. Families want to know that their complaints are being heard, answered and responded to.

Aged-care advocates play an important role in supporting older people to address and exercise their rights and have their voice heard on the issues that are important to them. Under the current User Rights Principles, advocates and community visitors are granted access to enter aged-care facilities to assist older people. However, advocates still face a number of barriers to doing their job. For example, some advocates are still being refused entry and access into aged-care facilities. There are also issues around information being withheld from advocates where aged-care providers are blocking access to information. Advocates are reporting that it often takes time to resolve these issues with providers refusing entry. The commission is now responsible for enforcing provider responsibilities, including sanctions against providers refusing access to advocates. Today I will also be moving amendments that provide advocates with access to information relating to residential care, home care and flexible care.

The establishment of the new commission has made important steps towards a more holistic approach and better oversight of the aged-care sector as a whole. While some progress has been made, there is still significant work that needs to be done to ensure older people have access to safe and high-quality aged care. The royal commission's interim report made alarming observations about our current regulatory system in aged care. They said:

We have heard evidence which suggests that the regulatory regime that is intended to ensure safety and quality of services is unfit for purpose and does not adequately deter poor practices. Indeed, it often fails to detect them. When it does so, remedial action is frequently ineffective.

The regulatory regime appears to do little to encourage better practice beyond a minimum standard.

We believe we should be striving for an effective regulatory system that deters, detects and responds to actions that could cause older people harm. Regulation should be about enhancing health and wellbeing of people receiving care. Sadly, our broken aged-care system is not achieving these goals. While the royal commission has flagged its intent to recommend a fundamental overhaul of the aged-care system, including regulation, there are many changes
that can be made to the regulatory system now so that older people do not have to wait for better care. We need action to ensure that we have a robust regulatory system that is fit for purpose and supports the kind of transformational change needed in our aged-care system.

I understand that the government is looking into the third phase of reforms relating to the commissioner's powers and functions. This presents a valuable opportunity to further strengthen the commissioner's set of powers and regulatory tools. In the meantime, I hope that the government will consider our proposed amendments that seek to strengthen the commissioner's powers and functions now. Older people deserve better quality care that is respectful and upholds their wellbeing, dignity and human rights, and we must do everything we can to ensure this happens as soon as possible.

There are many issues that still need to be addressed—restraints; the issues around viability of the sector; and rural and regional aged care, particularly rural and regional aged care for First Nations people. We do need to look at a total restructure of aged care. The Greens are aware that this will take time. But, because it will take time, we need to act now on the things that we know are wrong so that we can fix those while we develop a truly transformative approach to the way aged care is provided to older Australians.

As I indicated earlier, we will be supporting this bill, but I will be moving amendments, because I think the government hasn't gone far enough in this second phase of developing the role of the commission and the commissioner.

**Senator GRIFF** (South Australia) (09:38): People were shocked by the extent of the abuse and poor care exposed in the interim report by the Royal Commission into Aged Care Quality and Safety. It was a scathing report and an indictment on an industry that is meant to deliver respectful, good-quality care during an aged person's final years. The interim report showed that the government has deep systemic work to do to fix the aged-care system. It also needs to increase its investment. But it cannot simply pour money into the system without asking for a more accountable and transparent situation from providers. It cannot continue to tinker around the edges.

Centre Alliance supports the Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019, as I'm sure every senator here does. The bill completes the process of handing responsibilities for aged care from the department to the Aged Care Quality and Safety Commissioner and its independent commissioner. It will put responsibility for approval of aged-care providers, plus complaints handling, accreditation, auditing, compliance and sanctions, under one body. This will certainly help streamline and strengthen oversight, as these roles will no longer be split between the department, the former Aged Care Complaints Commissioner and the Aged Care Quality Agency. But, as we all recognise, that's just one important step on a long road of necessary reform.

There are just so many problems in this sector. For instance, I started asking, over many estimates sessions, about what happened to unspent home-care package funds once a person passed away and was no longer receiving in-home assistance. What I discovered was that the department did not audit unspent funds. The department pretty much ran an honour system, where the onus was on providers to return unspent funds to the Department of Health. The department has since conducted a pilot audit of the program, which found a number of areas for improvement, but even then it did not look at the evidence of undisclosed outstanding
unspent funds— incredible! That's just one example of the many problems in the mammoth aged-care sector.

The proper training of aged-care workers is another ongoing failure which the government knows about but seems to be doing nothing to tackle. Aged-care training for personal care workers is an absolute basket case. It needs to be better regulated and nationally consistent. For example, at the moment there are over 80 providers offering Certificate III in Individual Support. Some of them offer a course that runs for just 10 weeks, and others run that very same course for a year, which is actually the recommended minimum. It's patently clear that 10 weeks of study is not enough to learn and cement what a worker needs to know to deliver quality care. How can we improve the aged-care system if we don't massively improve training first?

Without a doubt, the sector also needs substantially more funding to ensure quality of residential care and faster ACAT assessments of care needs. The government needs to get assessment wait times, especially for home-care packages, down to one to three months instead of well over 12 months. Government is taking steps in this direction by making 10,000 more places available. But, as other speakers have noted, this is nowhere near enough to address the unmet needs in our communities. The health minister has also recently responded to the problem of chemical restraints by announcing that doctors will have to apply for permission to prescribe the antipsychotic drug risperidone for more than three months. However, it needs to be said that the overuse and inappropriate use of chemical restraints are a symptom of much larger problems in residential aged care, such as understaffing and poor staff training. These two measures are only small fixes that respond to the primary symptom and not the underlying causes.

The royal commission's interim report sounded a warning note on quick-fix responses. It noted that government policy in this area was beset by short-term solutions, which will: … at best temporarily stave off the worst problems and, at worst, produce another set of unintended outcomes requiring further inquiries and reviews and further injections of public funds, without addressing the underlying causal factors.

Academic Juanita Breen, a dementia care researcher from the University of Tasmania, pointed out something similar in a piece in The Conversation last month. She cautioned that tightening access to risperidone may only serve to shift prescriptions to other sedatives. She also said GPs report feeling pressured by staff to prescribe these medications due to a lack of staff training on other ways to deal with these types of symptoms. Importantly, she made the point that we need to address training and the care environment, among other things, before we can properly address overprescribing of chemical restraints.

It's good the government is trying to act, but it needs to go deeper, to the root cause of the problems, which almost always go back to not having enough adequately skilled staff. Funding is a big part of the equation; we won't fix the system without better investment. But we can't be throwing more money at the problem without asking for more accountability and transparency from aged-care providers in return. That is what my amendments are all about.

Approved providers will have to provide annual financial statements to the Quality and Safety Commission, which will then make them public. The financial statements will detail the amount spent on the provision of care—things like food and medication—as well as the amount spent on staff and staff training, accommodation, administration and the amounts paid
out to parent bodies. At the moment, there is no clear way to know how much a provider is spending on the provision of care. Is it 30 per cent of their income? Is it 50 per cent or 70 per cent? We just do not know how much a provider is pocketing as profit at the expense of the people in their care. At the moment, providers can spend their taxpayer subsidies pretty much as they choose. But, in an environment where our elderly are being subjected to systemic neglect, they very much must be held to account.

My office has heard firsthand accounts from people who work with and for aged-care providers highlighting that dodgy financial decisions and profiteering takes place. For instance, there is a hundred-bed provider that has made $2.5 million in profit three years running, but this profit is only shown as $500,000 on its financials, because they pay $2 million in rent to the parent company which already owns the building. And there is a 50-bed not-for-profit facility where the salaries for three managers exceeded $500,000 at a time when the home could not meet basic minimum standards and was also, as it turns out, sanctioned. And there are other providers using subsidies to help send senior staff to overseas award ceremonies and lavish conferences.

This amendment has the support of the Australian Nursing and Midwifery Federation, whose members are at the coalface. They and many other stakeholders want financial transparency so that it is finally clear how much facilities actually spend on delivering care and how much is pocketed or wasted.

The same day I circulated my amendment, I saw a story on the ABC about the royal commission's Hobart hearing which emphasised why these amendments are needed. That story detailed how Bupa South Hobart was so understaffed that, according to the daughter of two residents, her 90-year-old mother had been forced to clean up after her incontinent father and at times help a blind elderly resident go to the toilet because the woman's calls for help had gone unanswered. According to the ABC story, a former Bupa regional director said there was pressure on the facility to spend less on staffing. Part of her responsibility was to 'improve the commercial operation in South Hobart'. In other words, her job was to increase profits.

My amendments are all about transparency and accountability—and, boy, do we need more of this! For this reason, we also intend to support the Greens amendments, as they deal with disclosure of information. The Centre Alliance amendments also reflect a private member's bill introduced by my colleague Rebekha Sharkie, which would simply require aged-care providers to disclose their staff ratios.

Knowledge is power, as they say. All of these amendments seek factual information from providers so we will have a clearer picture of how their facilities are resourced. This will be crucial if we are to engage in sustainable reforms to the sector that will improve the experience and treatment of vulnerable elderly people living in residential aged care. I urge all senators to support these important amendments.

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (09:48): I thank all senators for their contribution to the legislation. This is an important piece of legislation which fulfils the recommendations of the Carnell-Paterson review, reinforced in the Earle Haven review, and I commend the bill to the Senate.
Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:49): If the Senate is agreeable I would like to ask a series of questions of the minister, which I hope I can do expediently, to get some issues on the record—issues that I think the minister is pretty aware I have some concerns about and would like a better understanding of—and then I’ll move my amendment. I think that will probably be the quickest way. I don't want to hold up the place—I'm aware there's a lot to get through today—but I do think this is an important matter, and there are a number of points that I'd like to make sure we address.

I want to ask a couple of questions about complaints. Through you, Chair, I ask the minister: what work is the government doing to reduce legislative barriers that prevent the publication of complaints and their resolutions?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (09:51): As part of the process that we’re going through with this piece of legislation—it is actually, as you would understand, the full establishment of the Aged Care Quality and Safety Commission—I’ve written to the advisory committee that supports the Aged Care Quality and Safety Commission, asking them to advise me and the commission what additional powers might be required. That can go to things like reporting. I'm happy to have some conversations with you as that report comes back to me; it's due very soon. I understand your desire to see transparency, particularly around reporting, and I support that process. It's important to the government that people who have issues that they want to report through the Aged Care Quality and Safety Commission can do that, and can do it in a way that provides them satisfaction as to the fact that their complaints have been addressed and resolved in a way that's satisfactory to them.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:52): I thank the minister for his answer. You said you're expecting the report to come back fairly soon. What time frame are you talking about, and what's your intended process from there? Will that information become public or will you then go through a process of discussing it with various stakeholders?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (09:52): I'll be briefed on that next week, when I meet with the advisory committee; I'll get an initial briefing then. The report will come to me subsequent to that. It will go through some consultation with stakeholders; I think that's an important part of the process. But I am also really cognisant of the fact that we do have a royal commission going on. The commission said to us in their interim report that they didn't want ad hoc changes made to the act. In fact, they may come back to us with a recommendation for a whole new act. They would prefer that any changes occur in that context. So I'm cognisant of respecting that process. It may be that we share those recommendations that come back from the advisory committee with the royal commission.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:53): I appreciate what you've said about the amendments to the act, and I suspect, yes, there will need to be a
whole new act. But there may be processes that you could put in place that don't require changes to the act that would improve transparency and accountability. Would you be prepared to look at changes that could be made either through delegated instruments or just the process, if changes to the act are not advisable, given the process that's going to happen next year through the royal commission?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (09:54): I suppose that will depend a little bit on what comes back through the report that comes to me from the advisory committee. I will consider all of those things. I think we have demonstrated, as we did with the changes we made to the regulations around restraint, that, if there are things that we see that we can and should act on, we are prepared to consider those things.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:54): As the chamber will be aware, I have amendments around enabling complaints about My Aged Care, ACAT and the RAS process. Minister, is the government prepared to support those amendments? If not, why can't community members lodge complaints about that—

The CHAIR: Senator Siewert, it's probably better if you move the amendments first, and then they're live.

Senator SIEWERT: by leave—I move Australian Greens amendments (1) to (3) on sheet 8811 revised, together:

(i) Schedule 2, page 31 (after line 19), after item 19, insert:

19A Paragraphs 56-1(k) and (l)
Repeal the paragraphs, substitute:
(k) to do the following:
(i) allow people acting for care recipients to have such access to the service as is specified in the User Rights Principles;
(ii) provide such people information relating to the residential care being provided by the service;
(l) to do the following:
(i) allow people acting for bodies that have been paid *advocacy grants under Part 5.5, or *community visitors grants under Part 5.6, to have such access to the service as is specified in the User Rights Principles;
(ii) provide such people information relating to the residential care being provided by the service;

19B Paragraph 56-2(j)
Repeal the paragraph, substitute:
(j) to do the following:
(i) allow people acting for bodies that have been paid *advocacy grants under Part 5.5 to have such access to the service as is specified in the User Rights Principles;
(ii) provide such people information relating to the home care being provided by the service;

19C Paragraphs 56-3(j) and (k)
Repeal the paragraphs, substitute:
(j) to do the following:
(i) allow people acting for care recipients to have such access to the service as is specified in the User Rights Principles;
(ii) provide such people information relating to the flexible care being provided by the service;  
(k) to do the following:
  (i) allow people acting for bodies that have been paid *advocacy grants under Part 5.5 to have such access to the service as is specified in the User Rights Principles;  
  (ii) provide such people information relating to the flexible care being provided by the service;

(2) Schedule 2, page 49 (after line 14), after item 47, insert:

47A At the end of section 18  
Add:
  ; (c) the performance of any assessment (however described) conducted, in accordance with the rules, for the purposes of accrediting an aged care service referred to in paragraph 19(a);  
  (d) the performance of any quality review conducted, in accordance with the rules, of a service referred to in paragraph 19(b);  
  (e) the performance of any monitoring, in accordance with the rules, of the quality of care and services provided by:
    (i) approved providers of an aged care service referred to in paragraph 19(c); or  
    (ii) service providers of Commonwealth-funded aged care services;  
  (f) the performance of any electronic platform established by the Commonwealth to provide information relating to the provision of aged care services or Commonwealth-funded aged care service.

47B At the end of subsection 21(2)  
Add:
  ; (c) the performance of any assessment (however described) conducted, in accordance with the rules, for the purposes of accrediting an aged care service referred to in paragraph 19(a);  
  (d) the performance of any quality review conducted, in accordance with the rules, of a service referred to in paragraph 19(b);  
  (e) the performance of any monitoring, in accordance with the rules, of the quality of care and services provided by:
    (i) approved providers of an aged care service referred to in paragraph 19(c); or  
    (ii) service providers of Commonwealth-funded aged care services;  
  (f) the performance of any electronic platform established by the Commonwealth to provide information relating to the provision of aged care services or Commonwealth-funded aged care service.

(3) Schedule 2, page 49 (after line 19), after item 48, insert:

48A At the end of Division 3 of Part 7  
Add:

59B Publicly available report on complaints etc. relating to approved providers and service providers  
(1) As soon as reasonably practicable after the end of each calendar month, the Commissioner must:
    (a) prepare a report setting out the matters mentioned in subsections (2) and (3); and  
    (b) make the report publicly available.

(2) For approved providers the Commissioner received complaints or information about, the report must set out:
    (a) the number of complaints or information received about each approved provider during the calendar month; and
(b) the number of complaints or information received about each approved provider during a previous calendar month that were not resolved or dealt with by the end of the calendar month;

(c) for each aged care responsibility that the complaints or information relates to—the number of complaints or information received relating to the responsibility; and

(d) both:

(i) the type of actions taken by the Commissioner to address the complaints, or to deal with the information, and

(ii) the number of those types of actions taken.

(3) For service providers of Commonwealth-funded aged care services the Commissioner received a complaint or information about, the report must set out:

(a) the number of complaints or information received about each service provider during the calendar month; and

(b) the number of complaints or information received about each service provider during a previous calendar month that were not resolved or dealt with by the end of the calendar month; and

(c) for each responsibility under the funding agreement that relates to the service that the complaints or information relates to—the number of complaints or information received relating to the responsibility; and

(d) both:

(i) the type of actions taken by the Commissioner to address the complaints, or to deal with the information, and

(ii) the number of those types of actions taken.

(4) The report must not include personal information unless the inclusion of the personal information is necessary to identify the approved provider or service provider (as the case may be).

I've got a series of questions, obviously, around these issues, which I will try to get through very quickly. Could I ask the government: what would be the issues with the complaints process addressing My Aged Care, the ACAT process and the RAS process?

The CHAIR: You started off by asking the minister if the government could agree to those amendments, so that's what you're asking? Yes? I call the minister.

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (09:56): The process for the quality and safety commissioner is designed to deal with complaints relating specifically to the provision of care, not to the assessment process. They are separate elements. The commission is intended to operate as a single point of contact for the regulation of quality of care in aged-care services. It's not intended to regulate the process by which consumers access Commonwealth subsidised or funded aged-care services. There are existing arrangements in place for those. So they're separate.

Senator KITCHING (Victoria) (09:56): We take this opportunity to convey that Labor is sympathetic to those in this place who want to provide solutions to the many issues that exist across the aged-care sector, but, in saying this, Labor isn't in a position to support the Greens amendments. The interim report of the Royal Commission into Aged Care Quality and Safety conveyed a strong message from the commissioners. They said they would 'recommend comprehensive reform and major transformation of the aged-care system in Australia', but they also stated that they would 'chart a new direction for the sector', hopefully 'bringing a
clear sense of purpose and of quality'. What mechanisms will be required to address the recommendations in the final report are not known, but I think it would be folly to try to pre-empt too much of the commissioners' directions now. So it is our strong view that any reform should now be done with a clear intention and it should be done in a holistic way.

We have not been consulted in the lead-up to these amendments being drafted. It's therefore difficult for Labor to support these amendments, given the absence of any consultation. It's also difficult because we are concerned that the necessary consultation with the aged-care sector and consumers may not have occurred.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:57): I assure the ALP that consultation with consumers has occurred. In fact, this comes directly from consumers and the inquiry into the first phase of these changes. While I agree that fundamental changes to the act shouldn't be made in the run-up to the royal commission, let's be honest here. It's not reporting until late next year. It will take some time—let's face it—in the run-up to the next election for any action to be taken. I am not casting aspersions on the government, or anybody else for that matter; that's simply the reality of the way regulation works and making sure we've got an act that meets the recommendations from the royal commission in the future.

We're talking about changes that will help people now. Anybody who is involved in the aged-care system knows that My Aged Care is extremely complicated, very hard to navigate and means there isn't a single point of contact for the aged-care system. It makes sense to enable the commission to address these particular issues; otherwise they simply aren't addressed. It's a fallacy to say there's a single point of entry. So please don't use the 'you haven't consulted with us about it' excuse. As to the sector, consumers have asked for this. They've been complaining about My Aged Care a lot, as I addressed in my second reading contribution. So say you don't support them but don't use the excuse of not being consulted. Since when has the ALP consulted anybody else when they've brought in amendments? The fact is this is what consumers would like to see: a genuine single point of entry.

I ask: does the government intend to do anything about making My Aged Care, ACAT and RAS actually accountable and more usable in the at least 18 months that we will be waiting before we see any changes come through as a result of the royal commission's final report?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:00): Senator Siewert, I think that you will see this system look very different over the ensuing period. I make the point again that the role of the Aged Care Quality and Safety Commissioner is to oversee aged-care providers. The ACAT process, the assessment process, is completely different. It's currently delivered by a number of providers, including state governments. As part of our response to the royal commission report, we said that we were going to move to a process of a single national provider. That work has now commenced. So that process is going to change—and I think the oversight mechanism around that will probably have to be modified as part of that reform. The whole delivery of aged care is at the point where it's starting to change quite significantly.

The point that I would make is that the Aged Care Quality and Safety Commissioner's role is to oversee the quality of service delivery—not assessment. The assessment process is about to change significantly. So we need to make sure that we identify the differences and, as the
reform of the assessment process continues, there will have to be appropriate oversight processes for that.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:01): Can I ask for the minister's undertaking that the government will provide a briefing on how the continuing oversight will then be conducted on the new system once that is more in place?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:02): Yes.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:02): Thank you. I have a couple of questions around the Serious Incident Response Scheme. I understand that the department has finished the consultation process. Is that correct? Has the government got the paper? If so, will it be publicly available and when? I will ask those questions first and then I have series after that.

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:02): I don't have the final documentation on the Serious Incident Response Scheme. It is due to me very soon—and by that I mean probably early in the new year. Once that's available to me, I'm happy to have a conversation with various parties about that.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:02): Thank you, Minister. Is it intended that at some stage you will be releasing the actual report, or just your decision following the report?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:03): Given that I haven't seen anything yet, I am not in a position to make a specific decision about that. Once I receive it, I will be in a position to do that and I would be happy to have a conversation in that context.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:03): Given that, I don't know if you are in a position to answer my next question, but I'm going to give it a go. In terms of 'where to here from here' with the scheme, is it your intent that it sits within the remit of the commission or the department?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:03): My expectation is that it will sit with the commission.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:03): That's what I was hoping and expecting, but I thought I'd better check. I'm aware that you are considering another phase of changes for the commission functions. Given your expectation that it will sit with the commission, is it your intent that that will be included in that process?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:04): Until I am briefed by the advisory council to the commission, I really can't answer that question definitively. From my perspective, this process will be quite open. It's not something that I'm looking to contest. I am genuinely looking to ensure that senior Australians receive high-quality and safe aged-care services. That is my motive in this process.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:04): Thank you. Can I ask about the continuous quality improvement framework? Is this being developed
alongside the Serious Incident Response Scheme? Is it separate, or is there little work being done on it?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:05): I don't have anything specific on that, but my expectation would be that it's being developed alongside. Quite frankly, my expectation of the way that the quality system operates is that there is always a continuous process engaged in that, because that's how a good-quality system works.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:05): I take your point, but it was not obvious to us, during the Senate inquiry into this process, that that was happening, which is why we recommended that it happen. I realise you haven't got the report yet, but is it your intent—or, should I say, your expectation—that the scheme would include the issue of sexual assault?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:05): The Serious Incident Response Scheme will include issues of sexual assault. There are still some things, as I understand, being considered around the parameters of that, but it will include issues relating to sexual assault.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:06): Thank you. Sorry, I should have asked this: going back very briefly to the continuous quality improvement framework, can I ask the minister to take that on notice and perhaps get back to us on where that's at?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:06): I am happy to do that.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:06): Thank you. As you know, one of the other amendments I've moved as part of our amendments on sheet 8811 revised addresses the issues of advocates and access to premises and information. Can I ask the government to confirm whether the term 'persons assisting' refers only to employees of the commission and does not include advocates or community visitors?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:07): It doesn't only include employees, but it would normally only include people with specialist skills—which I know is going to raise another question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:07): You could have just gone on to answer it! Who does that include?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:07): Generally, it depends on the specific skills that are required. It could include a financial adviser. It could include someone with specialist nursing or health skills. That's the advice that I have. If you want me to take the specifics of that on notice and get back to you to save us some time, I'm happy to do that.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:08): Yes, if you could. Would it, for example, include people with specialised skills in advocacy?
Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:08): I'll take that on notice, Senator, and answer that specific question for you.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:08): Thank you. One of the issues that advocates are finding through this process is that they find they can't get access to appropriate information. Is there a process being undertaken, or what is the government doing, to ensure that aged-care providers don't withhold information from advocates? Are you looking at any sanctions where that is in fact happening?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:09): I think that I would suggest that that is a particular matter that's probably best addressed through an approach to the royal commission and seeing what recommendations they may bring back to us. I understand it's an issue that's been raised, but, rather than make a specific point on that at this stage, I think that's probably something best addressed through the royal commission process, which will come back to us with a whole range of recommendations, I expect, on those sorts of issues.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:09): Has this matter been raised with the government previously? I'm aware that access to facilities has been raised repeatedly by advocates, because advocates are still being refused. The issue around information is particularly important because they can't always do their job if they can't get access to information. I understand what you are saying about the royal commission, but is there anything that you have looked at that you can do in the meantime, because, as I have already articulated, it's some time before we are going to see the changes via the royal commission?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:10): I recognise this is a very difficult issue. Access to that sort of information—and even premises—is a difficult issue because appropriate permissions are obviously required and there are also privacy issues that come into these things. Rather than looking to make specific changes through this process, I go back to the point that even the opposition made a moment ago: we're best to address these sorts of things through a consolidated and considered process, particularly off the back of the royal commission, acknowledging that it is an issue.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:11): To a certain extent, I take your point. My concern is very much about the issues that are happening right now and how we can ensure that in the interim there are actions taken to ensure that advocates can do their job, particularly in light of what we're hearing coming out of the royal commission. It's not fair to make people wait for the next 18 months. I know the royal commission is going to take time; I'm not having a go at that at all. What I'm saying is people need protection now, not in 18 months time.

The Carnell-Paterson review found the commission should have a systemic advocacy function, and this was highlighted previously when the commission was first set up. As this isn't being addressed in this bill, has the government got plans to actually address the systemic advocacy point?
Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:12): This bill is about transferring functions between two agencies. That's what it's about. It's to happen on 1 January this year, and that is why it is important, so that's not specifically relevant to that. It may come up in some of the other processes we have already discussed.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:12): I know it's not part of this bill. The point is there are a lot of things that are not part of this bill that should be part of this bill. I'm asking: is that on the government's agenda, and will it be part of the next lot of changes? This process could go a lot more easily if Senator Cormann hadn't walked over and asked the minister to stop answering my questions. I realise we want to get this bill through, but this is important. It's aged care, and the government knows very well what the findings out of the royal commission have been, which are horrifying. There are people in the sector who want to see changes now, not changes made some time down the track. So I can keep asking questions or the minister can answer the very legitimate questions I'm asking. I'm not trying to roll this out any longer than is necessary. I articulated to the government a while ago that I would have a series of questions to ask here. I would appreciate them being answered. I'm trying to get this done as quickly as possible. So, if the minister could answer my questions, that would be appreciated. Is the government considering a function of systemic advocacy for the commission, or is it off the agenda?

The TEMPORARY CHAIR (Senator Sterle): I take the silence as no answer being forthcoming.

Senator SIEWERT: Are you saying, no, the government isn't considering a systemic advocacy approach for the commission?

The TEMPORARY CHAIR: The question is that the amendments moved by Senator Siewert be agreed to.

The committee divided. [10:19]

(The Temporary Chair—Senator Sterle)

Ayes .................... 11
Noes .................... 47
Majority ............... 36

AYES

Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Bernardi, C
Bragg, A J
Cash, MC

Faruqi, M
Hanson-Young, SC
Patrick, RL
Siewert, R (teller)
Waters, LJ

Antic, A
Ayres, T
Bilyk, CL
Brockman, S
Chandler, C

CHAMBER
Question negatived.

Senator GRIFF (South Australia) (10:23): I move amendment (1) on sheet 8804 revised:

Page 82 (after line 21), after Schedule 3, insert:

Schedule 3A—Transparency of approved providers

Aged Care Act 1997

1 After section 9-2

Insert:

9-2A Obligation to provide Commissioner a report

(1) As soon as practicable within 3 months after the end of a financial year, an approved provider must provide the Quality and Safety Commissioner with a written report for each facility operated by the provider that provided residential care in the financial year.

(2) The report must include the following information:

(a) the total income received by the provider from the facility;
(b) the sources of that income;
(c) the total amount spent in the financial year;
(d) the total cost of care expenditure which includes the itemised cost of the following:
   (i) food and food supplements;
   (ii) medical products;
   (iii) continence aids;
(e) the total cost of accommodation;
(f) the total cost of staff members for each category of staff member referred to in subsection (3);
(g) the total cost of staff member training;
(h) the total amount of other operational expenditure itemised by category;
(i) any amount paid to a related body corporate within the meaning of section 50 of the Corporations Act 2011.

Note: Approved providers have a responsibility under Part 4 to comply with this obligation. Failure to comply with a responsibility can result in a sanction being imposed under Part 7A of the *Quality and Safety Commission Act. The expenditure report provided under this section is made publicly available (see section 96-11).

(3) For the purposes of paragraph (2) (f), the categories of staff member are the following:
   (a) registered nurses;
   (b) enrolled nurses;
   (c) personal care attendants;
   (d) allied health staff;
   (e) administrative staff;
   (f) other staff members.

Note: The category of other staff members should be further broken down into appropriate categories.

(4) In this section:
staff member of an approved provider has the same meaning as in section 63-1AA.

2 After section 96-10
Insert:

96-11 Publication of reports by Commissioner
The *Quality and Safety Commissioner must make publicly available the report provided to the Commissioner under section 9-2A.

The CHAIR: The question is that amendment (1) on sheet 8804, as moved by Senator Griff, be agreed to.

The committee divided. [10:28]

(The Chair—Senator Lines)

Ayes ................... 34
Noes ................... 34
Majority ............... 0

AYES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Gallacher, AM
Green, N
Hanson-Young, SC
Lambie, J
McAllister, J
O’Neill, D
Polley, H
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE
Waters, LJ

Bilyk, CL
Carr, KJ
Ciccone, R (teller)
Faruqi, M
Gallagher, KR
Griff, S
Kitching, K
Lines, S
McKim, NJ
Patrick, RL
Pratt, LC
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M
Question negatived.

**Senator Griff** (South Australia) (10:31): I move amendment (2) on sheet 8804 revised:

Page 82 (after line 21), after Schedule 3, insert:

**Schedule 3B—Staff to care recipient ratios**

Aged Care Act 1997

1 After section 9-2

Insert:

9-2B Obligation to notify Commissioner about staff to care recipient ratios

(1) An approved provider must notify the *Quality and Safety Commissioner in relation to each facility operated by the provider that provided residential care, on each notification day for each rostered shift, ratios of:

(a) care recipients to whom residential care is being provided through that facility; to

(b) each category of staff member of the provider that provides a service connected with that facility.

Note: Approved providers have a responsibility under Part 4 to comply with this obligation. Failure to comply with a responsibility can result in a sanction being imposed under Part 7A of the *Quality and Safety Commission Act. Information notified under this section is made publicly available (see section 96-12).
(2) In counting staff members for the purposes of this section, part-time staff members are to be taken into account as an appropriate fraction of a full-time equivalent.

(3) For the purposes of subsection (1), a notification day is:
   (a) the 4 days, in each year, specified in the regulations; or
   (b) if no days are specified in the regulations for the purposes of paragraph (a)—each 1 January, 1 April, 1 July and 1 October.

(4) For the purposes of subsection (1), the categories of staff member are the following:
   (a) registered nurses;
   (b) enrolled nurses;
   (c) personal care attendants;
   (d) allied health staff;
   (e) other staff members involved in the delivery of care.

(5) A notification under subsection (1) must be made:
   (a) as soon as practicable after the day to which the notification relates; and
   (b) no later than 21 days after that day.

(6) The notification must be in the form approved by the Commissioner.

(7) The notification may include an explanation by the approved provider in relation to any ratio notified. The explanation must not exceed 250 words in total.

Note: If an explanation is provided, the explanation will be made publicly available: see section 96-12.

(8) The Commissioner must cause a review of the operation of this section to be undertaken as soon as possible after the first anniversary of the commencement of this section.

(9) The review must include a review of:
   (a) the operation of subsection (3) and whether the ratios referred to in subsection (1) should include a measure of care recipient acuity levels, and whether the ratios should capture other days or times including Saturdays and Sundays; and
   (b) whether there should be a requirement for providers to notify the Commissioner of significant changes between notification days of the ratios referred to in subsection (1) and whether such a requirement would create an unnecessary reporting burden on small providers.

(10) The Commissioner must give the Minister a written report of the review.

(11) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

(12) In this section:

  *staff member* of an approved provider has the same meaning as in section 63-1AA.

2 After section 96-10

   Insert:

   **96-12 Publication of staff to care recipient ratio notifications**

   The *Quality and Safety Commissioner must make publicly available any information about staff to care recipient ratios of residential care services notified to the Commissioner under section 9-2B.

   The TEMPORARY CHAIR (Senator Faruqi): The question is that amendment (2) on sheet 8804, moved by Senator Griff, be agreed to.

   The committee divided. [10:36]
(The Temporary Chair—Senator Faruqi)

Ayes .................12
Noes ..................41
Majority ..............29

AYES

Di Natale, R  
Faruqi, M  
Griff, S  
Hanson-Young, SC  
Lambie, J  
McKim, NJ  
Patrick, RL  
Rice, J  
Siewert, R (teller)  
Steele-John, J  
Waters, LJ  
Whish-Wilson, PS

NOES

Abetz, E  
Antic, A  
Askew, W  
Bragg, A J  
Brockman, S  
Canavan, MJ  
Carr, KJ  
Cash, MC  
Chandler, C  
Ciccone, R  
Colbeck, R  
Cormann, M  
Davey, P  
Fawcett, DJ  
Fierravanti-Wells, C  
Gallacher, AM  
Green, N  
Hanson, P  
Henderson, SM  
Hughes, H  
Hume, J  
McCarthly, M (teller)  
McDonald, S  
McKenzie, B  
McMahon, S  
Molan, AJ  
O’Neill, D  
O’Sullivan, MA  
Paterson, J  
Pratt, LC  
Rennick, G  
Reynolds, L  
Ruston, A  
Scar, P  
Seselja, Z  
Sheldon, A  
Smith, DA  
Smith, M  
Sterle, G  
Stoker, AJ  
Van, D

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

Third Reading

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (10:40): I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.
Protection of the Sea (Prevention of Pollution from Ships) Amendment (Air Pollution) Bill 2019
Second Reading

Consideration resumed of the motion:
That this bill be now read a second time.

Senator WHISH-WILSON (Tasmania) (10:41): I move the Greens second reading amendment to the Protection of the Sea (Prevention of Pollution from Ships) Amendment (Air Pollution) Bill 2019:

At the end of the motion, add:
"(1) notes that:
(a) shipping could produce as much as 17 per cent of global greenhouse gas emissions by 2050 if not mitigated;
(b) open-loop exhaust gas cleaning systems or scrubbers have been described as 'cheat devices' that enable compliance with sulphur-emission requirements while discharging contaminated washwater overboard;
(c) a range of jurisdictions including Belgium, China, Germany, Ireland, the United Arab Emirates and the United States have implemented restrictions on open-loop scrubbers; and
(d) without sulphur limits, ship pollution causes approximately 400 000 premature deaths from lung cancer and cardiovascular disease, and 14 million cases of childhood asthma each year; and
(2) calls on the Government to:
(a) implement strict discharge standards, including appropriate independent monitoring, for any exhaust gas cleaning systems; and
(b) advocate through the International Maritime Organization for stronger standards to protect our marine environment."

I mentioned in my earlier contribution that the discharge of pollution, especially from cruise ships, is a significant issue in my home state of Tasmania, especially in the home port of Hobart. What we're dealing with here is rising emissions and pollution going directly into our ocean and our communities. While shipping absolutely makes a contribution to rising emissions and there are things we need to do to reduce that pollution, especially greenhouse gas pollution, we need to have a broader discussion about the impacts of other sources of pollution on our oceans, starting with, of course, carbon dioxide and other greenhouse gas emissions.

I raise this in the context of pollution and the impact that rising greenhouse gases are having on my home state of Tasmania. Tasmanian waters are warming at four times the global average—the fastest rate of any marine environment on the planet. The waters off the east coast of Tasmania are seen as a global hotspot for ocean warming, and we've seen devastating impacts on our marine environment. We've seen, virtually, the loss of our giant kelp forests that stretch from the north-east of Tasmania, Mount William National Park, all the way down to the tip, the South West Cape of Tasmania. There are only a few remaining. In 2012 they were listed as critically endangered habitat. What have we done about these ecosystems that were nurseries for commercial fisheries and that provided so much input into the health of our ocean off the east coast of Tasmania? We have continued to see rising global
emissions and rising emissions in this country, Australia. We have only recently allocated some funding to try to regrow those kelp forests.

The warming oceans and the currents that are leading to this global hotspot off the east coast of my home state of Tasmania have also seen the scourge of the invasive urchin *Centrostephanus*, which had been a significant problem in the waters off New South Wales. It has now invaded the reefs off the east coast of Tasmania. The Institute for Marine and Antarctic Studies expects that by 2020, next year, one-third of the productive reefs off the east coast of Tasmania will be gone. They will be made barren—and that's the word it used. They're called urchin barrens. They are barren of all underwater life.

It's hard to see marine ecosystems. It's easier to see the impacts of global warming on terrestrial ecosystems. We've seen that with fires up and down the east coast of Australia and Tasmania. It's a lot harder to see the impacts underwater, but fishermen know what's going on. The abalone industry in Tasmania has been devastated. The rock lobster industry has been devastated. All species of fish caught by recreational and commercial fishers have had significant quota reductions. We have seen the severe impact of warming waters off our coast on aquaculture, with the Pacific oyster mortality syndrome. Millions of fish have been killed in the salmon industry from uprisings from a lack of oxygen. This is all associated with pollution and rising emissions. We need to do everything we can do to reduce emissions. This bill today and the Greens amendment would play a critical role in doing that.

I want to be very clear that the other threat to Tasmania's oceans—indeed, all oceans in this country and around the world—is the continued insanity and madness of oil and gas exploration off our coasts. We continue to issue seismic permits to open up new areas to explore for fossil fuels. Very soon the Senate is going to examine the impact of seismic testing. It's bizarre that, in the trillion-dollar offshore oil and gas industry, over all this time only a few million dollars has been spent on assessing the scientific impact of seismic testing on not just marine creatures but commercial fisheries and broader ecosystems.

We know that the threat from oil spills is very real. Not that long ago we had the Montara oil spill off north-west Australia. It devastated the seaweed industry in the poor country to our north, Indonesia. We saw what happened with BP in the US. It was one of the biggest environmental disasters in our history. It's worth watching the *Deepwater Horizon* film if you haven't seen it. Yet we have just issued new permits for companies to explore in the Great Australian Bight, off the north-west coast of Tasmania, off Newcastle and off Sydney.

The fight against oil and gas drilling off our coasts is a proxy battle for a fight against climate change. Australians are waking up and saying: 'Why are we doing this? Why are we risking pollution on our coastlines from oil drilling? Why are we exploring to burn more fossil fuels when we already have reserves of oil and gas around the world to push us above three degrees of global warming? Why are we doing this?'

I would like to give a message to the CEO of Equinor, the Norwegian state-owned company that seems so insistent on drilling the Great Australian Bight, a pristine, virgin area of ocean that is a breeding ground for so many species, including the whales that migrate to the Southern Ocean. My message to you, sir, is: please reflect on the lack of social licence you have in this country. Just weeks ago tens of thousands of Australians in coastal communities paddled out at their local beaches to say: 'No way, Equinor. You will not risk our coast. This is not a time in history when we need to be exploring for more fossil fuels.'
The Great Australian Bight Alliance has stretched right around this country, and, as a surfer, I'm very proud of my tribe for standing up and saying: 'No. This has got to stop.'

Equinor have lodged their plan with NOPSEMA. NOPSEMA have until 30 December to make a decision. I plead with the CEO of Equinor: walk away from this. Please. I urge you to consider the community response right around this nation, the tens of thousands of surfers in coastal communities that have come out and said, 'No way, Equinor'. Please consider this. You don't have a social licence. Give these Australian communities, give these surfers a Christmas present by walking away from this. I know that the government's been in your ear—Senator Canavan, who's in this chamber, was probably amongst them—saying, "Do not walk away from this; we need you to go and explore this pristine area of our ocean." You don't need to do it.

We don't need fossil fuels anymore. We desperately need to transition to clean forms of energy. I want to read you a post from a surfer who's a leader in the surf community around this country. His name's Sean Doherty. He's an editor and he writes for a number of the large surf magazines. He also advocates for environmental issues, and he's on the board of the Surfrider Foundation, a global marine conservation group that I used to be a part of. Indeed, I used to be on the board of the Surfrider Foundation in Australia. Mr Doherty posted an article this morning, 'Equinor retreats from frontier exploration in the Arctic'. It quotes the vice-president of Equinor on their frontier exploration of the Arctic. The vice-president said:

It was always a frontier area, almost a virgin area; we sometimes forget that there was high geological risk on this—that is, drilling in this area. He went on to say people might be disappointed with the decision to pull out of drilling in the Arctic, but it was not surprising. How is the Great Australian Bight different to the Arctic? There are no oil and gas fields in the Great Australian Bight. It is one of the most beautiful, stunning oceans and coastlines on the planet that is a nursery for so much marine life. Do not risk our oceans when they are in a time of crisis. They are fast being broken by homo sapiens and our insatiable demands for money and for profits and for business as usual. It's that stupidity, that insanity that's got us in this situation in the first place and I plead with Equinor: do the right thing and walk away from Australia, walk away from this high-risk exploration.

I'd also like to put on record, while we are debating a bill around marine pollution, my thanks and my gratitude to the thousands of surfers and Australians in their communities around this nation who have stood up, time and time again, and said: 'No way, Equinor. Big oil don't surf; we do. This is our coastline. We don't want to risk it. It's our time in history to be making brave decisions, to protest and to transition our economies and our communities to a renewable energy future.'

Let me finish by saying business as usual is insanity when you see the changes, the tipping points, we are seeing around the planet. In the past five years I have chaired two Senate inquiries into what's happening in the Barrier Reef. I have been to the reef. I have heard, like a number of my colleagues have, from hundreds of scientists, including IPCC scientists who have a case study in their latest report on oceans and the impacts off Tasmania. Scientists have openly said to me, 'None of us in our lifetime predicted we would see things tip so quickly.' Our best models predicted it wasn't possible to have back-to-back bleachings on the Great Barrier Reef until 2050. Our best models predicted 2050, but we got it in 2016 and
And things have got worse. We've lost thousands of kilometres of mangroves up in the gulf. We've seen impacts on our oceans across Western Australia—the loss of seagrass beds. It is a crisis and it is frightening and it is distressing to communities.

We need to do everything we can to act on this, and we are not doing enough. Australia is a custodian of the Great Barrier Reef. It is an island girt by sea. Not only do we have a leadership role to play on marine plastics, which is an area I'm glad this government is finally focusing on; we have a custodian role of the Great Barrier Reef. We have a world heritage UNESCO committee looking at the status of the reef as we speak. No-one can deny the impact that climate change has had on the world's reefs. I surfed recently in the Maldives, and Senator Canavan, through you, Mr Acting Deputy President Gallacher, would be shocked to know that 90 per cent of their reefs are dead. I've witnessed it; I've seen it. We know half the Great Barrier Reef is now dead. The single biggest living organism on this planet: dead, Senator Canavan. Look at the science. And it's people like you that come into this place and pull the levers for the fossil fuel industry that will be responsible for this. You will be held to account by future generations. Let me assure you: what you are doing is tantamount to criminal activity. You are climate criminals if you continue down this road of burning fossil fuels when all the warning signs are there and you choose to ignore them. It is not acceptable.

I will bring this back to what we have in front of us today, which is a small ask and contribution.

Senator Canavan: How do you sleep at night?

Senator WHISH-WILSON: You laugh, Senator Canavan. I wish the cameras could capture your face laughing while the reef dies—and you, Senator Sterle. You're acting like a clown over there. Do you think it's funny that our oceans are dying? Do you think it's funny?

Senator Sterle: No, I don't.

Senator WHISH-WILSON: Yes, you bloody well do, and you should be ashamed of yourself.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): Senator Whish-Wilson, please resume your seat. Interjections are highly disorderly. Senators are expected to be heard in silence. I ask senators contributing to the debate to ignore interjections. Senator Whish-Wilson.

Senator WHISH-WILSON: Thank you, Acting Deputy President. It's been a long, difficult year for all of us, so it's no wonder that I'm emotional and tired and angry and calling it the way it should be called in this place. And I'm disgusted that some senators think this is funny.

Senator Sterle: You're a hypocrite. That's what you are.

The ACTING DEPUTY PRESIDENT: Order!

Senator WHISH-WILSON: I'll take that interjection. Really? Who else in this place has consistently called for action on our oceans? The only party that has been consistent is the Greens. We are the only ones who have been willing to highlight the damage to the Great Barrier Reef, to call out the damage to our oceans, to stand with communities. It's just a sad shame that, while we've had families come from places like the Northern Rivers this week, who've put what remains of their home out the front of this building and have called for
politicians to work together and to cooperate and to stop acting like children, we get outbursts from the likes of Senator Sterle in here. It's a shame that what we got this week was you trying to drag up a 10-year-old policy debate as though somehow that is fixing the problem. It's not; it's making things worse. It is high time that MPs across all political spectrums came together to solve this problem.

Last night at the Greens Christmas party we had 20 or 30 of the country's fireys.

**Senator Canavan:** You had a Christmas party?

**Senator WHISH-WILSON:** You consider that, Senator Canavan: at a Greens Christmas party we had 20 or 30 of the nation's most senior fireys, and today they stood outside parliament and said they moved a motion calling for a transition away from fossil fuels. You go away and consider that, Senator Canavan. That's the nation's fireys out there calling for you to transition, and what are you doing? You're trying to burn more fossil fuels. You're trying to actively not only support these projects and remove obstacles in front of them but also fund them. You're trying to put government money into propping up ailing coal-fired power stations. You're trying to put government money into these projects. You will do anything to condemn future generations on this planet, and we will call you to account every single time. I recommend the Greens second reading amendment to this bill.

**The PRESIDENT:** The question is that the second reading amendment moved by Senator Whish-Wilson be agreed to.

The Senate divided. [11:04]

(The President—Senator Ryan)

<table>
<thead>
<tr>
<th>Ayes .....................31</th>
<th>Noes .....................33</th>
</tr>
</thead>
<tbody>
<tr>
<td>Majority ..................2</td>
<td></td>
</tr>
</tbody>
</table>

**AYES**

Ayres, T
Carr, KJ
Ciccone, R
Faruqi, M
Green, N
Hanson-Young, SC
Lines, S
McCarthy, M (teller)
O’Neill, D
Polley, H
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE
Waters, LJ
Whish-Wilson, PS
Brown, CL
Chisholm, A
Di Natale, R
Gallacher, AM
Griff, S
Kitching, K
McAllister, J
McKim, NJ
Patrick, RL
Pratt, LC
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M

**NOES**

Antic, A
Bernardi, C
Brockman, S (teller)
Askew, W
Bragg, A J
Canavan, MJ
Third Reading

The PRESIDENT (11:06): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (11:06): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019

VET Student Loans (VSL Tuition Protection Levy) Bill 2019

Higher Education Support (HELP Tuition Protection Levy) Bill 2019

Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

Senator PRATT (Western Australia) (11:07): Today I want to make a contribution, on behalf of the opposition, on the three bills before us, which we are considering together: the
Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019, the VET Student Loans (VSL Tuition Protection Levy) Bill 2019, and the Higher Education Support (HELP Tuition Protection Levy) Bill 2019. We have here in the main bill tuition protection arrangements structured according to the three schedules. Schedule 1 proposes to amend the VET Student Loans Act 2016 to replace the current tuition assurance arrangements with a new VET student loans tuition protection scheme and to make minor consequential amendments to the Education Services for Overseas Students Act.

Schedule 2 proposes to amend the Higher Education Support Act 2003 to replace current assurance arrangements with a new higher education loan program tuition protection scheme. I note that schedule 3 does not specifically relate to tuition protection and proposes minor amendments to the VSL Act provisions that require the secretary to revoke approval as a VSL provider at the request of that provider.

The two accompanying bills propose to formalise the terms of the levies. Labor has some remarks to make about that issue, as well as some of the issues that have been excluded from this bill. So we support this legislation and welcome today the practical effect of introducing protections for students with VSL HELP loans and simpler processes for decision-making, which will make student placement and VSL HELP loan for VSL HELP loan re-crediting.

Labor does strongly support the principle that students should be protected in instances of provider or course closure. The intention of this package of bills is positive overall, as they seek to address the impact of VET FEE-HELP, which has seen ongoing increases in course fees and, as a result, unrecoverable student debt.

We very much want to see a strong VET sector, with TAFE as the backbone of that. Labor wants to protect students from any adverse outcomes in the event of provider or course collapse. The bills were referred by the Senate to the Education and Employment Legislation Committee, and I'd like to thank Senator McGrath for the ability to hold inquiries. They've been very helpful to our deliberations on this legislation.

I'd like to highlight some of the submitters' remarks and evidence to the inquiry, noting that stakeholders in the VET and higher ed sectors were broadly supportive of the bills but did have some concerns, which we've been discussing with the government. I note that shadow minister Tanya Plibersek has had some successful negotiations and discussions around some of those issues. Submitters have raised concerns that students who pay their tuition fees upfront from personal savings or from the savings of a business are excluded from protection arrangements in these bills, potentially leaving them vulnerable. This was certainly highlighted in the evidence before the inquiry. I note that stakeholders are actively engaging in these discussions on an ongoing basis with government. They haven't had an opportunity to be clearly resolved in terms of this legislation, but we would like to keep the pressure on the government to see those issues resolved.

Labor notes in this context that private providers do already have a legal obligation to provide tuition protection for fee paying students and that those students might seek recourse via the Australian Competition and Consumer Commission. But we, like other stakeholders, are concerned that the scheme before us today, because it doesn't sit well alongside other schemes, entrenches complex arrangements where different students have different rights and protections. The Department of Education told the committee that students could seek recourse via the ACCC, but we believe this provides little comfort because of the simple fact
of the kind of situation where the student needs to engage the ACCC to recover fees paid upfront. In those circumstances, the provider would be likely to be in administration, no longer operating and unable to provide the course refund protection.

Labor senators also note that providers that were using insurance products in this space that those insurance products have been withdrawn, weakening the diversity of protections available to those students. We think it's a missed opportunity to have looked at those issues in conjunction with this legislation. However, we appreciate that the time constraints in looking at those issues together may have proven difficult, and we'd like to keep the pressure on the government to resolve those issues.

Another major concern raised by submitters to the inquiry was that TAFE will be insuring their students, despite the fact it has such an extremely low risk that students would be left vulnerable in the event of course closure at TAFE. It was clear that there was a very real risk that students accessing student loans in order to attend TAFE for a VET qualification would be bearing a proportion of the insurance cost across the whole of the sector for students who have accessed a student loan to attend a private provider. I note that Mr Jackson, from TAFE Directors, gave clear evidence to the committee on this. He said:

It is partly setting up a scheme that only covers 14 000 students at a significant cost to the public sector, when in fact the public sector is already insuring its students by being state owned. So the question in some ways is around the economics of just having a scheme for 14 000 VET student loan students, when probably the greater risk is for those full-fee-paying students who are outside it, except full-fee-paying with TAFEs, who are actually guaranteed by their state government anyway.

I'm delighted that the government has responded to urgings by the shadow minister, Tanya Plibersek, to amend the legislation to address the issue of TAFE, because this is important. The latest data from the Department of Employment, Skills, Small and Family Business on VET student loan uptake by student, by provider or by state or territory government shows that providers enrolled 43,970 out of the 57,874 VET VSL students for 2018. So they have the vast number of enrolments. We were concerned that state and territory government-owned providers would be underwriting 76 per cent of the administration of the domestic Tuition Protection Service without those students having a material benefit.

Demonstrating the case that TAFE students have no significant risk of losing coverage of their loans, the Department of Employment, Skills, Small and Family Business confirmed to our hearing that the department has managed interim tuition assurance arrangements from 1 July 2018. They told the committee that during this period no TAFE students sought court assurance or were eligible for a re-credit for any part of their loan.

From Labor's point of view, the effect of overzealous application of competition policy and privatisation in the VET sector, as well as chronic underfunding on the part of this government, has had a very negative effect on the sector. It is an unfortunate reality for some students that they do sometimes unknowingly enrol with a dodgy provider which is overloaded with students in order to turn a quick profit. The provider goes under, the student is left in the lurch with their course and they are out of pocket. The failure of the system in these cases lies with the government, but we are pleased that today the Tuition Protection Service will provide students some comfort in the future. We also urge that the quality of these providers very much needs to be held to account through government processes.
Predominantly, as I highlighted, our concerns have been around students attending public TAFE but wearing the cost of the course or business failure in the private sector. As I also highlighted, our other concerns have been around the lack of protection for students who have paid their fees upfront. I wish the government well, and we'll certainly continue to talk to stakeholders ourselves about the progress in addressing these issues. In Labor, we want to see the best interests of students and publicly funded TAFE education upheld and addressed. We've called on the government to address the issue of TAFE with an amendment to the VET Student Loans (VSL Tuition Protection Levy) Bill 2019, which is before us. We're very appreciative of the fact that the government has been cooperative in this matter and has circulated a request to be sent to the other place for amendment.

We very much want to make sure that students are protected from the operation of dodgy providers and we support the bill.

Senator FARUQI (New South Wales) (11:18): I rise to speak on the Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019 and its companion bills that establish the HELP and the VSL tuition protection levies.

The existing Tuition Protection Service, or TPS, protects international students, placing them in equivalent courses or providing a refund when providers collapse. The bills before us today expand the TPS to cover students with VET student loans and HELP loans and, in doing so, the existing Tuition Protection Service's director will become the director of the new the new VSL and HELP schemes. And the remit of the Tuition Protection Fund Advisory Board will expand to take in the two new funds.

The Greens recognise the need to protect students, particularly those at risk from some dodgy education providers who put profit ahead of quality. We recall all too well the appalling tactics used by unscrupulous providers in the past. Students fell victim to targeted doorknocking, with salespeople offering inducements to sign up to expensive courses they never received. Thousands of students were overcharged for poor-quality training, a legacy that continues. Just this month, we saw Unique International College fined $4.2 million for enrolling people from remote New South Wales communities in online courses costing nearly $27,000, by offering them free laptops. While much of this behaviour has been rightly banned, we know that dodgy providers will still do anything they can to turn a profit, so it's important to have in place tuition protection arrangements that appropriately safeguard students, which is why we support these bills.

While these bills make some effort towards that goal, in typical Liberal-National fashion, they manage to continue to degrade TAFEs and ignore the rot at the heart of the conservatives' approach to education. A publicly owned and properly funded TAFE system plays an essential role in building an economically and socially just society by offering lifelong educational opportunities and skills development. But these bills, as they stand now, slug TAFEs that are already egregiously underfunded with an administrative levy that is entirely unwarranted. In the inquiry into the expansion of the tuition protection scheme, the Australian Education Union put the situation well when they said:

... students taking out loans to undertake vocational education should be protected and assisted in the case of provider or course closure, but TAFEs should not be punished for the failures of the mass privatisation of vocational education in Australia nor for the lack of quality and rigor of some private RTOs.
Fundamentally, if you're setting up a scheme to ensure against the impact of defaults, the cost of that scheme to providers should match their risk of default. Quite rightly, this is reflected in the exemption from the TPS administrative levy of low-risk table A providers, like our public universities, which leaves us, as well as unions and student groups, wondering why TAFEs were not similarly exempted in the bill as it stands now.

TAFE's extremely low risk of default means that they're exceedingly unlikely to trigger the new tuition protection scheme. The consequence of this is that TAFE's participation in the scheme, established by these bills, will be primarily as a second provider, accepting students from providers who have defaulted on their obligations to students by shutting down or cancelling a course. Despite this, TAFEs aren't exempt from the administrative levy in the bills before us and face, according to the evidence provided by TAFE directors Australia, around $670,000 a year just in administrative fees. This would really amount to TAFEs being forced to use funding that could otherwise have gone to training to subsidise a scheme their students are unlikely to benefit from. I find it absolutely absurd that anyone could look at the burden these bills place on TAFEs to subsidise the administration of the scheme their students wouldn't be benefiting from and think that that's okay.

TAFEs and government owned providers ought to be exempt from any levy under the new TPS and the Greens have circulated Committee of the Whole amendments to effect this. We have now seen exactly the same amendments from the government to amend their own bill. Thankfully, the government has seen sense and listened to stakeholders on this issue. In addition to burdening TAFE with the administrative levy, it does nothing to remedy the disturbing lack of tertiary knowledge expertise, to fund the VSL and HELP advisory boards to provide advice to the board for setting the risk levy. TAFE directors Australia expressed to the inquiry:

Current members with education background, apart from the chair, are not experienced in tertiary education, especially vocational education and would not be alert to the inherent risks in the sector’s schemes and volatility around closures.

In fact, the government's neglect of the advisory board is much worse than that. The board can have up to seven non-government members, but, as at 30 June 2019 only four non-government members have been appointed. They have left chairs empty where experts could be sitting. Among the four who have been appointed, the sole member with relevant tertiary education experience is the chair, Ms Helen Zimmerman. Who are the rest? Good old Liberal Party mates, of course.

In a typically disgusting doing of favours, the Liberals have stacked the board with two former party advisers and a two-time Liberal Party election candidate, each collecting up to $584 each day they work in the role. None of them, as far as I am aware, have the kind of sector-specific tertiary education experience needed to evaluate risk in the sector and evaluate providers, in order to levy tens of millions of dollars. And the minister hasn't kept the appointments middle of the road, either. Among the Liberal pals appointed to the board is Dr Kevin Donnelly—the same Kevin Donnelly who last week used the N-word three times in a speech promoting his new book at a launch attended by Mr Tony Abbott and the same Kevin Donnelly who was chief of staff to Kevin Andrews when he was a minister and raves publicly about PC ideology destroying childhood.
The bills before us call for qualifications or experience relevant to the job, but what we get is Liberal Party hacks receiving favours. The Liberals need to end this disgraceful game of mates. They need to guarantee real expertise and tertiary education experience—make sure that it is present on the board. In recognition of their long-standing expertise in tertiary education and their role as second providers to students from providers in default, the Australian Greens believe the advisory board should have at least one representative from TAFEs amongst its membership, as well as other members with experience in the sector. I will be moving amendments to fix this mess.

That that these bills do nothing to address the destruction the Liberal-National government has wrought on public VET in Australia is, I think, a real shame. Skills and training have been underfunded by tens of millions of dollars in the last year alone. We saw, recently, Labor and Liberals team up to abolish the $4 billion education infrastructure fund. In the last year alone, TAFE student numbers have been allowed to drop by 1.9 per cent, while subject enrolments have dropped by 5.7 per cent and training hours have dropped by 6.4 per cent. More disturbing still is that the number of students in nationally recognised programs dropped 16.2 per cent from 2015 to 2018, while we have a national shortage of skilled workers in 27 of 33 technician and trade categories.

Labor ought not to escape that blame. Their indulgence of for-profit providers and introduction of contestable funding helped push public provision of VET to the edge. Even with new tuition protection arrangements in place, students will continue having to handle prohibitive loan fees and the severe disruption that any provider closure entails. It is clear, as the National Union of Students told the inquiry, that for vocational education to become a more secure and attractive option for students, more must change in the public discourse and national strategic policy spaces. No expansion of tuition protection measures can mitigate the systemic risk introduced by the ongoing shift of public funding for training from low-risk TAFEs and public institutions to high-risk, for-profit providers, as detailed in the AEU submission. When extending tuition protection, it is vital that the parliament be mindful not to give students a false sense of security in commencing education with for-profit providers, which are at greater risk of default.

We can do so much better by students and so much better by society. To support students, the government must reverse its underfunding of skills and training and restore publicly owned, fully funded providers to the centre of the VET system. I refuse to just fiddle around the edges or allow the ongoing privatisation of education to erode our future. Students leaving university or TAFE now face greater pressures than ever before, including high youth unemployment and record housing and living costs. Being saddled with tens of thousands of dollars in student debt that takes decades to repay is unsustainable and unfair. That's why the Greens' plan for free TAFE and uni for everyone, for all their lives, is the bold change we need to build a more equal and just society.

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (11:28): I commend the bill to the Senate.

Question agreed to.

Bill read a second time.
In Committee

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

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (11:30): I table a replacement explanatory memorandum relating to the VET Student Loans (VSL Tuition Protection Levy) Bill 2019 and the Higher Education Support (HELP Tuition Protection Levy) Bill 2019; and I table supplementary explanatory memoranda related to the government request for amendments to be moved to the VET Student Loans (VSL Tuition Protection Levy) Bill 2019 and the Higher Education Support (HELP Tuition Protection Levy) Bill 2019. These amendments will, as has been requested, remove TAFE and other government owned providers from the scheme. I seek leave to move government amendments on sheets RQ108 and RQ109.

Leave granted.

Senator CASH: I move:

That the House of Representatives be requested to make the following amendments:

Sheet RQ109

(1) Clause 5, page 3 (line 2), at the end of the definition of leviable provider, add "but does not include a provider covered by subsection (1A)".

(2) Clause 5, page 3 (after line 16), after subclause (1), insert:

(1A) An approved course provider is covered by this subsection if the provider is a registered training organisation that is:

(a) owned by the Commonwealth, a State or a Territory; or
(b) established to provide vocational education or training under one of the following:
(i) the Technical and Further Education Commission Act 1990 (NSW);
(ii) the Education and Training Reform Act 2006 (Vic.);
(iii) the TAFE Queensland Act 2013 (Qld);
(iv) the Vocational Education and Training Act 1996 (WA);
(v) the TAFE SA Act 2012 (SA);
(vi) the Training and Workforce Development Act 2013 (Tas.);
(vii) the Canberra Institute of Technology Act 1987 (ACT).

(3) Clause 7, page 4 (line 8), omit "(1) Unless the leviable provider is covered by subsection (3), the", substitute "The".

(4) Clause 7, page 4 (line 19) to page 5 (line 4), omit subclauses (2) and (3).

Parliamentary Counsel

VET Student Loans (VSL Tuition Protection Levy) Bill 2019

Statement of reasons: why certain amendments should be moved as requests

Section 53 of the Constitution is as follows:

Powers of the Houses in respect of legislation

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.
The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Amendment (1)
The effect of this amendment is to exclude TAFEs from liability to pay VSL tuition protection levy. It is covered by section 53 because it amends a Bill that imposes taxation.

Amendment (2)
The effect of this amendment is to exclude TAFEs from liability to pay VSL tuition protection levy. It is covered by section 53 because it amends a Bill that imposes taxation.

Consequential amendments
Amendments (3) and (4) are consequential on the amendments mentioned above.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000

Amendments (1) to (4)
As this is a bill imposing taxation within the meaning of section 53 of the Constitution, any Senate amendments to the bill must be moved as requests. This is in accordance with the precedents of the Senate.

Sheet RQ108

(1) Clause 5, page 3 (line 3), at the end of the definition of leviable provider, add "but does not include a provider covered by subsection (1A)".

(2) Clause 5, page 3 (after line 18), after subclause (1), insert:

(1A) A higher education provider is covered by this subsection if the provider is:
(a) owned by the Commonwealth, a State or a Territory; or
(b) established under one of the following:
   (i) the Technical and Further Education Commission Act 1990 (NSW);
   (ii) the Education and Training Reform Act 2006 (Vic.);
   (iii) the TAFE Queensland Act 2013 (Qld);
   (iv) the Vocational Education and Training Act 1996 (WA);
   (v) the TAFE SA Act 2012 (SA);
   (vi) the Training and Workforce Development Act 2013 (Tas.);
   (vii) the Canberra Institute of Technology Act 1987 (ACT).

(3) Clause 7, page 4 (line 8), omit "(1) Unless the leviable provider is covered by subsection (3), the", substitute "The".

(4) Clause 7, page 4 (line 19) to page 5 (line 3), omit subclauses (2) and (3).
Parliamentary Counsel

Higher Education Support (HELP Tuition Protection Levy) Bill 2019

Statement of reasons: why certain amendments should be moved as requests

Section 53 of the Constitution is as follows:

Powers of the Houses in respect of legislation

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Amendment (1)

The effect of this amendment is to exclude TAFEs from liability to pay HELP tuition protection levy. It is covered by section 53 because it amends a Bill that imposes taxation.

Amendment (2)

The effect of this amendment is to exclude TAFEs from liability to pay HELP tuition protection levy. It is covered by section 53 because it amends a Bill that imposes taxation.

Consequential amendments

Amendments (3) and (4) are consequential on the amendments mentioned above.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000

Amendments (1) to (4)

As this is a bill imposing taxation within the meaning of section 53 of the Constitution, any Senate amendments to the bill must be moved as requests. This is in accordance with the precedents of the Senate.

Senator FARUQI (New South Wales) (11:31): In respect of the Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019, I move the Greens amendment on sheet 8809:

Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019:

Schedule 1, page 31 (after line 28), after item 48, insert:

48A After paragraph 55C(1) (a)

Insert:

(aa) a representative from the relevant vocational education or training bodies;

48B After subsection 55C(1)
Insert:

Requirement for Board members appointed under paragraph (1) (aa)

(1A) A person is not eligible for appointment as a Board member under paragraph (1) (aa) unless:

(a) the Minister has given a notice in writing to each head of a relevant vocational education or training body:

(i) specifying the person the Minister is proposing to appoint; and
(ii) stating the reasons the Minister is proposing to appoint the person; and
(iii) inviting the head to make submissions, in writing, to the Minister within 28 days after receiving the notice; and

(b) the Minister has considered any submissions received within that period and is reasonably satisfied the person has the support of a majority of the heads of the relevant vocational education or training bodies.

(1B) A body established under the following to provide vocational education or training is a relevant vocational education or training body:

(a) the Technical and Further Education Commission Act 1990 (NSW);
(b) the Education and Training Reform Act 2006 (Vic.);
(c) the TAFE Queensland Act 2013 (Qld);
(d) the Vocational Education and Training Act 1996 (WA);
(e) the TAFE SA Act 2012 (SA);
(f) the Training and Workforce Development Act 2013 (Tas.);
(g) the Canberra Institute of Technology Act 1987 (ACT).

I explained earlier, in my speech in the second reading debate, that these amendments are actually putting some expertise and TAFE representation on the Tuition Protection Service Advisory Board to make sure that that expertise is there when decisions are being made about TPS.

Senator PRATT (Western Australia) (11:31): I'm going to speak to all of the amendments briefly. The key issues raised through the Senate committee's inquiry highlighted the unreasonable requirement for TAFEs to make a financial contribution to the scheme, given their low-risk profile and the fact that the states effectively guarantee students in the TAFE system. We're pleased that at Labor's urging this issue has been addressed through the government's amendments, and we note that the Greens also have the same interest as us in that regard. Given that the amendments exclude TAFE from making a financial contribution to the scheme, and we believe that the rationale for including TAFE representatives on the advisory board appeared somewhat limited, we do indeed urge the government to look at the quality of their appointments and the possibility of TAFE representation on that board.

Question negatived.

Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019 agreed to; VET Student Loans (VSL Tuition Protection Levy) Bill 2019, as amended, agreed to, subject to requests; Higher Education Support (HELP Tuition Protection Levy) Bill 2019, as amended, agreed to, subject to requests.

Education Legislation Amendment (Tuition Protection and Other Measures) Bill 2019 reported without amendments; VET Student Loans (VSL Tuition Protection Levy) Bill 2019
reported with amendments and requests; Higher Education Support (HELP Tuition Protection Levy) Bill 2019 reported with amendments and requests; report adopted.

Third Reading

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (11:34): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator PRATT (Western Australia) (11:35): I welcome the opportunity today to have a discussion about child care. This bill and this debate are long overdue. The bill is officially named the Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019, but it should in Labor's view really be named the 'Fixing the government's childcare stuff-ups bill'. Does the bill really build on the package when all it's doing is fix some of the design faults of the new system? The bill is a shopping list of some of the biggest blunders in the Abbott-Turnbull-Morrison government's new childcare system, which was introduced in July last year. Let's look at some of these blunders in turn.

The bill extends the time frame for enrolments ceasing due to nonattendance from eight to 14 weeks. Labor supports this change as it fixes one of the most ridiculous design faults within the government's system. Only a comically incompetent government would design a scheme that kicks families out of the system after eight weeks, when the school term goes for 12 weeks. Thousands of families using vacation care access the system only every 12 weeks. Labor told the government at the introduction of this legislation a year and a half ago that this would be a big stuff-up, and indeed it was. Now families using vacation care every school holidays won't have to register for the system with Centrelink every term. Anything that reduces the amount of time families have to spend on hold with Centrelink is a change that Labor will support.

The bill improves the treatment of third-party payments in calculating the childcare subsidy, and this is indeed welcomed. State and territory governments and the sector have been lobbying the government since July 2018 to make this change, so it's definitely a case of better late than never when it comes to this government.

We're pleased that the government has also seen sense in including in the bill a provision to remove the 50 per cent limit on the number of children that a provider can self-certify for the additional childcare subsidy for child wellbeing. This is particularly important, noting that some childcare providers have larger cohorts of vulnerable children. There should not be a limit in this regard. It's a mystery why the government decided to introduce this rule in the new system, because it ignored the reality of disadvantage in some communities in Australia. We support this change.
Most of the other provisions of the bill are minor and technical amendments which we support, but there's one provision which Labor will not support. The current system has a 28-day grace period in which families registering for the subsidy can provide their bank account and tax file number. Families are able to claim the subsidy and have 28 days to get those details into Centrelink. This is a reasonable and rational policy. It recognises that people don't always have their personal details handy when they interact with government. Items 35 to 38, 41, 42, 50 and 51 in schedule 1 of the bill remove the current 28-day grace period so that families will not be approved for the subsidy unless they have their personal details immediately to hand. In Orwellian style, the government is trying to claim that this change will reduce complexity in the system. It will make it easier for Centrelink—that's certainly true—but it does not make it easier for families, particularly families in stress who may be fleeing domestic violence or a natural disaster, or for people who didn't have time to grab the paperwork as they ran out the door. Families in stress still need their child to enjoy the benefits of early learning and care, perhaps even more so. They want to try and maintain some kind of routine and normality for the children, but if they don't have that piece of paper apparently this government doesn't care. Almost every single submission to the Senate Education and Employment Legislation Committee's review of this bill made that point and was critical of this change. Childcare providers and their peak bodies are clear that this is a regressive change that will impact on those families that are least able to cope. This provision is not acceptable and we will be moving an amendment to remove it from the bill. We note that the government has moved amendments in the other place to allow families in crisis to apply for exemptions from this new policy. We don't oppose this change, but it sounds like it is increasing the complexity of the system for families and providers. We believe our amendment is a better solution.

Overall, this bill represents modest improvements to a deeply flawed childcare system, a system that leaves one in four families worse off. It's a design feature that access to early education and care is reduced for 279,000 families—it is built into the system. It is a system that only 40 per cent of providers and only 41 per cent of families told the independent evaluation reviewers had resulted in a positive change. Eighty-three per cent of parents told the evaluation that the new system had made no impact on their work or study. It's a system that has been forcing childcare providers to act as unpaid debt collectors for the government, because families are struggling to stay on top of the complicated activity and means test. It's a system that has been riddled with software glitches that have left providers and families in the dark without pay. So to claim that this bill before the Senate builds on the current system is stretching credibility indeed.

It is Labor's view that only ironing some of the kinks in the system is what this bill is doing and it doesn't really even touch the edges. A bill that truly built on the childcare package would include provisions that abolished the regressive activity test. A bill that built on the childcare system would restore the guaranteed two days a week of child care for all children that were within the childcare safety net under the old system. A bill that built on the current system would call off the government's Centrelink thugs, who have sent out blunt letters telling families they owe the government money, without any explanation. So far, 91,000 families, or 16 per cent of all families audited so far, have been hit with a childcare subsidy debt notice. This is more evidence the new system is too complex and not working for Australian families. It would do something to bring childcare fees, which have shot up 30 per
cent under this government, under control. The latest CPI figures show childcare fees have gone up by seven per cent since last September and wages have not. Under this government, families, on average, are now paying $3,000 a year more for early education and care.

None of this is a surprise. After all, this is a government that has members who believe that early education is not the best way to invest in our future. The Minister for Education claims that taxpayer funding of early education and care is communism. The Prime Minister calls the childcare budget a money pit. Given that the government has for so long stuck its head in the sand and denied there were any problems with their new system, Labor is pleased that most of this bill makes some progress towards making it work better for providers and families.

Senator FARUQI (New South Wales) (11:43): I rise to speak, on behalf of the Greens, on the Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019. This bill can probably best be described as fixing some, but definitely not all, of the problems with the government's childcare package. It includes extending the time frame in which an enrolment is ceased due to nonattendance, removing the limit on the number of children a childcare centre can classify as at risk and allowing the minister to prescribe specific circumstances in which subsidies can be paid where the child is absent at the start or end of enrolment. While we support the bill, I don't congratulate the government on it. These mistakes were made by the government, so the least they can do is fix them.

As we can always predict with this government, even when they try to fix a problem they inevitably cause another one. As highlighted by Early Childhood Australia, ELACCA and Goodstart in their submissions to the inquiry into this bill, there is a significant change, which is negative. Currently, the family assistance administration act allows a parent or carer to make an immediate claim for childcare subsidy, CSS, provided they also submit a written statement that they will provide their bank account details and/or tax file number within 28 days. This bill removes this 28-day period, which means a CCS claim will be rejected; and it actually risks a family incurring a debt for a subsidy they are otherwise entitled to. Why would we want to make life harder—

The PRESIDENT: Order! It being 11:45, the debate is interrupted. Senator Faruqi, you will be in continuation.

COMMITTEES
Selection of Bills Committee
Report

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (11:45): I present the 10th report of 2019 of the Selection of Bills committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 10 OF 2019
1. The committee met in private session on Wednesday, 4 December 2019 at 7.25pm.
2. The committee recommends that—
(a) the Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 February 2020 (see appendix 2 for a statement of reasons for referral);

(b) the provisions of the Export Control Bill 2019, the Export Control (Consequential Amendments and Transitional Provisions) Bill 2019, the Export Charges (Imposition—General) Amendment Bill 2019, the Export Charges (Imposition—Excise) Amendment Bill 2019 and the Export Charges (Imposition—Customs) Amendment Bill 2019 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee but was unable to reach agreement on a reporting date (see appendix 3 for a statement of reasons for referral);

(c) the provisions of the Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Bill 2019 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 13 March 2020 (see appendix 4 for a statement of reasons for referral);

(d) contingent upon introduction in the House of Representatives, the provisions of the Federal Circuit and Family Court of Australia Bill 2019 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 be referred immediately to the Legal and Constitutional Affairs Legislation Committee but was unable to reach agreement on a reporting date (see appendix 5 for a statement of reasons for referral);

(e) the National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019 (No. 2) be referred immediately to the Economics Legislation Committee for inquiry and report by 6 April 2020 (see appendix 6 for a statement of reasons for referral);

(f) the National Integrity (Parliamentary Standards) Bill 2019 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 16 April 2020 (see appendix 7 for a statement of reasons for referral);

(g) the provisions of the Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Bill 2019 and the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Measures) Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 7 February 2020 (see appendix 8 for a statement of reasons for referral);

(h) the Saving Australian Dairy Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 20 March 2020 (see appendix 9 for a statement of reasons for referral);

(i) the provisions of the Student Identifiers Amendment (Enhanced Student Permissions) Bill 2019 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 19 February 2020 (see appendix 10 for a statement of reasons for referral); and

(j) the Transport Security Amendment (Testing and Training) Bill 2019 be referred immediately to the Legal and Constitutional Affairs Legislation Committee but was unable to reach agreement on a reporting date (see appendix 11 for a statement of reasons for referral).

3. The committee recommends that the following bills not be referred to committees:

- Commonwealth Registers Bill 2019
- Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019
- Business Names Registration (Fees) Amendment (Registries Modernisation) Bill 2019
- Corporations (Fees) Amendment (Registries Modernisation) Bill 2019
- National Consumer Credit Protection (Fees) Amendment (Registries Modernisation) Bill 2019
• Financial Sector Reform (Hayne Royal Commission Response—Protecting Consumers (2019 Measures)) Bill 2019
• Financial Sector Reform (Hayne Royal Commission Response—Stronger Regulators (2019 Measures)) Bill 2019
• Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019
• Special Recreational Vessels Bill 2019
• Telecommunications Amendment (Repairing Assistance and Access) Bill 2019
• Trade Support Loans Amendment (Improving Administration) Bill 2019
• Wine Australia Amendment (Label Directory) Bill 2019.

4. The committee deferred consideration of the following bills to its next meeting:
• Air Services Amendment Bill 2018
• Australian Business Growth Fund Bill 2019
• Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
• Customs Amendment (Safer Cladding) Bill 2019
• Discrimination Free Schools Bill 2018
• Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019
• Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019
• Great Australian Bight Environment Protection Bill 2019
• National Consumer Credit Protection Amendment (Mandatory Credit Reporting and Other Measures) Bill 2019
• National Vocational Education and Training Regulator Amendment Bill 2019
• Regional Forest Agreements Legislation (Repeal) Bill 2017
• Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
• Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018
• Social Services Legislation Amendment (Payment Integrity) Bill 2019
• Student Identifiers Amendment (Higher Education) Bill 2019
• Tertiary Education Quality and Standards Agency Amendment (Prohibiting Academic Cheating Services) Bill 2019
• Treasury Laws Amendment (2019 Measures No. 3) Bill 2019
• Treasury Laws Amendment (Research and Development Tax Incentive) Bill 2019.

5. The committee considered the following bill but was unable to reach agreement:
• Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019 (see appendix 1 for a statement of reasons for referral)

(Dean Smith)

Chair
5 December 2019

Senator DEAN SMITH: I move:
That the report be adopted.
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (11:45): I move:

At the end of the motion, add:

"and the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019 not be referred to a committee."

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

The Senate divided. [11:50]

(The President—Senator Ryan)

Ayes .................46
Noes ..................13
Majority ...............33

AYES

Abetz, E
Askew, W
Bernardi, C
Bragg, A J
Carr, KJ
Colbeck, R
Davey, P
Fawcett, DJ
Gallacher, AM
Green, N
Hughes, H
Lambie, J
McAllister, J
McKenzie, B
Molan, AJ
O'Sullivan, MA
Pratt, LC
Ruston, A
Scarr, P
Smith, DA (teller)
Sterle, G
Urquhart, AE
Walsh, J

NOES

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

Faruqi, M
Hanson, P
McKim, NJ
Rice, J
Siewert, R (teller)
Waters, LJ

Question agreed to.
Senator PATRICK (South Australia) (11:53): I seek leave to make a short statement.

The PRESIDENT: You can speak to the motion before the chair. The question now is that the amended report be adopted. You can speak to that for up to five minutes.

Senator PATRICK: I just want to make sure the chamber understands what we're doing in relation to the Selection of Bills Committee report this morning, and that is that we are allowing voting on a bill which has entered the parliament only this week and entered the Senate only in the last few hours. It is a bill that allows for coercive powers to be used on people—on Australian citizens. At the moment the police services can instigate a special investigation where these coercive powers may be necessary. However, what one of the bills before the chamber is allowing to happen is for those coercive powers to be introduced 'when it's in the public interest', which is such a subjective test that it pretty much means we're going to give carte blanche coercive powers to our police forces. These coercive powers allow for phones to be tapped without warrants. They allow for people to be questioned, and the bill does not give them a right to not incriminate themselves. So they are coercive, and they extend not just to the suspect; they can also affect journalists. A journalist can be called before the commission and compelled to give answers if they happen to know information. I understood the Labor Party was not going to allow this sort of legislation to pass through the Senate.

This piece of legislation also allows for retrospectivity, and there are constitutional questions that need to be raised in respect of this. It's never a good idea to have retrospectivity in relation to legislation, particularly around criminal trials. In actual fact, the reason the government wants this legislation rushed through is that we had our police services conducting operations that were not lawful. That's a really bad precedent. Parliaments are supposed to deal with general laws that cover general circumstances, and courts are supposed to deal with specific cases and specific circumstances. We are going to be asked later today to vote on a piece of legislation that is targeted at one particular case that is before the High Court at this present moment, and that is not what we are supposed to do.

Once again, there are other issues associated with the retrospective nature of this legislation, and we should be referring it to a committee. If this report gets adopted, the referrals, as they are, will be a tragedy in terms of the way in which this parliament has conducted this legislation. This bill is being introduced today, it is not being allowed to go to committee and it will be voted on this afternoon, and that is very, very disappointing.

Senator McKIM (Tasmania) (11:56): On the same issue that Senator Patrick was referring to, senators need to be abundantly clear on this. This piece of legislation will add to the more than 200 pieces of legislation passed in the last 20 years in Australia that have eroded fundamental rights and freedoms in this country. You can have your phone tapped without a warrant. You can have security agencies inside your mobile phone without a warrant right now—right now—deleting data, adding data or manipulating data in your phone. In this country right now people can be imprisoned for something they might do in the future.

The presumption of innocence is out the window in Australia. We are living in an authoritarian regime, where people like witness K and Bernard Collaery can be secretly charged, where witness J can not only be charged but also secretly convicted and secretly
imprisoned in this country and no-one gets to find out about it. Take the blindfolds off your eyes, major parties!

The only bit of Senator Patrick’s contribution that I would mildly disagree with is the implication that the Labor Party might at some stage stand up against this erosion of rights and freedoms, this descent into authoritarianism in Australia—because the Labor Party have manifestly failed to do that for so long. The LNP are supposed to stand for individual freedoms, but you take them away, hand over fist, every single chance you get. The Labor Party are supposed to be in opposition to you and they don’t oppose you on this stuff. Once again it will be Centre Alliance and the Australian Greens standing up to defend fundamental rights, freedoms and liberties.

The idea that you would pass a bill—which is going to happen, mark my words—later today that would involve such extraordinary coercive powers, that would seek to retrospectively make lawful a clearly unlawful operation of one of our security services, a bill that continues to erode fundamental rights and freedoms without even allowing it to be referred to a committee for an inquiry is, quite frankly, disgraceful. And, when the history of this country’s descent into authoritarianism, into totalitarianism and, if we’re not careful, into fascism is written, every single major-party politician in this place who’s rolling over today will be the villains, and you will be held to account by history, mark my words.

The PRESIDENT: Senator Gallagher, did you wish to move an amendment?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (11:59): Thank you. I move:

At the end of the motion, add:

", but in respect of the provisions of the Federal Circuit and Family Court of Australia Bill 2019 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019, the Legal and Constitutional Affairs Legislation Committee report by 20 November 2020".

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (12:00): The government does not support a reporting date of November 2020. This reform has already been the subject of a Senate committee inquiry that reported in February 2019. The structural failings of the current split family law system are well known, and further delays to implementing meaningful change will only harm Australian families.

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

Question agreed to.

The PRESIDENT: The question is that the Selection of Bills Committee report, as amended, be agreed to.

The Senate divided. [12:05]

(The President—Senator Ryan)

Ayes ....................48  
Noes ....................11  
Majority .................37
AYES

Abetz, E
Askew, W
Bernardi, C
Bragg, A J
Brown, CL
Chandler, C
Colbeck, R
Davey, P
Fawcett, DJ
Gallacher, AM
Green, N
Hughes, H
Lines, S
McKenzie, B
Molan, AJ
O'Sullivan, MA
Polley, H
Rennick, G
Ryan, SM
Sheldon, A
Smith, M
Stoker, AJ
Van, D
Watt, M

Antic, A
Ayres, T
Bilyk, CL
Brockman, S
Carr, KJ
Ciccone, R
Cormann, M
Duniam, J
Ferravanti-Wells, C
Gallagher, KR
Henderson, SM
Lambie, J
McDonald, S
McMahon, S
O'Neil, D
Paterson, J
Pratt, LC
Ruston, A
Scarr, P
Smith, DA (teller)
Sterle, G
Urquhart, AE
Walsh, J
Wong, P

NOES

Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

Faruqi, M
Hanson-Young, SC
Patrick, RL
Siewert, R (teller)
Waters, LJ

Question agreed to.

NOTICES

Presentation

Senator Ferravanti-Wells to move 15 sitting days after today:
That the Taxation Administration (Private Ancillary Fund) Guidelines 2019, made under the Taxation Administration Act 1953, be disallowed.

Senator Ferravanti-Wells to move 15 sitting days after today:
That the Broadcasting Services (Transmitter Access) Regulations 2019, made under the Broadcasting Services Act 1992, be disallowed.

Senator Faruqi to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the number of children using early learning services has risen over the past 10 years, from just below 35% in 2009 to nearly 45% in 2018,
(ii) there is inequity in access to early learning services – children living in remote areas, children who live in economically disadvantaged areas, children from Indigenous backgrounds, children from non-English speaking backgrounds, and those with disability are under-represented in early learning services,
(iii) Australia’s investment in early learning is below the Organisation for Economic Co-operation and Development average, and
(iv) the Australian Government’s investment in early learning per child has declined between 2016 and 2019; and
(b) calls on the Federal Government to:
   (i) increase investment in early learning, and
   (ii) work to close the access gap and ensure disadvantaged children have equal access to early learning.

Senator Gallagher to move on the next day of sitting:
That when the Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019 is received from the House of Representatives, and a motion is moved for the second reading of the bill, debate on that motion shall be adjourned at the conclusion of the speech of the senator moving the motion and resumption of the debate shall be made an order of the day for the first day of sitting after all of the following have occurred, and the Senate passes a resolution affirming it is satisfied no further legislation is required to meet the requirements of the following paragraphs:
   (a) a bill to establish a national integrity commission receives royal assent;
   (b) legislation implementing all of the recommendations of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry receives royal assent; and
   (c) legislation implementing all of the interim recommendations of the Royal Commission into Aged Care Quality and Safety receives royal assent.

Senator Siewert to move on the next day of sitting:
That the Senate—
   (a) notes that Newstart is a poverty trap; and
   (b) calls on the Federal Government to mark the new decade by immediately increasing the rate of Newstart and Youth Allowance.

BUSINESS
Rearrangement
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (12:07): I move:
That—
   (a) the following government business orders of the day be considered from 12.45 pm today:
      No. 6 Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019
      No. 7 Health Legislation Amendment (Data-matching and Other Matters) Bill 2019
      No. 8 Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Bill 2019
      No. 9 Telecommunications (Interception and Access) Amendment (Assistance and Access Amendments Review) Bill 2019
Interactive Gambling Amendment (National Self-exclusion Register) Bill 2019
National Self-exclusion Register (Cost Recovery Levy) Bill 2019 (subject to introduction and exemption); and
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question agreed to.

Rearrangement
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (12:07): I move:
That the order of general business for consideration today be as follows:
(a) general business notices of motion:
no. 353—standing in the name of Senator Waters, relating to climate change, and
no. 363—standing in the name of Senator Gallagher, relating to ministerial standards; and
(b) orders of the day relating to documents.

Question agreed to.

COMMITTEES
Scrutiny of Bills Committee
Scrutiny Digest

BUSINESS
Consideration of Legislation
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (12:08): I move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019
Farm Household Support Amendment (Relief Measures) Bill (No. 2) 2019
Interactive Gambling Amendment (National Self-exclusion Register) Bill 2019
National Self-exclusion Register (Cost Recovery Levy) Bill 2019
Special Recreational Vessels Bill 2019.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:09): Mr President, can I ask that a number of the bills be put separately? We have a different opinion on them.

The PRESIDENT: Yes. Which bills would you like considered separately?

Senator SIEWERT: We are supportive of the Farm Household Support Amendment (Relief Measures) Bill (No. 2) 2019, the Interactive Gambling Amendment (National Self-exclusion Register) Bill 2019 and the National Self-exclusion Register (Cost Recovery Levy) Bill 2019 being done together. We'd like to vote differently on the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019 and the Special Recreational Vessels Bill 2019.
The PRESIDENT: I will separate those two. I will put the motion with respect to the Farm Household Support Amendment (Relief Measures) Bill (No. 2) 2019, the Interactive Gambling Amendment (National Self-exclusion Register) Bill 2019 and the National Self-exclusion Register (Cost Recovery Levy) Bill 2019. The question is that the motion with respect to those three bills be agreed to.

Question agreed to.

The PRESIDENT: I will now put the motion on the remaining two bills, the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019 and the Special Recreational Vessels Bill 2019. The question is that the motion with respect to those two bills be agreed to.

The Senate divided. [12:11]

(The President—Senator Ryan)

Ayes .....................41
Noes .....................12
Majority................29

AYES
Abetz, E
Antic, A
Askew, W
Bernardi, C
Bilyk, CL
Bragg, AJ
Brockman, S
Brown, CL
Carr, KJ
Chandler, C
Colbeck, R
Cormann, M
Duniam, J
Fawcett, DJ
Ferravanti-Wells, C
Gallacher, AM
Gallagher, KR
Green, N
Henderson, SM
Hughes, H
Lines, S
McDonald, S
McKenzie, B
McMahon, S
Molan, AJ
O’Neill, D
O’Sullivan, MA
Paterson, J
Pratt, LC
Rennick, G
Ruston, A
Ryan, SM
Scarr, P
Sheldon, A
Smith, DA (teller)
Smith, M
Sterle, G
Stocker, AJ
Van, D
Watt, M
Wong, P

NOES
Di Natale, R
Faruqi, M
Griff, S
Hanson-Young, SC
Lambie, J
McKim, NJ
Patrick, RL
Rice, J
Siewert, R (teller)
Steele-John, J
Waters, LJ
Whish-Wilson, PS

Question agreed to.
SENATE

MOTIONS

Parliament House: Security

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:13): I move:

That the Senate—

(a) notes the importance of ensuring that Australian Parliament House is a safe place to visit and work;

(b) notes longstanding security arrangements in Parliament House have evolved in recent years and that further changes are proposed, in particular, the operation of closed circuit television systems (CCTV) and the new Electronic Access Pass System;

(c) notes that these systems, like other security and information systems, are managed by the Department of Parliamentary Services, under the authority of the Presiding Officers, on behalf of the Parliament;

(d) notes that, under the Parliament Precincts Act 1988, the powers of the Presiding Officers to manage and control the precincts apply subject to relevant orders of the Houses, which means that the administration of these security and information systems is constrained by the powers, privileges and immunities of the Houses and their members;

(e) affirms that the collection, management and dissemination of information through the CCTV and Electronic Access Control System (EACS) is to be managed such that parliamentary privilege is protected;

(f) pursuant to paragraph (e), requests the Presiding Officers expedite protocols for the collection, management and dissemination of information through the EACS for adoption by the commencement of Parliament in 2020;

(g) notes the President's advice, that as an interim arrangement, pending finalisation of the protocols referred to in paragraph (f), when the President is required to make a determination in relation to the release of CCTV footage or EACS data to an external agency, and in consultation with the Clerk considers that the release of such data may involve matters of privilege in relation to the functions or authority of the Senate or its committees or in relation to the free performance of a senators' duties, the President will consult the Deputy President prior to agreeing to the release of any CCTV footage or EACS data; and

(h) further notes the Senate's previous resolution in December 2018, calling for an update on the MOU between the Attorney-General and the Presiding Officers, requests that this be expedited, and affirms this as a priority for 2020.

I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator WONG: These are important matters that go to parliamentary privilege, which is absolute. I want to place on record my thanks for the President's engagement on this and his commitment to ensuring that the parliamentary privilege protections that are afforded to members of this place are retained in a very different environment in which there is substantially more information obtained and held by other parties. So I do want to say to you, Mr President, that the opposition has appreciated your engagement on this and we look forward to the revision of the MOU, as between the Australian Federal Police and the executive, as we discussed, I think, a year ago. Obviously, there have been other matters since
that time that have reminded certainly opposition senators, but I would say all in this place, of the importance of ensuring that parliamentary privilege for all senators is protected.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:14): I seek leave to make a very short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government is appropriately prioritising updating the MOU between the Attorney-General and the Presiding Officers, but notes that this raises some complex issues and may take some time to finalise.

The PRESIDENT (12:15): Can I make a statement now from the chair. The protection of parliamentary privilege and private information of members and senators is paramount in managing the security and data systems in Parliament House. This resolution restates that. The evolving security environment has required changes to operations in this building—some before my time in this role, and some on my watch. Due to previous events, I understand there remains a sensitivity around some of these elements which has underpinned the consultation and work I have undertaken overseeing their implementation and management.

This resolution is the product of these developments and discussions and will put in place an interim arrangement that will allow the activation of the EAC system. It also encompasses the review of the operation of the CCTV system that will be undertaken in coming months and that will engage David Elder, former Clerk of the House of Representatives, specifically to consider the CCTV code of practice and its protection of privilege. It also restates the prioritisation of the renegotiation of the arrangements with the executive regarding the protection of parliamentary privilege, which is also a personal priority of mine, for the coming year.

Senators should remain confident that the protection of privilege and the security of private information of senators remains my highest priority. I understand the other place either has recently dealt with or will very soon be dealing with a motion in very similar terms. I'd like to thank all senators who engaged constructively with me and officials in dealing with these matters.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:16): I seek leave to make a further statement of no more than one minute.

The PRESIDENT: Leave is granted for one minute.

Senator WONG: Thank you for your comments, Mr President. I do want to place on record a response to the statement the government just made, which was a reference to the MOU taking time—sorry, I apologise; the MOU being something that will take some time to deliver. I would remind the government that there was a unanimous resolution of the Senate a year ago, so there has been a lot of time. I would hope that the delay will not be extensive.

Question agreed to.
COMMITTEES

Foreign Interference through Social Media Select Committee

Appointment

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:17): At the request of Senator McAllister, I move:

(1) That a select committee, to be known as the Select Committee on Foreign Interference through Social Media, be established to inquire into and report on the risk posed to Australia’s democracy by foreign interference through social media, with particular reference to:

(a) use of social media for purposes that undermine Australia’s democracy and values, including the spread of misinformation;

(b) responses to mitigate the risk posed to Australia’s democracy and values, including by the Australian Government and social media platforms;

(c) international policy responses to cyber-enabled foreign interference and misinformation;

(d) the extent of compliance with Australian laws; and

(e) any related matters.

(2) That the committee present its final report on or before the second sitting day of May 2022.

(3) That the committee consist of five senators, as follows:

(a) two nominated by the Leader of the Government in the Senate;

(b) two nominated by the Leader of the Opposition in the Senate; and

(c) one nominated by minor party and independent senators.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

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

(6) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and as deputy chair one of the members nominated by the Leader of the Government in the Senate.

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

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

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

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President of the Senate.

(12) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question agreed to.

Temporary Migration Select Committee Appointment

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:18): I seek leave to amend general business notice of motion No. 360, standing in the name of Senator Keneally, relating to the establishment of a select committee on temporary migration.

Leave granted.

Senator WONG: At the request of Senator Keneally, I move the motion as amended:

(1) That the Senate notes:
   (a) that Australia has the second-largest migrant workforce in the world;
   (b) that, according to Australian Population Research Institute, almost a fifth of the nation's cleaners, store packers, and food and hospitality workers are on temporary migrant visas, and the number of migrants on the visas has jumped from 1.8 million to 2.2 million in the past four years;
   (c) that due to their temporary status and threats of deportation, migrant workers are more often subject to exploitation, wage theft and even physical and sexual abuse; and
   (d) as the Chair of the Parliamentary Joint Committee on Migration, Mr Wood, stated 'Organised crime and illegitimate labour hire companies are using this loophole to bring out illegal workers who are often vulnerable and open to exploitation. This represents an orchestrated scam that enables these criminal elements to exploit foreign workers in Australia until their claims are finalised'.

(2) That a select committee, to be known as the Select Committee on Temporary Migration, be established to inquire into and report on the impact temporary migration has on the Australia's economy, wages and jobs, social cohesion and workplace rights and conditions, with particular reference to:
   (a) government policy settings, including their impact on the employment prospects and social cohesion of Australians;
   (b) the impact of temporary skilled and unskilled migration on Australia's labour market;
   (c) policy responses to challenges posed by temporary migration;
   (d) whether permanent migration offers better long-term benefits for Australia's economy, Australian workers and social cohesion;
   (e) the impact of wage theft, breaches of workplace rights and conditions, modern slavery and human trafficking on temporary migrants; and
   (f) any related matters.

(3) That the committee present its final report on or before 2 December 2020.

(4) That the committee consist of five senators, as follows:
   (a) two nominated by the Leader of the Government in the Senate;
   (b) two nominated by the Leader of the Opposition in the Senate; and
   (c) one nominated by minor party and independent senators.
That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

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

(7) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and as deputy chair one of the members nominated by the Leader of the Government in the Senate.

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

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

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

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

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

(13) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question agreed to.

BILLS

Marine Safety (Domestic Commercial Vessel) National Law Amendment (Improving Safety) Bill 2019
First Reading

Senator STERLE (Western Australia) (12:19): I move:

That the following bill be introduced: A Bill for an Act to amend the Marine Safety (Domestic Commercial Vessel) National Law Act 2012, and for related purposes.

Question agreed to.

Senator STERLE: I present the bill and move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.
Second Reading

Senator STERLE (Western Australia) (12:19): I move:
That this bill be now read a second time.
I seek leave to table an explanatory memorandum relating to the bill.
Leave granted.

Senator STERLE: I table an explanatory memorandum and seek leave to have the second reading speech incorporated in Hansard.

The speech read as follows—

As lawmakers, we have a duty to introduce legislation or amend existing laws when it is clear that regulations need to be improved. If we don’t do this, we are failing the very people who elected us to represent them in this place. The sole purpose of the bill that I am proposing is to improve safety for passengers on domestic commercial vessels. The legislation that currently exists and that applies to domestic commercial vessels is not sufficient and if this bill was in place in 2014, the Mills family of Perth, Western Australia would not have tragically lost a husband, a father, a son, a brother, a mate and a beloved family member.

Damien Mills, aged 35, tragically died when he fell overboard while on a charter vessel between Rottnest Island and Fremantle on October 31, 2014. After her husband didn’t come home that night or answer any of her calls, Damien’s wife Nicole contacted police the next morning. His body was found soon after by a family on a fishing trip several kilometres off the coast of Fremantle.

In her report of the incident surrounding Damien’s death, the state coroner found that had a proper head count of passengers been conducted by the crew, Damien would be alive today. Evidence provided to the Senate’s Rural and Regional Affairs and Transport Legislation Committee by WA Water Police also argued that had the crew of the vessel conducted a headcount when they got back to Fremantle, there was a good chance that Damien would have been saved.

It is an absolute travesty that proper headcounts were not conducted on that day, that no one realised that Damien was missing when the vessel got back or that the Water Police were not notified upon arrival that Damien was missing.

This is totally unacceptable.

I want to take a short moment to pay tribute to Damien’s wife Nicole and his father Richard who have been tireless advocates for regulatory change to ensure that what happened to their Damien never happens again.

They are not asking for much—only that headcounts are conducted in an appropriate manner that will ensure that everyone who gets on a boat at the beginning of a journey gets off safely at the end.

That is not too much to ask.

At the moment, the legislation that exists and that is enforced by the Australian Maritime Safety Authority (AMSA), says that only one headcount of passengers must be conducted by the master of the vessel as part of their safety management system and that that headcount can be done at any time during a voyage. How does that possibly guarantee passenger safety?

This bill seeks to amend the existing legislation so that at a minimum, two headcounts are conducted on domestic commercial vessels other than those used for the purpose of public transport and that are more than 24 metres long. This bill proposes that one count occur at the commencement of a voyage and another at the end.

This will mean that if a headcount is conducted at the commencement of a journey and later someone goes missing throughout the duration, like in the unfortunate case of Damien Mills, the missing person will be detected by a count once the vessel docks.
A Senate Inquiry into the performance of the Australian Maritime Safety Authority was established in February 2019 after the family of Damien Mills raised serious concerns about the authorities' management of their case and AMSA's continued refusal to strengthen safety regulations for domestic commercial vessels.

The Senate Rural and Regional Affairs and Transport Legislation Committee has conducted a number of public hearings with AMSA, other law enforcement agencies and the Mills family throughout the course of the inquiry and remains concerned at the relaxed attitude of AMSA when queried about how safety for passengers on vessels can be improved.

I must also note my personal disappointment in the relevant Minister, Mr Michael McCormack who has been missing in action on this matter. The pleas of the committee and myself have continually fallen on deaf ears with Minister McCormack who still to this day refuses to engage and act.

AMSA have committed to look into how headcounts are conducted, however, they have in no way committed to enforcing a regulation of two headcounts and remain of the view that one is sufficient.

In lieu of this and the continued refusal of the Australian Maritime Safety Authority to enforce two mandatory headcounts for vessels other than those used for the purpose of public transport and that are more than 24 metres long. This Private Senators’ Bill aims to amend the existing legislation to ensure that two mandatory headcounts are conducted therefore minimising the chance of this terrible incident happening again.

This bill isn't about more regulation. An extra head count will not impose any additional cost to a master's operation.

This is about safety and to ensure that no other Australian family has to endure the pain and anguish that the Mills family experienced in 2014 when their beloved husband, father and son Damien, never came home.

This is about amending legislation to improve safety for passengers on commercial vessels.

This is Damien's Law.

I commend the bill to the Senate.

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

Leave granted; debate adjourned.

DOCUMENTS

Climate Change

Order for the Production of Documents

Senator WATERS (Queensland) (12:20): I move:

That there be laid on the table by the Minister representing the Minister for Energy and Emissions Reduction, by no later than 3 pm on 5 December 2019, the following documents:

(a) written justification for why the Department of the Environment and Energy (the Department) is using the 5% target instead of the up to 15% 2020 target for the second Kyoto Protocol period to calculate the size of their 2030 Paris Nationally Determined Contributions abatement task, as reflected on page 2 of the Climate Solutions Package brochure, and on page 10 of Australia's emissions projections 2018;

(b) written justification for why the Department is using the 5% target instead of the up to 15% 2020 target for the second Kyoto Protocol period to calculate the size of Australia's Kyoto carryover credits, as reflected on page 2 of the Climate Solutions Package brochure, and on page 10 of Australia's emissions projections 2018;
(c) any correspondence, emails, meeting notes, memos or any other documentation relating to whether the conditions, as outlined in the Cancun Agreement and subsequent Doha Amendment, for a target of up to a 15% emissions reduction on 2000 emissions by 2020 have or have not been met; and

(d) any correspondence, emails, meeting notes, memos or any other documentation relating to the choice of 5% over up to 15% reductions by 2020 as the baseline for either the calculation of the 2021-2030 abatement task or the size of Australia's Kyoto Protocol period two carryover credits.

Question agreed to.

MOTIONS

New South Wales: Bushfires

Senator FARUQI (New South Wales) (12:20): I move:

That the Senate—

(a) notes with deep concern that:

(i) over a hundred fires continue to burn across New South Wales,

(ii) data from the New South Wales Department of Environment shows harmful pollutants in Sydney's air are already over three times worse than at any moment in the past five years during bushfire season,

(iii) the toxicity of the air in some parts of Sydney is the equivalent of smoking between four and ten cigarettes a day,

(iv) particle pollution can trigger heart attacks, strokes, lung cancer and asthma attacks,

(v) New South Wales Health has stated that bushfires were to blame for an increase in people presenting to emergency departments with asthma and breathing difficulties, and

(vi) Mr Greg Mullins, the former chief of NSW Fire and Rescue, has stated that 'climate change has supercharged the bushfire problem' and that 'if anyone tells you this is part of a normal cycle or we've had fires like this before smile politely and walk away, because they don't know what they're talking about'; and

(b) calls on the Federal Government to protect the health of the people of New South Wales and declare a climate emergency.

The PRESIDENT: The question is that the motion moved by Senator Faruqi be agreed to. The Senate divided. [12:25]

(The President—Senator Ryan)

Ayes .................33
Noes .................36
Majority.............3

AYES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Faruqi, M
Gallagher, KR
Griff, S
Keneally, KK
Lines, S
O'Neill, D

Bilyk, CL
Carr, KJ
Ciccone, R
Farrell, D
Gallacher, AM
Green, N
Hanson-Young, SC
Kitching, K
McKim, NJ
Patrick, RL

CHAMBER
Thursday, 5 December 2019

SENATE

AYES

Polley, H
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Antic, A
Askew, W
Bernardi, C
Birmingham, SJ
Bragg, AJ
Brockman, S
Canavan, MJ
Cash, MC
Chandler, C
Colbeck, R
Cormann, M
Davey, P
Duniam, J
Fawcett, DJ
Fierravanti-Wells, C
Hanson, P
Henderson, SM
Hughes, H
Hume, J
Lambie, J
McDonald, S
Grath, J
McKenzie, B
McMahon, S
Molan, AJ
O'Sullivan, MA
Paternity, J
Reynolds, L
Roberts, M
Ruston, A
Ryan, SM
Seselja, Z
Smith, MA
Stoker, AJ

PAIRS

Dodson, P
Scarr, P
McAllister, J
Rennick, G
Wong, P
Payne, MA

Question negatived.

Australia Day

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:27): I, and also on behalf of Senator Di Natale, move:

That the Senate—

(a) acknowledges that:

(i) First Nations peoples are the Traditional Owners and Custodians of the land we call Australia,

(ii) 26 January marks over 230 years of on-going dispossession and oppression for First Nations peoples and is considered a day of mourning by many First Nations peoples,

(iii) by continuing to celebrate Australia Day on 26 January we deny the truth about our shared history, and

(iv) Australians come together and march on Invasion Day because they want to tell the truth about our shared history, and acknowledge the ongoing impacts of colonisation; and
(b) urges all Australians to:
   (i) respectfully engage in conversations about what 26 January means to First Nations peoples, and
   (ii) be in solidarity with First Nations people on this painful day by attending Invasion Day events in their regions.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:28): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Australia Day, on 26 January, is a day when we can acknowledge actions of the past, celebrate the greatness of Australia and welcome our newest Australians alongside the world's oldest living culture. This motion is unnecessarily divisive and, as such, the government cannot support this motion.


The PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor won't be supporting this motion. We believe Australia Day is a celebration of our nation's achievements. It should also be a time of reflection for Australia and particularly for First Nations Australians. For First Nations people, 26 January is an anniversary and a reminder of dispossession, injustice and sorrow; it is a day of survival. It is a day on which we should all acknowledge the British assertion of possession that was made without the consent of First Nations people, who have lived here for over 40,000 years. It is significant that the first official event on the Australia Day program is the Wugulora morning ceremony at Barangaroo. Labor does not support this motion because Australia Day is not a denial of our history; it's an opportunity to tell the truth about it. Labor fully supports the Uluru statement, and continues to call on the government to pursue a constitutionally enshrined voice to parliament.

Question negatived.

Tasmania: Emergency Food Relief

Senator CAROL BROWN (Tasmania) (12:29): Before moving general business notice of motion No. 352, I ask that the names of Senators Bilyk, Lambie, Polley and Urquhart be added to the motion. I, and also on behalf of Senators Bilyk, Lambie, Polley and Urquhart, move:

That the Senate—
   (a) recognises that a Tasmanian organisation, Loaves & Fishes, provides around 70% of emergency food relief in Tasmania, servicing over 200 community food programs and 38 school breakfast clubs;
   (b) acknowledges that Loaves & Fishes applied for but were excluded from receiving emergency food relief funding from the Commonwealth Government on the basis they are a local Tasmanian organisation;
   (c) recognises that Tasmania is the only State in the Commonwealth that does not have on-the-ground operations from all three emergency food relief providers that receive funding support from the Department of Social Services;
   (d) notes that, without Commonwealth Government funding of $150,000 a year, Loaves & Fishes will have to close their Hobart operation which supports 134 community food programs in the region,
and since July 2018, has distributed more than 300,000 kilograms of fresh produce and produced over 55,000 ready to eat meals;

(e) calls on the Federal Government to ensure that vulnerable Tasmanians and Tasmanian emergency food relief providers are not overlooked for Federal Government support; and

(f) requests that the Federal Government act swiftly to resolve this matter, and that funding to support Tasmanians in need flow immediately.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:30): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: We cannot support this motion, because it's factually incorrect. Loaves and Fishes Tasmania has not applied for Commonwealth funding to deliver emergency food relief, including in the last two open and competitive grants processes in 2018 and 2016. Organisations are encouraged to apply in a competitive grants process to test their delivery model. The government is investing $6 million over 4½ years in food relief nationally and over $10 million in services to deliver emergency relief in Tasmania. This includes an additional $3.4 million in funding in recognition of the fact that Tasmania is experiencing increased levels of disadvantage. I table correspondence from the minister to Loaves and Fishes.

Question agreed to.

Queensland: Australian Bravery Decorations

Senator McDONALD (Queensland) (12:31): I advise that Senator Chisholm will also sponsor the motion. I, and also on behalf of Senators Canavan, Chisholm, McGrath, Rennick, Scarr, Stoker and Watt, move:

That the Senate—

(a) acknowledges all recent recipients of Australian Bravery Decorations;

(b) notes that the Bravery Medal is awarded for acts of bravery in hazardous circumstances;

(e) recognises the following Queensland recipients of the Bravery Medal: Miss Elizabeth Adams, Mr Craig Coleman, Sergeant Paul Cox, Mr Damond Gray, Mr Matthew Hassen, Mr Alan Lawry, and the late Mr Robert Pickersgill;

(d) notes that the Commendation for Brave Conduct is awarded for other acts of bravery which are considered worthy of recognition;

(e) recognises the following Queensland recipients of the Commendation for Brave Conduct: Mrs Vivienne Coleman, Warrant Officer Class Two James Cottle, Mr Robert Devlin, Mr Craig Hogarth, Mr Daniel McDonald, Mr Darryn Marshall, Sergeant Matthew O'Brien, Mr Roberto Serola, Mrs Kerry Seymour and Senior Constable Jay Shepherd;

(f) notes that the Group Bravery Citation is awarded for a collective act of bravery, by a group of persons in extraordinary circumstances that is considered worthy of recognition; and

(g) recognises the following Queensland recipients of the Group Bravery Citation: Constable Richard Adderley, Sergeant Agnelle Bagetti, Senior Constable Jason Banks, Mr Cyril Cairns, Mr John Collins, Senior Constable Dale Cook, Mr James Ferguson, Mr Samuel Fours, Master Vishaak Gangasandra, Dr Ashok Gangasandra Basavaraj, the late Mr Geoffrey Grant, Mr Christopher Holloway, Mr David Jefferson, Mr Michael Kindness, Mr Roy Koplick, Senior Constable Brendan O'Brien, Mr Richard Staples, Senior Constable Ashley Thompson and Mr John Verbeek.
Question agreed to.

**DOCUMENTS**
Department of Home Affairs
Order for the Production of Documents

**Senator URQUHART** (Tasmania—Opposition Whip in the Senate) (12:32): At the request of Senator Keneally, I move:

That there be laid on the table by the Minister representing the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, by no later than 12 pm on 9 December 2019, the detailed 2018-19 end of financial year reports for the migration, skilled temporary residents and visitors programs.

Question agreed to.

**MOTIONS**
Trade

**Senator McDONALD** (Queensland) (12:32): I advise that Senator Davey is being added to this motion. I, and also on behalf of Senators Davey and McMahon, move:

That the Senate—
(a) notes that:
   (i) Australian farmers are highly productive, with each farmer producing enough food to feed 600 people, 150 at home and 450 overseas—feeding approximately 50 million people across the world each year,
   (ii) Australia's Free Trade Agreements (FTA) give our primary producers and exporters preferential access into the growing markets across Asia,
   (iii) the Federal Government's work to deliver FTA means that Australian farmers are poised to take advantage of the projected growth in Asia,
   (iv) there is a high demand for Australia's safe and nutritious agricultural products across our international markets,
   (v) trade has lifted the real income of Australian households by over $8400 a year, and
   (vi) in 2017-18, the Australian red meat and livestock industry created employment for around 404,800 people, of these, just over 172,400 people were directly employed in the industry—the industry was also responsible for the employment of a further 232,400 people in businesses servicing the red meat and livestock industry, and as this industry exports 60 % of product, six in every ten jobs relies on our ability to trade with the world;
(b) congratulates the Federal Government on the entry into force of major FTA across north Asia, including:
   (i) the China FTA which has resulted in beef exports totalling $1.75 billion in 2018-19—a 75% increase from $1 billion in 2017-18; in November 2019 alone, Australia's chilled and frozen beef exports to China reached a new record high of 34,264 tonnes, 134% above November last year; dairy product exports totalling $1.7 billion in 2018-19—a 54% increase from $1.1 billion in 2017-18,
   (ii) the Japan FTA which has resulted in beef exports totalling $2.3 billion in 2018—a 14% increase from $2 billion in 2017, cheese exports totalled $498 million in 2018—a 17% increase over 2017, and
   (iii) the Korean FTA which has resulted in beef exports totalling $1.37 billion in 2018—a 25% increase from $1.1 billion in 2017;
(c) notes Indonesia's demand for Australia's quality clean, green produce will continue to be built on the back of demand from its increasingly affluent 260 million strong population—under IA-CEPA, over 99% of Australian goods exports to Indonesia will enter duty free or under significantly improved and preferential arrangements; and

(d) supports the growth of Australian agriculture through the negotiation of preferential market access in export markets of the world.


The PRESIDENT: Leave is granted for one minute.

Senator ROBERTS: We oppose this motion from Senators McDonald, McMahon and Davey, which claims benefits from free trade agreements. All evidence is to the contrary. According to the ABS, median household incomes have fallen $542 over the last 10 years, not risen. It is true that our amazing farmers produce the world's best food and fibre. No-one is doing more for them than One Nation. We support expanding trade opportunities for our farmers. We support fair and honest trade agreements. We oppose sacrificing Australian sovereignty to foreign governments and corporations through investor-state dispute settlement provisions that are always part of so-called free trade agreements That's not free trade. We would welcome an open and honest debate about free trade agreements and their real benefits to everyday Australians.

Senator STEELE-JOHN (Western Australia) (12:33): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator STEELE-JOHN: The Greens will be opposing this motion, as it congratulates the government on the passage of free trade agreements which are not in our national interest, which undermine our sovereignty and which undermine our environmental and labour standards, particularly via their inclusion of ISDS clauses. Last night I had the very great pleasure of discussing the danger of ISDS clauses, as are present in all of these trade agreements, with the head of the ACTU, and I must say that the disappointment on the part of Ms O'Neil in relation to the Labor Party's support of these deals is as red hot as ever. We will be proudly opposing this motion moved on behalf of the National Party.

The PRESIDENT: The question is that motion No. 357 be agreed to.

The Senate divided. [12:35]

Ayes ........................50
Noes ........................13
Majority.....................37

AYES

Abetz, E
Askew, W
Bernardi, C
Bragg, A J
Carr, KJ
Chandler, C
Cormann, M
Duniam, J

Antic, A
Ayres, T
Bilyk, CL
Brockman, S
Cash, MC
Colbeck, R
Davey, P
Farrell, D

CHAMBER
AYES
Fawcett, DJ  Fieravanti-Wells, C
Gallacher, AM  Gallagher, KR
Green, N  Griff, S
Henderson, SM  Hughes, H
Hume, J  Kitching, K
Lines, S  McCarthy, M
McDonald, S  McGrath, J
McKenzie, B  McMahon, S
Molan, AJ  O’Neill, D
O’Sullivan, MA  Paterson, J
Polley, H  Pratt, LC
Rennick, G  Ruston, A
Ryan, SM  Scarr, P
Smith, DA (teller)  Smith, M
Stoker, AJ  Urquhart, AE
Van, D  Walsh, J
Watt, M  Wong, P

NOES
Di Natale, R  Faruqi, M
Hanson, P  Hanson-Young, SC
Lambie, J  McKim, NJ
Patrick, RL  Rice, J
Roberts, M  Siewert, R (teller)
Steele-John, J  Waters, LJ
Whish-Wilson, PS

Question agreed to.

DOCUMENTS
Immigration Detention
Order for the Production of Documents

Senator McKIM (Tasmania) (12:38): I move:

That there be laid on the table by the Minister representing the Prime Minister, by the adjournment of the Senate on 5 December 2019, any communication, including attached documents, between ministers of the Government and Senator Lambie, or their staff, relating to negotiations between the aforementioned parties regarding the Migration Amendment (Repairing Medical Transfers) Bill 2019.

The PRESIDENT: The question is that motion No. 358 be agreed to.

The Senate divided. [12:39]

(The President—Senator Ryan)

Ayes ..................33
Noes ..................33
Majority..............0

AYES

Ayers, T  Bilyk, CL
Brown, CL  Carr, KJ
AYES
Chisholm, A
Di Natale, R
Gallacher, AM
Green, N
Hanson-Young, SC
Lines, S
McKim, NJ
Patrick, RL
Pratt, LC
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M
Wong, P
Ciccone, R
Faruqi, M
Gallagher, KR
Griff, S
Kitching, K
McCarthy, M
O'Neill, D
Polley, H
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

NOES
Abetz, E
Askew, W
Birmingham, SJ
Brockman, S
Chandler, C
Cormann, M
Duniam, J
Fierravanti-Wells, C
Hughes, H
Lambie, J
McGrath, J
McMahon, S
Paterson, J
Ruston, A
Scarr, P
Smith, DA (teller)
Van, D
Antic, A
Bernardi, C
Bragg, A J
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Henderson, SM
Hume, J
McDonald, S
McKenzie, B
O'Sullivan, MA
Roberts, M
Ryan, SM
Seselja, Z
Stoker, AJ

PAIRS
Dodson, P
Farrell, D
Keneally, KK
McAllister, J
Payne, MA
Molan, AJ
Rennick, G
Reynolds, L

Question negatived.

MOTIONS
Murray-Darling Basin Plan

Senator HANSON-YOUNG (South Australia) (12:41): I move:
That the Senate—
(a) notes that mismanagement, water theft and allegations of corruption have undermined confidence in the Murray-Darling Basin Plan;
(b) rejects the National Party's and Mr Barnaby Joyce's assault on the Murray-Darling Basin Plan, the environment and South Australia; and

(c) calls on the Federal Government to support the delivery of water to South Australia under the Murray-Darling Basin Plan which is necessary for the survival of the River and the Lower Murray, and the communities that rely upon it.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:41): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Thanks, Mr President. This is the last one for the year, so merry Christmas! The government is committed to implementing the Murray-Darling Basin Plan. It is a once-in-a-generation opportunity to restore our important river systems to a healthy and sustainable level to benefit communities, industry and the environment.

Senator ROBERTS (Queensland) (12:42): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator ROBERTS: One Nation opposes Senator Hanson-Young's motion, which seeks to cling to South Australia's current share of Murray-Darling Basin water on the pretext of saving the Lower Lakes and the Coorong. This motion is based on a lie. The CSIRO has clearly established that the Coorong cannot be saved by sending water down the Murray past the top of the Coorong. The Coorong's natural refreshing flows are from the south-east. Saving the Coorong requires work that is currently underway, the south-east drains based project, to turn the man-made drains in the south-east back to their natural flow. These drains currently take water from the basin and dump it straight into the ocean, bypassing the Murray mouth. Restoring the natural flow of water will flush the Coorong and keep the Murray mouth open. This measure, on which the Greens are silent, will not only save the Coorong but it will also assist in saving the Murray mouth without taking water from the rest of the basin. Honest and better use of water in South Australia will increase production and agriculture, jobs and income.

Senator PATRICK (South Australia) (12:43): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator PATRICK: Centre Alliance does support the Murray-Darling Basin Plan, but we firmly believe that amendments are required to it—changes to deal with things like overextraction and mismanagement. In fact, that's one of the reasons why we have a select committee looking at how the Murray-Darling Basin is managed. We have a situation where, over the last two years, the New South Wales government have threatened to pull out of the plan six times. They need to stop behaving like a petulant child and get on board with the plan, working with all of the states to come up with a sensible plan. It does require amendment, but it does not require what has been suggested by the New South Wales government.

The PRESIDENT: The question is that the motion moved by Senator Hanson-Young be agreed to.

A division having been called and the bells being rung—

The PRESIDENT: I've had a request for a four-minute bell from the whips.
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (12:45): With the indulgence of the chamber, could I seek for this motion to be split and parts (a) and (b) to be voted on separate from part (c).

The PRESIDENT: With the consent of the chamber, I can cancel the division and put it again. Cancel the division. The question is that paragraphs (a) and (b) of motion No. 362 in the name of Senator Hanson-Young be agreed to.

The Senate divided. [12:50]

(The President—Senator Ryan)

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AYES

Bilyk, CL Carr, KJ
Ciccone, R Farni, M
Gallagher, KR Griff, S
Hanson, P Hanson-Young, SC
Lines, S McKim, NJ
Patrick, RL Pratt, LC
Roberts, M Siewert, R
Steele-John, J Urquhart, AE (teller)
Waters, LJ Whish-Wilson, PS

NOES

Antic, A Bernardi, C
Bragg, A J Canavan, MJ
Chandler, C Cormann, M
Duniam, J Fieravanti-Wells, C
Hume, J McGrath, J
McMahon, S Paterson, J
Ruston, A Scurr, P
Smith, DA (teller) Van, D
PAIRS

Dodson, P  Payne, MA
Farrell, D  Molan, AJ
Keneally, KK  Hughes, H
McAllister, J  Reynolds, L

Question agreed to.

The PRESIDENT (12:53): The question is that paragraph (c) of motion No. 362 be agreed to.

The Senate divided. [12:53]

(The President—Senator Ryan)

Ayes ......................44
Noes ......................2
Majority ...............42

AYES

Askew, W  Birmingham, SJ
Bragg, A J  Brown, CL
Canavan, MJ  Carr, KJ
Chandler, C  Colbeck, R
Cormann, M  Di Natale, R
Duniam, J  Faruqi, M
Fawcett, DJ  Gallagher, AM
Green, N  Griff, S
Hanson-Young, SC  Henderson, SM
Hughes, H  Hume, J
Lines, S  McDonald, S
McGrath, J  McKenzie, B
McKim, NJ  O'Neill, D
O'Sullivan, MA  Patrick, RL
Rennick, G  Rice, J
Ruston, A  Ryan, SM
Scarr, P  Siewert, R
Smith, DA (teller)  Smith, M
Steele-John, J  Urquhart, AE
Van, D  Walsh, J
Waters, LJ  Watt, M
Whish-Wilson, PS  Wong, P

NOES

Hanson, P  Roberts, M (teller)

Question agreed to.
NOTICES

Presentation

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:55): by leave—
At the request of Senator McCarthy, I give notice that, on the next sitting day, she shall move:

That the Senate—
(a) notes that:
(i) the National Family Violence Prevention Legal Service Forum (the Forum) was established in May 2012, and is the peak body for 14 member organisations across Australia providing services under the Family Violence Prevention Legal Services (FVPLS) Program,
(ii) the FVPLS members provide culturally sensitive assistance to Indigenous victim-survivors of family violence and sexual assault,
(iii) the Forum works with members to develop tools for capacity building, good governance, professional development, training, data collection and evaluation, and
(iv) the Forum provides advice and input to government and ensures a unified FVPLS response to addressing Aboriginal and Torres Strait Islander family violence; and
(b) calls on the Federal Government to acknowledge the important work of the NFVPLS and not to cut funding to the network.

COMMITTEES

Membership

The PRESIDENT (12:56): I have received letters requesting changes in the membership of different committees.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:56): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—
Discharged—
Senator O'Neill
Participating member: Senator Polley
Appointed—
Senator Polley
Participating member: Senator O'Neill

Community Affairs References Committee—
Discharged—
Senator O'Neill
Participating member: Senator Ciccone
Appointed—
Senator Ciccone
Participating member: Senator O'Neill

Environment and Communications Legislation Committee—
Discharged—
Senator Urquhart
Participating member: Senator Green
Appointed—
Senator Green
Participating member: Urquhart
Treaties—Joint Standing Committee—
Discharged—Senator Bilyk
Appointed—Senator Ciccone.
Question agreed to.

BILLS
Communications Legislation Amendment (Deregulation and Other Measures)
Bill 2019
Second Reading
Consideration resumed of the motion:
That this bill be now read a second time.

Senator CAROL BROWN (Tasmania) (12:56): This bill contains a collection of proposals to reduce the regulatory burden on the broadcasting and telecommunications sector. Labor will be supporting this bill, which is a rudimentary regulatory housekeeping exercise, but notes that these amendments do little to reduce the cost of regulation on the broadcasting or telecommunications sectors. As Labor has noted in the House, the government has spent the last three years increasing regulatory burden on telecommunications companies, and this bill does nothing to reverse that trend.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:57): I thank Senator Brown for her contribution. I commend the bill and I also table an addendum to the explanatory memorandum relating to the communications bill we are debating now. The addendum responds to concerns raised by the Scrutiny of Bills Committee.
Question agreed to.
Bill read a second time.

Third Reading
The PRESIDENT (12:57): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:58): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.
Health Legislation Amendment (Data-matching and Other Matters) Bill 2019

Second Reading

Consideration resumed of the motion:
That this bill be now read a second time.

Senator CAROL BROWN (Tasmania) (12:58): Labor will support this bill, the Health Legislation Amendment (Data-matching and Other Matters) Bill 2019, to improve Medicare compliance by allowing data-matching between agencies. The bill will help to identify and take action against the very small number of health providers who make inappropriate Medicare claims. Importantly, however, it will not allow the government to share information with private health insurers. I welcome the minister's assurance that compliance activities won't be automated, which would be akin to the disastrous robodebt scheme. The bill requires the minister to make a legislative instrument to govern the new data-matching program. Among others, the AMAS has pointed out there is little detail in this bill and that the devil will be in the detail of the legislative instrument. Labor share that view, and I can assure the sector we will be scrutinising the eventual instrument very closely. The real risk to Medicare is the cuts and neglect we have seen from this government over its three terms.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:59): I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The PRESIDENT (12:59): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:59): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Bill 2019

Second Reading

Consideration resumed of the motion:
That this bill be now read a second time.

Senator CAROL BROWN (Tasmania) (12:59): This bill amends the Military Rehabilitation and Compensation Act 2004 to simplify and streamline arrangements for medical treatment for Department of Veterans' Affairs clients covered by the act so they can access health care through a DVA health card only, rather than having to be reimbursed for the cost of treatment later. This should lead to better health outcomes for our veterans. The changes are consistent with Labor policy and have their genesis in the former Labor government's 2011 review of military compensation, which considered moving to a single

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treatment pathway. This is a sensible, positive amendment and Labor supports it. I commend the bill.

  Question agreed to.
  Bill read a second time.

Third Reading
The PRESIDENT (13:01): As no amendments to the bills have been circulated, I shall call the minister to move the third reading unless any senator requires that the bills be considered in Committee of the Whole.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:01): I move:

That this bill be now read a third time.

  Question agreed to.
  Bill read a third time.

Telecommunications (Interception and Access) Amendment (Assistance and Access Amendments Review) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator CAROL BROWN (Tasmania) (13:02): Labor welcomes this legislation, which will extend the reporting date for the Parliamentary Joint Committee on Intelligence and Security's review of the assistance and access act from 13 April 2020 to 30 September 2020. The extension of this reporting date is appropriate to allow the findings to be considered by the PJCIS in their 2020 report. Labor will be supporting this legislation.

  Question agreed to.
  Bill read a second time.

Third Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:02): I move:

That this bill be read a third time.

  Question agreed to.
  Bill read a third time.

Interactive Gambling Amendment (National Self-exclusion Register) Bill 2019

National Self-exclusion Register (Cost Recovery Levy) Bill 2019

First Reading

Bills received from the House of Representatives.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:03): 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 DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:04): 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—

INTERACTIVE GAMBLING AMENDMENT (NATIONAL SELF-EXCLUSION REGISTER) BILL 2019

This Bill will establish legislation for a National Self-Exclusion Register (Register) for online wagering. With this Bill, the Government introduces a critical consumer protection measure for Australians gambling online which will help reduce the harm of online wagering to consumers.

The Register responds to growing community concerns about the rapid growth and high rate of harm caused by online gambling and importantly, will allow people to quickly and easily exclude themselves from all interactive gambling sites and apps, through a single registration process.

The Register will be available for around a million consumers of online wagering, but will target approximately 240,000 Australians who are already experiencing harm.

This is crucial, as we know that usage of online wagering is rapidly growing, and the rate of problem gambling is three times higher online than for all other forms of gambling.

Gambling-related harm can adversely affect a person’s life in many ways including damage to their financial wellbeing, self-esteem, relationships, work performance, housing situation, and physical and mental health.

As part of the response into the 2015 Review of Illegal Offshore Wagering (the Review), in November 2018 the Morrison Government announced the joint National Framework in response to this Review. The agreed implementation arrangements and policy principles that underpin each of the measures were set out in a National Policy Statement.

These principles were developed following an extensive two-year consultation process with stakeholders, including state and territory governments, community organisations, academia, the interactive wagering industry, and individuals affected by gambling harm.

To date, I am pleased to say this Government has successfully implemented six of the 10 measures of the National Framework in all jurisdictions.

Key stakeholders, including governments, the interactive wagering industry, academia, the community sector and most importantly people who gamble online, were consulted when developing the Bills, in order to ensure the Register scheme is workable and consumer outcomes are met. They have expressed strong support for the Register.

The Register will allow any ordinary resident of Australia to exclude themselves from all interactive wagering services licenced in Australia. All interactive wagering providers licensed are in scope for the Register, including on-course bookmakers' telephone-only services.

The Australian Communications and Media Authority (ACMA) will procure an independent third-party technology provider to supply, operate and maintain the Register on their behalf.

To be added to the Register, an individual will complete a simple registration process. The individual will be able to choose how long they wish to self-exclude for, ranging from three months to permanent exclusion.
This will give individuals the flexibility to set an exclusion period that is appropriate to their circumstances, and will also encourage uptake of the Register. Individuals will be able to extend this period at any time, and mechanisms will be in place to enable a simple process for re-registration.

Individuals will be bound by a minimum three-month exclusion for their first registration, and will be prompted 14 days before their exclusion period ends.

The individual will be given the option to nominate support persons, with their consent, such as friends or family members. A support person would be notified when the registered individual signs up for self-exclusion, and again 14 days before a self-exclusion period ends.

Allowing up to five support persons will ensure the registered individual will have the flexibility to nominate an adequate number of sponsors, should they choose to do so. These support persons can be updated as required.

Interactive wagering providers will be required to take steps to promote the Register to their customers, and ensure that individuals on the Register are not provided with any interactive wagering services. Additionally, interactive wagering providers must ensure that new interactive wagering accounts are not opened for registered individuals, and existing accounts are closed and funds returned to the individual after existing bets are settled.

Civil and criminal penalties will apply if an interactive wagering provider does not appropriately promote the Register in accordance with the Register rules and the Government will closely monitor the behaviour of interactive wagering providers and will strengthen provisions if needed.

The Register rules will outline more detail on this issue, as it will allow the ACMA to prescribe requirements based on evolving evidence on the effectiveness of responsible gambling messaging, and the ever-changing online wagering environment.

In summary, this Bill will establish a National Self-Exclusion Register, which will allow people to quickly and easily exclude themselves from all interactive wagering services licenced in Australia through a single registration process. This will ensure that a vital consumer protection tool is readily available for vulnerable individuals that are at-risk of, or already experiencing harm from online wagering.

The Register is a first in Australia, and I consider it an important step in achieving best-practice for social responsibility in online wagering.

The Government will continue to work with stakeholders as we implement the Register, and will monitor the scheme to ensure it is meeting its consumer protection outcomes.

NATIONAL SELF-EXCLUSION REGISTER (COST RECOVERY LEVY) BILL 2019

This is a companion Bill to the Interactive Gambling Amendment (National Self-exclusion) Bill 2019, which will establish legislation for the National Self-Exclusion Register (Register) for online wagering.

This Bill will enable the Australian Communications and Media Authority (ACMA) to fully recover the costs associated with the Register, and related regulatory and compliance functions, from interactive wagering providers licensed in Australia through a cost-recovery levy. This levy will only recover costs covered in the Bill, and is not a revenue raising measure.

This Bill is enabling and mechanistic in character. Details regarding the amount of charges and the method of charging will be determined before the Register is operational, and will be set in a subordinate legislative instrument.

Consistent with the Australian Government Charging Framework, costs will be apportioned to each interactive wagering provider, consistent with the regulatory effort they cause.

All charging will be reported annually in the Cost Recovery Implementation Statement, which will be published to ensure transparency and accountability.
In summary, this Bill will enable the ACMA to fully recover the costs associated with the Register from interactive wagering providers licensed in Australia through a cost-recovery levy. The Government will consult with the interactive wagering industry when finalising the details of the cost recovery.

Senator CAROL BROWN (Tasmania) (13:04): Labor supports these bills. This has been agreed by the states and territories and is supported by the consumer protection groups. It is incredibly important the government remains vigilant to online problem gambling and takes the necessary steps to make sure Australia is a leader in best practice consumer protections. I commend the bills.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:04): I commend the bills.

Question agreed to.

Bills read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Stoker) (13:05): As no amendments have been circulated, I call the minister to move the third reading unless any senator requires that the bills be considered in Committee of the Whole.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:05): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a second time.

Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator FARUQI (New South Wales) (13:05): This bill removes the 28-day grace period, which means that CCS claims will be rejected and risks families incurring a debt for a subsidy they are otherwise entitled to. Removing the 28-day grace period only makes life harder for families, and why would we want to make life harder for families—particularly low-income families that already have trouble accessing child care? There has been no explanation from the government for this change. I know that the government is moving an amendment to the bill that will allow the secretary of the department or their delegate to approve a 28-day extension on a case-by-case basis, but that's not good enough. The 28-day grace period should be maintained so everyone who needs it can access it easily. I understand that the opposition is moving an amendment to keep the 28-day grace period, and the Greens will be supporting that amendment.

We know the current childcare system doesn't work for most families with young children. Families are working hard, sometimes putting a whole income towards just paying for child care. The two major parties treat child care as a workforce participation measure, not the essential service it is. We know that affordable, quality and accessible child care benefits
everyone. I know firsthand the value of affordable and accessible child care. When I came to Australia, I would not have been able to study, I would not have been able to continue my higher education if it wasn't for affordable child care. No-one should be denied opportunities because it doesn't fit the narrative of who the government decides is worthy of receiving child care.

If there's going to be a process of identifying the problems of the government's childcare package, let's make this systemic, not ad hoc. Let's bring everyone into the tent, listen to what they have to say and commit to fixing the problems—and there are a lot of problems. The Early Childhood Australia submission to the inquiry into this bill makes this point and identifies the administrative complexities and inconsistencies surrounding the use of additional childcare subsidy and the impact of the childcare package on former budget based funded services. The most urgent thing we can do is scrap the activity test. Concerns about this test and the impact on children's participation in early learning and care have been raised constantly by the sector but ignored by both the Liberal and Labor parties. It is clear it has negatively impacted access to child care for families on lower incomes. By ditching the test completely, we will ensure that people who need access to child care are able to access it without any barriers.

The Australian Institute of Family Studies report *Child care package evaluation: early monitoring report* was released earlier this year. I found this report quite concerning, particularly the impact of the childcare package on low-income families. Page 133 of that report states:

Under the Child Care Safety Net, low-income families earning $66,958 or less per annum, who do not meet the activity test, are entitled to access 24 hours of subsidised care a fortnight. As most Long Day Care sessions are 12 hours, these families are able to access one day a week of subsidised Long Day Care. This is a substantial reduction in the amount of subsidised care available to these families.

The report goes on to say:

Some interviewees pointed out that it could be difficult for these families to meet activity test requirements, such as looking for work or volunteering, particularly in areas where employment opportunities were very limited or non-existent or when families did not have the skills, social capital or resources to take up volunteering.

This is deeply concerning.

At the end of the day, child care is an essential service and should be provided for free. Australia's current public funding for early childhood education and care is the second worst in the developed world. We expect families to pick up more of the tab across the board. As a result, primary carers, who are overwhelmingly women, are having to give up work and career opportunities, or not go back to work at all, because child care is simply too expensive when combined with the loss in childcare subsidy. We can make corporations pay their fair share of tax and invest in our children and our future. The Greens' firm position is that the activity test needs to be abolished. It is a real shame that that is not the view of the Labor and Liberal parties.

**Senator BIRMINGHAM** (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:10): I thank senators for their contributions, although I disagree with a number of the assertions made in those contributions. I commend the bill to the Senate.
Question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Stoker) (13:11): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (13:11): I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures) Bill 2019

Foreign Acquisitions and Takeovers Fees Imposition Amendment (Near-new Dwelling Interests) Bill 2019

Second Reading

Consideration resumed of the motion:
That these bills be now read a second time.

Senator CAROL BROWN (Tasmania) (13:12): I'd like to say at the outset that Labor will support these two bills, the Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures) Bill 2019 and the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Near-new Dwelling Interests) Bill 2019. However, as we've seen too many times, just because you put a phrase into the title of a bill, that doesn't make it so. While we won't stand in the way of the measures contained in the reducing pressure on housing affordability measures bill, let it be clear that they won't do a lot to deal with the significant issue of housing affordability.

These bills contain several measures. They remove the entitlement to the CGT main-residence exemption for foreign residents; they clarify the application of the principal-asset test; they provide a capital gains tax incentive for investment in affordable housing, increasing the discount from 50 to 60 per cent; and they enable a reconciliation payment for near-new dwelling certificates. The measure with the biggest financial impact is the CGT main-residence exemption changes, which, according to the government, will raise around $150 million per year. The original measure, as part of the 2017 budget, had some flaws, including its potential impact on expats and New Zealanders living in Australia. Labor is glad the flaws will now be fixed. This is a good measure that provides important revenue for the budget.

The other measures in these bills have a minor cost impact to the budget, with the 50 to 60 per cent increase costing $50 million over two years, from 2019-20, and the near-new dwelling certificate reconciliation payments costing $5.1 million per year. Labor will support these measures. We believe they are worthy of our support but they won't do anything meaningful to reduce pressure on housing affordability. The problems with housing affordability stem from the fact that this government has no plan for the economy. With
wages growth at record lows, it's no wonder that people are finding it difficult to get into the housing market. An ABC *Australia Talks* national survey found that 63 per cent of Australians say that owning a home is out of reach for young people. The latest statistics from the Australian Institute of Health and Welfare, put out a few months ago, showed that the rate of homeownership for people aged 25 to 29 declined from 50 per cent in 1971 to 37 per cent in 2016. Similarly, the rate of homeownership among people aged 30 to 34 dropped, from 64 per cent in 1971 to 50 per cent in 2016. Moody's Investors Service has said that housing affordability will decline in 2020.

Should wages continue to stagnate—and, given what we've heard recently from the Reserve Bank, we shouldn't expect anything else—this won't help with the housing affordability issue. It not only means that we have a situation where people are struggling with the cost of living; it makes it difficult for people to save up to purchase a home or keep up with the rent or mortgage payments. This is just one manifestation of the real-world implications of an economy that is floundering on this government's watch. The measures in the legislation before us today, along with other measures recently initiated by the government, such as their First Home Loan Deposit Scheme, will have benefits but won't be the silver bullet.

As I said at the outset, Labor will support the bills, but the government needs to do more, particularly on dealing with the economy floundering on its watch, in order to help with the issue of housing affordability in this country.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:15): I thank senators who have contributed to this debate. This is important legislation to reduce pressure on housing affordability. I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

**Third Reading**

The ACTING DEPUTY PRESIDENT (Senator Stoker) (13:16): No amendments have been circulated. As no senator requires a committee stage, I call the minister.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:16): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

**Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019**

**First Reading**

Bill received from the House of Representatives.
Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:17): I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:17): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Government is committed to supporting the Australian Criminal Intelligence Commission and its critical role in working towards a safer Australia.

As Australia's national criminal intelligence agency, the ACIC undertakes essential and indispensable functions in gathering intelligence and undertaking investigations to inform a national picture of crime impacting Australia. In doing so, the ACIC is contributing to an Australia that is better connected, better informed and highly capable of responding to transnational, serious and organised crime, cybercrime, and national security threats.

The threat environment and risks to Australia's national security are constantly evolving, endangering the safety, security and prosperity of Australia and our Australian way of life. Organised crime syndicates are highly resilient to traditional investigative and intelligence gathering methodologies, and readily adapt to advances in technologies in their attempts to evade detection and disruption.

The Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill will ensure that the Australian Criminal Intelligence Commission can continue to effectively detect, prevent and disrupt the nefarious activities of serious and organised crime targets.

This Bill will make technical amendments to the Australian Crime Commission Act 2002 to streamline the authorisation process for the ACIC Board to determine future special operations and special investigations, and will confirm the validity of existing special operation and special investigation determinations. The Bill does not expand or otherwise alter the powers available to the ACIC in the course of undertaking a special operation or special investigation.

The Bill also makes minor consequential amendments to the Parliamentary Joint Committee on Law Enforcement Act 2010 and the Telecommunications (Interception and Access) Act 1979 as a result of the technical amendments to the Australian Crime Commission Act.

The measures in this Bill are vital to safeguarding the ability of the Australian Criminal Intelligence Commission to fulfil its statutory functions and actively contribute to a safer and more secure Australia. I commend the bill to the chamber.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (13:18): Labor supports the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019 before the Senate. The safety and security of Australians and our economic and social wellbeing require action against serious and organised crime.
The Australian Criminal Intelligence Commission plays a critical role in keeping Australia and Australians safe. The dedicated staff at the commission seek to find, understand and respond to serious and organised crime by collecting, correlating, analysing and sharing criminal information and intelligence; maintaining a national database of criminal information and intelligence; undertaking intelligence operations; investigating matters relating to federally relevant criminal activity; providing strategic criminal assessments; and providing advice on national criminal intelligence priorities. Importantly, the commission is not the police force. The commission's role is to step in when traditional law enforcement methods are unlikely to be or have not been effective.

In the last financial year alone, the commission successfully facilitated the discovery of 95 previously unknown targets, the disruption of 28 criminal entities, the arrest of 169 people, the laying of 607 charges and the seizure of drugs and precursors with a street value of $2.3 billion. This is vital work that helps combat serious and organised crime and keep Australians safe.

Labor will always seek to work in a cooperative and bipartisan manner to ensure our police and national security agencies have the powers and resources they need to keep our nation secure and our people safe. This bill is not perfect and the process that has led up to this debate is not perfect, but Labor does appreciate and thank the Minister for Home Affairs and the government for the bipartisan manner in which they have approached this legislation and briefed the Australian Labor Party.

Following briefings from the government and the CEO of the Australian Criminal Intelligence Commission, Labor accepts that there is an urgent need to pass this legislation to ensure that the ACIC can continue its important work. It's important to note that Labor are of the view that, had we been in government, in these circumstances we would have legislated as well. I can say confidently, however, that while we would have acted, as the government is, to confirm the validity of existing special operation and special investigation determinations and ensure that future special operations and investigations are on a sound legal footing, we would have done it in a different manner. However, Labor continue to believe that the commission should only be using its powers when traditional law enforcement methods are unlikely to be effective, and we do believe it is important that legislation be brought to this parliament to provide the protection of the special operations and investigations that the Australian Criminal Intelligence Commission is seeking.

It is worth noting that the coercive powers of the commission are extraordinary. They include the power to summons witnesses to appear before an examiner, to compel those witnesses to give evidence on themselves and others under investigation, and to obtain documents or other items held by witnesses. It is important that these powers are only used when absolutely necessary, with appropriate oversight and checks and balances.

I note that the minister has provided Labor with an assurance that, within 12 months of this bill passing this parliament, the government will refer the operation of this legislation to the Parliamentary Joint Committee on Law Enforcement for review. I thank the minister for providing that assurance. I also note that the ACC Act is due for its statutory review in 2020.

Finally, I would like to thank the CEO of the commission, Mr Michael Phelan, for his detailed explanation to me and the shadow Attorney-General of why this legislation is important and necessary. Labor thanks Mr Phelan and the staff of the commission for the
work they do to protect our community from organised crime and serious criminal activity. Labor supports this bill because Labor supports the Australian Criminal Intelligence Commission.

Senator McKIM (Tasmania) (13:23): The Greens will not be supporting this legislation. Just so that everyone is clear, this is the bill that today has been exempted from the cut-off order, which means it is able to be debated sooner than it otherwise would have been. It is also the bill that is not able to be examined by the Legal and Constitutional Affairs Legislation Committee, on which I represent the Australian Greens. Frankly, both of those things are an utter disgrace, given that this is a bill that creates new coercive powers for our security apparatus in this country and continues the ongoing erosion of rights, freedoms and liberty in Australia that has seen us already become an authoritarian and police state and risks us becoming a totalitarian regime down the track. Remember that this is a country where apparently it is just fine for somebody to be charged, sentenced and imprisoned in total secrecy. This is now a country where you can be imprisoned for something you might do in the future. This is Orwellian, draconian stuff that we are talking about here, and this bill is yet another step down a dark and dangerous path for our country.

This has been rammed through parliament—or will be shortly—within a week. This bill retrospectively validates potentially unlawful actions by the Australian Criminal Intelligence Commission and significantly broadens the coercive powers of the Australian Criminal Intelligence Commission board to determine an investigation or operation as a special operation or investigation. Let me remind colleagues that this retrospectivity and increasing of powers is for a law enforcement agency that already has coercive powers similar to those of a royal commission—powers that undoubtedly impact on the freedoms and liberties of citizens of our country, who, unlike people living in any other liberal democracy in the world, are not protected by a charter or a bill of rights.

On the retrospectivity of this bill, retrospective laws are, quite properly, widely considered to be inconsistent with the rule of law, particularly when applied to punitive legislation. That is why the Greens have traditionally opposed legislative retrospectivity. It's worth quoting former British High Court judge Lord Bingham on retrospectivity in our laws who said:

… you cannot be punished for something which was not criminal when you did it, and you cannot be punished more severely than you could have been punished at the time of the offence.

But that's exactly what the government is doing here. As it rams these laws through parliament in less than a week, without giving senators the opportunity to properly consult on this legislation and without giving the Legal and Constitutional Affairs Legislation Committee an opportunity to conduct an inquiry so that we can hear from stakeholders on these matters, we're retrospectively validating investigations by the Australian Criminal Intelligence Commission ahead of a High Court challenge to its coercive powers. In other words, this bill will validate decisions which are probably unlawful which were made by the Australian Criminal Intelligence Commission.

Let's be clear about this. If our security agencies do something unlawful, they should pay the price. And it's very interesting to note the difference between the way the government responds—and, in fact, the way the Labor Party responds—to a potentially unlawful action of the Australian Criminal Intelligence Commission and with what happened to Bernard Collaery and Witness K. Of course, those two patriotic Australians, who revealed certainly
unlawful activity in the form of the illegal bugging of the Timor-Leste cabinet discussions around negotiations with Australia about petroleum resources in the Timor Sea, now find themselves enmeshed in the legal system. Witness K has pled guilty. Mr Collaery has pleaded not guilty and will be tried in secret for actually engaging in a patriotic revelation of unlawful activity. But, because the patriotic revelations of Mr Collaery and Witness K did not suit the agenda of the major parties, they find themselves in court. When you have revelations of almost certainly unlawful activities that do suit the government's agenda—and the Labor Party's agenda, because it wants these powers, of course, when it gets into government—what happens then? Legislation is rammed through this parliament that retrospectively validates and makes lawful those actions. What a disgrace! I have to ask myself: what sort of country are we living in today?

For the Labor Party to come in here and say, 'It's all going to be fine because the minister has promised a review,' is akin to what happened yesterday, with Labor announcing the moving of amendments to the encryption legislation. Labor's trying to make a big song and dance of cuddling up to the tech sector. I remind Labor: you voted for that bill before the last election. You actually voted for it. So don't come in here now, wringing your hands and moving amendments—which you know are doomed to fail—in this parliament just to try and make yourself look good to the tech sector. You abandoned the tech sector in the last term of the parliament and, mark my words, the tech sector will not forget that.

In regard to this legislation, earlier this week, the Law Council President, Mr Arthur Moses, said:

If there have been breaches of the law by government agencies, then it would be odd and inappropriate for Parliament to validate those breaches as there would not be any deterrent for government agencies in the future who breach laws passed by the very same Parliament.

I couldn't agree more with Mr Moses. As an extension to what he said, I will describe the bill we're currently debating in this way: this is basically greenlighting future unlawful activities by our security agencies in this country, because they know that if they get busted then the major parties are going to come together and make those unlawful actions lawful retrospectively. That's what we're dealing with here, and it's a pathway to totalitarianism in Australia.

This bill will afford the already extremely powerful Australian Criminal Intelligence Commission increased powers to authorise investigations. Where the ACIC board currently needs demonstrable cause for authorising an investigation—in other words, circumstances established on the facts of the matter—under this legislation the board may authorise an investigation if it considers it in the public interest on the basis of its collective experience. Well, to quote from one of my favourite Australian movies, The Castle, 'It's the vibe of it, your Honour.' It's the vibe of it! That's all the ACIC board will have to do to convince themselves in the future that they ought to authorise an investigation: if the vibe feels right. What is happening in Australia at the moment is absolutely horrendous.

What's more, a determination made under this bill will not be a legislative instrument. That means that investigations authorised by the board, with its newly broadened powers, will no longer be subject to a parliamentary review. So here we go again, being frogmarched down the road to a police state. And the government is doing this, as ever, cheered on by the gutless wonders in the Australian Labor Party.
This draconian bill should have been sent to a parliamentary committee inquiry but, unfortunately, that will not now occur. So all those people and stakeholders who are concerned about being frogmarched down the road to a totalitarian regime in this country have been denied the opportunity to have a say. We could have referred it to the parliamentary committee from the floor of this Senate, but Labor won't support us doing that, so of course we don't have the numbers. This is because, as Labor often does, they got a private briefing. They've been convinced to support it on the basis of the old straw man argument of national security.

Yet just yesterday, as we debated medevac, Labor argued that the Senate couldn't and shouldn't vote in support of a bill when it hadn't been allowed to consider all of the information relevant to that bill. That was actually a good argument that Labor put yesterday, and an accurate argument. So what's happened today? Labor has turned around and is supporting a piece of legislation which increases coercive powers, which undermines freedom and liberty in this country, and which the Senate has not had an opportunity to come to grips with because we've been denied an inquiry at the Legal and Constitutional Affairs Legislation Committee.

As for the Greens, we didn't ask for a briefing on this bill because we don't need one: we know a dog when we see it. The crossbench, unfortunately, can't block the bill, so let me use this opportunity to once again make the case for a charter of rights in Australia. Many of our ancestors, including mine, fought and—in the case of many of them, including mine—died in wars to protect freedom and to protect liberty. They would be rolling in their graves today as they watch the unseemly haste with which the major parties erode those freedoms and those liberties that so many of our ancestors died to protect.

We need a charter of rights in Australia. Every other one of the Five Eyes countries and every other liberal democracy in the world, and many countries that aren't liberal democracies, have a charter of rights or a bill of rights either legislated or constitutionally enshrined. So far this century, which is not yet two decades old, we have seen well over 200 pieces of legislation passed through parliaments in Australia that erode or remove fundamental rights and freedoms, and they've almost all been delivered by the major parties voting in lock step because of their uncritical bipartisanship on national security matters and because they actually don't care about fundamental rights and freedoms.

What we've witnessed here today in this Senate are secret deals being made to pass legislation that undermines our very democracy. What we are witnessing is not the hallmark of a thriving and robust democracy; it is the hallmark of authoritarianism. We're well overdue for a charter of rights, and it's about time those elected to this parliament by the Australian people concern themselves with a charter of rights and the ongoing erosion of fundamental rights and freedoms. The Greens will stand up for the rule of law, which is being trashed by this legislation today.

The Liberal Party, which claims personal freedoms and personal liberties among its foundation values, is going to trash personal freedoms and personal liberties for the umpteenth time. I have lost count of the number of times the authoritarians and the totalitarians in the L-NP have done this in contravention of two of their foundation values, just as I've lost count of the number of times the Labor Party has cravenly rolled over and allowed the L-NP to tickle its tummy. It's time for this so-called bipartisanship on national
security to come to an end. It's time for legislation such as this not to be rammed through the Senate as it denies us the opportunity to come to grips with the details and consult stakeholders. And, ultimately, it is time for a charter of rights in Australia.

Senator PATRICK (South Australia) (13:37): This is a line in the sand moment for the Senate. Will it continue to allow the parliament to erode rights and freedoms by way of stealth? Will it allow law enforcement agencies to exercise coercive powers almost unchecked by the courts? It is concerning that the parliament appears to be comfortable with rushing the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019 through without proper scrutiny, even though it has the potential to impact on the rights and freedoms of all Australians. Surely after the outcry about media freedom following the AFP raids on journalists the Senate is not going to do this and rush this bill through without proper scrutiny? Any Australian, even those not suspected of a crime, could be impacted by this bill.

The Minister for Home Affairs has described this bill as 'simply making technical amendments' to the Australian Crime Commission Act 2002. Well, I'm sorry, Mr Dutton; these reforms represent a significant broadening of the circumstances in which coercive power may be exercised and should not be dismissed as merely 'technical'.

Madam Acting Deputy President Stoker, I know you are a barrister-at-law and I know you will understand some of the arguments I am going to present—and they are serious arguments. They are serious arguments which, as an officer of the court, would no doubt concern you. The coercive powers that may be authorised by the board of ACIC are significant and demand proper scrutiny and oversight. These powers include the ability to compel the production of documents and the capacity to compulsorily examine a person without that person being able to assert privilege against self-incrimination. Unlike the obtaining of warrants, there is no requirement in this act for the citizen to be reasonably suspected of any offence. Any person that is thought to have information relating to the ACIC's special investigations can be the subject of the exercise of those coercive powers. To be clear, these powers are not reserved for suspected criminals; they may well be used against journalists and others in the community whose actions are deemed by the authorities to be contrary to the public interest.

These are fundamental rights that are embedded in our legal system, and, while there may be circumstances in which circumvention is justified, this abrogation must only take place through a rigorous and restrained process with adequate safeguards. The trigger for this bill is a forthcoming case in the High Court of Australia, named CXXXVIII v the Commonwealth of Australia & Ors, where the validity of a determination by the ACIC Board will be challenged on the ground that it did not conform with the safeguards currently present in section 7C of the Australian Crime Commission Act. What is clear from the pending court case is that there is a real concern that the ACIC Board has been making determinations authorising special criminal investigations which may be held invalid. This obviously has the potential to impact the validity of past and current ACIC investigations and operations. It may also mean that there have been convictions that have been secured in part or in full on the basis of invalid actions by the ACIC. We should not be making laws based on a single case, particularly when the case has not even been heard yet.
Currently, for the ACIC Board to make a determination for special operations or special investigations, traditional law enforcement methods must be unlikely to be or have been effective. This bill seeks to remove this test and replaces it with a public interest test, so that the only condition on the ACIC Board issuing a determination is that it considers that it is in the public interest to do so. 'Public interest' is not defined, so it has the potential to be incredibly broad. To reiterate, all that would be required is that the board must consider, on the basis of the collective experience of the members voting at the meeting when a determination is made, that it is in the public interest that a special operation or special investigation occur. This would significantly expand the circumstances in which the ACIC may potentially exercise its coercive powers, removing important safeguards that exist for good reason under the current scheme.

This change is effected, in the main, in clauses 15 and 16 of the bill by the repeal and replacement of section 7C of the act. It is important to recognise that the safeguards that exist in the current act were a compromise worked through following the parliamentary inquiry which replaced the National Crimes Commission Act with the Australian Crime Commission Act. The explanatory memorandum to the amendments creating the ACC Act described the significance of these safeguards—so these safeguards were considered significant. There were two significant aspects to the safeguards. First, it was necessary that consideration be given to whether ordinary police methods would be effective before a special determination was made. Second, and perhaps more significantly, it was intended there would be a document which would provide some means of ascertaining the limits of the power of the ACC.

The bill now proposes that the board form its own view that the making of the determination is in the public interest. That concept cannot provide any meaningful guidance as to the limits of the exercise of the power. It is obvious that expanding the capacity of the board to create a special investigation also expands the ability to use coercive powers. Moreover, the less transparent the process the harder it is for any citizen to ascertain the limits of those powers. The only justification that can be identified for this change is convenience and expediency, and that's what this bill is about today. The explanatory memorandum does not explain why the existing safeguards are no longer necessary and why they should be abolished. We are left without reason or understanding.

It is also noted that the bill seeks to retroactively create ACC investigations that never existed. This is effected in clause 56. No justification is identified for why it is appropriate that an investigation be deemed to exist even if it did not in fact. Given the proposed amendments, it is entirely unexplained as to why there might be other cases where this has occurred. The ACC ought to be required to explain the need to validate such conduct in relation to cases which it apparently has in its mind.

I also note that the bill purports to retroactively validate the form of determination made by the ACC, whether or not they complied with the safeguards fixed by parliament in 2002 and without regard to the reasons for the invalidity of the determination itself. This is effected in clause 55. Again, no justification is identified for why it is appropriate that any departure of the ACIC from the terms of its own act should now be enabled by retroactive validation. If the ACIC had been doing the wrong thing and had not interpreted the law correctly, then the parliament needs to carefully consider and scrutinise why this has occurred rather than simply
validating it retrospectively. Centre Alliance will be moving an amendment today to remove the retrospective acts in this bill.

Finally, I’m aware of some preliminary concerns regarding the constitutionality of these measures—in particular, the ability for the parliament to enact a power that is so vague and broad in its exercise that it would be difficult for the court to exercise its supervisory powers. That’s important, constitutionally. In this country, the courts exercise a supervisory power over the executive. And because the public interest test is so vague and made by a board, this may in fact be an unconstitutional bill.

In conclusion, the bill represents a substantial dilution of what it is necessary for the board of the ACIC to do in order to enable the exercise of coercive power by law enforcement. These proposed amendments are to a scheme that already represents a very substantial incursion into ordinary liberties, and we must be sure to give careful scrutiny and attention to attempts to amend this framework. Parliament should be the last line of defence against overreach by government in the form of legislation that seeks to take away rights and freedoms that have been part of our common law traditions in Australia. Parliament should not form part of a change to erode rights and freedoms of Australians—the very same Australians who elect us to serve them in this place. So members of parliament should not be bullied, should not be rushed. They should not be voting for such a bill without full visibility and understanding as to what effect it has. The tragedy of all of this is that this bill has come to the Senate today, and we are not seeing any scrutiny by a committee of the parliament on a bill that involves the erosion of rights and freedoms and permits the exercise of coercive powers without clear rules and guidelines as to when and how those powers are to be exercised. That should cause great concern amongst all of us.

Centre Alliance will be moving two other amendments to this bill. One of them will be to seek a review of the bill, sensibly—particularly in circumstances where we have seen this bill arrive and it is being voted on without any parliamentary scrutiny in respect of committees and will pass into law, no doubt, because the Labor Party will acquiesce to the government’s request, even in these circumstances where Mr Albanese made it very clear there was going to be no more ticking and flicking. People stood up and talked about media raids and their disgust at what had happened. The Labor Party stood up and said that they were not going to let this sort of thing happen. Yet today this bill will likely pass through, giving incredibly coercive powers—which are necessary in some circumstances and are currently controlled by the current act, albeit it appears the act hasn’t been complied with. All those safeguards are going to be cast aside today, and that is very disturbing. It’s disappointing of the parliament to do so.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (13:51): I thank senators and I commend the bill to the Senate.

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

The Senate divided. [13:55]

(The President—Senator Ryan)

Ayes .......................42
Noes .....................11
Majority ...............31

CHAMBER
Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator PATRICK (South Australia) (13:59): As foreshadowed, I move amendment (1) on sheet 8663:

(1) Page 2 (after line 11), after clause, insert:

4 Review of this Act
(1) The Minister must cause an independent review to be conducted of the operation of the amendments made by this Act.
(2) The review must be commenced as soon as practicable after the end of 12 months after this Act commences.
(3) The persons who conduct the review must give the Minister a written report of the review within 6 months of the commencement of the review.
(4) The Minister must cause a copy of the report to be tabled in each House of Parliament within 15 sitting days of that House after the report is given to the Minister.
This amendment, of course, relates to a review of the operation of the act. Unlike the Labor Party, who have an undertaking for a review—which means nothing—the proper place to put this is into statute. Let's have a statutory review to look at how these particular provisions are being used, because they involve inhibiting the rights and freedoms of Australians, without much in the way of—

Progress reported.

QUESTIONS WITHOUT NOTICE

Economy

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Cormann. After more than six years in government, the coalition is presiding over the worst wages growth since records began, almost two million Australians looking for work or for more work, household spending growing at its slowest pace since the GFC, declines in real living standards and the first labour productivity decline on record. Which of these measures demonstrates that the Morrison government has any economic plan at all?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:01): Repeating something that is wrong again and again doesn't make it come true. So let me just say again that real wages growth today is stronger than it was under the Labor Party. Let me tell you something else. In the last quarter, the disposable income of Australians increased by 2½ per cent. That's more than five per cent over the last year, the highest for many, many years. Under our government, the economy is growing more strongly than it would have if the Australian people had chosen $387 billion in higher taxes instead.

Our economy in Australia continues to grow. More than 1.4 million new jobs have been created during our period in government. Employment growth consistently is stronger than the long-term average, and that means more Australians are in work than ever before, more Australians are paying lower personal income tax and the proportion of working-age Australians on welfare is at a 30-year low. Our economy continues to grows while a number of other economies are actually shrinking. We're maintaining a AAA rated economy. The Labor Party, of course, seems to completely ignore the fact that there are obvious global economic headwinds. They completely ignore that there are obvious challenges in our domestic economy, principally related to the absolutely devastating drought in large parts of Australia. The Labor Party thinks that that doesn't matter. Our economy, in all of the circumstances, is performing quite well. It's performing much better than it would have if the Australian people had chosen a change of government at the last election.

The PRESIDENT: Senator Gallagher, a supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:02): Yesterday's national accounts revealed annual GDP growth remains below trend, with a 'one' in front of it. The private domestic economy went backwards in the quarter and over the last year, with dwelling and business investment continuing to fall. Which of these outcomes demonstrates that the Morrison government has any economic plan at all?
Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:03): What the September quarter national accounts showed is that economic growth in Australia has actually increased. Annual economic growth in the September quarter increased. Is the Labor Party now saying growth increasing is a bad thing? Our economy continues to grow at a time when other economies around the world are actually shrinking. They, like us, are facing global economic headwinds, but Australia is dealing with them comparatively better than other economies around the world.

I say it again: the Australian people understand very well that the economy is performing better than it would have if it had been hit by Labor’s socialist, antibusiness, higher taxing politics-of-envy agenda, which would have made our economy weaker and would have led to lower employment growth, higher unemployment and lower wages over time.

The PRESIDENT: Senator Gallagher, a final supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:04): Australians are rightly worried about the economy, but the Morrison government continues to pretend that there is no problem. When will the government finally produce a plan to get the economy moving?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): The Morrison government absolutely do not pretend that we are not facing challenges. Of course we are facing challenges! We've been very open and transparent, in the lead-up to the election and since, that the Australian economy is facing global economic headwinds and downside risks in the domestic economy. That's pretty obvious. That's actually documented in our budget papers and we have made that very clear all the way through. But we're also optimistic about the future on the back of our plan to build a stronger economy and to create more jobs involving lower taxes—in particular, lower income taxes for hardworking families around Australia, and lower taxes for business. Senator Keneally is yawning! She's obviously very bored about the fact that we are building a stronger economy!

The PRESIDENT: Senator Keneally on a point of order.

Senator Keneally: The Leader of the Government in the Senate just reflected upon me. I think if we go to the video wrap it will show I was not yawning!

The PRESIDENT: Senator Cormann.

Senator CORMANN: Well, if that wasn't a yawn, I don't know how she yawns! Under our government we are working very hard to put Australia and Australians on the best possible economic foundation trajectory for the future. (Time expired)

Morrison Government

Senator CHANDLE (Tasmania) (14:05): My question is to the Minister representing the Prime Minister, Senator Cormann. Can the minister inform the Senate on how the Morrison government's plan is working to make Australia even better? And what are the government's key achievements over the past year?
Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:06): I thank Senator Chandler very much for that question. For the first time in 11 years our budget returned to balance this year and, of course, we're on track to deliver the first surplus budget in 12 years.

Since the election, we have passed legislation through this chamber delivering a further $158 billion worth of income tax relief for more than 10 million Australians, including immediate tax relief for low- and middle-income earners to ease the cost of living. This builds on our personal income tax plan, which was legislated the year before, and means we have now pursued the most comprehensive tax reform—personal income tax relief and personal income tax reform—since the mid-1990s. In fact, we've abolished an entire tax bracket. About 94 per cent of Australians will not pay more than 30 per cent tax on any of their income.

We've been able to grow employment by adding a further 250,000 new jobs over the last 12 months. We've expanded and extended the instant asset write-off for small business, which employs 5.7 million workers. We have passed legislation to deal with market misconduct in the energy market, something that the Labor Party initially criticised us for and then supported. We've given vital support to our farmers, through increases in the farm household allowance, and we've also established the $5 billion Future Drought Fund.

In recent weeks we have brought forward more than $3.8 billion in infrastructure investment which will help to strengthen the economy, create more jobs and get Australians home sooner and safer. We've been able to list more life-saving medicines on the PBS. Every child asylum seeker has now left Nauru and Manus, and we've closed 19 detention centres since 2013.

Since the 2018 budget we've invested $2.7 billion in 44,000 new home-care packages. The parliament recently ratified three important trade agreements with key trading partners, opening up new export opportunities with Indonesia, Hong Kong and Peru. (Time expired)

The PRESIDENT: Senator Chandler, a supplementary question?

Senator CHANDLER (Tasmania) (14:08): How is the government's plan securing our future, supporting record employment and improved living standards for all Australians?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:08): All of our reforms are designed to ensure that individual Australians and businesses around Australia have the best possible opportunity to be successful and the best possible opportunity to get ahead.

By making it easier for businesses to be successful, they are helped to hire more Australians and to pay them better wages over time. Making sure Australians get to keep more of their own money as a result of our income tax relief means that they will spend that money in the economy over time, helping to boost economic growth and create more jobs. By making sure that we keep negotiating and successfully finalising free-trade agreements, like the one that was legislated the other week with Indonesia, we help our exporting businesses to get better access to markets around the world, particularly in our region. And as our exporting businesses get better access to markets around the world and get more successful and profitable, they're able to hire more Australians and pay them better wages over time.
Of course, there is so much more to talk about, but I'm limited by time. There is so much more in our plan to help Australians to get ahead. *(Time expired)*

**The PRESIDENT:** Senator Chandler, a further supplementary question?

**Senator CHANDLER** (Tasmania) (14:09): How is the government's plan addressing the risks Australia faces, and is the minister aware of any alternative approaches?

**Senator CORMANN** (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): Australia is a globally focused open-trading economy. That creates a lot of opportunity for us to continue to lift our living standards but it exposes us to risk because obviously what happens in the global economy matters to the Australian economy. That is why we are working to ensure we are internationally as competitive as possible, that the Australian economy is in the best possible position to take advantage of opportunities and as resilient as possible to deal with headwinds.

I'm asked by Senator Chandler whether I'm aware of alternative approaches in policy. Sadly, I'm not aware of any alternative policy approaches because I think the Labor Party these days is a policy-free zone. Since the election, what we've seen from the Labor Party in this chamber is nothing other than the pursuit of the politics of smear and innuendo. I hope that in 2020 we will see a different Labor Party—one that actually engages in policy debates for our nation.

**Minister for Energy and Emissions Reduction**

**Senator WATT** (Queensland) (14:10): My question is to the Minister representing the Minister for Energy and Emissions Reduction, Senator Birmingham. Media reports have named a staffer to Minister Taylor as the source of the doctored travel costs used in official ministerial correspondence. Did Minister Taylor's staffer, who is named in these reports, have any role in the preparation of the document?

**Senator BIRMINGHAM** (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:11): Senator Cormann made a very appropriate invitation to the Labor Party—that, as the opposition, as a political party in this parliament, they might occasionally like to think of policy issues rather than just political smear. But here we are, less than a minute after Senator Cormann sat down, and Senator Watt bobs up and off he goes with yet more smear and innuendo.

As I told the chamber the other day, Mr President, the opposition asked for an independent police investigation into this matter—

**The PRESIDENT:** Senator Wong, on a point of order.

**Senator Wong:** His question doesn't go to the police investigation. It goes to his staff members and what your ministers knew about their staff member's role in the document.

**The PRESIDENT:** Senator Cormann, on the point of order.

**Senator Cormann:** Labor initiated an investigation, and it is an investigation that should be allowed to take course independently. The question absolutely related to the police investigation, which Labor initiated. In any event, there's a longstanding convention on both sides of politics that we do not drag individual staff into these matters.

**Senator Wong interjecting**—
Senator Cormann: You might want to check what Senator Faulkner used to say on the Hansard record in relation to these matters.

The President: Order! On the point of order, the earlier comments of the minister were probably not directly relevant, but I note he has now turned to the issue at hand. I'm not yet willing to rule that what he's saying is not directly relevant, but I'm listening very carefully because he has turned to the subject matter of the question. Senator Birmingham.

Senator Birmingham: The accusation in the media that Senator Watt's question is based upon is clearly related to the police investigation that the Labor Party have requested. This is an independent police investigation. The government is not going to compromise it in any way. We've indicated we will cooperate with it. I'm certainly not going to speculate, based on media reports, about matters that are the subject of that police investigation.

The President: Senator Watt, a supplementary question?

Senator Watt (Queensland) (14:13): Can the minister rule out that the staffer named in these reports did in fact doctor the document? If he can rule it out, where did Minister Taylor get this document?

Senator Birmingham (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:13): Once again I point out to the Senate that Minister Taylor has been clear all along that the document was downloaded from the City of Sydney website. So I reject the assertion in Senator Watt's question based on the statement Minister Taylor has made. In relation to the staff member in question, you do have to wonder why the Labor Party went down the path of writing to the police and asking for this investigation if they now want to come into the chamber and conduct the investigation themselves via Senate question time. Why won't they just let the New South Wales police do their job?

The President: Senator Watt, a final supplementary question?

Senator Watt (Queensland) (14:14): How long has Minister Taylor known—

Senator Wong interjecting—

Senator Rennick interjecting—

The President: Order! Please cease, Senator Wong and Senator Rennick. I have Senator Watt seeking the call.

Senator Watt: How long has Minister Taylor known that his own staffer was the source of the doctored documents? How long has he known this and stayed silent when he was asked about this repeatedly in the House of Representatives?

Senator Birmingham (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:15): Once again I point Senator Watt to the assurance that Minister Taylor has made in relation to the source of the documents being that they were downloaded from the City of Sydney website. Again, I refer Senator Watt to the reality that this matter is subject to an independent police investigation and the Labor Party ought let that investigation do its job independently without their interference.

Climate Change

Senator Di Natale (Victoria—Leader of the Australian Greens) (14:15): My question is to Senator McKenzie, the Minister representing the Minister for Water Resources, Drought,
Rural Finance, Natural Disaster and Emergency Management. The greater Sydney region has been choking on bushfire smoke for days, the fires along the east coast have been burning for weeks and conditions in Queensland are worsening today. Yesterday, the United Firefighters Union of Australia passed a unanimous resolution at its national council calling for the 'urgent phase-out of coal, oil, and gas' because they are 'driving more dangerous and intense fires'.

Minister, can you tell us why the very people who are putting their lives on the line to keep us safe are wrong?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:16): On behalf of the minister for emergency services, Mr Littleproud, our focus as a government, and his focus as the minister responsible, has been on ensuring that state governments that are dealing with the early onset of a horrific bushfire season have the resources and the focus that we can supply as a federal government. That has come in a raft of areas. We want to make sure that these fires are managed and put out as soon as possible; that people and property are protected; and that we work with state governments and don't get in the way—that we actually have disaster relief on the ground for these communities and for individuals.

We've prosecuted this several times, Senator Di Natale. I don't know what you're actually trying to ask me to do—solar panels on firetrucks? I'm not sure. I'm actually not sure what you want here. I can tell you that the people who are facing these fires—who are trying to protect stock and trying to protect family and households—actually don't need to hear this trite, glib politicisation of an emergency situation. We are focused on the right things. We're trying to focus on keeping people and properties safe and secure and supporting them to get back on their feet post bushfire.

The PRESIDENT: Senator Di Natale, a supplementary question?

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:18): If we're going to resources, the firefighters have also demanded a national approach to firefighting to improve the compatibility of different state and territory services and boost the number of professional firefighters. Minister, that means an increase in resources by two-thirds over the decade. If you're so concerned about making sure they have the resources they need, will you commit to that figure?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:18): Senator Di Natale, we're doing a lot to coordinate a national response to deal with disasters. We've developed a National Disaster Risk Reduction Framework to guide national action to address existing disaster risks and to minimise new risks. We've invested $130 million over the next five years to deliver disaster risk reduction initiatives at the national, state and local level. We've also established the emergency response fund to provide a sustainable way to fund disaster risk reduction efforts. We've also invested over $6.2 million on the next generation of the Australian fire danger rating system to deliver more accurate and local risk messaging, providing $2 million to ensure that the Commonwealth's component of the national telephone based warning system, Emergency Alert, is available. We've also invested $1.9 million towards the development of a public safety mobile broadband capability. We're also helping communities recover from disasters—

The PRESIDENT: Order, Senator McKenzie. Senator Di Natale, a final supplementary question?
Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:19): Minister, the firefighters have also said that now is, absolutely, the time to talk about climate change and the ever more intense fires being fought by their members, despite the fact that fires are currently burning. Minister, can you tell us why the people who are risking their lives to keep us safe are wrong and why you're right?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:20): Senator Di Natale, we'll say it again: our government accepts the science of climate change. We are working very, very hard, along with industry, state governments and the like, to reduce the emissions in this country to meet our international obligations. We've also got a suite of practical environmental measures, aside from emissions reduction: a $3.5 billion climate reduction fund, which is going to help small businesses to move towards lower emission technologies. So to stand up and say we're not talking or doing anything about reducing our emissions and acting on climate change is an absolute misnomer, and you really have to re-read the Hansard. We've done this dance five times over the last five months. It's the same answer, Senator Di Natale, because you refuse to accept the fact that our government is taking tough action on climate change and supporting bushfire communities.

Australian Bushfires

Senator GRIFF (South Australia) (14:21): My question is for the Minister representing the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, Senator McKenzie. Minister, questions have been raised by a former New South Wales fire chief about whether Australia's longstanding practice of leasing firefighting aircraft is sustainable as global fire seasons converge. The Commonwealth provides 90 per cent of the funding of the National Aerial Firefighting Centre, which leases aircraft for use by state and territory governments. In less than a decade, the number of aircraft released by the NAFC has almost tripled, from 52 to more than 140. These aircraft come at considerable cost from private companies who lease to other countries, such as Greece and the US. The New South Wales government has recently started acquiring its own firefighting aircraft, such as its new Boeing 737 air tanker. The state minister said that will give them year-round access to aircraft. Is the federal government confident the NAFC has leased sufficient firefighting aircraft for this summer?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:22): Thank you, Senator Griff, for your sensible question, and thank you for some notice so that I can actually provide you with an answer. Aerial firefighting plays an important role in protecting communities and essential infrastructure and in providing vital support to firefighters on the ground. Whilst aerial firefighting is one method of fire suppression, fire and land management agencies across the jurisdictions use a combination of firefighting tactics prior to enduring operations. The National Aerial Firefighting Centre was an incorporated company formed by states and territories with the assistance of the Australian government in 2003, and it is now the business unit of the Australasian Fire and Emergency Service Authorities Council. This represents a cost-effective method for the Australian government to deliver a critical emergency management capability. Commissioners and chief fire officers within each jurisdiction work with the NAFC to determine the type and base location of aerial firefighting assets based on the assessed bushfire risk. The NAFC then coordinate, contract and arrange the leasing arrangements. Minister Littleproud has written to
the AFAC, and their CEO advised the government that there are enough aerial firefighting assets at present. So the minister responsible directly wrote to them, asking, 'Do you have what you need, given the context that you're fighting these fires in?' and they have returned that they do, at present. However, the government remains open to requests for further assistance. That will continue to be a flexible arrangement, with us responding as needed.

We remain committed to supporting this important emergency management capability. The NAFC has contracts in place which guarantee a minimum number of aircraft are on stand-by during the fire season. These centralised contracts are the result of a collaborative procurement and evaluation process by the jurisdictions. This is the case for both small local aircraft and the large aircraft, which are mostly sourced internationally.

The PRESIDENT: Order, Senator McKenzie. Senator Griff, a supplementary question?

Senator GRIFF (South Australia) (14:24): Minister, thank you for your response. As fire seasons last longer in countries like Greece and the US and start earlier in Australia, there is a risk that available leased aircraft over future years will be in use overseas and not be available for us here. What is the government's long-term plan to ensure aircraft are available when they're needed?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:24): We have 147 aircraft that are leased at the moment, and these figures change throughout the bushfire season, depending upon assessed risk and the contracted time frames. I'm happy to go through those, but in the interests of time, going to your direct question, there is an apparent trend of longer fire seasons in both southern and northern hemispheres. Although some firefighting aircraft are shared with the Northern Hemisphere, the National Aerial Firefighting Centre will contract 141 specialised aircraft across the country, and over three-quarters of these remain resident in Australia year-round. The National Aerial Firefighting Centre acknowledges the potential challenge of longer fire seasons and the need to continue to closely manage international movement of resources.

The PRESIDENT: Senator Griff, on a final supplementary question?

Senator GRIFF (South Australia) (14:25): In Canada the federal government owns a fleet of firefighting aircraft that it leases out to provincial governments to support local resources. Has the federal government determined the value and the cost if it were to purchase a core fleet of firefighting aircraft for Australia for future firefighting seasons?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:25): Firefighting aircraft are generally leased, due to the very high cost of purchasing and maintaining specialist firefighting aircraft. The Australian bushfire season typically occurs during the off-season for US, Canadian and European firefighting aircraft. Because it gives us greater flexibility to adjust resourcing levels based on forecast risk and the ability to cost-effectively introduce new technologies, these are the reasons the Australian government this time has decided to lease this capability, rather than to purchase.

Trade

Senator PATERSON (Victoria) (14:26): My question is for the Minister for Trade, Tourism and Investment, Senator Birmingham. Can the minister outline to the Senate how the
Morrison government's plan is working to ensure our ambitious trade agenda supports Australian exporters in accessing new markets?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:26): I thank Senator Paterson for his question and his absolute pursuit of open trade access for Australian businesses in markets around the world.

In the past fortnight alone, our government have successfully passed the necessary legislation to ensure that we can ratify the Indonesia, Hong Kong and Peru free trade agreements. We've released the government's response to the first-ever industry-led Services Export Action Plan. We've seen record trade surpluses for the September quarter. We've chaired and overseen the inaugural Australia-Vietnam Economic Partnership Meeting. The Joint Standing Committee on Treaties in this parliament has supported the Uruguay-Australia bilateral investment treaty. And this week we've had export awards celebrating the contribution of Australia's best exporters to the Australian economy, as well as another monthly trade surplus and a record monthly services exports total.

That's just in the last two weeks alone. Throughout the course of this year, our government has overseen continued growth of opportunities for Australian businesses and exporters. Our farmers and businesses across the country are seizing the opportunities, and we're continuing to build new opportunities for them. We have come to almost the point of closure in relation to negotiations on the Regional Comprehensive Economic Partnership agreement, a regional trade agreement that will bring together 15 or 16 regional nations into a much tighter area of regional economic integration. We are in pursuit of negotiations with the European Union that have progressed successfully during the course of this year, and that we trust can be concluded by the end of this year.

In this year's budget, we provided more funding for the Export Market Development Grants to make it easier for Australian small and medium-sized businesses to get into export markets. And we've outlined new strategies and approaches through Austrade, supporting the development of our critical minerals industry—

(Time expired)

The PRESIDENT: Senator Paterson, a supplementary question?

Senator PATTERSON (Victoria) (14:29): Does the minister know of any Australian industries looking to capitalise on our recent free trade agreements with Indonesia, Hong Kong and Peru?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:29): Australian farmers, businesses and service suppliers all stand energised in terms of the opportunities of these recently legislated agreements, which we trust will all come into reality next year following complementary action in those other nations. Those types of sectors that we're going to see pursue opportunities are the farming sector in relation to the Indonesia agreement, where there will be a zero tariff applied for 500,000 tonnes of feed grains under the Indonesia agreement, a quota that will grow by some five per cent per annum; new opportunities for services businesses, particularly in the education space, to operate in Indonesia under that agreement; lower costs for wine exporters as a result of the Hong Kong agreement through new labelling rules and more transparent regulations; immediate duty free access into Peru for Australian
wine, sheep meat, kangaroo meat and wheat under the Peru agreement. These are just some of the benefits, which is why industry has so widely and warmly welcomed these agreements as they are taking advantage of our prior agreements.

**The President:** Senator Paterson, a final supplementary question?

**Senator Paterson** (Victoria) (14:30): Can the minister update the Senate on any new statistics which show how the government's ambitious trade agenda is working?

**Senator Birmingham** (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:30): On Tuesday this week we had new ABS data which showed that Australia posted a record $21.1 billion trade surplus for the 29 September quarter. This is the highest quarterly trade surplus Australia has ever posted. It showed the highest ever quarterly goods exports of $103.5 billion and the second highest quarterly services exports of $24.8 billion. On top of that, the ABS released only a few hours ago another monthly set of trade figures showing yet another monthly trade surplus for Australia of $4.5 billion.

States are seeing good gains. Across New South Wales, Victoria, Tasmania, ACT and my home state of South Australia there's an increase of nine per cent in their latest export data. That's some 22 consecutive months, and in celebrating such successful businesses such as Populous—our Australian exporter of the year—a Brisbane-based architecture company which is designing stadiums, such as Yankee Stadium— *(Time expired)*

**Community Sport Infrastructure Program**

**Senator Farrell** (South Australia) (14:31): My question is to the Minister for Youth and Sport, Senator Colbeck. I refer to the Australian National Audit Office's ongoing investigation into Senator McKenzie's mismanagement of the Community Sport Infrastructure grant program. This investigation was first due to report in September. Then it was listed for November, and, without any update from the minister, the National Audit Office website now reads January 2020. Did the minister, his office or any member of the government have any communication with the National Audit Office about the timing of this audit and its release?

**Senator Colbeck** (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:32): I thank Senator Farrell for the question. The timing of the release of the audit is a matter for the Australian National Audit Office. It's not something that I have sought or my office has sought. It is a function of the audit process being conducted by the Australian National Audit Office and is effectively a matter for them to decide as and when they will report it.

**The President:** Senator Farrell, a supplementary question?

**Senator Farrell** (South Australia) (14:32): When was the minister or his office first informed that this investigation into Senator McKenzie's mismanagement was taking longer than first expected?

**Senator Colbeck** (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:33): I'd disagree with the characterisation that Senator Farrell has put on the management of the program. My office became aware of the change in the date of reporting when it appeared on the ANAO website.

**The President:** Senator Farrell, a final supplementary question?
Senator FARRELL (South Australia) (14:33): Why has the release of this audit again been delayed?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:33): As I indicated in my answer to his primary question, that is a matter for the ANAO, and questions in relation to that would be best directed to the ANAO. It's not a matter for my department.

Small Business

Senator HENDERSON (Victoria) (14:33): My question is to the Minister for Employment, Skills, Small and Family Business, Senator Cash. Small and family businesses make a very substantial contribution to the Australian economy. Can the minister update the Senate on how the Morrison government's plan is working to support small and family businesses, including over this Christmas and new year period?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:34): I thank Senator Henderson for the question. The coalition government is proud to be putting in place policies that support small and family businesses in Australia. Senator Henderson is right—small and family businesses are the backbone of the Australian economy. In fact, there are 3.4 million small businesses in Australia and they employ around six million Australians. So every day around six million Australians wake up and they go to work because of a small business in this country. Small and family businesses are the engine room of the Australian economy, and their impact on the Australian economy cannot be understated. In fact, our Treasurer, Josh Frydenberg, recently stated:

... small and medium-sized businesses are responsible for more than three-quarters of the output in agriculture and more than half the output in construction.

It is without a doubt that, collectively, small and family businesses in Australia well and truly punch above their weight. They are the true lifeblood of our economy, but they're also the true lifeblood of so many of our communities out there, in particular in rural and regional Australia. As a government, when you deliver policies that ensure that small and family businesses are able to prosper and grow, you don't just support the small business; you also support the community in which the small business is thriving. You support that small business to take on its additional staff member. You support that small business to be able to sponsor that local sports club, to train its first apprentice. A very real way that all of us are able to make a difference this Christmas is by shopping locally, using the money that we have, if we're going to be out there spending, to support the small businesses that rely on us every day.

The PRESIDENT: Senator Henderson, a supplementary question?

Senator HENDERSON (Victoria) (14:36): Is the minister aware of any initiatives which help Australians support small and family businesses this Christmas?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:36): I am, and it is an initiative of someone on this side of the chamber, and that is Senator Hollie Hughes. I thank her for her work in launching the Go Country For Christmas initiative. The Go Country For Christmas initiative is a movement that encourages all Australians to embrace small and family businesses in rural and regional Australia. The Go Country For Christmas official website is a one-stop shop, and what it does is it connects
Australians with rural and regional businesses. The online portal is very easy to use. You just need to google 'Go Country For Christmas'. If you would like to support a rural and regional business and buy something from them you're able to do this. Senator Hughes informs me that almost 300 businesses have signed up to the Go Country For Christmas website, and it is an initiative that has been supported by all sides of the chamber.

The PRESIDENT: Senator Henderson, a final supplementary question?

Senator HENDERSON (Victoria) (14:37): Minister, how has the government's achievements over the year made it easier for small and family businesses this Christmas?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:37): Again, small and family businesses are the lifeblood of the Australian economy. On this side of the chamber, the Morrison government understands that when you put in place policies that ensure that small and family businesses are able to prosper and grow, you end up creating more jobs for Australians. There are 3.4 million small and family businesses in Australia employing, as I said, over six million Australians, and that is why we are committed on this side of the chamber to making it easier for small and family businesses to prosper and grow. We've lowered their taxes because we understand the more money that a small or family business has, the more they are able to invest back into their business. One of the things we do understand on this side of the chamber is red tape and the impact of it, and that is why we have set up our deregulation agenda and are making life easier for small and family businesses by cutting red tape. As we head towards the Christmas period, I'd encourage all senators to shop local, support small and family— (Time expired)

Aged Care

Senator AYRES (New South Wales) (14:39): My question is to the Minister representing the Prime Minister, Senator Cormann. I refer to the Prime Minister, who professed:

'There's a Shire expression … We have our own language and if we like something, this is what we say; 'How good is …'

How good does the Prime Minister expect Christmas to be for the 120,000 older Australians his government has failed, who are waiting for the home-care package for which they have already been approved?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:39): As Senator Ayres obviously knows, we have made a further very significant investment into providing additional access to home-care packages. That was eloquently outlined in recent days and over the last week or so by our own Senator Colbeck, the Minister for Aged Care and Senior Australians—more than $500 million in additional resources, and that is only the beginning. You would be aware that we have a royal commission into aged care underway as we speak. We expect there to be further recommendations. We have provided significant additional funding into supporting access to relevant services for people who require access to aged care, and there will be more to come.

The PRESIDENT: Senator Ayres, a supplementary question?

Senator AYRES (New South Wales) (14:40): How good does the Prime Minister expect Christmas to be for the almost two million Australians who are looking for work, or for more work, and Australian workers who are struggling with the worst wages growth on record?
Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:40): The Australian people showed at the election that they can see right through these sorts of Labor lies. I think the Australian people showed at the election that they know a lie when they see one, because ‘worst wages growth on record’ is manifestly false. Real wages growth today is higher than it was when Labor lost government. So don't come here with these sorts of untruths. In the lead-up to the last election, you tried that and you failed.

Let me tell you that employment growth is significantly stronger under our government than it was under yours. More Australians are in work today than ever before as a result of the policies of our government. Indeed, Australians understand that, if they had chosen another government at the election, more of them would be unemployed, wages would be lower and the economy would be much worse off, which is why you're still sitting on the opposition benches. You still can't accept the fact that you lost the last election.

Honourable senators interjecting—

The PRESIDENT: Order! Here I was thinking that everyone had been so well behaved for the first 40 minutes. The interjections are getting so loud I can barely hear Senator Cormann. Senator Ayres, a further supplementary question?

Senator AYRES (New South Wales) (14:42): I am sure it's not my influence, Mr President! How good does the Prime Minister expect Christmas to be for Australians struggling to pay the bills, to put food on the table and to celebrate the holidays on just $40 a day?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:42): For at least 25 years Newstart allowance has been indexed twice a year by CPI. That is under governments of both political persuasions. Labor went to the last election proposing $387 billion of higher taxes. Do you know how much of that they allocated to increasing Newstart allowance? Zero. So don't come in here with your hypocritical statements. After $387 billion in higher taxes and not a single cent, not a zack, for providing additional resources for Newstart allowance, that is just a hypocritical question.

Mining

Senator McDONALD (Queensland) (14:43): My question is to the Minister for Resources and Northern Australia, Senator Canavan. Can the minister update the Senate on how the Liberal-National government's plan is working to support jobs in our resources sector, including projects like the Adani mine?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:43): There's been fantastic progress in resource projects right around our nation this year, especially, as Senator McDonald has expressed, around the Adani Carmichael mine, which I know she's a big supporter of. It's now been 201 days since the 18 May federal election, and how good is it that 200 people have been employed at the Adani Carmichael mine site since then? Basically, in those 200 days we've had one person a day get a job at the Adani mine, thanks to the fact that this government stood up for jobs at the election. This government and the Australian people
rejected the Labor Party's approach, which was to shut down jobs and shut down our great coal industry. Those 200 people are helping to drive and move around 50 big yellow things—bulldozers, scrapers, water trucks and compactors—at the Carmichael mine site. The fact there are 200 people there means that the work camp at the Carmichael site is full. I visited that work camp a couple of years ago. It was depressing to see the delays that the Queensland government had presided over and a work camp empty, a gym empty and a mess centre empty. But now, a couple of years on, it is full of activity. Santa Claus is going to be very busy on Christmas Eve around the Galilee Basin because there are a lot of people working there—a lot of people in jobs, a lot of people providing for their families.

But the benefits of the Carmichael mine do not end there. Contracts of more than $500 million have now been provided to businesses all around Australia, including, the other week, Wagner's—a $35 million contract to do work at the Carmichael mine site. That extends the benefits of backing projects like this to Toowoomba, Rockhampton, Mackay and Townsville. Towns all around Queensland are this Christmas benefiting from the fact that we are standing up for jobs. We are standing up for our great coal industry and making sure we continue to be a strong resources nation that provides jobs for Australians.

The PRESIDENT: Senator McDonald, a supplementary question?

Senator McDONALD (Queensland) (14:45): How is Australia's resources industry contributing to our nation's continued economic growth?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:45): The resources sector continues to set more records than Ian Thorpe. We delivered a record trade surplus for the September quarter, driven by lots of great Australian industries, including our agricultural sector. Our resources sector provided a huge chunk of the growth, particularly in the last year, in increased LNG, coal and iron ore exports. In fact, for the first 10 months of this year, our resources exports were worth $245 billion, a big increase on last year. Our total resource industry exports have increased by 19 per cent in just one year. Yesterday's national accounts showed that the resources sector accounted for one-quarter of the total growth in that quarter. It is only by backing sectors like the resources sector that we can afford to pay for the public services and good welfare system that we have in this country. That's why we back this sector and that's why we will always stand up for it.

The PRESIDENT: Senator McDonald, a final supplementary question?

Senator McDONALD (Queensland) (14:46): Can the minister outline any alternative approaches to jobs in the resources sectors, particularly in the regions?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:47): We can, because this week there has been an update on that front. A few months ago in this place, the Labor and Greens parties got together and supported an inquiry into regional jobs. With great fanfare, they presumably wanted to develop a plan and policies around regional jobs in Australia. The report came out yesterday; the majority report from Labor and Greens did not make a single recommendation for regional jobs. There was not one recommendation from this group—not one plan, not one policy, not one idea from the Labor Party for supporting jobs in our regional areas.
At the election they did have a policy. They had a policy called the 'Just Transition Authority', which was all about shutting down the coal industry and putting people out of work. They had a chance to reject that yesterday in that report; they were silent on that. They've still got a secret plan to back a transition authority to put people out of work, and the Labor Party still haven't learnt the lesson to support jobs in this country. *(Time expired)*

**The Nationals**

**Senator CICCONE** (Victoria—Deputy Opposition Whip in the Senate) (14:48): My question is to the Minister for Agriculture, Senator McKenzie. I refer the minister to an article published in Tuesday's *Sydney Morning Herald* titled 'McCormack left in a bind as bush support dries up'. After hearing from Deputy Prime Minister and Leader of the National Party Michael McCormick, one protester asked:

Where's the passion? I haven't seen any passion from you. You're like a poker player. Get up there and say 'this is not f---ing good enough'. Get angry!

Why is the Deputy Prime Minister incapable of showing passion, and empathy for farmers who are struggling with the prolonged drought?

**Senator McKenzie** (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:49): Thank you for your question, Senator. Everybody in the National Party—and especially our leader, Michael McCormack—is passionate about rural and regional Australia, about increasing local jobs out in the regions and making sure our regional communities have the support they need to grow and develop. It's our party that took an election promise many years ago around mobile blackspot funding. That was the National Party. Drought funding—that is delivered by National Party ministers.

The minister responsible for ensuring our mining industry continues to grow and prosper and employ Australians right across regional Australia is a National Party minister, and the minister responsible for rolling out $100 billion of infrastructure to connect our fresh, clean, green product from paddock to port and to markets around the world is the leader of the National Party, Michael McCormack. He's incredibly passionate about making sure that our regions grow and develop and that we get everything we need out there to make sure that happens—not just the practical pieces around roads and rail, bridges et cetera but making sure that we're opening up new markets for that product, backing our food processing sector and a range of issues like that.

In my own portfolio, we're incredibly passionate—and I think that was the intent of your question: to ask how passionate we are. It's incredible that a party that didn't even have an agriculture policy at the last election would stand up here and criticise the side of politics that's actually backing agriculture and backing mining. You don't have a plan for either. You want to shut the miners down and you want to make sure that agriculture doesn't have a live sheep trade. You would have shut that down.

**The President:** Order, Senator McKenzie. Senator Ciccone, a supplementary question?

**Senator CICCONE** (Victoria—Deputy Opposition Whip in the Senate) (14:51): Thank you for that very passionate answer, Minister. After listening to the Deputy Prime Minister and Leader of the Nationals, the same protester argued that:

The National Party's not going to exist after the next election unless you grow some spine and stand up.
Have any of the minister's colleagues expressed to her their concern that the Deputy Prime Minister lacks a spine?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:51): No, not at all. We feel incredibly privileged to have been returned by regional Australians in every single seat that we held prior to the election and, indeed, to increase the number of senators in this place. We're incredibly proud to represent rural and regional Australia—the seven million Australians that don't live in the capital cities—to actually hold the portfolios that underpin those communities' economic prosperity and to work to make sure we've got the social capital and essential services that rural and regional Australians deserve. And that is about mobile phone connectivity. It's also about rural health service provision. It is our political party that actually took a program to set up the Murray-Darling Basin Medical Schools Network, which will see an additional 3,000 GPs and nurses practising out in rural and regional Australia, because that's where they were trained.

The PRESIDENT: Order, Senator McKenzie. Senator Ciccone, a final supplementary question?

Senator CICCONE (Victoria—Deputy Opposition Whip in the Senate) (14:52): The same protester also said: Barnaby Joyce was the only one who came out here yesterday; he had some spine … Why is the former Deputy Prime Minister the only member of the National Party who has some spine, and is it any wonder that the Nationals party room is turning against its leaders?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:52): I'm wondering whether the minister who is responsible for giving us the Basin Plan, Senator Wong, went out to meet the people who are actually subjected to living with that policy decision she took. It was your side of government that put the Murray-Darling Basin Plan in place. It is this side of the parliament that has made significant changes, that has committed not to do any more buybacks, to cap the 1,500 and to have socioeconomic criteria agreed by state based ministers to ensure that you can't take one more gigalitre out of the basin. For you to stand up here and complain about the effect of your plan on our communities—I will, as Minister for Agriculture, host any single Labor Party senator in these communities over summer. Come and talk to my farmers; come and talk to the shop owners—(Time expired)

Domestic and Family Violence

Senator VAN (Victoria) (14:54): My question is to the Minister for Families and Social Services, Senator Ruston. Can the minister update the Senate on how the Morrison government's plan is working to combat family and domestic violence, including through this Christmas and new year period?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:54): I thank Senator Van for his question about our commitment to preventing, addressing and, ultimately, ending domestic violence in Australia against women and their children.

This is a major issue for all Australians, but, sadly, at this time of year the evidence, through the New South Wales Bureau of Crime Statistics and Research and the Victorian Crime Statistics Agency, shows the number of incidents of domestic violence often and nearly
always do spike over the Christmas and new year period. And it's a very important reminder that at this time it is absolutely crucial that people who need the support of our government and of the services that are provided know those services are there, and for us to be able to support them.

Under the fourth action plan for ending violence against women and their children, we have committed an unprecedented amount of money; $340 million has been allocated towards this absolutely crucial and vital service for Australians who are in particularly difficult circumstances. One very important part of this service is actually the 1800RESPECT line. This is the national sexual assault and family and domestic violence counselling service. It's free, and it's available as a counselling service 24 hours a day, seven days a week. The service provides support for people who are experiencing or are at risk of sexual assault, for their families and for other members who are impacted by an incident of domestic violence. It also supports survivors who have experienced abuse in the past, their family members and family members of other people who've been subjected to domestic violence.

During this time when many of us are celebrating with our families and friends, we also need to make sure that the support services are available to victims of domestic violence. We need to supply the services and to support these people in their times of need. We absolutely have to move towards zero tolerance of violence against women.

The PRESIDENT: Senator Van, a supplementary question?

Senator VAN (Victoria) (14:56): Will the minister update the Senate on how women who need support can access government funded services under the fourth action plan?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:56): Violence against women and their children remains a very serious issue in Australia. As we know, sadly, one in six women experience physical or sexual violence by a current or a former partner. Under the fourth action plan, the Prime Minister committed significant funding towards the prevention and early intervention through a number of initiatives, which are outlined in the national action plan and its implementation plan.

Of this funding, a package of $82 million will go towards frontline services, $68 million is directed towards prevention strategies and $78 million to provide safe places for people impacted by domestic violence or family violence. We're also investing $35 million in support of prevention measures specifically for Aboriginal and Torres Strait Islander communities. The scale of this investment means it's the largest support package to address the unacceptably high levels of domestic violence. This is a record amount of funding.

The PRESIDENT: Senator Van, a final supplementary question?

Senator VAN (Victoria) (14:57): Can the minister advise the Senate of specialist services available to prevent violence?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:57): Last month, the government began another round of its 'Stop It At The Start' campaign, which is a national primary prevention campaign to help reduce the incidence of violence against women and their children. 'Stop It At The Start' encourages us all to take a step back, to look at where the cycle of disrespect towards women actually starts: in childhood, with beliefs and attitudes that boys and girls
develop from a very early age. But it also helps adults to reflect on the impact of what they do and what they say, and to talk to young people about respectful relationships and respect for each other. Adults have a tremendous influence over young people and their lives, and we must make sure that we are all providing a very positive role model to ensure that, in the attitudes of children as they grow up, respect becomes a normal part of that attitude. And if we come together as a community, we can ensure that we can make Australia a safer place for all Australians.

**Prime Minister**

**Senator KITCHING** (Victoria) (14:58): My question is to the Minister representing the Prime Minister, Senator Cormann. In 2019 Prime Minister Morrison has failed to tell the full story relating to (1) his inappropriate contact with the New South Wales police commissioner regarding a criminal investigation into a member of his cabinet; (2) his invitation of the head of the Hillsong Church, Brian Houston, to a state dinner in Washington DC; and (3) his refusal to require Gladys Liu MP to make a statement to the parliament. Why does the Prime Minister think Australians don't deserve to know the truth about his government?

**Senator CORMANN** (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:59): The Australian people not only deserve the truth; they are getting the truth. The Australian people saw right through what they were getting from the Labor Party at the last election, which is why they re-elected the Liberal-National government, which they know is delivering for them. They knew that the alternative was going to be a real disaster for them. I'm being asked about Washington and things over the last year—the Australian people clearly knew that a future Prime Minister Shorten had a secret plan to make Senator Keneally the ambassador to the United States.

**The PRESIDENT:** Senator Wong, on a point of order.

**Senator Wong:** On direct relevance: I know that Senator Cormann knows a lot about secret plans—we saw that this week—but he seems to be obsessed with Senator Keneally. That's a matter for him—dear me, I probably shouldn't have said that! The question actually relates to his government and his Prime Minister's failures.

**The PRESIDENT:** With a question like this, there is a very wide amount of discretion given to the person answering, but I do believe the minister is not directly relevant to the question.

**Senator Cormann:** I was asked a question about dinners in Washington. We now know that there was a secret plan for Senator Keneally to be at the dinner in Washington.

**The PRESIDENT:** Order! I remind the minister of the question.

**Senator Cormann:** On the point of order: I actually answered the question upfront. I'm now providing further context to the question that was asked. I was asked about why we're not revealing the truth. I think telling the truth is something that we need from all around the chamber, including from the Labor Party, because we now know that Senator Keneally doesn't really want to be in the Senate.

**The PRESIDENT:** Senator Cormann, I grant a lot of discretion to leaders at the table. I take that as a point of order. It did cross into debating the matter. I remind ministers answering questions that all the material in an answer must be directly relevant.
Senator Wong interjecting—

The PRESIDENT: I'm trying to provide a ruling, Senator Wong. I remind ministers that all material in an answer must be directly relevant, but I do remind those asking questions that, with a question like this that covers a great deal of material and has a great deal of what I might call loaded rhetoric in it, the minister has a great deal of discretion in answering it as well.

Senator Cormann: On the point of order, Mr President: I would like to invite you to reflect on that ruling and perhaps come back to the chamber at an appropriate time. I believe presidents in the past have ruled that, when there are politically framed and politically charged questions, the way this one was, there is quite a level of discretion around the definition of 'directly relevant'. I do submit to you that, in the context of the question and the way it was framed, my answer was absolutely directly relevant. I would like you to reflect on that.

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

Senator Wong: Given the submission the Leader of the Government in the Senate has made, I also make a submission. My submission, when you consider this, Mr President, is that what this matter goes to is the Prime Minister's failure to answer a question about Brian Houston; the Prime Minister's inappropriate contact with the police commissioner; and the Prime Minister's refusal to make the member for Chisholm, with all the public allegations against her, make a statement to the parliament. Those are not political questions; they are questions of accountability, transparency and government.

The PRESIDENT: I might say, Senator Wong, you did raise those points, but the end of the question was what I would call highly politically charged and loaded, and the minister is granted a great deal—

Senator Wong interjecting—

The PRESIDENT: I will wait until there's silence before I continue talking. I'm more than happy to, as I always do when people ask me to reflect on rulings. My view is that 'directly relevant', as I said the other day, is a much tighter test than the old test, which basically said that you could talk about the same subject matter. I'm more than happy to reflect on that. I don't know if I'll get back to you this afternoon, but I'll make sure I do before the next question time. I call Senator Cormann to continue his answer. He has concluded his answer. Senator Kitching, a supplementary question?

Senator KITCHING (Victoria) (15:04): Prime Minister Morrison has refused to stand Minister Taylor aside despite Minister Taylor and Minister Frydenberg's involvement in the grasslands affair and Minister Taylor's use of doctored travel costs in official ministerial correspondence, which has led to a criminal investigation by the New South Wales police. Why does Prime Minister Morrison refuse to ensure his ministers meet the standards he has set them?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:05): I reject the premise of the question. The Prime Minister absolutely insists on his ministerial standards being complied with. The question is: why is Senator Keneally still on the frontbench of the Labor Party when she actually wants to be in
Washington? Why did she take Senator Farrell's job as deputy leader when she actually doesn't want to be here? That is the question that Mr Albanese must answer.

The PRESIDENT: Senator Kitching, a final supplementary question?

Senator KITCHING (Victoria) (15:05): In October, Australian media outlets launched their Right to Know campaign in response to the Morrison government's culture of secrecy, and yesterday the Morrison government refused to make public the deal they did with Senator Lambie in order to repeal medevac. Why doesn't Prime Minister Morrison think Australians have a right to know?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:05): All Australians absolutely have a right to know, and you know what the Australian people know? That we fixed up Labor's mess at our borders. The Australian people know how many boats arrived here illegally and how many people drowned on your watch, and they know that we fixed it. They also know that your weak medevac laws, which you passed about 12 months ago, weakened our national security arrangements and that the Senate this week voted to strengthen our national security arrangements. That is what the Australian people know. The Australian people also know that there is no secret deal, as the Labor Party tries to allege.

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

Senator Wong: A point of order: it possibly is a debating point. That's demonstrably incorrect, out of Jacqui Lambie's own mouth.

The PRESIDENT: I think it's not just possibly a debating point, Senator Wong. It is definitely not a point of order but a debating point.

Senator CORMANN: Let me say it very slowly for Senator Wong again: there is no secret deal, only an explanation of good public policy, and we will ensure that Australia's border remains secure and we will continue to deal with the legacy case load that you left behind after six years of disastrous government.

The PRESIDENT: Order! The time for the answer has expired.

Senator Cormann: Mr President, I ask that further questions be placed on the Notice Paper.

BUSINESS

Consideration of Legislation

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:07): I seek leave to move a motion to provide for the consideration of legislation today.

Senator Wong interjecting—

Senator Cormann: There's no secret deal.

Leave not granted.

Senator CORMANN: Who has denied leave?

The PRESIDENT: Senator Patrick is indicating he denies leave.
Senator CORMANN: Pursuant to contingent notice of motion, I move:

That so much of the standing orders be suspended as would prevent Senator Cormann moving a motion to provide for the consideration of a matter, namely a motion to provide for a motion relating to consideration of legislation and routine of business for today.

And I move:

That the question be now put.

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

The Senate divided. [15:12]

(The President—Senator Ryan)

Ayes ......................44
Noes ......................13
Majority ...............31

AYES

Abetz, E
Askew, W
Bilyk, CL
Bragg, A J
Cash, MC
Ciccone, R
Cormann, M
Duniam, J
Fierravanti-Wells, C
Gallagher, KR
Henderson, SM
Hume, J
Kitching, K
McCarthy, M
McMahon, S
O'Sullivan, MA
Pratt, LC
Ruston, A
Scarr, P
Smith, DA (teller)
Stoker, AJ
Watt, M

NOES

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

Faruqui, M
Hanson, P
McKim, NJ
Rice, J
Siewert, R (teller)
Waters, LJ

Question agreed to.
The President (15:15): The question is that the motion to suspend standing orders moved by Senator Cormann be agreed to.

The Senate divided. [15:15]

(The President—Senator Ryan)

Ayes ....................34
Noes ....................13
Majority ..........21

AYES

Antic, A
Bernardi, C
Birmingham, SJ
Cash, MC
Cormann, M
Farrell, D
Gallacher, AM
Green, N
Hume, J
Kitching, K
McCarthy, M
McMahon, S
Pratt, LC
Ruston, A
Scarr, P
Smith, DA (teller)
Watt, M

Askew, W
Bilyk, CL
Bragg, AJ
Ciccone, R
Davey, P
Fawcett, DJ
Gallagher, KR
Henderson, SM
Keneally, KK
Lines, S
McDonald, S
O'Sullivan, MA
Rennick, G
Ryan, SM
Sheldon, A
Smith, M
Wong, P

NOES

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

Faruqi, M
Hanson, P
McK Im, NJ
Rice, J
Siewert, R (teller)
Waters, LJ

Question agreed to.

Senator Cormann (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:17): I move:

That a motion to provide for the consideration of legislation and routine of business for today may be moved immediately and determined without amendment or debate.

And I move:

That the question be now put.

The President: The question is that the question be now put.

Question agreed to.
The PRESIDENT: The question now is that the procedural motion be agreed to.
Question agreed to.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:19): I move:

That:
(a) the following bills be called on at 4.30 pm and the questions on all remaining stages shall be put:
- Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019
- Farm Household Support Amendment (Relief Measures) Bill (No. 2) 2019
- Special Recreational Vessels Bill 2019
(b) paragraph (a) of this order shall operate as a limitation of debate under standing order 142;
(c) divisions may take place after 4.30 pm for the purposes of the bills only; and
(d) after conclusion of consideration of the bills the routine of business shall be:
(i) ministerial statements,
(ii) end of 2019 sittings statements,
(iii) messages,
(iv) committee membership,
(v) a motion relating to the next meeting of the Senate and leave of absence for all senators,
(vi) adjournment proposed, and
(vii) the Senate shall adjourn not later than 40 minutes after the adjournment is proposed.

Senator PATRICK (South Australia) (15:19): I wish to vote differently in respect of (a), the three dot points; and also in respect of (d), the roman numerals.

The PRESIDENT: So you would like (a) and (d) put together?

Senator PATRICK: I'd like (a) to be dealt with. I'd like to vote differently on the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill from the other two bills listed there.

The PRESIDENT: You want that bill separated out?

Senator PATRICK: That's correct. In relation to point (d), I wish to vote differently on each of those items.

The PRESIDENT: Senator Patrick, I've got to deal with it in the most expeditious way for the chamber. I can group them in a way you will vote yes and a way you'll vote no, but I can't do it differently. I'll let you ponder that while I deal with clause (a)—both bills other than the Australian Crime Commission bill. I will let you sort out the other part. The question is that the bottom two bills, the Farm Household Support Amendment (Relief Measures) Bill (No.2) 2019 and the Special Recreational Vessels Bill, in paragraph (a) be agreed to.

Question agreed to.

The PRESIDENT: The question is that the Australian Crime Commission amendment bill be included in paragraph (a), which we've already voted for.

The Senate divided. [15:21]
(The President—Senator Ryan)

Ayes ...................... 34
Noes ...................... 11
Majority ................. 23

AYES

Antic, A
Bernardi, C
Birmingham, SJ
Cash, MC
Cormann, M
Farrell, D
Gallacher, AM
Hanson, P
Keneally, KK
Lines, S
McDonald, S
O'Sullivan, MA
Rennick, G
Ruston, A
Scarr, P
Smith, DA (teller)
Watt, M

Askew, W
Bilyk, CL
Bragg, A J
Ciccone, R
Davey, P
Fawcett, DJ
Gallagher, KR
Hume, J
Kitching, K
McCarthy, M
McMahon, S
Pratt, LC
Roberts, M
Ryan, SM
Sheldon, A
Smith, M
Wong, P

NOES

Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

Faruqi, M
Hanson-Young, SC
Patrick, RL (teller)
Siewert, R
Waters, LJ

Question agreed to.

The PRESIDENT (15:23): The question now is that paragraphs (b), (c) and (d) of the motion moved by Senator Cormann be agreed to.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Aged Care

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:24): I move:

That the Senate take note of answers given by the Minister representing the Prime Minister (Senator Cormann) to a question without notice asked by Senator Ayres today relating to the Morrison government's failures.

Senator Ayres asked, 'How good is the Morrison government?' Well, the answer is: not good at all. Under this government, Australian families are struggling with a burden of record household debt, skyrocketing bills, stagnant wages, household spending growing at its slowest pace since the global financial crisis and declines in real living standards. This summer,
Australian families will have to deal with rising power prices and failing reliability because of the ongoing climate wars and the consequent policy paralysis under this coalition government. For the many Australians struggling to pay the bills and struggling to put food on the table and celebrate the holidays on just $40 a day, this Christmas will be very hard. To those Australians, the phrase 'How good is this?' rings very hollow and tinny in their ears.

Under this government, 120,000 older Australians are on the waiting list for home care. The interim report of the royal commission into aged care described the number of older Australians waiting for home care as unsafe practice. They described it as neglect.

**Senator Watt:** Shame!

**Senator WONG:** As Senator Watt says, this is shameful. Last year, 16,000 of our older Australians died waiting for home care. Let's pause to recognise what that means: 16,000 people died whilst waiting for the care they deserve. Working Australians are suffering under the worst wages growth since records began, and Australian workers are experiencing unprecedented wage theft, grappling with insecure work and facing increasing casualisation and fragmentation of work. One in five workers in retail, construction, health care, accommodation, and food service industries has been a victim of wage theft. Under this government, almost two million Australians are either looking for work or looking for more work.

But this government doesn't have a plan. So much for the Prime Minister's other mantra—'If you have a go, you get a go'—because it's not true. Instead of supporting working Australians, this government spent the past week trying to ram through a political attack, with their so-called ensuring integrity bill, on workers' ability to get together, run their union and determine who leads them. Their priority was an attack on nurses, teachers, firefighters and police officers and their ability to organise for better pay and conditions. And we know that this was just the start.

There's Mr Porter's IR review. Do you know what it's about? Reducing protections. Senator Payne made that clear this week. A government that was not about reducing protections for working people would have done what she refused to do. She refused to rule out watering down unfair dismissal and refused to rule out watering down other bits in the act. You know she can't—

**Government senators interjecting—**

**Senator WONG:** What about the CFMMEU?

**Senator Scarr:** What about the CFMMEU?

**Senator WONG:** I'll take the interjections from those opposite. It's because it's in your DNA, isn't it? You want to go after working conditions, and step 1 is always to get rid of those who defend working conditions so you can go after those protections more easily. But, at the same time, the government were throwing themselves at the cynically named ensuring integrity bill. You know what? This government ends its year with its integrity in tatters, defending the indefensible Angus Taylor. How good is Angus Taylor? Well, he's not. He's a minister who's misled the parliament six times over a botched, juvenile political hit job on the Lord Mayor of Sydney. He's a minister who, in his very first speech, claimed to have gone to Oxford with Naomi Wolf, when she was living in New York at the time. He will forever be remembered as 'the boy who cried Naomi Wolf'. You start as you finish, don't you? He started by misleading and he is going to end with misleading. He's a bloke who fails to declare his
interests in a company investigated for poisoning critically endangered grassland and a bloke, a minister, who routinely fails to disclose his financial interests, but those opposite and the Prime Minister will not hold him accountable.

This government is great for Angus Taylor, it's great for Scott Morrison and it's great for its mates, but it's terrible for working people. They are a government that only care about themselves. They care about their jobs and their privileges, but they don't care about working Australians. It's one standard for you lot and your mates, and another for everyone else. (Time expired)

Senator SCARR (Queensland) (15:29): The people of Queensland knew who was standing up for working Australians, and that was the Liberal-National party government, which is why we were re-elected. The working people of Queensland understood who was going to best serve their interests, and that was the coalition government.

The DEPUTY PRESIDENT: Senator Scarr, we've got a 3.30 pm hard marker. You'll be in continuation.

STATEMENTS

Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Bill 2019

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:30): I seek leave to make a short statement to the Senate in relation to a non-controversial bill that was handled earlier.

Leave granted.

Senator BIRMINGHAM: In relation to the Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Bill 2019, there was, I understand, an agreement, which was overlooked, that there would be some words put on the record. I want to state on behalf of the Minister for Defence that the government is very pleased that, through constructive discussions and encouragement between Senator Patrick and the Minister for Veterans and Defence Personnel, the intent of Senator Patrick's amendment he had foreshadowed, which was to enable more timely access to essential mental health services for veterans, can now be achieved through other, proposed new arrangements.

In short, the Department of Veterans' Affairs is able to leverage new health contracting arrangements to expedite access to mental health care for all veterans. If a veteran, for whatever reason, is unable to easily access local mental health services through DVA's already extensive national network of providers, DVA will ensure that appropriate mechanisms are in place to enable them to access alternative timely arrangements, including through the Defence health contract. We will release further details of the new arrangements once finalised. The government appreciates Centre Alliance's constructive advocacy for veterans. I thank the Senate.

Arnold, Ms Debbie

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:31): I seek leave to make a short statement.

Leave granted.
Senator RUSTON: Thank you very much. Today, as many in this chamber may well be aware and some may not be, is the last day of work for a Senate parliamentary officer. Today’s the last day Debbie Arnold will be with us in the chamber. For the last three years she has worked absolutely tirelessly. In the six months I have spent as Manager of Government Business and the nine months prior to that as Deputy Manager of Government Business, I have seen Debbie’s smiling face every morning at a quarter to seven. She’s seen me in tracksuit pants; she has seen me dolled up for TV—hopefully it hasn’t been any worse than that! Debbie absolutely has been of amazing assistance to me and I'm sure to those opposite. I'm sure the opposition would wholeheartedly agree she has been an amazing person, with a sunny disposition, very infectious laughter and a great turn of phrase like 'fake Friday' for every Thursday we’re here. On behalf of the government can I say a huge thank you to Debbie, wish her all the best in her return back to the Department of the Prime Minister and Cabinet. Debbie, we're going to miss you.


Leave granted.

Senator GALLAGHER: The Labor Party rises to associate with the comments made by the Manager of Government Business, Senator Ruston, in relation to parliamentary liaison officer Debbie Arnold. Debbie, on behalf of the Labor Party, thank you for all your work and for your cheery disposition. We have a meeting with Debbie every morning. I don't think you’ve seen me in tracksuits. You've seen me running late, though, a lot of times and have been very polite about that. She's always really helpful in those meetings, despite our attempts to get her to give us any intelligence on what the government's plans were for the day. She very politely didn't. But we do appreciate all the hard work. We wish you all the best in the next stage of your career, all the best back at the department.

The DEPUTY PRESIDENT: Thank you, and I'm sure all senators thank Debbie.

MINISTERIAL STATEMENTS

Dairy Industry

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (15:33): It's my absolute pleasure to come into the chamber to talk about the plan the Liberal-National government have to support Australian dairy farmers. I'm an optimist when it comes to agriculture in this country and this is how I see the dairy industry. It is an industry that is glass half full. Yes, the industry is facing some challenges at the moment. Drought and high input costs of water, fodder and electricity are having a real effect on our dairy farmers. Despite historically high farmgate prices at the moment, farmers are not seeing that turn into profit, partly because of the cost of production. The warm and dry winter has played havoc on milk production across Australia, especially in the northern regions. Milk production on farms across Queensland and New South Wales has been contracting due to prolonged drought conditions, and the failure of some grain crops in these areas is temporarily decreasing fodder availability, with forecasts showing the feed supply will remain tight.
Tasmania and southern Victoria bucked the trend, though in Victoria on-farm costs grew by 20 per cent last financial year as a result of higher priced irrigation and feed. Things have been tough, particularly in northern Victoria and southern New South Wales, with limited water availability and high input costs. For example, the median price for temporary water in northern Victoria has been well in excess of that required to turn a profit as a dairy farmer. In South Australia, crop yield expectations have been downgraded due to frost this year, and the cost of feed is persistently high. Right now milk production in Western Australia is ramping up after a late start to the season, but, whilst the cost of stock feed wheat has reduced by 23 per cent, the price of hay has substantially increased over the last year.

Dairy production is expected to fall by a further three to five per cent over this financial year, as the ongoing challenges of drought and high input costs mean that farmers are making tough decisions to sell or cull their stock. The dairy-milking herd has reduced as farmers proactively manage the risk of poor animal welfare outcomes in drought. Farmers are also managing the risk of heat stress in their herds, which further lowers milk production in the drought. This season's farmgate milk price will provide many farmers with the chance to make up some ground financially. However, high costs of feed and water—not to mention the ongoing drought—will continue to hold back profitability. Whilst these challenges persist, milk production is likely to remain subdued.

Our government knows it is tough. We recognised our dairy farmers were doing it tough prior to the last election. We've not come to this issue yesterday, like others, who may claim to be fighting for the dairy industry. That is why our government has a real plan to support dairy farmers across Australia and to address both price and input costs. I and all those on the government benches want to see a vibrant, sustainable and prosperous Australian dairy industry that continues to produce safe, nutritious dairy products not only for Australians but also for the world.

To address the effects that input costs are having on the industry, our government has taken the following actions. For those experiencing drought conditions, we've announced over $8 billion in drought measures and improvements to the farm household allowance, to ensure that many eligible farmers, including dairy farmers, are able to receive assistance. That includes $98 million to make up to 100 gigalitres of water available to produce fodder, silage and pasture, which is due for open application this month. This will directly assist dairy farmers in the southern basin but will benefit all as more fodder becomes available on the market. Our government is providing $3.3 billion of funding through the National Water Infrastructure Development Fund, and our government has established a $100 million National Water Grid Authority to bring together the world's best science to identify opportunities and plan the next generation of water infrastructure.

Electricity prices—particularly for those dairy farmers in Queensland, where the operation is state owned—are wreaking havoc on profitability. We have a plan that includes $10 million to assist dairy farmers to upgrade or invest in energy-efficient equipment to reduce their energy costs. That's something that those particularly in North Queensland are telling us that they want to see. Our government has also put in place a price safety net, capping standing-offer prices. We've introduced a reference price when it comes to electricity, requiring advertisers to make offers more transparent, and we've progressed the big stick legislation to ensure that electricity retailers pass on those reductions.
We've improved the productivity of our dairy farmers, including a modernisation plan through the research and development corporations. And that's not all. We're progressing the review of the EPBC Act, and this is in addition to the Craik reforms. We've had $3 million of grants to support farmer groups to set up farm cooperatives and other collective business models so that they can address some of the structural issues within the dairy industry to gain more market power against the processors and the retailers.

To help farmers get the best price for their milk, our government has taken the following actions. At the election we announced a suite of measures: $8.1 million in additional funding to the ACCC's agriculture unit and a dairy specialist. That is already proving returns, as the ACCC result for Norco against Coles has seen today. The Nationals were key in delivering the effects test to limit the use of market power by big business and strengthen protections against anticompetitive behaviour. We've backed the development of cooperatives and mutuals. We're creating more opportunities to sell dairy products at premium prices by actively supporting our dairy farmers to get the most of our free trade agreements, by working to reduce or remove barriers to trade to establish new technical market access. This is in addition to fighting for Australian dairy through the negotiations of the geographical indicators that are part of the EU free trade agreement negotiations. The gains from trade are clear. Under the TPP-11, cheese tariffs with Japan, covering almost $100 million of trade, will be eliminated. That is great news for Australian dairy farmers. Under the FTA with China, tariffs on all dairy products will be abolished by 2026. Our government also recognises the increasing significance of non-tariff measures for Australian agricultural industries, including dairy, and the impact that they have on restricting market opportunities, imposing unreasonable additional costs on export.

But, most importantly, our government is working to deliver the mandatory dairy code of conduct for industry, due to be in operation by 1 January 2020, to help protect farmers against egregious conduct from processors, to improve transparency in the industry and to set enforceable minimum standards of conduct for business practices between farmers and processors. Today I am pleased to announce to the chamber that we have received broad support from industry right across the country, across all states—Queensland, Western Australia, South Australia, Tasmania, Victoria and New South Wales. The dairy industry is supporting our efforts to deliver a mandatory code. The code will cover seven of the eight recommendations made by the ACCC in its 2018 dairy inquiry. Recommendation 6 is covered by our election commitment of half a million dollars to Dairy Australia to provide financial and legal advice to farmers so that they can properly consider the implications of their contracts with processors. This means that by 1 January 2020 all of the ACCC recommendations will have been delivered—just over six months since being returned to government.

Finally, I want to make this point in relation to alternative proposals that are being suggested in this chamber, notably the push for a floor price. Those proposing floor prices don't support the government pursuing free trade agreements with new markets. They don't support dairy exports that help the industry to grow. We support and we've demonstrated that we want Australian dairy farmers to get paid a fair farmgate price, but we do not support a floor price. In the last 10 years there have been 10 reviews into the dairy industry. These reviews examined the key issues around pricing, cost, performance, contracts and supply.
chain, but not one of those 10 reviews in a decade of examination supported the introduction of a floor price. Any floor price ignores the basic principles of economics, supply and demand; and does nothing to fix the underlying issues, like the high input costs for fodder, water and electricity; and the difficulty farmers have in negotiating a fair price for the milk that they produce with the processors. A floor price would create damaging distortions across the dairy regions; incentivise the purchase of milk from southern states, where production costs are historically lower; significantly impact other states, like Queensland, New South Wales and WA; and mean that imported dairy products, such as cheese and milk powder, would become cheaper in comparison.

Raising the price of milk paid to dairy farmers would reduce our competitiveness as an exporter, and the floor price is also likely to reduce the profitability of dairy farmers by increasing competition for inputs such as feed and water. Importantly, history shows that price regulation doesn't work. If you want a great example, look at the wool industry when it comes to floor prices. I'm pleased that, in combination with my colleagues, we're taking up the fight for Australian dairy farmers to the supermarkets. I'm proud of our work as a government. We're going to deliver our ongoing plan to support our dairy farmers. I believe, my team believes and our government believes that the dairy farmers in this country have a very bright future, and we are doing everything we can to support that end.

Senator WATT (Queensland) (15:43): It's the last sitting day of the year, and here we are again debating the failure of this third-term government to provide support to Australia's dairy industry. The Minister for Agriculture continues to feign support for the industry, attempting to claim that this government has actually done anything meaningful to save Australia's dairy industry. This is the minister who is bypassed by her own backbench when it comes to acting to supporting Australia's dairy industry, to the point we're starting to talk about the 'Bridget bypass'. This is the minister who voted against ensuring our dairy farmers receive a fair price for their milk.

Senator Henderson: Madam Deputy President, a point of order: could I ask Senator Watt to refer to the minister by her correct title.

The DEPUTY PRESIDENT: Thank you, Senator Watt to refer to the minister by her correct title.

Senator Watt: Thank you, Madam Deputy President, for your guidance. This is the minister who shows no contrition for failing to quickly respond to this dairy crisis. This is the minister who is part of the government that, back in 2016, ignored the plight of our dairy farmers when Murray Goulburn clawed back the milk price. This is the minister who stood with her colleagues and voted against the dairy code of conduct. In fact, my father was a dairy farmer so I know a little bit about this topic, if not the Victorian dairy market.

National Party senators who claim they support our dairy farmers had yet another opportunity to show real support for Australian dairy farmers and to send their coalition partners a message they cannot take their support for granted. Instead, they voted against...
Senator Hanson's bill. Yet Senator Susan McDonald last week told Radio National: 'We're losing a dairy farmer a week from the industry Queensland. We're down to 311 and it has to stop today.' She also said this is a complete market failure. She said: 'I have long talked about the complete imbalance of power between Coles and Woolworths, and, you know, to an extent, Aldi. They hold so much market share. I think there are more steps to be taken to address supermarket power.' Isn't it funny? You'd almost think the government wasn't in power, that they hadn't been here for six years and actually could have done something about this. There's irony in a new senator who has just arrived here, after six years of this government, having to point out the failures of her very own government. At any point over the last six years National Party members could have stepped up and supported our dairy farmers, but they chose not to.

Senator Rennick: We did!

Senator McKenzie: We have!

Senator WATT: I take the interjection from the two senators. They claim that they did. Well, you have to ask them why their own senator, in an interview with Radio National, is pointing out the crisis in the dairy industry.

Instead of National Party members stepping up and supporting the industry, what we see is a minister who has completely lost control of the portfolio, Nationals backbenchers writing policy and still no action from this government. The minister promised One Nation that she would implement a dairy code of conduct by the end of the year, yet here we are on the final day of the parliament for the year and still no code of conduct. It's completely missing. No matter how far we look for it, it's not here. But this comes as no surprise. The minister and the government have promised a lot of things to our farmers that they have not delivered. The only way the Liberal Party will start to take the plight of Australian dairy farmers seriously is if Senator McKenzie and her National Party colleagues in the Senate are prepared to take a stand to ensure that dairy farmers are receiving a fair farmgate price.

Liberal and National senators will say that, in response to the Murray Goulburn debacle, dairy farmers were given access to the farm household allowance and concessional loans. But they're missing the point. It never should have come to that. The reckless actions and the failed capital raising structure by Murray Goulburn fell disproportionately upon dairy farming families, and it was not fair. Murray Goulburn could have suspended the direct link between milk prices and the money it pays to investors. They could have directed funds back to higher milk prices for farmers to provide a significant cash flow boost to farmers. But there was no pressure from the then agriculture minister on Murray Goulburn to do the right thing.

Dairy farmers need a fair farmgate price, transparent contracting and effective dispute resolution mechanisms. All senators in this place already know this, and there have been a number of inquiries supporting the fact that the dairy industry is facing a number of challenges and a crisis situation. There have been a number of interjections with all sorts of suggestions about what could be done. I ask any of those senators: why don't you actually just do it? You know you're in government. You're in government. You can actually do things. I know it involves having bit of a plan and deciding you want to get something done rather than just getting in the COMCARs, rolling in, sitting there for a few hours and then rolling out home. You've actually got the power. The reason we wanted to win the election was so that we could actually do things. You opposite just wanted to win the election so you can sit on
that side of the chamber and nod along. If you've got so many good ideas, why don't you do it? You're in government. That's what government does—get things done. You don't just sit there and roll along and see the supermarket monopoly roll over the top of farmers. Get your act together and get something done.

There have been plenty of warnings about the need for action. In 2017, the Senate Economics References Committee presented its report, *Australia's dairy industry: rebuilding trust and a fair market for farmers*. The reference for the inquiry was made on 14 September 2016, and it investigated how to establish a fair, long-term solution to Australia's dairy crisis. That's nearly four years ago when this all kicked off and we still haven't seen any action. The inquiry made particular reference to fresh milk security, the legality of retrospective elements of milk contracts, the behaviour of Murray-Goulburn and other related matters. This is not a new thing; this has been going on for years.

The Senate also noted back in 2016 that the Australian dairy industry was facing an unprecedented crisis, with the retail cost per litre of bottled milk often less than the retail cost of bottled water. In 2011, eight years ago, a report of the Senate Economics References Committee recommended that producers' contracts with dairy farmers should offer a clear and consistent formula for milk pricing, with unambiguous conditions. Five years later, the livelihoods of up to 40 per cent of Australian dairy farmers are under threat because of imposed retrospective debt helped by unclear and inconsistent milk-pricing contracts with ambiguous conditions, and Australian rural and regional communities face losing millions of dollars and thousands of jobs if a fair, long-term solution to Australia's dairy crisis is not found.

The committee further noted:

Despite being Australia's third largest agricultural industry, the dairy industry faces a number of significant challenges which, if left unaddressed, have the potential to threaten the long term viability of dairy production.

These are not new matters. These have been known for years, while this government has been in office—turning a blind eye and saying it was all too hard. Sadly, the issues facing the dairy industry have been left unaddressed, and that is most likely why government members voted against another inquiry into the dairy industry by the Senate during the previous sittings on 17 October 2019.

Fortunately, the motion was successful—even without government senators. Senator Duniam was given the job of trying to explain why the government would not even support a Senate inquiry into the dairy industry, claiming:

The government does not support reregulation via an ACCC investigation, as reregulation is not supported by the industry. As recommended by the ACCC, we're implementing a mandatory code of conduct to increase fairness and transparency between dairy farmers and processors. The code has been developed in consultation with industry and will help to address the imbalance in bargaining power between farmers and processors. Progress has been made to expedite the code. An exposure draft will be released shortly for industry feedback, and it's expected to be in place by 1 January 2020.

The problem for the government is that this rhetoric just doesn't stack up. A Senate inquiry doesn't have the power to reregulate the dairy industry, and the code of conduct can only do so much, if, indeed, it ever gets implemented. Essentially, Senator Duniam was being loose
with the truth. But, most likely, he was just given the statement to read out by the agriculture minister, Senator McKenzie.

The Senate inquiry is seeking to ask and answer questions about the performance of Australia's dairy industry and the profitability of Australian dairy farmers since deregulation in 2000. Therefore, the question has to be asked: what are government members and senators are scared of? Angry farmers is the obvious answer. This week, the fact that farmers took the time to protest outside Parliament House should cause the government to reflect upon its failings. While it's nice to see members of the National Party finally stepping in to support our dairy industry, simply sitting on their hands and hoping that consumers go into their supermarkets and ask to pay more for their milk is a fantasy proposal and begs the questions: who is responsible for this government's agriculture policy? Is it Senator McKenzie? Is it Senator McDonald? Is it Minister Littleproud? Is it Woolworths? Is it Coles?

The government accepted the ACCC's recommendation for a code of conduct 19 months ago. Farmers are still waiting and government MPs and senators are still fighting over what it should look like. This government has had ample opportunity over the last six years to do one thing, to lift one finger, to assist our dairy industry. There has been Senate inquiry after Senate inquiry after Senate inquiry, and other inquiries, which have made recommendations to this government to take action to support our dairy industry. But every single time the government has found a reason why it's too hard or just not in its interest to make progress.

As with so many other issues, how many years of this government—how many terms of this government—will it take before this government actually gets around to helping out the people who it says it stands for? This government says that it stands for farmers, but every time it's asked to help it says it's all too hard. It's about time this government started doing some work. (Time expired)

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (15:54): I rise to take note of the Minister for Agriculture's statement outlining what the government is doing for the dairy industry. I commend the minister because this government is taking action to support the dairy industry. We are also bringing the industry with us on the journey. We are consulting on the mandatory code of conduct; we have consulted all year. We've been talking to the industry since the ACCC made the recommendation, which we are going to deliver on by January, in line with what we have said we would do.

Let's not beat around the bush here. The reason we have to have such an initiative is that, in 2011, our consumers in this nation were told that milk was worth less than bottled water. It was not consumers asking for discounted milk prices. It was some marketing guru's bright idea to bring prices 'down, down' and tell consumers that agricultural products are not worth the cost of production. Let's—

*Senator Patrick interjecting—*

**Senator DAVEY:** I'll take the interjection. I am more than happy, Senator Patrick, to work with you—and with my colleague Senator McDonald, who is all over this issue—to have a thorough review and work out how we can address the divesture laws. But let's get back to those supermarkets. Today we see in The Sydney Morning Herald that the ACCC is fining Coles $5.25 million because yet again their marketing does not match their promises. They promised to pass on 10c a litre to farmers in drought, and they reneged on that deal:
'Ops, we had an agreement already to increase our milk prices paid to farmers, so in reality we'll give them the 10c until our predetermined increase goes through and then we'll cut back our 10c contribution by the equivalent.' That is not fair because the Australian consumers, who have not whinged at all about paying that extra 10c a litre and who actually feel that it is the right thing to do to pay for their milk and for the cost of production, expected Coles to pass on that full 10c a litre. I commend the ACCC for investigating that issue, hammering it home and fining Coles the appropriate amount, which will go straight to the farmers.

The relationship, though, between processors and farmers is the crux of it, and this is what the mandatory code is all about. In the past, the processors actually signed those supply agreements with the supermarkets. So when the Australian public rightly stood shoulder to shoulder with farmers after the Murray Goulburn debacle and said, 'We will not pay a dollar-a-litre milk; we are going to go and buy branded products,' unfortunately all that did at the time was reward Murray Goulburn because it was Murray Goulburn who had signed a supply agreement with Coles and with Woolworths to supply branded and unbranded milk. So Coles and Woolworths enter an agreement with the processors, the processors then turn around and have an agreement with the farmers, and it's the farmers who get hung, drawn and quartered. They cop it. We need those processors to act with integrity. We need those processors to pay the farmers the cost of production. Then, if Coles and Woolies are trying to stand over them, we need our processors to stand up and say, 'This is not on.' Call it out. Call it out publicly or call it out behind closed doors—I don't care—but let's get our farmers a fair price because that is what I'm told our farmers want.

Our farmers are battling high input costs—record input costs. The price of feed and fodder for their cows is through the roof. If they are an irrigation dairy farmer, their temporary water prices are through the roof, nearly at record prices. They're not quite paying what they paid during the millennium drought, but it's very close. Electricity prices are through the roof to the point where dairy farmers are actively looking at mechanisms and ways they can disconnect from the grid and become self-sustainable, and I commend them for that; I think that is great. They're putting in solar panels. They're looking at turning methane into power. That is great. But, while they're struggling with these high input costs, we've got to make sure that they get the fair price they want. A floor price is not necessarily going to deliver that. And a floor price will make the processors just as lazy as they've been in the past, because a floor price will effectively become a ceiling price. There will be no impetus for our processors to pay the extra for better quality milk—for milk with higher protein content. There will be no requirement to do that because they can say: 'Well, that's the floor price set by the ACCC. We're just going to accept that and that's a standard price across the region.'

We've listened to industry. The other thing we're doing is, because Senator Hanson set up the Senate inquiry, respecting that process. We are using that process to hear from the range of stakeholders involved, including the supermarkets, I'm led to believe, and we're going to see what that report recommends. But Senator Hanson, who insisted on that inquiry, is not even respecting the process that she initiated. She is going ahead of the pack, before the recommendations are made, before all the submissions have been sifted through and collated, and that is not fair on the people who are participating in that inquiry in good faith, including the New South Wales Farmers Federation Dairy Committee, including Australian Dairy Farmers, including Queensland Dairy farmers' Organisation. We need to
respect that process and let those people have their say. I honestly believe that the outcome of that inquiry will be a fair price with concerns about the impact of a floor price.

Senator HANSON (Queensland) (16:02): I take note of the explanation by the Minister for Agriculture. It's very interesting the responses here about being a regulated dairy industry that is nowhere else in the world. Well, I'm sorry, but we are the only country in the world that is unregulated in the dairy industry. Even New Zealand has a regulated dairy industry and produces about 22 billion litres of milk a year. America is regulated. Europe is regulated. We are the only country that isn't, yet in Australia the number of registered Australian dairy farms has fallen from 5,699 in July 2018 to 5,200 in the present day. Milk production has fallen from 12 billion litres in 2000 to eight billion litres in 2019.

I also want to talk about the processors. Dairy foods play an important part in Australia's food security and human health. None of the recommendations contained in the final report of the Australian Competition and Consumer Commission dairy inquiry dated April 2018 have been implemented. Australia is forecast to import more dairy products than it exports by 2023. Four foreign owned milk processors control an increasing proportion of milk production in Australia, setting the price at the farm gate during the period of 2013 to 2017. These processors have revenues in Australia of over $160 billion but pay less than $160 million in income tax, or a rate of less than one per cent. The main dairy export countries, including New Zealand, which is the largest dairy exporter in the world, have a regulated farmgate milk price. Regulation of farmgate milk prices is correlated with growth in milk production and increasing exports, whereas Australia's export of dairy products has been in decline.

The minister says we have a high farmgate price at the moment. Well, I have dairy farmers in the Scenic Rim ringing me up and saying, 'I'm being forced to sign a contract with a processor, and for the next five years I'm only going to get 50c a litre for my milk.' Yes, the costs are going up at the moment because of the drought. Electricity prices have gone up; water has gone up in price. Why? Why are we facing high electricity prices? It's government policies and legislation that have put us in this predicament at the moment, so it's because of government policies that we're paying high water prices.

I visited a dairy farm down on the border of New South Wales and Victoria. They're paying $1 million a year for fodder and water just to keep production going. They can't keep going the way they are at the moment. There's a dairy farmer outside Toowoomba who had 1,100 cattle; he's now down to 600 cattle, and he looks like he could be losing his property because he can't get a fair price. He said: 'I'm getting 57c a litre for my milk, with a 5c loyalty on top of it, so 62c a litre. In Victoria, if they get the milk exported up from Victoria to Queensland, the processor pays Victorian milk producers an immediate 87c a litre for the milk.' Why can't they pay that directly to the farmer?

You talk about a farmgate price. This is what the minister hasn't explained: what damage is it going to do to the dairy farming industry in Australia if we give them a fair farmgate price that is viable, that will cover their costs. This can be regulated; it can be set by the ACCC. That is what has happened in other countries around the world. Senator McDonald has made comments saying: 'Well, look; we should get Coles and Woolies to actually set the price. They can pay the processor, and the processor can then pay the farmer.' What other industry do we have where the retailer sends the moneys back? What a great idea! Then the headlines
came out today about Coles having to pay $5.25 million because they allegedly did not pass on 10c milk price hikes to the farmers. That idea works really well, doesn't it? As if they are going to pass it on! As if they want the book work! And where's the money going? That's not going to work at all.

Here's another thing. Senator Patrick voted against this. He said: 'I got a phone call from my South Australian dairy industry and they told me this is not going to work. I can't vote for this.' 'Do you understand it?' 'No, I really don't understand it, but that's what they told me. It's not going to suit South Australia.' Well South Australia's not doing too badly. I don't think they get their farmers to fully supply all of their milk, so they have to import from Victoria. But they're more interested in the export market, and they thought, 'This might destroy our export market.' It's got nothing to do with the export market whatsoever. Anyway, my staffer rang them up and spoke to a Nick Brokenshire, who was the vice-president. His response was, 'Just do what the Nationals tell you.' That was the response. So here you have it. Is it political? It's all political. That's what it's all about. It's very political.

The government says, 'But we're putting this $10 million in to assist in electricity prices, and we're doing all this to help.' The farmers out there just want a fair price for their milk. You admitted that people pay more for water on the shelf. They're quite prepared to pay for the water. And then you say, 'Oh, well, we are addressing the mandatory code of conduct.' I'm sorry, Minister; One Nation had to force your hand because you weren't going to bring it in until July next year. You admitted you had targeted July next year to bring in the dairy code of conduct. You had one already. You had the ACCC's sitting on the table, but you changed it completely. You changed it completely. You changed it from the original one, which was under consultation. It is a document that favours the processors. So if the processors actually have lost—

Senator McKenzie: Point of order: in response to a request from Senator Hanson last week, I tabled documents—

The ACTING DEPUTY PRESIDENT (Senator Sterle): No, Senator McKenzie, if you do not have a point of order—

Senator McKenzie: in this place that show what she is saying in this contribution—

The ACTING DEPUTY PRESIDENT: Senator McKenzie, resume your seat. Senator Hanson.

Senator HANSON: The truth hurts. And the facts are that it's all leaning towards the processors because the legislation has changed. If that causes them to lose profits, they can then change the price. So my bill was about giving a fair farmgate price to the farmers that was to be determined by the ACCC investigation. It was also to make sure that the processors had to divest if they had too much control of the market in their area. The other thing was the mandatory code of conduct. The minister said no-one asked for this, not one person asked for a fair farmgate price.

Senator McKenzie interjecting—

Senator HANSON: Well, isn't it funny, I actually had representatives from the Queensland and New South Wales dairy industries come into my office. I've got a letter that states 'we want a farmgate price for milk'. That's what they're asking for. The say they want a price for milk. The Queensland Dairyfarmers actually represent 78 per cent of the dairy
farmers in Queensland. The number of dairy farmers in Queensland has dropped from 1,500 down to just over 300. At the moment, we're losing a dairy farmer a week. This has not just happened since the drought; this is prior to it. As I said, we had milk production at 12 billion litres a year in 2000 down to eight billion litres a year now. If Australians think this will get better, it won't.

Under this government, run by the Nationals, Senator McKenzie as the agriculture minister is running the dairy industry into the ground. I just think that the government responses to this are pathetic. They're only doing this because of pressure from One Nation, no other reason. That is why the ACCC has followed up Coles. There has been a lot of public support for me to push this. The Australian people do want to support the dairy industry. Australian people want to drink Australian milk, not have the Chinese buying up our dairy farms here and exporting the milk overseas. They are getting from $9 a litre up to $15 a litre for our milk. We will see ourselves importing milk from New Zealand if we are not careful or we will be drinking long-life milk. There's no reason.

When Senator McKenzie talks about wool prices and the problems there, that is a totally different issue. This has nothing to do with wool prices. That's the government's only excuse for it—a pathetic one. We need to support the dairy farmers. I wish they would really understand. I want to know: what's the real reason for this? They're backing the big multinationals; they are backing the big processors. All the processors are actually foreign owned and don't pay taxes here in this country. So support our dairy farmers. If not, get out of the way and let someone who will.

Senator RICE (Victoria) (16:12): The issues facing the dairy industry in Australia are complex, multifaceted and are not going to be solved by knee-jerk single responses. There are many issues manifesting at the moment. The Greens are concerned that dairy farmers get a fair price for their milk. The question is: how do we ensure that occurs? We have supported the bills Senator Hanson has brought into this place for a floor price. That is one measure but, in fact, it is not the best measure. The Australian Greens still think the amendments that we moved to Senator Hanson's bill are the best way forward that we can see at the moment. Rather than going for a full floor price, which has got the problem of having the same floor price in Queensland as in Victoria, go for an ACCC price notification scheme, where you could have prices being paid and then, if the price that the processors are proposing to pay to the dairy farmers are lowered, then the ACCC have got to sign off on that.

This sort of price notification scheme works for other industries. It works for Australia Post, it works for Airservices Australia and it works for Sydney airport. The Greens believe it's a middle road, having some level of regulation that clearly is needed. Clearly the system that we've got at the moment is not working. When you hear the stories about farmers not even being paid the cost of production by the processors, clearly this is not sustainable for them and it leads to overexploitation of the land as well. It's not something that we can continue with.

We think that further consideration of a price notification scheme by the ACCC is a very sensible middle way forward—certainly in the inquiry which we're about to go into the first hearing for in about 45 minutes time. I was very pleased to hear the minister give a commitment that the code of conduct—the long, long awaited code of conduct that really has taken far too long to be brought into being—will come into place on 1 May. As I said, that's
been a very long wait and it's not before time. I think having that mandatory code of conduct in place, which has been a big push by many people, will be a significant step forward.

The third area that we really need to come to terms with is that a lot of the problems the dairy industry is facing are because of our changing climate. It is harder to have a productive dairy industry in areas where the temperatures are rising and where drought is occurring because of the climate crisis. The huge decrease in rainfall, the massive dryness and the extreme heat are reflective of the climate crisis. Two years ago, in 2017, we had 40 dairy cows die in the Shoalhaven area due to heat stress, because of the extreme weather conditions that occurred then. This is going to continue to occur across the country.

The basic reason that it costs more to produce milk in Queensland is, frankly, because it's hotter there and dairy cows don't like hot weather. So as the weather gets hotter, it's more difficult for the dairy industry to be profitable. We're looking down the barrel of increasing heat, increasing drought and increasing extreme temperatures, so it's inevitable that the dairy industry is going to continue with the struggles only getting worse.

If we are concerned about having a viable, profitable and sustainable future for our dairy industry in Australia we have to tackle our climate crisis. While we continue to say that it's absolutely fine to keep on mining, burning and exporting coal, gas and oil, and to have increasing carbon pollution, we are selling our dairy farmers out—just like we are selling out the rest of the Australian community and the rest of the world. I will know that this government and this parliament are serious about making sure that we have a sustainable dairy industry when they are serious about acting on our climate crisis. And that means we need to quit coal, we need to quit oil and we need to quit gas. We need to replace these with renewable energy sources. That's what's going to be good for the dairy industry. That's what's going to be good for the dairy industry in Queensland and that's what's going to be good for all of Australia and, in fact, all of the world.

This is the existential threat that is currently being faced, and until we come to terms with that threat we're just playing games. We know that there is not going to be a long-term sustainable future for so many of our industries unless we tackle our climate crisis.

Senator McDonald (Queensland) (16:18): I rise to take note of Senator McKenzie's statement. It saddens me, it shocks me and it dismays me to see people in this chamber rising to speak on something that they know nothing about. We do not have enough voices of farmers in this parliament, and today I'm standing to talk to you about the challenges that we have. I'm standing to talk to you about farmers right across this state, right across this country—who wept to me after the floods in North Queensland, after the droughts in the rest of the state and after the droughts in the rest of the country—and say, 'We don't believe you care anymore. You sit in Canberra, you talk about climate crisis, you talk about floods and you talk about bushfires, and you have no idea.'

I want to tell you their stories; I won't have time tonight. But these people, these men and women—these generations of great land managers, of great genetic herd-builders and of great pastoralists—have had enough of the posturing, the poor responses and the misinformation that was promoted tonight from the Greens, from Labor and from One Nation.

What those parties are telling you is just not true. The dairy industry in Australia, and particularly in Queensland, is in crisis, but it is a complex industry. Queensland in particular
has challenges that the rest of the country does not have. We primarily promote and provide to the fresh milk industry, to the drinking milk that we all enjoy. It is that milk that is valued most cheaply. We don't have the higher levels of fat and protein that are generated in the southern states. The dairy industry in Australia has been and still is being pillaged and bullied into effectively running their businesses at a loss by processors like Lactalis, which even today is bullying its suppliers into an unfair contract that is not right. This is not about price; this is about our values. This is about what Australians want and believe in. We want and we believe in our dairy farmers. Not only does this greedy and destructive practice of processors like Lactalis and Lion and businesses like Coles, Woolworths and Aldi constantly cripple these hardworking, taxpaying, good Australians to the point of going bust, it will damage this nation's dairy industry to the point that Australia will literally run out of Australian produced dairy. My disappointment is immeasurable when it comes to supermarkets being so obtuse when it comes to the salvation of these farmers. It is unacceptable and intolerable that there should be such a lack of ethical behaviour amongst our supermarkets. It was only today that an ACCC report showed that Coles misled Australians when it said it was paying the full 10c drought levy to farmers. That has resulted in $5.25 million being distributed to Norco's farmers right now.

Dairy is a massive part of life in Australia, and this could not only damage our GDP but cripple forever the future of dairy in Australia. Dairy production accounts for roughly 42½ thousand jobs in rural and regional Australia. However, businesses such as Coles, Aldi, Woolworths, Lactalis and Lion are driving a stake through the heart of each and every single one of these farmers. The introduction of dollar-a-litre milk led to a collapse in fresh milk supply prices from Queensland's dairy farmers. I spoke to Peter Garrett in Scenic Rim, who said, 'I knew it would be a tough six months.' He never ever dreamt it would be eight years later. Since then, our farmers have been living impossibly difficult lives, having to sell parcels of land and their herd and use their superannuation trying to stay afloat, but these farmers can stay afloat for only so long. I have travelled this state. I wish other senators would spend as much time as I have getting out on farms, standing with farmers, talking with them about their businesses, about their herd, about their pasture, about their prices, about their relationships and about the way they're being bullied by their processors. Liam Thiess is a fifth-generation dairy farmer. I said to him, 'What do you want?' He said: 'I just want to run these cows. They're like my family. They have names.' He enjoys the process of being a farmer. It is a calling to him.

We have introduced a dairy code of conduct which is going to provide some rules of engagement, some fair negotiation for these farmers and these relationships, but I do say to the supermarkets: it is time that they grew a moral backbone. It is time that they lived up to the standards that they put up on their website, which apparently are good enough for the rest of the country but not for our farmers. If farmers are not even breaking even, surely there is a breach of an ethical policy. And the answer is: yes. It's in the salaries of the deep-pocketed CEOs at Coles, Woolworths and Aldi, who are in breach of their own ethical policies. The Coles Group Ethical Sourcing Policy, at 8.1 under section 8: 'Wages and Benefits', explicitly says:

In any event, wages should always be enough to meet basic needs and to provide some discretionary income.
Coles has misled consumers and damaged the dairy industry to the point where it will take decades to recover from this mistreatment, because farmers are only earning this income as they sell small parcels of land, piece by piece, to stay in the dairy industry.

As for Woolworths, the Woolworths Limited Ethical Sourcing Policy is similar to the Coles Ethical Sourcing Policy. Section 6: 'Living Wages' literally says:

In any event wages should always be enough to meet basic needs and to provide some discretionary income for workers and their families.

It may sound familiar, as it is almost exactly the same as Coles' policy, because both ethical policies were derived from the International Labour Organization. And unsurprisingly, Woolworths has also breached this code, like Coles and like Aldi.

It is extraordinary to me that the Labor Party can sit across there and criticise the coalition for having done nothing, when they have been asleep at the wheel, promoting labour standards for workers, yet leaving farmers out in the cold. So I want to acknowledge the advice—and the support that I want to send out to Brad Teese, Peter Jarvis, Liam Teese, James Geraghty and Colin Daley up on the tablelands. The dairy code will provide them with some protection, but we know that it is the introduction of better prices from Coles, Woolworths and Aldi that has the power to solve the dairy farmers' problems today—not in two years time, when some mythical floor price might be introduced. The ACCC is very clear that it would take years to introduce a regionally based floor price, but what is worse is it has the real potential to wipe out dairying in Queensland because the costs of production in Queensland are so much higher than they are in the rest of the country.

It is also untrue that New Zealand, the US and Canada are regulated by a floor price. They have their own systems of managing prices. In New Zealand it is managed by a really big co-op. In the US, it's managed using a margin scheme. In Canada, it's managed using a combination of pasture and other inputs. So this is not about prices. This is about our values: our values as Australians and our values for dairy farmers.

**Senator PATRICK** (South Australia) (16:28): I rise to take note of the minister's answer as well, and I just want to put on the record that Centre Alliance supports dairy farmers. We do not support a floor price, and we don't support a floor price because we listen to our constituents, and the South Australian Dairyfarmers Association basically says it's not something that is wanted. But I'm not going to give the government a free kick here. There are things that you are doing wrong. You've got an F in relation to the Murray-Darling. I understand the input costs of feedstock are high. The government has done nothing about energy prices, and that has to be sorted out. And of course there is the rising cost of living. I will acknowledge the work in terms of market imbalance that Senator McKenzie had in relation to co-ops. She did some fantastic work in that area. But the code of conduct has been late coming—way too late.

In relation to the market imbalance divestiture laws, we moved some a couple of weeks ago in this place and were not supported by the government, and we need to look at that again. And the market perception of a dollar milk—since 2011 we've understood that that is just hugely problematic. That's Coles and Woolies, but there could've been earlier action in relation to that. As was mentioned by Senator Watt, we have had a number of inquiries into this, both back in 2011, in relation to $1 milk, and indeed in 2017, in relation to Murray
Goulburn. The government has let people down because they haven’t acted on recommendations that were before them.

Debate interrupted.

**BILLS**

**Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019**

**The PRESIDENT** (16:30): It being 4.30 pm, in accordance with the motion agreed to this afternoon, I will now put the questions required to conclude consideration of the bills listed in that motion. I will deal first with the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019. The question is that Centre Alliance amendment (1) on sheet 8863, as moved by Senator Patrick, be agreed to.

The Senate divided. [16:34]

(The President—Senator Ryan)

Ayes ......................11
Noes ......................33
Majority ..................22

**AYES**

Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

**NOES**

Abetz, E
Askew, W
Brockman, S
Cash, MC
Cormann, M
Fierravanti-Wells, C
Gallagher, KR
Henderson, SM
Humne, J
McCarthy, M (teller)
McMahon, S
Paterson, J
Rennick, G
Ruston, A
Smith, DA
Stoker, AJ
Walsh, J

Antic, A
Bragg, A J
Canavan, MJ
Chandler, C
Davey, P
Gallacher, AM
Green, N
Hughes, H
McAllister, J
McKenzie, B
Molan, AJ
Pratt, LC
Roberts, M
Ryan, SM
Sterle, G
Van, D

Question negatived.
The PRESIDENT (16:37): The question now is that Centre Alliance amendment (2) on sheet 8863, be agreed to.

Page 2 (after line 11), after clause 3, insert:

5 Expiration of amendments

This Act ceases to be in force at the start of the day after the end of the period of 2 years beginning on the day the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019 commenced.

The Senate divided. [16:38]

(The President—Senator Ryan)

Ayes ..................... 11
Noes ..................... 33
Majority .................. 22

AYES

Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

Faruqi, M
Hanson-Young, SC
Patrick, RL (teller)
Siewert, R
Waters, LJ

NOES

Abetz, E
Askew, W
Brockman, S
Cash, MC
Cormann, M
Fierravanti-Wells, C
Gallagher, KR
Henderson, SM
Hume, J
McCarthy, M (teller)
McMahon, S
Paterson, J
Rennick, G
Ruston, A
Smith, DA
Stoker, AJ
Walsh, J

Antic, A
Bragg, A J
Canavan, MJ
Chandler, C
Davey, P
Gallacher, AM
Green, N
Hughes, H
McAllister, J
McKenzie, B
Molan, AJ
Pratt, LC
Roberts, M
Ryan, SM
Sterle, G
Van, D

Question negatived.

The PRESIDENT (16:42): The question is that subitem (2) of item 53 and items 54 to 56 of schedule 1 stand as printed.

Centre Alliance opposed schedule 1 in the following terms—

(3) Schedule 1, item 53, page 11 (lines 12 to 19), subitem (2) to be opposed.

(4) Schedule 1, items 54 to 56, page 11 (line 20) to page 13 (line 33), to be opposed.
The Senate divided. [16:42]
(The President—Senator Ryan)

Ayes ...................... 34
Noes ...................... 11
Majority ............... 23

AYES
Abetz, E
Askew, W
Bragg, A J
Canavan, MJ
Chandler, C
Davey, P
Fierravanti-Wells, C
Gallagher, KR
Hughes, H
McAllister, J
McKenzie, B
Paterson, J
Rennick, G
Ruston, A
Scarr, P
Sterle, G
Van, D

AYEs
Antic, A
Birmingham, SJ
Brockman, S
Cash, MC
Cormann, M
Duniam, J
Gallacher, AM
Henderson, SM
Hume, J
McCarthy, M
McMahon, S
Pratt, LC
Roberts, M
Ryan, SM
Smith, DA (teller)
Stoker, AJ
Walsh, J

NOES
Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

Question agreed to.

Third Reading

The PRESIDENT (16:45): The question is that the remaining stages of the bill be agreed to and the bill be now passed.

The Senate divided. [16:45]
(The President—Senator Ryan)

Ayes ...................... 34
Noes ...................... 11
Majority ............... 23

AYES
Antic, A
Bernardi, C
Birmingham, SJ
Cash, MC
Askew, W
Bilyk, CL
Bragg, A J
Ciccone, R
I move:

That this bill be now read a first time.

Question agreed to.

Bill read a first time.

The PRESIDENT: The question now is that the amendment on sheet 8848, circulated by the Australian Greens, be agreed to.

(1) Page 10 (after line 5), at the end of the Bill, add:

Schedule 5—Inquiries by the Productivity Commission

Farm Household Support Act 2014

1 After section 104

Insert:

104A Effectiveness of measures to address drought—Inquiries by the Productivity Commission

(1) By the day after this section commences, and afterwards at intervals of no longer than 3 years, the Productivity Minister must, under Part 3 of the Productivity Commission Act 1998, refer to the Productivity Commission for inquiry the following matters:

CHAMBER
(a) the appropriateness, effectiveness and efficiency of business and income support measures, in particular the Farm Household Allowance, provided by Commonwealth, state and territory governments to help farmers, farm businesses and farm dependent rural small businesses manage drought;
(b) the extent to which the measures mentioned in paragraph (1) (a) assist farmers, farm businesses and farm dependent rural small businesses to respond to the impact of the climate emergency on drought;
(c) any impediments to farmers, farm businesses and farm dependent rural small businesses improving their preparedness for periods of financial difficulty;
(d) the most appropriate, effective and efficient measures to help build the self-reliance and preparedness to manage drought of farmers, farm businesses and farm dependent rural small businesses;
(e) any related matters.
(2) In referring a matter to the Productivity Commission for inquiry under this section, the Productivity Minister must:
   (a) under paragraph 11(1) (a) of the Productivity Commission Act 1998, require the Productivity Commission to hold hearings for the purposes of the inquiry; and
   (b) under paragraph 11(1) (b) of that Act, specify the period ending 12 months after the inquiry commences as the period within which the Productivity Commission must submit its report on the inquiry; and
   (c) under paragraph 11(1) (d) of that Act, require the Productivity Commission to make recommendations in relation to the matters referred to in subsection (1).
Note: Under section 12 of the Productivity Commission Act 1998, the Productivity Minister must cause a copy of the Productivity Commission's report to be tabled in each House of the Parliament.
(3) The Productivity Minister must not withdraw a reference under this section before the Productivity Minister has received the report.
(4) For the purposes of paragraph 6(1) (a) of the Productivity Commission Act 1998, the matters mentioned in subsection (1) are taken to be matters relating to industry, industry development and productivity.
(5) In this section, Productivity Minister means the Minister administering the Productivity Commission Act 1998.

Question negatived.

Third Reading

The PRESIDENT (16:48): The question now is that the remaining stages of the bill be agreed to and the bill be now passed.
Question agreed to.
Bill read a third time.

Special Recreational Vessels Bill 2019

First Reading

Bill received from the House of Representatives.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (16:48): I table a revised explanatory memorandum and I move:
That the bill be now read a first time.
Question agreed to.
Bill read a first time.

Third Reading

The PRESIDENT (16:49): The question now is that the remaining stages of the bill be agreed to and the bill be now passed.
Question agreed to.
Bill read a third time.

MINISTERIAL STATEMENTS

Defence


DOCUMENTS

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry
Census: Gender and Sexuality Questions
Education and Employment References Committee Report: Government Response
Emissions Projections
Order for the Production of Documents

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (16:50): I table documents relating to orders for the production of documents as follows: a government response to the report of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry; the Education and Employment References Committee inquiry into the mental health conditions of first responders; gender and sexuality census questions; and Australia's 2020 emissions targets.

Senator McCARTHY (Northern Territory—Deputy Opposition Whip in the Senate) (16:50): I move:
That the Senate take note of the documents.
I seek leave to continue my remarks.
Leave granted; debate adjourned.

STATEMENTS

Valedictory

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (16:50): I think 2019 has been a big year. The last couple of weeks have been a big couple of weeks. I think all of us in this chamber, right across the chamber, are looking forward to a good and well-earned break. I haven't prepared any
particular remarks, but this is always a good time to reflect on the year that has been and to say thank you to all the very many people who support and sustain us in this job.

On behalf of the government, I would like to thank the clerks and clerk assistants and all of their teams, the attendants in the chamber, the Hansard staff, Comcar, security, cleaners—all of the people who make this place tick all year round and help us do the job that we do on behalf of the Australian people. I'd also, of course, like to thank all our staff, right across the chamber. We are only able to do what we do because of the hard work of our staff. This is not always a very family friendly business; I think that everyone around the chamber knows that only too well. Our staff very much share that particular burden with us all year round. So to all of our staff, from all of us around the chamber: thank you very much for what you do to support us.

I guess that gets me to the broader point—a particular thank you on behalf of all of us to our families. We live in a big continent. Australia's a big country, and whether we come from North Queensland, from Adelaide, from Perth in Western Australia or from Victoria, which is a bit closer, wherever we come from we spend a lot of time away from our families, and our families are very, very important supporters.

Senator Gallagher interjecting—

Senator CORMANN: Perhaps Senator Gallagher doesn't have quite those same challenges! I say that with great generosity!

Senator Gallagher: Seven minutes it takes—seven minutes on a bad day!

Senator CORMANN: It takes her seven minutes to get to work! But it has been a big year and, like every year, there have been matters that we've agreed on, there have been matters that we've disagreed on, there have been matters that we've disagreed on quietly and then there have been matters that we've disagreed on quite robustly. This is a chamber where we resolve the diversity of views around Australia in a democratic fashion. I have very much appreciated the way that all in this chamber have engaged with us over the last year. Perhaps at the beginning of this year not everyone would have expected I would still be making this speech from this particular location, but, obviously, we're very grateful to the Australian people that they've given us the opportunity to continue to serve them in this capacity, and we'll continue to do the best we can to keep faith—to deliver on the faith that they've put in us to continue to serve in this role. I would like to say a particular thank you to my good friend and valued colleague Penny Wong.

Senator Wong interjecting—

Senator CORMANN: I'm trying to not go so far as to get Penny into trouble! I think Penny and I are known to engage robustly, when appropriate, in the battle of ideas and in the political battle, but I have always very much appreciated the friendship and the professionalism and, quite frankly, the really trusting relationship that we've been able to build, which does help to facilitate the 'managed conflict' that is required on occasions in this chamber. In the end, we do have to facilitate the resolution of issues that are sometimes difficult to resolve, and it does involve a lot of logistics along the way. I've had the privilege of working closely with Penny for many years now. Katy, it's good to have you back, if I may be so informal. You've picked up where you left off, and it's been really good working with you in your capacity as Manager of Opposition Business in the Senate.
I should say a very big thankyou to my own team, in particular my leadership team in Simon Birmingham, as the Deputy Leader of the Government in the Senate, and Anne Ruston, as the Manager of Government Business. Anne has had a great and stellar start in this job, since the election, I think we've had some great contested successes over this last couple of months. Dean Smith, as Chief Government Whip, together with his team of whips, Slade Brockman and James McGrath, have done an outstanding job for us. And a really sincere thankyou to our friends in the National Party—Bridget McKenzie, the deputy leader of the National Party and of course the leader of the Nationals here in the Senate. The Liberal and National parties are a proven, strong and united coalition. We have delivered for the Australian people in 2019, and I look forward to the work that we will do together next year.

To all of my colleagues all around the chamber—Liberals and Nationals, Labor, Greens and the crossbenchers—thank you so much to Senator Patrick, who has also put a lot of effort into finding ways to get consensus with us over the last few months, and before. To all of the crossbenchers, the Greens: I very sincerely wish you a good break, a good rest with your families. We can look forward to doing it all again when we return from holiday, back to boarding school, early next year.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:56): I rise to respond to my friend and colleague Senator Cormann. I start by beginning with the observation that obviously we did hope that we might be giving these speeches from the other side of the chamber, and at the end of 2019 we reflect on the way things are somewhat different. This has been a long year and a challenging year, and I just want to place on record a few thanks to people in this place and also beyond.

I start with you, Mr President. I've appreciated the opportunity to work with you again this year. You are a man who combines discipline with a humorous touch, which often is the most effective way. I thank you on behalf of the Labor Party in the Senate for the approach you have to the job. We respect you and we are pleased to work with you.

I also thank the Deputy President, Senator Lines—although she's wearing something that makes it hard to talk about her seriously. She is fair and even-handed; she's diligent, and I do want to place on record my thanks for her not only as Deputy President but in the ex officio roles she has as chair of the procedure committee and deputy chair of the appropriations committee.

To Senator Cormann—this is what my staff wrote for me: 'Senator Cormann and I may not have political principles in common, but we do share a hairstyle.' I'm thinking of sacking that staff member, because I don't think that's true. And the next line is, 'Although I'm pleased to say her hair has gone a little greyer than mine over the last couple of years.' I don't think that's true either, but it's very kind.

Senator Cormann: Good speech!

Senator WONG: I read that and I just started laughing. I'm tired, and I thought, 'How am I actually going to say that? I do want to reflect to the chamber that I regard him as a friend and someone whom I trust. I am grateful not only for his decency but also for the fact that we can have a ding-dong battle in here but leave it aside at the door. I appreciate that, and I wish him and Hayley all the very best for Christmas.
I also acknowledge Simon Birmingham. We do a lot of early morning flights together and Chinese lessons with our children, so we see each other a lot. I thank the Deputy Leader of the Opposition in the Senate, Senator Keneally. I'm very grateful to her. She's a source of great energy and enthusiasm. She takes up the fight in her portfolios and she's a fantastic person to stand alongside.

We are very lucky in the opposition to have Katy back. Katy's one of my closest friends—full stop, not just in the parliament. She's talented, honourable, incredibly mischievous behind the smile. It's a good thing she trusts me because you wouldn't want to see the WhatsApp messages. Behind the smiles she's tough and courageous, and I'm very grateful to her for all that she does for us and the team.

I also acknowledge Don Farrell, a man of great conviction and purpose, someone who's dedicated to South Australia and whose counsel and wisdom I do appreciate. Thank you to all our whips, led by Senator Urquhart, Senator Ciccone and Senator McCarthy. I want to also acknowledge Senator Ketter, who wasn't returned, who did a great job earlier in the year. We're fortunate to have such a great team working with us. I hope that they get some different Christmas bells to the ones they're used to listening to in the weeks ahead.

Can I say something to my Senate team. You've put in an extraordinary effort. It was tough to come back in May. But this team with me on this side have united, come together, and worked with focus and discipline, and continued to advance Labor's agenda and to seek to hold the government to account. I hope that all of you have a great break and spend time with friends and family in the weeks ahead.

I also extend my Christmas greetings to all of those senators across the chamber. This is a contest of ideas. It's a political contest that can get very willing at times—Senator Rennick, it's great to have you here!—but I simply make two points. The first is that whatever our differences, I do believe we are all here because we want to do the best for our country and that is a high purpose to share. The second is that nothing in life is more important than the people we love, and I hope all of you have time in the weeks ahead to spend with friends and family.

A brief thanks also to the Senate staff—Richard Pye, Maureen Weekes, Tim Bryant, Rachel Callinan, Jackie Morris, the usher and all the staff of the Department of the Senate. I say this every year and I mean it: you serve our democracy and you serve it so well. This institution is so critical to our democracy and, without you, it would not function. Thank you to John Brown and the team here. They always bring me water. I'm always thirsty because I've always been running around. Good on you, mate, thank you; it is much appreciated. And to all committee staff as well, thank you. To DPS, thank you for your work. Particular mention to the cleaners—hardworking people who come into this building early, keep our offices clean, our facilities clean. Thank you for the work you do. They are always friendly and cheerful, and we're very grateful for the work they do. To COMCAR drivers and others, the staff at the Department of Finance, the parliamentary security team, AFP members, whose vigilance is friendly and helpful, enjoy the festive season with your family and friends as well.

I want to make mention of all of our staff. I always say our staff make us better than we are. It is certainly true for me—my staff make me better than I am. So, to all staff of Labor senators, you probably aren't listening but, if you are, on behalf of all of your senators, thank
you for the work you do. We would not be able to do the jobs we do, and are asked to do, without you.

Finally to the Labor family more broadly—Labor members and supporters—we had a tough May. We know that. But we're still in the fight, and the reason we are is, ultimately, we understand it's not about us; it's about the people we represent. Merry Christmas to you all.

 Senator DI NATALE (Victoria—Leader of the Australian Greens) (17:04): I'll be very brief. It has been an incredible year—a tough year. Personally, I feel like I'm limping towards the finish line, both literally and metaphorically. I want to thank, most importantly, all the people who make the building tick. They've all been mentioned, but we can't mention them enough: the cleaners, the security staff, the catering staff, the maintenance staff, the gardeners who make this place look incredible, the DPS staff who have helped us with all sorts of odd jobs—and thank you for the loan of the electric buggy—the committee staff and the procedures and drafting teams. We've pushed you hard, and I want to thank you so much for what you've done for us. The Parliamentary Budget Office, in a difficult year, were pushed hard. Their analysis and professionalism was greatly welcomed, and I think we've raised the standard of debate in this country. I thank the COMCAR drivers—some of them are of a certain age, and it's been good to get some advice on what to do with my knee replacement, many of them having gone through that themselves.

 Obviously I thank the President of the Senate, Senator Cormann and Senator Wong, and both sides of the chamber. It's good to see some new faces, particularly in the Liberal Party, not the least of which because of some of the people they've actually replaced.

 Senator Fierravanti-Wells: That's not very nice, Richard!

 Senator DI NATALE: I think some people on your side would probably agree with that! I want to thank all MPs' staff on all sides. We've worked very well together. We work well behind the scenes to make sure that things work. Obviously I thank my team, my colleagues and all of my staff. Most importantly, I want to give a big shout-out to my family and the families of everybody here, who allow us to do this work. Buon natale.

 Senator McKenzie (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (17:06): On behalf of the Nationals, it gives me great pleasure at the end of this year to rise and just put a few remarks on the record. It has been a huge year, and I think the commentary from the leadership teams really sums it up. Any election year is tough, but I think, given how close it was running in, it really has been a huge year. Our chamber has passed some great legislation that benefits the Australian people—everything from income tax cuts to the farm household allowance and the Future Drought Fund. We've done some great work in this chamber, and there's more to do.

 I'd like to thank my deputy leader, Matt Canavan, for his intellect, his policy insights, his frank and fearless advice and his friendship. We've got great team that we lead together, and it's a great joy to work with him. I know we're going to do more next year.

 To the Clerk, Richard, and your team: thank you for the support that you give not only Matt and I but our brand-new Senate team. I know that everybody on your team and the entire Senate staff have been incredibly supportive and welcoming for our new senators, because we've had a complete turnover. I know the same is true of senators right around the chamber—they've been supporting our new team.
I just wanted to say: have yourself a very merry Christmas. On behalf of regional Australia, take the opportunity to buy something from the bush. Maybe spend some time out in the bush meeting our people and supporting their local economies. Enjoy as much sustainably produced and harvested Australian seafood and fresh produce—not just at Christmas time, but for the whole summer—and support our farmers. Rest and rejuvenate so that together we can continue to be ready to serve our country in this place in 2020.

The PRESIDENT (17:08): Senators, if I could take the opportunity to make some comments from the chair at this time of year, I want to acknowledge a few people and thank them. I'd like to start by thanking my Deputy President, Sue Lines, who doesn't always wear the hat in the chamber, but maybe it'll start a tradition. As a Presiding Officer on this side of the building, one has to have a different relationship with all senators, but also with your deputy. So thank you for your support and working so constructively through the course of the year.

I want to particularly thank—and I think it's appropriate from the chair—the staff of the Senate. As Senator Wong outlined, they have a unique role because of the unique role of this place. I've referred to them before as the custodians of the tradition of the prime legislative chamber in this country, where everyone gets a voice, ideas are thrashed out and no result is certain, as we found out recently. It's always up for debate, and we could not do our jobs without them. We could not fight for the beliefs that we have without the support they provide us, often with extraordinarily short notice, and with a degree of expertise across a range of policy areas that is unprecedented across the Commonwealth. Richard, to you and all your team, my deepest appreciation. I know I speak on behalf of the senators.

I want to specifically thank the committee staff, whose workload has really shot up in my decade here. They undertake an extraordinary amount of work, processing information, feeding it to senators and enabling those committee reports to be lucid, often in very short time frames. I think it is worth specially acknowledging them, because, again, the breadth of knowledge they have because of the way they work across so many policy areas is really unique compared to anywhere I've seen in the Commonwealth government. Their work is extraordinary and helps all of us.

To the chamber attendants, led by John—I've mentioned before that I have a special relationship because my mother-in-law worked in this building and the old building as a chamber attendant. You silently float around at all hours of the day and night cleaning up after us, making sure it's set up again in the morning and watering us on those long nights. Thank you for everything that you do.

I want to thank a few groups within DPS in particular—firstly, the cleaners. They work the strangest hours. No matter how strange our hours are, they start earlier and finish later. They do those little things that we can sometimes take for granted that make our time away from home and long hours in this building that little bit more comfortable.

That leads me to people who I think are never thanked and who have had a challenging year. I can't think of a time that anyone ever calls an IT helpdesk just to say everything's working. We only call them when we're in distress—when a printer might not work as we're running into the chamber for a speech. They do guard very sensitive and private information. We had a discussion about privilege earlier today. I would like to thank and acknowledge them for a very difficult year and doing a lot of work that respects both our privacy and
privilege in what is a more challenging environment than existed a decade ago. My particular thanks go to this group of people who don't get thanked, because we do tend to call them at stressful moments.

To Hansard, who have to suffer through listening to everything we say twice as they transcribe it, thank you for your work. And, of course, thanks to the library, the Parliamentary Budget Office and, again, all the unsung work that enables us to come in here.

I particularly want to thank everyone involved with parliamentary security. Again, this is an environment that has evolved quite rapidly. There has been the occasional incident this year that has been tougher than normal. It is a more difficult environment and job than it was when a lot of them started work here. I particularly want to acknowledge the work that the new commissioner of the AFP, Reece Kershaw, has undertaken with the Speaker and me over the last few weeks to make these last few weeks easier.

To all senators and staff, I'd like to personally thank you not only for placing your confidence in me and for the kind things you occasionally say about me, including today, but also because I don't rule with authority; I rule by consent—that is the difference between the House and the Senate. I know I have to earn and keep your trust, and I do appreciate the fact that you cut me some slack, because I'm human and I make mistakes, but also the dignity with which you all undertake your work and the fact that I can approach all of you, but particularly party leaders, about issues which I manage before they become bigger issues.

I want to particularly wish a merry Christmas to and thank the new senators who have come here for the first time. It has been a large intake, one of the largest we've ever had. It may seem like a long time ago to those of us who have been here one year, five years or 10 years, but the new blood that comes in with new ideas, passion and indeed the optimism of being here for the first time has changed the place on both sides, across the chamber. I'd particularly like to wish all the best for Christmas to you and your families, who are embarking on this long journey.

To all other senators, this year didn't start that well. We had a few particularly troubling issues that did not do well for the dignity of the chamber. I would like to thank all the senators, because, particularly since the election, I think we have ensured that that has been elevated to its traditional place, occasionally in very tense moments. Finally, to our families—to my own specifically but to all of our families—who basically deal with all the brickbats and bouquets in a much harder way than we do. They're the ones stuck at home, sometimes seeing things said about their loved ones without the opportunity to respond or the adrenaline rush that the response can allow in this place. To all of you, our families and staff, I thank everyone for their work and wish everyone a very merry Christmas.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (17:14): With the indulgence of the chamber, may I also, on behalf of Liberal and Nationals senators, associate myself with the remarks by Senator Wong and congratulate you, Mr President, on another fantastic year and a stellar performance presiding over our meetings and get-togethers as we resolve issues—and sometimes very robustly. You have, as always, managed the affairs of this chamber with great aplomb, with a light touch when it is appropriate and a firm hand when that is required. Best wishes and a
very merry Christmas to you and your family on behalf of all of us. We look forward to serving with you next year.

BILLS

Agricultural and Veterinary Chemicals Legislation Amendment (Australian Pesticides and Veterinary Medicines Authority Board and Other Improvements) Bill 2019

Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019

Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Bill 2019

Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019

First Reading

Bills received from the House of Representatives.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (17:15): 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, be taken together and now be read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (17:16): 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—

AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (AUSTRALIAN PESTICIDES AND VETERINARY MEDICINES AUTHORITY BOARD AND OTHER IMPROVEMENTS) BILL 2019

Australian need access to safe and effective agricultural chemicals and veterinary medicines. They protect our crops, livestock and domestic pets; safeguard our environment from invasive weeds and pests; and meet consumer needs for things such as household insecticides.

Agricultural and veterinary chemicals, as these products are commonly known, have brought long term benefits to Australian agriculture, by supporting increased productivity, better quality produce and more competitive industries.

It is important that the regulation of agvet chemicals continues to be streamlined, to maximise the benefits for Australia. It is also imperative to ensure that the strong safeguards built into the regulation of agvet chemicals are not compromised.
Through a cooperative scheme with the states and territories, the Australian Pesticides and Veterinary Medicines Authority—the APVMA—is the national regulator of agvet chemicals up to, and including, the point of supply. The APVMA has an important role in ensuring that agvet chemicals supplied in Australia are safe for people, animals, plants and the environment, and don’t adversely impact our trade market access.

The APVMA needs to be both efficient and effective in its regulation of agvet chemicals. The bill supports these objectives by streamlining regulatory processes, while strengthening the vital protections for the health and safety of humans, animals and the environment. Given its vital role, the APVMA also requires robust governance arrangements that reflect modern practices for ensuring the accountability and performance of the regulator. The bill supports this critical outcome by establishing the APVMA Board and ceasing the advisory board.

Legislation underpinning the APVMA and agvet chemical regulation was developed in the early 1990s. We have announced a comprehensive review of the whole legislative framework from first principles. In the meantime, however, the chemical industry has made it clear that there are simple, non-controversial changes that could be done now that improve the efficiency of the agvet chemical regulatory framework, reduce some costs and increase the speed to which farmers can get access to safe and effective chemicals.

The bill therefore includes measures to improve the administrative efficiency of the APVMA and promote quicker access to chemical products. The measures in the bill reduce the regulatory burden for applications by increasing the APVMA’s flexibility when dealing with minor errors in applications and for information that can be taken into account during an application. The bill will also enable the APVMA to choose, where appropriate, to use computerised decision-making as part of its processes, thereby increasing efficiency while maintaining appropriate checks and balances. Computerised decision-making might be used, for example, for decisions involving an administrative check of an application.

The bill also makes changes to enable the use of new, simpler processes for assessments based on risk. Specifically, the bill provides for new prescribed approval and registration processes that will be quicker and less costly than those currently available, while ensuring the chemicals assessed are safe and effective. These new processes will apply for those active constituents, chemical products and labels that require minimal or no assessment of technical information and retain the requirement that the active or product meets the relevant statutory criteria, including in relation to the safety of humans, plants, animals and the environment. This measure has the potential to free up the time of the APVMA’s assessors so they can focus on more complex assessments.

The bill also removes the need for industry to undertake two unrelated reporting activities—one for levies, based on chemical product sales, and a more complex reporting activity on active constituent quantities. It simplifies and aligns these reporting processes based on the quantity and value of product sales. This significantly reduces reporting costs for industry without compromising the availability of information for our international reporting obligations and policy development needs. The chemical industry has been seeking changes to the burdensome reporting requirements and the bill delivers these changes.

The bill also provides for incentives for registration holders to include on product labels certain uses of chemical products that they would not ordinarily register. Similar to the approaches applied internationally, the incentives in the bill operate by extending data protection periods on information for up to five years, if certain priority uses are included on labels. These extensions would be prescribed in the regulations. Based on the experience of these incentives overseas, this will encourage more priority uses on labels, including minor uses, where the costs of adding the use are not justified by the additional commercial returns to chemical manufacturers. This will significantly benefit Australian farmers.
Other measures in the bill enable the holder of an approval or registration to vary the approval or registration while it is suspended. This will ensure that the issue identified that led to the suspension of the approval or registration can be appropriately rectified at the holder's request.

The bill also makes changes to strengthen the integrity of the regulatory framework.

To perform its role as a regulator the APVMA has to rely on information provided to it by applicants. The bill provides the APVMA with a broader suite of sanctions that will allow it to proportionately respond to any false or misleading information it receives. This includes both administrative sanctions and civil pecuniary penalties. Industry understands the importance of increasing the range of compliance options available to the APVMA.

The bill further bolsters the integrity of the system by harmonising the need to inform the APVMA of new information—including information that shows the substance may no longer meet the safety criteria—across all holders and applicants.

The bill also includes measures to improve risk communication about chemical products. This increases the integrity and transparency of voluntary recalls of agvet chemicals, and modernises the legislation so the reporting obligations are clear for persons recalling these chemicals.

Importantly, the bill also introduces a five person, skills-based governance board for the APVMA. This board will provide the APVMA with additional skills and experience to deliver an increasingly accountable, efficient and effective organisation.

Currently all responsibility for the APVMA's strategic leadership, governance and day-to-day operations rests with the chief executive officer (CEO). The CEO is therefore responsible for setting, implementing and monitoring the APVMA's policies without any other direct support. This is an unreasonable and unsustainable management burden on the CEO that is not effective or efficient for the APVMA's successful long-term operation and ongoing improvement.

The board will be the accountable authority under the Public Governance, Performance and Accountability Act 2013. It will ensure the proper, efficient and effective performance of the APVMA's functions; and determine the policies, objectives and strategies that the APVMA follows.

In addition, the board will play an important role in implementing the outcomes of the government's comprehensive review of the whole agvet legislative framework from first-principles.

The board, appointed by the Minister for Agriculture, will consist of a chair, the APVMA's CEO and three other members selected on the basis of their skills. Board members will be appointed on a part-time basis. The CEO is included as an ex officio board member to support informed and collective decision making and ensure the board's policies are effectively integrated into day-to-day operations.

The APVMA will continue to deliver independent and evidence-based decisions. The board will oversee how the APVMA does its job by establishing and monitoring the framework under which it operates. Day-to-day administration and decision-making, such as registering individual chemical products and undertaking compliance and enforcement activities will remain the responsibility of the APVMA CEO.

The APVMA is one of the few corporate Commonwealth entities that does not have a governance board to ensure corporate compliance and management accountability. All other Commonwealth regulatory entities with direct responsibility for protecting human life and/or health (such as Food Standards Australia New Zealand, the Australian Maritime Safety Authority and the Civil Aviation Safety Authority) have governance boards.

The board model chosen by the government is comparable with other corporate Commonwealth entities and with private sector companies. Its proposed size, composition, role, functions, duties and powers conform to Commonwealth policy as well as modern best practice guidance on corporate governance. Board members will be required to have appropriate qualifications, skills or experience in financial management, law, risk management, public sector governance, science and/or public health.
The board will be able to establish committees to assist it to perform its functions and exercise its powers. These committees will provide a mechanism to seek input from and engage directly with industry stakeholders and other experts as needed.

The bill provides transparency around ministerial directions to the board. Any written directions made to the board by the minister will be notifiable instruments, with the particulars and effects of these directions reported in the APVMA’s annual report.

The bill additionally requires a review of the operation of the board, after four years, to ensure it is effective and efficient.

The bill also ceases the existing APVMA Advisory Board. The advisory board had no legislative powers to direct any particular course of action and has not been operational since 2015.

Further measures in the bill clarify meanings, or address deficiencies or inconsistencies in relation to the regulation of agvet chemicals. These are largely minor issues. However, when considered together, they improve the operational efficiency of the APVMA.

The measures in the bill represent a considered approach to improving agvet legislation and have been developed through a program of engagement with stakeholders. The board measures have been developed through a process of detailed, targeted consultation with stakeholders directly affected by the APVMA’s governance. Other measures in the bill have also been consulted on publicly and this has confirmed that these measures will deliver benefits to industry, the regulator and our community.

The bill will improve the effectiveness and efficiency of the national system for regulating agvet chemicals, while strengthening its integrity and positioning the APVMA to become a modern and sustainable regulator. It will ensure that safe and effective agvet chemicals continue to be available to our community now and into the future. A more efficient regulator will deliver flow-on benefits to the APVMA’s clients, including improved client services and reduced regulatory burden, which will reduce the cost of doing business.

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT (ENHANCING AUSTRALIA’S ANTI-DOPING CAPABILITY) BILL 2019

The Australian government supports a fair, safe and healthy environment for all athletes and is committed to clean sport. Sport delivers for Australians: it provides extensive benefits from improved health through physical endeavour to the pursuit of athletic excellence and the values it teaches and encourages in every member of our Australian community.

However, sport and all it offers our community when it is clean fair and safe is under threat. The threat of modern doping is significant, with successive national and international doping scandals over recent years undermining public confidence in the legitimacy of the sporting contest. Not only is doping a serious risk to an athlete’s health and wellbeing, at its foundation, it debases all that is good about sport.

International cooperation and coordination of efforts in the fight against doping continue to improve. But even as the anti-doping effort becomes more sophisticated, making it harder for intentional dopers ‘to get away with it’, doping continues.

As part of the 2018 Review of Australia’s Sports Integrity Arrangements the expert panel, chaired by the Hon. James Wood AO QC, found that increasingly sophisticated doping is harder to detect by urine and blood sample analysis alone, with intelligence and investigations now indispensable in the detection of doping incidents and programs.

Accordingly, the Wood review determined a detection program involving both sample analysis and intelligence-led investigations is required for the enforcement of anti-doping rules, as a foundation for preventive measures and for the pursuit of non-analytical doping cases.
In the absence of significant reform and an additional funding base, including government intervention to resolve long-standing issues regarding the costs and sustainability of the sample analysis system, the Wood review found that Australia's anti-doping program will be unable to address current and foreseeable future doping challenges effectively.

The Wood review also found the current Australian anti-doping legislative framework requires reform to enable national anti-doping capability to effectively address modern doping threats.

This government heard these warnings, and is delivering.

This is why we introduced legislation into the previous parliament to amend the ASADA Act, which lapsed due to the recent federal election. Since then we have taken the opportunity to undertake further consultation on, and refinement of, the bill being introduced today.

This bill is the first step in ensuring that Australia's anti-doping legislative framework is robust, efficient and responsive to the contemporary threat environment.

The amendments to the ASADA Act will:

- streamline the administrative phase of the statutory Anti-Doping Rule Violation process through removal of unnecessary and duplicative processes;
- facilitate better information-sharing between ASADA and National Sporting Organisations through enhancing statutory protections for information provided to the sport by ASADA;
- strengthen ASADA's disclosure notice regime and ensuring appropriate sanctions for non-compliance; and
- extend statutory protection against civil actions to cover National Sporting Organisations in their exercise of ADRV functions.

To the extent these reforms are currently directed to the functions of ASADA, under the government's Safeguarding the Integrity of Sport policy, such functions will be performed by the new single national sports integrity body being established by the government, Sport Integrity Australia, from 1 July 2020.

Australia is a proud sporting nation. We value, and we are proud of sport that is clean, fair and safe. This government will ensure that this will remain the case.

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT (SPORT INTEGRITY AUSTRALIA) BILL 2019

Sport is an important part of Australian culture. It has shaped the Australian national identity through events such as the Ashes, the State of Origin, the Sydney to Hobart, and the Australian Open. Australians have come to expect the sports they watch and participate in are fair and honest. And while Australia has always taken a strong stance against cheating and misconduct in sport, there is more that should be done to prepare for future sports integrity threats and challenges.

It is essential the millions Australians who participate in sport at every level from grassroots to the elite — have full confidence their sports are better protected from external threats such as doping, drug use, match-fixing and criminal exploitation of athletes and events. Australians should be confident they can enjoy sports environments free of abuse, discrimination and harassment.

The nature of sports corruption is evolving at an unprecedented rate due to the immense commercialisation of sport and sporting organisations, and accelerating technological advancement.

Sports integrity matters are now beyond the control of any single stakeholder. They are complex, globalised and connected, forming a complicated threat matrix exposing vulnerabilities that require a robust and nationally-coordinated response across sports, governments, regulators, the wagering industry, law enforcement and other stakeholders.

The Wood review warns that ‘without the presence of a comprehensive, effective and nationally coordinated response capability, the hard earned reputation of sport in this country risks being tarnished’ and that beyond the immediate impact of corrupt conduct of the kind identified, a public loss of confidence in the sporting contest has direct consequences for the health, economic, social and cultural benefits that sport generates, and undermines significant investment in sport.

The Wood review also identifies a critical leadership role for the Commonwealth Government by supporting the integrity efforts of sporting organisations in the evolving threat environment, particularly those sports with fewer resources.

To achieve this outcome, the centrepiece of the Wood review recommendations is the formation of a new agency—a single coordinating body to address sports integrity matters at a national level and ensure Australia is positioned to effectively respond to escalating integrity risks.

This is why we introduced legislation into the previous parliament to establish a new body called Sport Integrity Australia. Although that bill lapsed due to the recent federal election, the government remains committed to the establishment of Sport Integrity Australia and convinced in the benefits it will provide to Australian sport.

Currently in Australia, sports integrity functions are shared between the National Integrity of Sport Unit within the Department of Health, the Australian Sports Anti-Doping Authority and Sport Australia. As a result, stakeholders are often required to interact with multiple agencies on matters across the sports integrity spectrum, creating undue regulatory burden.

Initially, Sport Integrity Australia will be established to unite the nationally focussed sport integrity functions of the National Integrity of Sport Unit, ASADA, and Sport Australia; establishing a single point of coordination for all sport integrity matters and a single point of reference for all stakeholders, working in close cooperation with the Sports Betting Integrity Unit (a joint initiative of the National Integrity of Sport Unit and the Australian Criminal Intelligence Commission), states and territories and across the sports sector.

Sport Integrity Australia will seek to prevent and address threats to sports integrity. The agency will coordinate a national approach to these matters with a view to achieving:

- fair and honest sporting performances and outcomes;
- promoting positive conduct by athletes, administrators, officials, and other stakeholders on and off the sporting arena;
- achieving a safe, fair and inclusive sporting environment at all levels; and
- enhancing the reputation and standing of sporting contents and of sport overall.

Sport Integrity Australia's focus will be on policy and program delivery, education and outreach, anti-doping regulation including monitoring and intelligence. The agency will stand ready to assist sporting organisations to ensure that the skills and capabilities in the sporting sector exist to identify and prevent threats to the integrity of Sport. Through its role as a single point of contact for all sports integrity matters, Sport Integrity Australia will be ideally positioned to receive, handle and share information as appropriate to prevent and address threats to the integrity of sport.

The government remains committed to developing and implementing additional and enhanced capabilities recommended by the Wood review, including: enhanced anti-match-fixing intelligence capabilities; a new regulatory scheme referred to in the Wood review as the Australian Sports Wagering
Scheme and a protected disclosure (whistle-blower) framework for sport. This will be implemented in stage 2, as outlined in the government response to the Wood review.

However, the early establishment of Sport Integrity Australia will improve the coordination of Australia's sports integrity response and reduce the regulatory burden on sport, athletes and others who are currently required to interact with multiple agencies across the spectrum of sports integrity issues.

This government is intent on protecting the integrity of the sports that make up this great sporting nation, the sports Australians enjoy and have come to expect as being safe, fair and inclusive—sports that deserve to be enjoyed by all, for generations to come.

**FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT (ENSURING INTEGRITY NO. 2) BILL 2019**

The government remains absolutely committed to ensuring the integrity of all registered organisations—employer groups and unions alike—for the benefit of workers, for the benefit of our national economy and for the broader public interest.

The rule of law is not a concept to be taken lightly. It is not a fair weather principle to be applied in some circumstances and disregarded in others. Obeying the law is of the utmost importance to the proper functioning of a democratic society and it is incumbent upon all organisations, be they employer groups, unions, banks or other corporations, and all of their directors, executives and officers, to comply with the law or face appropriate consequences.

This bill concerns registered organisations which, despite the claims of some, are not above the law. Multiple royal commissions and innumerable judgements of the courts have exposed the misconduct, lawlessness and even corruption at the heart of some parts of registered organisations, including a stubborn but militant minority in the CFMMEU.

To quote one of many similar passages from many judges of the Federal Court, "the conduct of its officers and employees has consistently shown a total contempt ... for the constraints imposed by the law" and a "cavalier disregard for the prior penalties imposed by this Court".

And this conduct is continuing. Over 30 contraventions of the law and close to $400,000 in court ordered penalties in the last few months alone. The Australian Building and Construction Commission filed a case just recently alleging CFMMEU officers threatened and intimidated workers of a crane company in New South Wales, including by spitting at them, calling them dogs and scabs and photographing them then uploading the images on social media where they were further subjected to abuse and intimidation.

Of course, it's not just repeated contraventions of workplace law. Just this week we have seen New South Wales CFMMEU officers convicted of drug offences and a CFMMEU officer in Queensland is in court right now facing criminal charges for intimidating a State Work Health and Safety inspector.

We have also seen examples of quite horrendous conduct against women by the officers of the CFMMEU, including intimidating female police officers, spitting at female building inspectors and making abhorrent threats about sexual violence to workplace inspectors. Is it any wonder that data from the Australian Bureau of Statistics shows the number of working women in construction has fallen from 13 per cent 30 years ago to 11.8 per cent today?

So what should the government do in the face of organisations such as these, that place themselves above the law, that happily spends members' money on paying court-imposed penalties while continuing to do it what they like? Make an exception? Admit defeat, and say employers and other unions must obey the law, but not organisations like the CFMMEU?

If existing sanctions are not working effectively to deter lawbreaking, you need stronger sanctions. If penalties are not working, the courts need other options. It's clear that's the case when it comes to registered organisations.
Courts need to be able to disqualify officers who keep breaking the law—removing them from office or alternatively suspending or taking from the organisation itself the rights and privileges of registration. In essence, that it what this bill does.

How this approach can be portrayed as an attack on unions, much less their hardworking members, is difficult to see—unless of course one views these organisations as above the law and therefore beyond reproach. Any such view is at best, horribly misguided and at worst, a genuine threat to the even-handed supremacy of the rule of law.

The bill introduced into parliament today incorporates the sensible and constructive amendments, safeguards and protections proposed to a previous iteration of the bill by the Centre Alliance Party and Pauline Hanson's One Nation Party. It also incorporates a provision requiring the operation of the bill to be reviewed in the near future, as suggested by the Greens and the Jacqui Lambie Network.

The grounds for disqualification and cancellation of registration in the bill are set at an appropriately high level, and will only be met where courts have imposed penalties for serious or repeated contraventions of the law. Of course even where any such ground is met, only the independent regulator will be able to decide whether disqualification or cancellation should be sought, and even then, only the independent Federal Court will be able to make these orders, and even then, the court can only do so where this would not be unjust in light of the gravity of the underlying conduct and all other relevant considerations.

To suggest safeguards such as these and the multitude of others in the bill will lead to a person being disqualified or an organisation deregistered for submitting paperwork a few days late, as those opposite have repeatedly and disingenuously claimed, is so far down the path of fanciful it evokes sobering questions about precisely what sort of serious and unlawful conduct these allegations are designed to excuse.

Under the bill, only amalgamations of organisations with a long track record of breaking the law will be required to satisfy a public interest test, administered by the independent Fair Work Commission. Members of organisations will continue to be able to vote on whether their organisation should merge with another organisation, but where there is ongoing contempt for the law, the question can be asked: is it in the public interest for this organisation to spread its culture of lawbreaking to other organisations?

It is vital to note that nothing in the bill prevents a registered organisation from exercising its rights under the law to represent workers, including investigating underpayment issues or acting on work health and safety concerns. The vast majority of unions and employer groups manage to perform these important functions and work hard for their members within the confines of the law, recognising that they cannot in good conscience insist employers pay workers their legal entitlements, bargain in good faith, and comply with other legislative provisions, if they themselves ignore the law.

The bill simply deals with those registered organisations who break the law or mistreat members. Organisations that contribute positively to the industrial relations framework, work in their members' interests and adhere to the rule of law—and thankfully that's the vast majority of them—will not be impacted by the bill.

Respect for the law not only goes to the integrity of registered organisations, but to the efficacy and integrity of the industrial relations system itself.

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Ordered that the bills will be listed on the Notice Paper as separate orders of the day.
Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019
Returned from the House of Representatives
Message received from the House of Representatives returning the bill without amendment.

COMMITTEES
Membership

The PRESIDENT (17:16): I have received a letter requesting changes in the membership of various committees.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (17:16): by leave—I move:
That Senators be discharged and appointed to committees as set out in the document available in the chamber and listed on the Dynamic Red.

Autism—Select Committee
Appointed—Senators Brown and Marielle Smith
Participating members: Senators Ayres, Bilyk, Carr, Chisholm, Ciccone, Dodson, Farrell, Gallagher, Green, Keneally, Kitching, Lines, McAllister, McCarthy, O’Neill, Polley, Sheldon, Sterle, Urqhart, Walsh, Watt and Wong

Foreign Interference through Social Media—Select Committee—
Appointed—Senators Molan and Van
Participating members: Senators Abetz, Antic, Askew, Bragg, Brockman, Chandler, Davey, Fawcett, Fierravanti-Wells, Henderson, Hughes, McDonald, McGrath, McMahon, O’Sullivan, Paterson, Rennick, Scarr, Dean Smith, and Stoker

Temporary Migration—Select Committee—
Appointed—Senators Chandler and Bragg
Participating members: Senators Abetz, Antic, Askew, Brockman, Davey, Fawcett, Fierravanti-Wells, Henderson, Hughes, McDonald, McGrath, McMahon, Molan, O’Sullivan, Paterson, Rennick, Scarr, Dean Smith, Stoker and Van

BUDGET
Consideration by Estimates Committees

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (17:17): On behalf of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee, Senator Abetz, I present additional information received by the committee, relating to the following estimates:

Additional Estimates 2018-19—Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 5 July and 3 December 2019—Defence portfolio.

Budget estimates 2019-20 (Supplementary)—Foreign Affairs, Defence and Trade Legislation Committee—Hansard record of proceedings, documents presented to the committee and additional information.

I seek leave to move a motion in relation to the documents.

Leave granted.
Senator DEAN SMITH: I move:

That the Senate take note of documents.
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Government Response to Report

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (17:17): I present a government response to the report of the Rural and Regional Affairs and Transport References Committee on its inquiry into air route services delivery to rural, regional and remote communities, and seek leave to have the document incorporated into Hansard.

Leave granted.

The document read as follows—

AUSTRALIAN GOVERNMENT RESPONSE TO THE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE REPORT: OPERATION, REGULATION AND FUNDING OF AIR ROUTE SERVICE DELIVERY TO RURAL, REGIONAL AND REMOTE COMMUNITIES

The Australian government welcomes the Senate Rural and Regional Affairs and Transport References Committee report on the inquiry into the operation, regulation and funding of air route service delivery to rural, regional and remote communities.

The Australian government recognises the importance of aviation to remote and regional Australia. It offers connections to community members and for tourism, travel, business, health and education. It is vital the regional aviation sector remains vibrant and competitive.

The inquiry has raised the profile of the discrepancy between airfares between regional and remote areas and those between major centres. It also investigated the causes of higher airfares which is due to a number of factors including smaller passenger populations and large travel distances.

The Australian government thanks everyone who participated in the public hearings, entered submissions or otherwise participated in this inquiry. The Australian government recognises the issues investigated by the committee are matters of great interest for all Australians, particularly those living in remote, rural and regional areas of Australia. All of the input has proven valuable in the forming of the report and the recommendations within it.

As has been noted by the committee, the Australian government supports the regional aviation market through a number of funding programs, which currently provide much needed support to regional, rural and remote aviation. This includes:

General regional grants programs, such as the Building Better Regions Fund, which have delivered over $50 million to regional airports over three rounds of funding.

The commitment of $75.1 million to the Regional Aviation Access Program and its component parts, which deliver much needed funding and services to remote airstrips to improve their ability to support aeromedical services. Funding is also provided for landing lights, animal fencing and other critical services.
The Australian government recently committed $100 million to establish the Regional Airports Program. This program will provide assistance to allow regional airports to undertake essential works, promoting aviation safety and access for communities.

The Australian government is providing $50.1 million in funding to support eligible regional airports to upgrade or purchase equipment to meet new aviation security screening requirements through the Regional Aviation Security Screening Fund. Limited funding is also available for airports commencing security screening that are required to make infrastructure changes to accommodate X-ray technology.

The complex issues and challenges identified by the inquiry for commercial air services are symptomatic of the broader issues faced by all levels of government in ensuring regional Australia has access to essential services on an economic basis. Aviation is just one component of a broader set of policy and program frameworks aimed at ensuring regional Australia enjoys economic growth, social inclusion and access to essential services through a reasonable level of transport connectivity.

Given that the provision of air services to regional Australia continues to be a key facilitator of broader economic development and service delivery, the Australian government has commenced work on developing a strategic and forward-looking Regional Aviation Policy statement. The statement will consider the unique challenges and opportunities facing people living in regional and remote areas of Australia and will identify strategies to ensure regional aviation remains vibrant, competitive and viable into the future.

The Australian government is committed to engaging closely with airlines, regional airports and their local council owners, state and territory governments, and local communities in developing the Regional Aviation Policy statement.

This engagement is particularly important to recognise the constitutional role and responsibilities that state and local governments play in the provision and regulation of intra-state air services, and for ensuring access to essential services and for aviation-related activities such as flying training schools. Regional development and tourism organisations and business interests will also be key stakeholders that will be engaged in the development of the policy statement.

Current domestic policy settings and airfares

Under long standing Australian government policy settings, there is no regulation of airfares, capacity or routes for interstate domestic commercial flights in Australia. Subject to safety and security requirements, and the Australian government's competition and consumer framework, airlines are free to compete and to make commercial decisions about what routes are served and what fares are charged.

On interstate routes, these policy settings have delivered more competition, lower fares, a greater range of services, and greater demand for air services than ever before, and the Australian government has no plans to change these settings.

The Australian government also recognises that the benefits arising from the deregulation of the domestic aviation industry have been less extensive in relation to the provision of air services to small regional, rural and remote communities, simply because the benefits of competition cannot be realised in markets that are too small to support competition.

This is not to say there is no role for government in circumstances where important air services are of marginal commercial viability, impacting the affordability of airfares.

As noted by the committee, the regulation of intra-state routes is a matter for state governments. In recognising the different circumstances that apply to commercial operations serving smaller regional centres, several state governments choose to regulate various intra-state routes, and have route and airfare subsidies in place, as a means of ensuring the ongoing provision of air services in rural and remote areas, and on routes with relatively low passenger demand.
The Australian government also provides support for services on eligible low volume commercial routes through the Airservices Australia Enroute Charges Payment Scheme and to remote areas through the Regional Aviation Access Programme.

In addition, Australian Government policy allows any foreign investor (airline or other) to own up to 100 per cent of an Australian domestic airline, subject to approval by the Foreign Investment Review Board.

These foreign investment settings for domestic operations are among the most liberal in the world and provide an opportunity for domestic airlines to seek foreign investment to support and expand domestic operations. A number of Australian domestic airlines are currently majority foreign owned, including Virgin Australia's domestic operations and Regional Express.

Longstanding international practice is to restrict aviation cabotage and reserve domestic markets for airlines of the home country.

In Australia's case, the only exception to this policy is New Zealand, whose airlines are able to operate domestic cabotage services as part of the Single Aviation Market between New Zealand and Australia (though, to date, New Zealand airlines have not chosen to take up this opportunity for commercial reasons). Small passenger volumes on regional routes, suitable aircraft size, limited airport facilities and regulatory oversight of foreign registered aircraft and crews are among factors which would impact on the viability of operating cabotage services to/from regional destinations in Australia.

Notwithstanding concerns raised by the committee, the Australian government does not consider the cost of Australian air travel compares unfavourably internationally. It is difficult to compare the cost of air travel in Australia with the cost of air travel in other countries, particularly in relation to travel on regional routes.

Australia has many long distance air routes where passenger numbers and hence commercial returns available is very limited. In addition, wage rates, foreign exchange rates, government subsidies, direct operating costs and the extent of airline competition vary significantly between countries, making direct 'cost of air travel' comparisons between Australia and other countries difficult.

While recognising that limited objective evidence is available, the Australian Government considers Australian airfares are internationally competitive when these variables are taken into account.

The Australian government's aviation policy settings continue to encourage strong competition by airlines in the domestic market which benefits air travellers in Australia. Such settings should ensure airfares continue at levels that are comparable with other countries when taking into account Australia's relatively unique operating environment. On routes where there is ultimately only limited demand and competition by airlines, various measures are in place to minimise cost of travel pressures on these routes.

Recommendations of the Senate Committee

Recommendation 1

The committee recommends that the Australian government direct the Productivity Commission to undertake a standalone, public inquiry into the determinants of domestic airfares on routes to and between regional centres in Australia. The inquiry should, via a detailed economic analysis, investigate the feasibility of increasing operational subsidies and introducing other price control alternatives to address the high cost of regional airfares. The inquiry should consult with regional communities to determine whether additional routes should be subject to regulation. The Productivity Commission should use its compulsory information-gathering powers to inform its investigations.

The Australian government notes this recommendation.

The Australian government notes that state governments are constitutionally responsible for intra-state aviation and operate a range of schemes involving operational subsidies and route regulation.
The successful design of these schemes are heavily dependent on local factors, and it is unclear if a national review of disparate local issues will yield useful insights that could inform policy making at the national level. The Australian Government considers state government agencies such as the Queensland Productivity Commission may be better placed to analyse the issues identified by the committee.

The Australian government will consult with state, territory and local government counterparts about the Committee's findings and to review current policy settings and programs to ensure they continue to adequately meet the needs of regional Australia and are responsive to future trends and opportunities.

**Recommendation 2**

The committee recommends that the Australian government direct the Productivity Commission to expand its terms of reference in all future reports into the economic regulation of airports, to include investigations into the social and economic impacts of air route supply and airfare pricing on rural, regional and remote Australia.

The Australian government notes this recommendation.

The Australian government anticipates the Productivity Commission will be well placed to continue to examine issues related to the economic regulation of airports, including in the context of negotiations between regional airports and airlines.

However, as noted in the Australian government's response to recommendation 1, the Australian government considers state government agencies such as the Queensland Productivity Commission may be better placed to analyse the issues identified by the Committee.

The Australian Government is currently developing a Regional Aviation Policy statement. The Australian Government will further analyse the economic impacts of regional aviation as part of this process, and will work with state and territory governments as part of this process (see response to Recommendation Three).

**Recommendation 3**

The committee recommends that the Australian government, through the Council of Australian Governments, review the efficacy of Western Australia's Strategic Airport Asset and Financial Management Framework in 2022, in accordance with the suggestion of the Productivity Commission. The government should assess the efficacy of the framework and determine its suitability for application across all jurisdictions.

The Australian government agrees to this recommendation.

The Australian government will undertake a review to analyse the framework's suitability for application across all jurisdictions. If the review finds the framework is effective and suitable to be applied to all jurisdictions, the Australian government will work in an appropriate forum with state and territory counterparts with a view to establishing a nationally consistent framework.

**Recommendation 4**

The committee recommends that the Australian government complete, as a matter of priority, a financial analysis to determine the ongoing operational, maintenance and staffing costs of proposed passenger security screening enhancements at regional airports, as announced in the 2018–19 Budget. The analysis should further consider ongoing security costs at regional airports more broadly.

**Recommendation 5**

The committee recommends that following a financial analysis into the ongoing costs of the provision of security screening at regional airports, the Australian government consider providing ongoing financial assistance to those regional airports which have been identified as requiring passenger security screening enhancements as part of the 2018–19 budget, where required.

The Australian government notes these recommendations.
The Department of Infrastructure, Transport, Cities and Regional Development is working with industry and the Department of Home Affairs to undertake up to six case studies to assess the financial impact of the new aviation security requirements on regional airports and, where possible, the flow on impact to the local communities. The airports, from across a number of states, will be selected based on varying profiles and operating environments.

It has been a longstanding policy of successive governments that industry is responsible for the cost of security, including operating costs. The majority of regional airports required to upgrade screening equipment already conduct security screening and are responsible for managing the associated costs.

**Recommendation 6**

The committee recommends that over the forward estimates, the Australian government ensure the ongoing operation and funding of the Regional Aviation Access Programme and its component programs (the Remote Airstrip Upgrade Program, Remote Air Services Subsidy Scheme and the Remote Aerodrome Inspection Programme).

The Australian government notes this recommendation.

The Australian government views these programs as a key part of helping remote communities maintain access to important passenger and aeromedical services, particularly where there is limited or no commercial viability for services. The Australian government has demonstrated this through committing $75.1 million to the Regional Aviation Access Programme over the forward estimates.

**Recommendation 7**

The committee recommends that the Australian Government undertake a review into the funding of regional and remote aerodrome infrastructure and maintenance, to ascertain whether financial support to such aerodromes should be increased, and whether the current grants programs are the best means of financial assistance. Local councils, as airport operators, should be consulted as part of the review to determine the annual financial impact on councils of aerodrome operation and maintenance.

The Australian government notes this recommendation.

The Australian government is committed through its Regional Airports Program ($100 million), Regional Aviation Access Programme ($75.1 million) and Building Better Regions Fund (which has delivered over $50 million to regional airports) to ensuring essential access to important regional and remote aerodromes and will continue to work closely with applicants to ensure appropriate funding frameworks are in place.

Regional grants programs such as the Building Better Regions Fund play an important role in investment decisions across all types of assets and projects in regional Australia. When agreeing to provide grant funding, the Australian government gives consideration to broader regional economic growth and potential, as well as the social and community benefits the project to be financially supported will deliver to those local communities.

The Australian government also recognises the diversity of ownership and operating arrangements for regional and remote aviation infrastructure across jurisdictions. It continues to work closely with state, Northern Territory and local government agencies in determining funding priorities for capital expenditure under the Remote Airstrip Upgrade Program, and continues to deliver aerodrome technical inspection services to 57 Indigenous communities.

The Australian government is committed to ensuring achievement of the objectives promoted through the significant financial support that it is providing to assist regional and remote airports.

The government will ensure the implementation and management of each of these schemes are aligned closely to optimise the outcomes each delivers to regional and remote communities. The Regional Aviation Policy statement will consider a wide range of issues relevant to communities served by regional and remote air service providers.
Recommendation 8
The committee recommends the Transport Ministers of the Council of Australian Governments develop a nationally consistent framework for the tender process, implementation, operation and review of regulated routes in each jurisdiction. The framework should have a particular focus on improving the overall transparency of the operation of regulated routes. In developing the framework, affected communities should be consulted, particularly in jurisdictions where regulated routes are identified as being beneficial to the provision of regional air services.

The Australian government notes this recommendation.

The regulation of intra-state air routes is primarily the responsibility of each state and territory government. The degree of regulation and the level of subsidies each government decides to provide will vary according to particular circumstances, with each government determining its priorities and type of support for air services to its regional and remote communities.

Recommendation 9
The committee recommends the Transport Ministers of the Council of Australian Governments develop a nationally consistent framework which, by leveraging each state's purchasing power, aims to expand access for regional communities to initiatives such as community and compassionate fares, particularly for 'last minute' flights. The framework, which should be developed in consultation with airlines, should encourage greater transparency around the operation of such fares, and consider the feasibility of allowing residents in regional, rural and remote areas to access subsidised airfares through online purchasing.

The Australian government notes this recommendation.

The pricing and availability of seats offered as compassionate fares are a matter for determination by each airline, which will consider the full range of commercial, logistical and social concerns in the development and operation of their compassionate fare schemes.

The Recommendations of Senator Rex Patrick
Recommendation 1
Until such time as the disallowable instrument that mandates a new airport security equipment requirement is passed through the parliament, no taxpayer money should be spent on security screening equipment.

The Australian government notes this recommendation.

The Australian government is committed to strengthening Australia's comprehensive and robust aviation security system to ensure safe and secure air travel.

The disrupted terrorist attack in Sydney in July 2017 demonstrated a level of sophistication not seen before in Australia and reinforced that aviation remains a high profile target for terrorists. To keep ahead of the evolving threat environment major and regional airports will upgrade their security screening technology.

The majority of these regional airports are already required under the Aviation Transport Security Regulations 2005 to undertake security screening. The proposed regulation changes will only impact a small number of airports commencing security screening for certain flights. The Department of Home Affairs is engaging with these airports directly.

The Australian government recognises that aviation is critical to regional communities. Eligible regional airports are being supported to purchase or upgrade their security screening equipment through the Regional Airport Security Screening Fund of $50.1 million. Airports have commenced implementation of the new security screening technology upgrades. Affected airports are reliant upon this to meet their contractual arrangements for the new requirements.

Recommendation 2
Consistent with the recommendations of former Senator Nick Xenophon, in the Rural and Regional Affairs and Transport References Committee inquiry report into airport and aviation security, the Australian Government should adopt a US Transport Security Administration-like agency approach to airport and aviation security at all airports.

The Australian government notes this recommendation.

The current regulatory and screening service delivery model reflects the long-standing policy of successive governments. Australia's aviation security model—where government sets policy and regulation, and delivery of security is by private industry—is commonly used around the world. This model recognises that airports are best placed to understand and manage their operational risks on a day-to-day basis. Further study would be required to fully assess the advantages and disadvantages and cost implications of each model in the context of Australia's air network and aviation security requirements. The approach taken by the United States Transportation Security Administration is only one of a range of alternative models used globally.

**Recommendation 3**

Failing the acceptance of Recommendation 2, the Australian Government should cover the full cost of ongoing security equipment maintenance and security screening staff costs at regional airports.

The Australian government notes this recommendation.

It has been a longstanding policy of successive governments that industry is responsible for the cost of security, including operating costs. The Australian government is providing significant financial support to regional airports through a number of initiatives. Under the $50.1 million Regional Airport Security Screening Fund, eligible regional airports will receive financial assistance to purchase new or upgrade existing technology to meet the new aviation security screening requirements. Regional airports may also access funding through the Building Better Regions Fund and Regional Aviation Access Programme.

**Recommendation 4**

Failing the implementation of either Recommendation 2 or 3, the instrument to oblige security screening at smaller airports should be disallowed.

The Australian government notes this recommendation.

The Australian government will consult with industry on any regulatory changes required to implement the new security requirements.

**Recommendation 5**

In recognition that the current Civil Aviation Safety Regulations have stalled the wings of General Aviation, the Australian government must initiate a major rewrite of the Regulations, such that they are significantly simplified.

The Australian government does not agree with this recommendation.

The Australian government rejects the assertion the Civil Aviation Safety Regulations (CASR) "have stalled the wings of General Aviation".

The Australian Aircraft Activity 2018 report by the Bureau of Infrastructure, Transport and Regional Economics (BITRE) shows that total hours flown by the General Aviation sector has increased by approximately 9 per cent since 2015. While hours flown in some sub-sectors have decreased, hours flown in other sub-sectors such as Instructional Flying (Commercial) has increased by more than 30 per cent since 2015.

The CASR have been developed in consultation with industry and are written in accordance with the Australian government legislative drafting manual.
Further, the BITRE study found that, among the nine key challenges affecting General Aviation, the only one relating to regulation noted that the "impact of regulatory changes" was a challenge to General Aviation; therefore, the Australian government does not support a major rewrite of the Regulations.

The government supports the Civil Aviation Safety Authority's continued work in developing guidance material to foster greater understanding and easier adoption of the CASR by the general aviation community. The development of a plain English guide for general operating and flight rules (CASR Part 91), which explains the regulations in lay terms using diagrams and charts, is one such example.

[1] Cabotage refers to the transport of domestic passengers or cargo by a foreign aviation carrier.

Human Rights Committee

Report


Leave granted.

Senator Henderson: I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DELEGATION REPORTS

Australian Parliamentary Delegation to the Commonwealth Parliamentary Conference in Uganda and Qatar

Senator McCARTHY (Northern Territory—Deputy Opposition Whip in the Senate) (17:18): by leave—I present the report of the Australian Parliamentary Delegation to the Commonwealth Parliamentary Conference in Uganda and Qatar, which took place from 22 September to 1 October 2019. I seek leave to move a motion in relation to the report.

Leave granted.

Senator McCarthy: I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (17:19): I move:

That—

(a) the Senate, at its rising, adjourn till Tuesday, 4 February 2020, at midday, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator; and

(b) leave of absence be granted to every member of the Senate from the end of the sitting today, to the day on which the Senate next meets.

Question agreed to.

The PRESIDENT: I propose the question:
That the Senate do now adjourn.

Senate adjourned at 17:19 until Tuesday, 4 February 2020 at 12:00