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the Senate and committee hearings are available at

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SITTING DAYS—2015

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-FOURTH PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

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

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tbody>
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<td>Abetz, Hon. Eric</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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<td>CLP</td>
<td>Peris, N.M.</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J. Faulkner), pursuant to section 15 of the Constitution.
(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.

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

Heads of Parliamentary Departments

Clerk of the Senate—R Laing

Clerk of the House of Representatives—D Elder

Acting Secretary, Department of Parliamentary Services—D Heriot

Parliamentary Budget Officer—P Bowen
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<tr>
<td>Prime Minister</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Counter-Terrorism</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
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<tr>
<td>Minister for Trade and Investment</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
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<tr>
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<tr>
<td>Minister for Employment</td>
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<tr>
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<tr>
<td>Assistant Minister for Employment</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td>Attorney-General</td>
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<tr>
<td>Minister for the Arts</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td>Parliamentary Secretary to the Attorney-General</td>
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<tr>
<td>Treasurer</td>
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<tr>
<td>Minister for Small Business</td>
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<tr>
<td>Assistant Treasurer</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
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<tr>
<td>Minister for Agriculture</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
</tr>
<tr>
<td>Minister for Education and Training</td>
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<tr>
<td>(Leader of the House)</td>
</tr>
<tr>
<td>Assistant Minister for Education and Training</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Education and Training</td>
</tr>
<tr>
<td>Minister for Social Services</td>
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<tr>
<td>Assistant Minister for Social Services</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
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<tr>
<td>Minister for Human Services</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Social Services</td>
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<tr>
<td>Minister for Industry and Science</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry and Science</td>
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<tr>
<td>Minister for Defence</td>
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<tr>
<td>Minister for Veterans' Affairs</td>
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<td>Minister Assisting the Prime Minister for the Centenary of ANZAC</td>
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<tr>
<td>Assistant Minister for Defence</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Defence</td>
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<tr>
<td>Minister for Communications</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Communications</td>
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<tr>
<td>Minister for Immigration and Border Protection</td>
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<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
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<tr>
<td>Minister for the Environment</td>
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<tr>
<td>Parliamentary Secretary to the Minister for the Environment</td>
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<tr>
<td>Minister for Finance</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance</td>
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<td>Minister for Health</td>
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<tr>
<td>Minister for Sport</td>
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<tr>
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</table>

Each box represents a portfolio. Cabinet Ministers are shown in bold type. As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
<table>
<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
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<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
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Thursday, 17 September 2015

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

DOCUMENTS

Tabling

The Clerk: I table documents pursuant to statute and returns to order. Lists are available from the Table Office or the chamber attendants.

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

BILLS

Higher Education Support Amendment (New Zealand Citizens) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator KIM CARR (Victoria) (09:31): I would like to add a few words on this Higher Education Support Amendment (New Zealand Citizens) Bill, a measure that I am sponsoring in this chamber. This bill is important both for the injustice that it remedies and for the political context that makes it necessary. This bill allows New Zealand citizens who have been long-term residents of Australia to receive financial assistance under the Higher Education Loan Program. This is a reform that both sides of this chamber agree is necessary and overdue. The bill ought to be non-controversial. It ought to have been, however, unnecessary to introduce this bill as a private senator's measure.

Labor foreshadowed such a bill when we were in government. We supported this measure all throughout the last two years when it was put together, bundled with the government's ill-conceived, unfair and unnecessary measures with regard to the university system's deregulation. The problem is that the government has bundled a non-controversial measure together with highly controversial questions. At the same time it has sought to reduce the level of funding to universities by 20 per cent by cutting money to the universities teaching program by 20 per cent. The government has chosen to make the passage of a sensible and comparatively minor reform dependent upon the passage of a highly complex, highly unfair and totally unnecessary set of measures.

Under no circumstances will Labor be supporting legislation that creates such injustices. Yet the Minister for Education and Training continues to spurn our efforts, our offer of bipartisanship, to extend access to HELP to include long-term New Zealand citizens resident in Australia. He could have done that by simply introducing, as a government measure, a separate bill on this question. It would have been dealt with as part of the non-controversial legislation and passed this chamber, in my judgement, in quick order. But he insisted on linking an uncontroversial measure to a highly contentious set of changes which has twice been rejected by this chamber and overwhelmingly rejected by the Australian people because they understand just how unfair and how unnecessary the $100,000 degree program is that this government is seeking to impose.
What this minister is doing is seeking to make New Zealand students in Australia hostages to his desire to siphon off public funding for Australia's world-leading university system. What he is seeking to do is to hold hostage the legitimate claims of students from New Zealand by undermining the rest of the university system. We are not going to stand by and allow that to happen, and that is why we have moved this measure—to break that link.

The bill's provisions are clear and are set out in the second reading speech that I have already tabled. Suffice to say that the bill complies with the principle that the beneficiaries of various HELP schemes should be people who will be able to repay their debt because they are paying Australian taxes. The bill imposes strict residentiary conditions that preclude recent arrivals to Australia from New Zealand from applying for that assistance. It opens up access to the HELP only to students who, although they have retained New Zealand citizenship, could be expected to seek employment here after graduation because they are long-term residents.

The bill, as I say, should be non-controversial, but of course the fact that it is not has become lamentable, given the state of Australian politics. This is particularly the case now, because the government has the opportunity to abandon its $100,000 university degree program. It has the opportunity now, as the ministers in this government scramble to get a new chair on the deck of the Liberal ship. We know that the minister for education is desperate to go to the defence department and the Assistant Minister for Education and Training, Senator Birmingham, is desperate to get into communications. They are all desperate to get away from these measures, but the government remains committed to them, as the new Prime Minister stated just this Tuesday.

We know that throughout the period of the last two years he has supported the government measures through the cabinet processes, although there have been numerous media reports about how he really does not support them. There has been a process of white-anting and destabilisation that has gone on for two years. When it comes to the crunch he says, 'Well, I'm really very much part of the Right of the Liberal Party and I'm sticking with the policies'. Just this week, in answering a question in the House of Representatives about university fee deregulation he said that all the policies and all the measures of the Abbott government are the policies that he supports. So we have a new Prime Minister with the same old policies, a new Prime Minister committed to the unfair and unnecessary changes that Mr Pyne and Mr Abbott have been so dedicated to. The opposition will oppose the deregulation of fees. It will oppose the cuts to a teaching program, not just in this place whenever the legislation is returned, if it is returned, but in the broader community. We will oppose it vigorously at every possible opportunity.

There was a phalanx of vice-chancellors, and the minister had made assumptions that they were marching in lockstep with him. They have all now melted away. All of them have melted away because they understand the folly of the proposals that were before them. It has always been understood that the chief argument the minister relied upon was that there was a funding crisis in the university system, but we simply know that that is bogus. The only funding crisis, which I reminded the Senate earlier, is that confected by a government that does not want to pay its bills.

The structural changes the government is seeking to impose upon the universities would see cuts to the university teaching program of over $20 billion over the next 10 years. That is
the effect of a 20 per cent reduction in government support for the teaching program. A 20 per cent reduction means a $20-plus billion cut over a 10-year period. The minister knows he cannot get the measure through the chamber. There is no evidence that there has been any change in the attitude of senators, despite various efforts to dragoon former public servants to do the lobbying on behalf of the government. There is no evidence whatsoever, but there is a change in attitude.

Of course everyone knows that the system is not, in any sense, facing a crisis. It is not in imminent danger of collapse. What universities are requiring, which I think they are entitled to, is funding certainty. They are entitled to know that the threats and intimidation that this minister has made, whether it be to the research program or to the claims that he is going to reduce the funding, only to find that he has to repay it a year after the threats are made, has to come to an end. We know that the change in leadership in the Liberal Party does provide the opportunity to do that, but we do not see any evidence that that is actually what is going to happen. There is an opportunity to avoid the havoc that the government's plan would inevitably inflict. I asked the question just last week and the Leader of the Government in this chamber said that they were sticking with the plans to introduce these changes from the beginning of next year. We have not seen this legislation, but the government remains committed to a policy position that has received widespread condemnation across this country.

The Prime Minister talks about the need for there to be a change in attitude on the questions around innovation and creativity in terms of shaping the future. He has denounced the government's failure to be able to get its message across, its failure in terms of economic leadership, its failure to explain that the policies which are inflicting pain and suffering are actually in the public's interests. He has not actually changed his attitude on those things, but has simply said that there needs to be a better way to explain the nasty medicine that people should take.

We know that the talk about changes in regard to innovation policy is something universities are particularly interested in given the central place that universities play in our national innovation system. The Prime Minister needs to do a little bit more than mouth silver-tongued rhetoric. This is a government that has actually cut $3 billion from the innovation budgets. The biggest changes that have been affecting start-ups, for instance, has been the abolition of Commercialisation Australia and the slashing of funding for the entrepreneurs and commercialisation activities, all of which the current Minister for Small Business has endorsed. I am told that the Minister for Small Business is also likely to lose responsibilities for these areas. Just as the Minister for the Environment has lost control of the water program, it would appear the Minister for Small Business is to lose control of the start-up program.

We do know that Mr Turnbull is worried about one thing, that Australia's economic policy has been heading in the wrong direction for the last two years. Shuffling the deck chairs will not remove the stain that is upon this country, because it is the government policy that needs to change. It is the government of Australia that needs to change not just the person that appears before the cameras at night trying to explain these unfair and unnecessary changes.

The Prime Minister will need to do far more to inspire and allow young Australians, through the university system, to reach their aspirations, to develop their talents, their
imagination and their abilities. Taking $20 billion out of the university system will not do that. Taking $3 billion out of the innovation system will not do that. If the Prime Minister is serious, he will understand that we have to do far more to restore programs and capacity and to not undermine our science and research effort, to not undermine our ability to generate new knowledge, new understandings and new ways of thinking. If we are to be an innovative, creative economy, it has to be built upon partnership with government, with the support that government programs bring. It will not be built upon imposing $100,000 degrees on students, saddling students with crippling debt, or by loading up taxpayers with a loan scheme which is now out of control. The vocational education system is open to widespread rorting by shonks, which seems to go uncontrolled by this government. The government has been in office for two years and has had the opportunity to do something about it.

Senator Birmingham: This is something you introduced, Kim.

Senator KIM CARR: You have had two years to fix it, Minister. Do not look backwards; look forward.

Senator Birmingham: We are fixing it!

Senator KIM CARR: You are not fixing it. You know about the reports in today's newspaper about the exploitation, the abuse, the standover tactics and the extraordinary criminal activity of these people, which you have done nothing about but rub your hands in glee and say, 'It's all down to the market.' What a joy it is that the rip-off merchants can get their way under this government. What we have here is a government that is committed to allowing the rip-off merchants to take people out, take advantage and load their greed and avarice on the taxpayer. This is a government committed to the development of these types of rorts and the shocking abuse of students.

What has happened? The consequence of this is the fundamental undermining of our education system by a government that sits on its hands, allows a world-class education system to be undermined by the $100,000 degree program and allows the shonks and the rorters free rein. It allows the shonks and the rorters to roam free. That is what is going on here. The desperate rhetoric of those opposite will not change the simple fact that you have let them get away with it. You have had two years to fix it and you have done nothing. What you are trying to do is to run these very simple games, which everyone can see through. You are attempting to wind up our support for this measure so that you can get through your lousy policy of imposing $100,000 degrees and 20 per cent cuts on students and universities, undermining the quality of Australian education because of your negligence to do anything about it.

If the government were serious about science, research, innovation and high-quality education, they would have taken steps rather than trying to impose these neo-liberal strategies, which are built upon false assumptions about the way in which the market works. The government have constantly bungled this program and will be given an opportunity to continue to do it, even it means they will change the personnel but not the policy.

My colleagues and I say to senators in this chamber: the bill before us today, a small measure, is an opportunity to fix a problem we all know exists. Unlike this government, we are in the business of getting things done, not just making the situation worse, which is the catchcry of this government. Changing the personnel will not change the policies. This is a
government that is committed to maintaining unfairness and injustice and making the situation so much worse. We urge the Senate to support these measures.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (09:48): I am astounded that, with two minutes and 55 seconds left on the clock, Senator Carr had run out of bluff, bluster and rhetoric. He had run out of the capacity—

Senator Jacinta Collins interjecting—

Senator BIRMINGHAM: No, Senator Collins. I will make sure that I nail Senator Carr in his hypocrisy, Senator Collins—have no fear of that. I will make sure that we nail Senator Carr in his hypocrisy and yours as well. We just heard from the Jeremy Corbyn of Australian politics, I think. Senator Carr is the great unreconstructed left-winger. If Mr Corbyn could be the love child of Senator Carr and Senator Rhiannon, who I see over there, that is probably what Jeremy Corbyn would be.

The DEPUTY PRESIDENT: Senator Birmingham, come back to the point.

Senator BIRMINGHAM: To be serious for a minute—

Senator Fawcett interjecting—

Senator BIRMINGHAM: Senator Fawcett says he thought I was being serious. Senator Fawcett, Mr Corbyn is a little too old to be the love child of Senator Carr and Senator Rhiannon, but I think philosophically he certainly is.

The DEPUTY PRESIDENT: Senator Birmingham, we might get back to the question before the chair.

Senator BIRMINGHAM: Everything that the previous government touched when it came to policy reforms was completely half-baked, and we are, indeed, as a country paying a price for that. In the education space, that is crystal clear as well. When the former government decided to provide for demand-driven systems for undergraduate places at university or funding of diplomas and advanced diplomas through VET FEE-HELP, in both instances they never considered the full implications and ramifications. What this government has had to do in these areas is come in and deal with the half-baked reforms and half-baked policies of the previous government and attempt to fix them up.

We just heard Senator Carr go on a rant about the 'out-of-control loan scheme of VET FEE-HELP'. Of course, the out-of-control loan scheme of VET FEE-HELP was introduced in 2012 by the previous government. Complaints about it in those early days were received by the previous government, by the regulator and by the department of education. What happened in response to those complaints about the operation of the loan scheme that the previous government set up and Senator Carr criticises so widely? Absolutely nothing. Senator Carr then comes in here and wants to shout, bellow, point the finger across the chamber and say, 'What's the new government doing?' Of course, in all of that shouting and bellowing and in all of that criticism suggesting that our reforms are not enough, did Senator Carr have one policy suggestion? Did he have one proposal of what he might do or what the Labor Party might do? No—because it is all empty rhetoric. It is all just a lot of shouting and bellowing and ranting and raving from Senator Carr and the Labor Party on this topic.

Let us have a look, in relation to VET FEE-HELP, at what this government has done to fix the problem created by the previous government. I agree that the problem is an out-of-control
loan scheme, which was set up by the previous government. I agree it is being rorted by
shonks and fraudsters and it is giving the majority of good, high-quality vocational education
and training providers out there a bad name. This government has taken action. On 1 April
this year, we banned inducements and we banned the offering of free laptops, free iPads and
cash giveaways—et cetera.

I see the media reports in relation to that continued practice today and I assure Senator Carr
that there will be action coming against those providers named in that media report. It is
absolutely my intention that, if need be, we will execute one to educate many. If we have to
execute more, that will be exactly what occurs. I see Senator Carr and Senator Marshall wryly
smiling. Of course, I used a little left-wing rhetoric in that regard, which I know would appeal
to the two of you very much and I am sure it would appeal to Senator Rhiannon as well. We
have banned those inducements and we have banned withdrawal fees.

Senator Kim Carr: Come Saturday, we will see who is executed!

Senator BIRMINGHAM: I do not think that is terribly likely, Senator Carr. We have
banned withdrawal fees—

Senator Kim Carr: You won't be in this job!

Senator BIRMINGHAM: I will be very happy to be still in this job, because I am very
passionate about this job. I am very passionate about cleaning up the mess that you left and
making sure that we leave this place as a much better environment.

We banned those inducements. We have banned withdrawal fees. It was apparently the
case that some providers were charging students up to $1,000 to exit from a course, so we
have banned those withdrawal fees. It took effect from 1 July this year. We have banned
advertisements that talked about VET FEE-HELP being free or government funded or that
suggested that you will never earn enough to pay it back. That is because we want people to
know that it is a loan. It is not a grant and it is not a giveaway; it is a loan. It goes on your
credit rating and it impacts on your capacity to borrow for a house, a car or anything else and
you are expected to earn enough from that training to get a job and to be in a position to pay it
back.

Importantly, and particularly importantly given today's media stories, the reforms we put in
place from 1 July make a registered training organisations responsible for the actions of their
brokers. No more will anybody be able to say, 'Well, it wasn't one of our employees who did
this awful act and who was out there targeting vulnerable people and engaging in some
terrible behaviour.' That is because the RTO will be responsible for the actions of those
brokers. The consequences for RTOs if the brokers to the wrong thing could well be the loss
of their status as a VET FEE-HELP provider and the loss of their registration as a training
organisation, as well as fines, penalties or otherwise. I am determined that if we have to put
people out of business to fix this system, then that is exactly what we will do.

We have applied a two-day cooling-off period, which will take effect from 1 January,
between enrolment and being able to apply to the VET FEE-HELP loan. This, of course, is
about trying to stop door-to-door activities and trying to stop people being targeted in the
supermarkets, because there will have to be at least two points of contact from the individual
before they can get the VET FEE-HELP loan. They will have to be enrolled first and a there
is cooling-off period before the loan application can be signed and made.
We will be banning, from 1 January, the up-front levying of the full debt load in one hit, regardless of the student's progression. Once again, we are changing the incentive. Under the program that Labor set up, the incentive is far too loaded towards simply enrolling people: getting a signature on a piece of paper, having them enrolled and having them signed up for the loan, so then you can slug them for the entire $15,000—or whatever the cost of a course is—up-front and in one hit. That practice will end under this government. We will be making sure that there must be four separate payments and that the incentive changes from one of just signing somebody up to one of actually having people who will progress through the course and that will ultimately deliver qualified people who are there for the right reasons.

Importantly, in addition to that, we will be putting in place minimum standards of educational qualifications—year 12 standard or equivalent—to make sure that those who are signing up for those courses actually have the capacity to do them. That is because VET FEE-HELP only applies to high-level vocational education qualifications—to diplomas and advanced diploma courses. We want to make sure that the Australians who sign up for those courses are the people who have the capability to undertake those courses and complete those courses to earn the qualification. It is all about shifting the incentive, as I say, from just signing people up to knowing that you actually have to sign up people who can do the course, who intend to do the course and who are capable of completing the course.

We will be applying new infringement notices that will hit providers with fines for breaches of all of these standards and guidelines from 1 January. We will have the power to remit the debt and recoup costs from providers, plus penalties, from 1 January. We will make it easier for students who have been unfairly targeted or unfairly treated in any way to get their debt waived. Importantly, we want to do that in a way where it is not the taxpayer who has to foot the bill, which is largely the case under the arrangements that the previous government established. If the debt is waived because the provider has done the wrong thing, then the provider should pay. Not only should they pay for that waiving of the debt but they should pay a penalty for doing the wrong thing as well. Our reforms will ensure that that is the case. We are going to raise the bar on the standard of providers who can access VET FEE-HELP too. From 1 January, only those with a proven history of operating for at least three years and in doing so offering high quality, high-level VET courses will be able to be approved for VET FEE-HELP.

I will not accept coming into this chamber and being lectured by Senator Carr, who sits there, cries out and says that we are negligent and we are not doing anything about it. We are doing a lot about it. We are doing an awful lot about it.

**Senator Kim Carr:** If you are doing so much, why is it continuing? You are all talk!

**Senator Birmingham:** Senator Carr, you know an awful lot about being all talk because—as I pointed out—you made not one suggestion in your contribution. You were all complaint and no action.

**Senator Jacinta Collins:** You have got the fixer. What is he fixing?

**Senator Birmingham:** We are fixing your mess. That is what we are fixing. You established it; we are fixing it. The reforms we are introducing are not all in place.

**Senator Carr interjecting**—

**Senator Birmingham:** Senator Carr, when I bring legislation—
Senator Kim Carr interjecting—

Senator BIRMINGHAM: Senator Carr, listen for a second. When I bring legislation into this place to fix this, I look forward to your contribution containing—

Senator Kim Carr: That's it? That's it?

Senator BIRMINGHAM: So what are you going to do? What are your policies, Senator Carr? There have been absolutely no suggestions from you—no suggestions whatsoever. The challenge for you, Senator Carr, is: when I bring legislation into this place—this next tranche of reforms—make some suggestions. Have some policies. Have an idea of your own. You created this mess and you have come up with not one single idea of how to fix it yet. You are devoid of any ideas, Senator Carr. The Labor Party is devoid of any ideas. All you can do is moan and bitch and whinge and carry on but you do not have a single fresh idea. You do not have a single idea or policy to fix this. Have the courage to come in here and tell us what else you would do in addition to all of the measures that we have already outlined and that we are pursuing. Those started with the new RTO standards on 1 April and the banning of certain practices on 1 July. Other practices will take effect and change from 1 January. I emphasise, Senator Carr, that you say it has not been fixed yet. Well, not all of the measures that I have announced have taken effect yet either.

Senator Kim Carr: You're a 'gonna'.

Senator BIRMINGHAM: No, there's no 'gonna' about this—unless, of course, you are going to block it in the Senate or play silly buggers. So, assuming we have your support—which I trust we do, given your lofty rhetoric—

Senator Kim Carr interjecting—

Senator Jacinta Collins interjecting—

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Order! Senator Birmingham, it would be appropriate for you to make your comments through the chair. I ask for a little order from those on the opposite side of the chamber, too.

Senator BIRMINGHAM: Thank you, Madam Acting Deputy Speaker—President, sorry.

The ACTING DEPUTY PRESIDENT: Is there going to be more change?

Senator BIRMINGHAM: You are the only one who has served in the other place.

Senator Kim Carr: You're going to the House as well!

Senator BIRMINGHAM: This government has also provided additional funding to the Australian Skills Quality Authority—an organisation which I note the previous government established. We get complaints from Senator Carr about how that organisation operates and about some of its failings.

Senator Kim Carr: It's a toothless tiger!

Senator BIRMINGHAM: 'A toothless tiger', he says. Guess which government set up the legislation for that toothless tiger?

Senator Kim Carr: What have you done about it?

Senator BIRMINGHAM: Guess which government appointed not one of the commissioners, not two of the commissioners but all three of the commissioners? It was your government, Senator Carr; that did so.
Senator Kim Carr: What have you done about it?

Senator BIRMINGHAM: What have we done about it? Well, we have new standards for training organisations that came into effect this year. We have provided $68 million in additional funding to the organisation. We provided another $18.9 million in compliance funding for VET FEE-HELP activities in particular. So, Senator Carr, you ask, ‘What have you done?’ I have spent the entire session trying to explain to you what it is we have done about it. Senator Carr, what we are doing in this space, as we are doing right across government, is cleaning up your mess. What I find remarkable today—

The ACTING DEPUTY PRESIDENT: Senator Birmingham, I remind you to speak through the chair.

Senator BIRMINGHAM: I am happy to speak through the chair. I would have thought you might have reminded others about interjections occasionally, too.

The ACTING DEPUTY PRESIDENT: I have indeed asked for order from those on the opposite side.

Senator BIRMINGHAM: To some extent.

Senator Jacinta Collins: He has run out of steam!

Senator BIRMINGHAM: Don't tempt me, Senator Collins! It is quite remarkable, Senator Collins—

The ACTING DEPUTY PRESIDENT: Senator Birmingham, through the chair.

Senator BIRMINGHAM: Through the chair, it is quite remarkable, Senator Collins, after all the bellowing from Senator Carr about all of the problems that he does not have any solution to fix, that the one thing he thinks is the priority issue to bring before the chamber, the one matter he thinks is the most important reform to bring before the chamber, relates to New Zealand people. It relates to the access for New Zealanders to our higher education system. The government supports this policy. We are happy indeed to have this passed. It has been part of legislation that Labor has voted against not once but twice. We are very happy with the policy proposal of Senator Carr, but why on earth it would be his priority to bring it forward as a sort of political stunt rather than as a package of reforms, as the government has proposed, is beyond me.

Senator Carr thinks this is the priority issue, yet he complains about other areas where he thinks vulnerable Australians are being targeted, which they are with bad loans, and where he thinks the taxpayer is being ripped off, which they are with those bad loans, and where he thinks the government is not acting. Yet we are, with many actions. Senator Carr has not one single idea of his own on what to do. His only idea applies to New Zealand citizens. His only idea is about making it easier for more people to access student loans. That, of course, is exactly what the previous government did before, when they set up the demand driven funding system for bachelor places and undergraduate places at universities, when they set up the VET FEE-HELP scheme. All of those policies of the previous government were about making it easier for people to access student loans. Then he comes here and complains about the blow-out in those student loans and complains about the failings of those student loans. Yet the only legislation he offers to this chamber, the only reform he offers to this chamber, is to expand access to student loans to New Zealanders as well. The hypocrisy is really quite astounding.
This government supports the concept of extending the Higher Education Loan Program to New Zealanders—to those who have been in Australia for a long time, meeting specified conditions. The previous government, of course, proposed this measure. But, not unlike many ideas that the previous government proposed, they never actually did anything about it. Now they come in here and say they want to do something about it. We affirmed our support for this in a joint statement with Prime Minister Key in 2014. And not once but twice we have actually tried to legislate for the measures that are before the chamber—not once but twice. And not once but twice the Labor Party voted against those measures. The Labor Party that comes in here and tries to sincerely say, 'We think this is important,' voted against those measures.

The passage of this bill would not itself actually give effect to the shared desire to extend HELP loans to this special category of New Zealanders, because to do so requires the money to cover it to be appropriated. Of course, this bill does not appropriate money. But not having the money, of course, has never been a concern for the Australian Labor Party. The Labor Party is always very happy to do things without knowing where the money would come from or having the money. The Department of Education and Training has said that, assuming a start date of 1 January 2016, the estimated cost of this would be around $12 million over the period 1 January 2016 to the end of the 2019-20 financial year.

To reject this bill will not necessarily prevent this category of New Zealand students from getting access to HELP loans, precisely because this bill will not have the effect of giving them access. Once again, it is a half-baked policy proposal from the Labor Party, the likes of which are reflected in everything they did in the education space when they were in government—in their failure to set up the demand driven scheme for universities in an effective way that would drive the right incentives for behaviour in universities and in their failure to set up the VET FEE-HELP scheme in an effective way that would ensure that training providers and organisations were incentivised to attract quality students, deliver quality training and give those students quality qualifications. Instead, everything the Labor Party proposes is half-baked in its approach and in its measures.

This legislation is no exception to that rule. And of course the hollow rhetoric we heard from Senator Carr earlier on the subject of VET FEE-HELP is certainly no exception to that. Despite being responsible for the problem, despite having done nothing about the problem when becoming aware of it in government, he still offers not a single solution but only empty criticism.

Senator RHIANNON (New South Wales) (10:08): The Greens support the Higher Education Support Amendment (New Zealand Citizens) Bill 2015. It brings some equity to the loan scheme, which is obviously problematic in itself, but fairness always needs to be striven for. It removes the unfair treatment of long-term residents of Australia who, just because of where they were born—in New Zealand—are New Zealand citizens. Despite what the previous speaker, Senator Birmingham, has said—obviously feeling a bit anxious about his future—we know that his government, the former Abbott government, failed New Zealanders. However long they have lived in Australia, New Zealanders have been denied financial assistance under the HELP scheme. Senator Birmingham just cannot get away from that. He tried to dodge it in his speech. He has become quite expert at that. But that was certainly the essence of it.
I would even say that this bill is a small step towards internationalism, something the Greens have long supported. It is a step in the right direction. However, it does accept that the concept of education is a private good, not a public one, and that still does need to be challenged. Yes, it is fixing up an inequity, but we always have to get back to basics in education, and we should be talking about public education for public good. The debate on this bill is a reminder of what Australia has been subjected to under Mr Pyne's leadership with regard to higher education. It has been very destructive. He has twice attempted to bring in deregulation, a policy that Australians are now well aware just should not be happening in this country. I will come back to this in more detail.

We have a new leadership in the Liberal Party. Deregulation has become so discredited. What has been happening in our higher education sector has made people so angry. It has put so many students and their families under stress about how they would even pay if these changes came in. This should have been right up there under the new Prime Minister, Mr Turnbull, as something where he would clean the slate. But there has been not a word. Again, in so many areas, under the leadership of the new Prime Minister, it is business as usual, and this is an area in which he really should have had the sense to at least open this up and acknowledge that it needs to be revisited. But it looks like this policy will be continued.

And let's remember that the essence of deregulation was ripping money out of the public purse in the 2014 budget, the budget that enraged people around this country for over a year because of the damage and destruction the Abbott government was inflicting on people, not just in education but in so many sectors. In relation to education, the plan was to take $5 billion out of higher education and dump the costs onto students. That in essence is what deregulation is about. And yes, that is how neo-Liberal governments work. It is about leaving it up to the individual and ending up with a destructive two-tier system for our education.

Senator Birmingham time and time again has been in this place backing that whole policy to the hilt, and it really does reflect very poorly on him. In his speech, he spoke with largesse about how he was astounded at comments being made by the opposition. But the students, the staff and the people of Australia who are so deeply committed to a fair education system are the ones who are astounded. They are astounded by how extreme your government's policies have been when it comes to denying the basic funding that is needed to get higher education back on track. We do need to remember when we are revisiting higher education that there were problems, and I acknowledge that. There were problems when Labor was in government. Coming into the 2013 election, in April—I think it was the 12th or the 13th, a Saturday—the then Minister for Higher Education, Craig Emerson, announced a $2.3 billion cut to our public universities to pay for Gonski—crazy policy. Why do you put something out on a Saturday afternoon? You think it will not be noticed. It was one of the worst pieces of judgement that came from the Labor government.

Let's fast-track to after the 2013 election. There was then a big campaign. The Greens participated in this, and I am very proud to put that on the record. We knew how destructive this government, the then Abbott government that was elected, would be to higher education. But you could also tell that there were people in Labor who were deeply unhappy with those cuts. So we—with students, with staff—targeted Labor, and, to its credit, it reversed its position on that policy of $2.3 billion cuts to higher education. With students, staff, crossbenchers and so much of the Australian public targeting the former Abbott government
on this destructive course of deregulation that they have taken, wouldn't you think they would be re-evaluating what their plans were? But there has been not an iota of it under the education minister, Christopher Pyne, or under the former Prime Minister, Tony Abbott—you would not really think he would. But surely the new leadership would at least, just for their own electoral prospects, think: 'Maybe we need to get smart. Maybe we should listen to the Australian public.'

I think it is worth reminding ourselves of what went down with the 2014 budget in regard to higher education—it was so deeply wrong. Minister Pyne came in with his plan to load up the public with the $5 million cuts and his plan about extensive deregulation. That is when we started to become aware of the cost of degrees and that is where the slogan came from about $100,000 degrees—some would be more, some would be less. I remember it infuriated the minister and infuriated supporters within his own government because it was exposing what deregulation would mean and how damaging it would be. It would mean that many students would not be able to continue with their education and that many people hoping to go to university would not be able to. I do feel very passionate about this. I was the first in my family to be able to go to university. I know what a difference it has made to my life, and I saw it with my generation. It is so deeply wrong that this policy of deregulation is being pushed so harshly.

What did we see when the minister ran into problems of selling this unpopular policy? He continued to back business interests in this and hang out with his favourite vice-chancellors. We heard how he would trumpet about the support that he would have from vice-chancellors around the country—often misrepresenting their position. It is particularly relevant here to look at what he was endeavouring to do with bringing more corporate interest into the education sector. This bill—the one we have defeated twice—had this very concerning aspect of handing over about half a billion dollars of public money to private for-profit providers. The reason these companies are on the planet and the reason that they have been formed is to make profits. I am not against companies making profits in the right places if people are not exploited, but there is no place for companies to make profits out of education.

Education is about the public good, it is about looking to the future, it is about looking at student needs, it is about having well-resourced education systems and it is about ensuring that staff have good working conditions. But that does not go with companies that are out to make a profit. They have to cut corners and they have to look at reassessing—and I am being polite about it—their industrial relations conditions. They have to look at all that stuff if they are going to maximise their profits—and that is what their job is. The two things do not match up.

There was the minister—and I nearly called him the former minister, which is not surprising because we hear that Mr Pyne is hoping to be the defence minister so he can save his seat. Time will tell what he is up to next and where the next round of damage will be that he will inflict, because seriously that is how the conservatives work when it comes to public issues, and defence is another part of that.

That was the first budget. When it came to the 2015 budget we saw that the former Abbott government had not learnt anything. By then they had seen the outrage around the country by the students and the staffers, as I have mentioned. Let us remember that there had been some very courageous actions by students who were really deeply committed to getting the word
out there. Again, I congratulate the students who went on the Q&A program and unfurled their banner. Then in November last year five students from Monash University, who were deeply frustrated by the Liberal-Nationals abandonment of even the most basic commitment to educational access, also took action. There were direct actions and some of them were arrested. Again, I congratulate them.

When you have to get decent policies adopted by governments and when you are moving to have widespread progressive change in society, there is a place for direct action. The only reason I am standing here as a woman MP is that our forebears long ago, a century ago, were out there literally rattling the chains, getting arrested and doing some very creative direct actions, and life changed. We see this in so many big areas where society has to change and that is why those students were so courageous in what they did and why I congratulate them.

Deregulation is not an education policy; it is a budget measure. Again, the current education minister tried to hide this, but it was so easy to see. When you are ripping $5 billion out of a budget that is there to fund our public universities and loading up the costs on students and their families, you can clearly see what the intent is. Deregulation is not about improving the equality and accessibility of higher education. That is why we have challenged it so deeply.

The way the funding has worked for our public universities in this country really has been disgraceful. We have seen years of neglect from successive governments. While the average OECD government invests 1.1 per cent of GDP on higher education, public funding in Australia is only 0.7 per cent. In 2011 this meant an annual shortfall of US$3,965 per student at our public universities when compared with the OECD average. We are only talking about the OECD average and we are below that. This underfunding has gone on for too long. Again, this is something that needs to be urgently addressed.

I want to move on to the 2015 budget. The government has gone through all the grief, all the anger that people have expressed in a whole variety of ways about the harshness of deregulation that came out in the 2014 budget. But did it learn any lessons? No. What we saw when that budget came down in May this year was that universities were again set to receive a 20 per cent cut and the government restated its commitment to handing out all those hundreds of millions of dollars, nearly half a billion dollars, to the private providers. So the intent to deregulate was still there. They might have tried to cover it up with, I think it was, $15 million spent on an advertising campaign, trying to sneakily misrepresent what their own policy would do. But their clear policy intent could not be hidden, and that is why the protests continue.

What should happen with higher education? Again, it is not just that Australia has fallen behind because of the problems created by the former, Abbott government and their very destructive approach to higher education; we are also falling behind because of our failure to recognise that there is an international trend towards free higher education. Now, we had it once in Australia. People used to think, 'Wow, we will never get that back again,' but that is happening around the world in an increasing number of countries. We need to get this back into the public discourse, not just for the future of education but for the future of Australia. This is very, very important.

Across Latin America and across Europe, this trend is real. Governments are changing their policies. It is bringing benefits to both individual students and the nation as a whole—
economic benefits. Interestingly, the issue is coming up in the US primaries now. Hillary Clinton and other candidates I have heard are starting to talk about free higher education.

Coming back to the bill before us, I would argue that it should be extended to international students. I was at O-week at Sydney university—they have an O-week in the middle of the year, not just at the beginning of the year, these days—for orientation day and, as I was giving out Greens material and working with the Greens students on campus, I was surprised by how many students I met who were from Germany and some of the Scandinavian countries, interested in what we were doing and what we were saying. Because I was giving out material about free higher education, they were telling me about free higher education in their countries and the fact that, when they come to study at our universities, their free higher education continues. So we have the very interesting situation where some overseas students are getting free higher education in our own country. It is, again, a reminder of why we need to look at that issue.

Let us look at some of the countries with free higher education. Germany has actually had free higher education in a number of its states for 30 years, but, since last year, there is free higher education right across the nation. They offer tuition-fee-free higher education to their students. As I said, that policy has been in place for 30 years in most states and now in all states. It is recognised as bringing huge benefits to that country. Often in this place I hear ministers talking about Germany, giving examples of their economic policy, their growth and the benefits that come from certain things in Germany. Well, the foundation of that is free higher education, because the young people of that nation are getting a proper education. They have the choice and they have the opportunities, and they are not burdened with debt. They are not just thinking about what the next career path is. Their minds are open, and that is what education needs to be about. Yes, it needs to be about career paths—please do not misunderstand me; I understand that totally. But it is about more than careers, particularly with the complexities that our world is facing. This is a solution: free higher education.

Scotland is another example. It is absolutely fascinating. They actually set up a government committee of inquiry. This was in the 1990s. There was a recommendation that they abolish up-front tuition fees and improve support for students, particularly those from disadvantaged backgrounds, and they did. That was a very impressive decision they made to address how they brought more disadvantaged students into higher education. So it was not just about making education free but also about how to give the necessary support to more disadvantaged students. I am sure most people in this place have heard stories about how difficult it is for many students, particularly in the big cities, to be able to afford rent and to address cost-of-living issues. Transport can be a big one if you are not living close to the education institution where you are studying. So Scotland addressed both of those issues—very impressive.

In Brazil, free higher education became a constitutional issue, and the Brazilian federal constitution established the right to free public higher education for all citizens. So countries are coming to this in different ways but there is this international trend that we need to look at. Last year, the Chilean government rejected the privatised model for higher education, and that rejection was driven by high-school students and tertiary students across the country. Again, students used a lot of direct action. It became an election issue, to the point where some of the parties changed their own policies because they listened to the students.
That is what needs to happen in this country now. The new Prime Minister, Mr Turnbull, needs to quickly remove the deregulation policies and the criticism of those that have dogged the government. The Liberal-National coalition have had major failures in the Senate on a policy that was so central to their budget plans—their plans for higher education. That needs to be removed from Liberal-National policy forever. It needs to be recognised as an embarrassing failure, and they should put it in the bin straightaway. It is also a reminder to Labor that they need to get back to progressive policies on higher education. Yes, this bill before us should be passed, and there are necessary measures in it to address some of the inequity, but there is so much more to do in higher education. We have that opportunity before us. And there is an election coming up; higher education should be a top priority. Let’s get that debate going about free higher education.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (10:28): I also rise to speak in support of the Higher Education Support Amendments (New Zealand Citizens) Bill 2015, and I would like to congratulate Senator Carr on bringing forward this worthwhile bill that is true to two of Labor’s core beliefs. One is fairness and the other is affordable education. Everyone should have affordable education.

This bill is designed to address a longstanding inequity for long-term Australian residents who were born in New Zealand. It is something that happened and then it stopped and now it is about time to start it again. Under current laws, people who came to Australia from New Zealand when they were young or who were born here to New Zealand parents are unable to access the Higher Education Loan Program, or HELP, as it is commonly referred to. These people are now forced to pay full up-front fees, regardless of how long they have been living in this country. There are close to half a million New Zealanders who are living in Australia who are unable to access the financial assistance that is available to all other Australians who attend or who want to attend university. More than 1,000 of these New Zealanders are actually living in the area where I am, in the electorate of Braddon. These people have built their lives in this country and continue to make a contribution to this country in a very strong way. They will more than likely go on to be productive, contributing taxpayers to our economy. For this reason, they should also be able to enjoy the same educational support that all other Australians are offered.

In the 2013 budget, Labor announced that we would fix this inequity—the inequity regarding people who were born in New Zealand but who came to Australia to live—to make sure that they could access the same assistance when they went to university. We promised to rectify the problem and the proposed legislation to do so was supposed to take effect on 1 January this year. Notably and importantly, those on the opposite side, who are in government now, agreed with this proposal and that it would start on 1 January this year. But in the intervening time we had an election and the legislation did not progress. So, last year, then Prime Minister Abbott met with his New Zealand counterpart and reiterated the intention of the government to follow through on Labor's plans and rectify the inequity. After the election, Prime Minister Abbott said to the Prime Minister of New Zealand: 'We will follow through on that plan and we will make sure that we fix the inequity.' That was then reflected in the government's 2014 budget papers. So it should have been a simple matter that could have been sorted with a minimum of fuss. But, true to form, those opposite tied an uncontroversial
bipartisan measure to one of the most toxic and destructive bills that this parliament has seen—that of university deregulation.

It was okay to give up the promise that we had made, the bipartisanship that we had shown, the support that we had given the New Zealand Prime Minister at the time, through then Prime Minister Abbott, that we would get this sorted. Now Mr Christopher Pyne, in his position in the government, has tied it to that of university deregulation—a pretty grubby move. So Labor requested that that bill be split off in order to ensure the timely passage of a measure that had been an agreed measure. The government did not do this. Instead, they decided to hold this equity measure hostage to their vicious plan for the $100,000 degrees. Of course, those opposite have form in this area. Mr Christopher Pyne, in particular, has shown that he is not above blackmailing the parliament in an attempt to ram through his plan to see Australian students paying $100,000 and more for their higher education. Only six months ago, he held a gun to scientific research funding if we in this place refused to pass his odious deregulation legislation. Not too long before that, he had dangled a carrot of extra funding for the University of Tasmania in front of Independent Senator Jackie Lambie in an attempt to bribe his bill through this chamber. Of course, I will always support extra funding for our state university, but I will not accept the premise that this has to be at the expense of affordable education for everyone in this country—and neither did Senator Lambie, to her credit. Just as Mr Pyne arbitrarily attached increased funding for the University of Tasmania to his destructive bill, so he is trying to blackmail the parliament, making this equity measure contingent on the passing of his toxic higher education plan.

Mr Christopher Pyne and the Abbott-Turnbull government have done everything they can to make it harder for young Australians to access university. Clearly, Labor will never vote for legislation that will lumber future students with a debt that may continue beyond their working lives. We cannot support a bill that would create a two-tier education system of haves and have-nots. We will not countenance a plan that will force bright young Australians to reconsider whether or not they can afford an education and whether or not they can afford to be lumbered with those bills beyond their working life. Labor will not be bullied and we will not be blackmailed into accepting some of the most radical and extreme legislation this place has seen. Instead, Senator Carr is offering a solution. The solution is the bill before us here today. This bill will allow access to HELP for any individual who has been an Australian resident for at least the past 10 years, who has resided here for at least eight of the past two years and 18 months of the past ten years. To be successful, applicants must also have been a dependent child when they started living in Australia. I expect that those opposite will live up to their promise and support this bill, as they have done in the past, but I still fear they may continue with their hallmark record of broken promises.

Thousands of university students have been kept in limbo for more than a year while Mr Christopher Pyne tries to pursue his reckless plan for an Americanisation of our higher education system. Australians do not want an Americanisation of our higher education system. We want those bright young Australians to be able to go to university, without them being lumbered with a debt of at least $100,000 and having to decide whether or not they can go on with their education and contribute in the fields that they so dearly want to and have the intellectual ability to do purely on the basis of whether they can afford to pay the cost. That is not a reasonable ask. It is not a reasonable or acceptable position for young people in this
country—the young bright minds that will assist the growth of our economic prosperity in this country. It is not acceptable that that burden is put on them, and we will not support that. What this bill will do is put through and put to rest a commitment that was given by the Abbott government and by Prime Minister Abbott to the New Zealand government. We should just get on and do it. Let us untie it from the shackles of the nasty tertiary education cuts that Mr Christopher Pyne wants to put in. Let us make sure that we allow this agreed position to go through today and let us make sure that we provide that opportunity for those New Zealand people who are living in this country, who have done so for many years and who apply by the rules of this process. I would urge the Liberals to put an end to this limbo, do the right thing, vote for this bill and get it through the Senate. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator LEYONHJELM (New South Wales) (10:38): Work is one of the most fundamental of human activities. It is difficult to overemphasise the importance of the dignity of gainful employment, providing independence and security for individuals and families. A lot of the debate around workplace regulation depends on who is seen to be more important: those with a job or those who do not have a job but want one. For myself, I am emphatically in the latter camp. Getting a job should always take priority. There is nothing wrong with seeking to improve the terms and conditions for those with a job, but this should not come at the expense of those who do not have one.

Nobody needs reminding that small business is a major driver of our economy and the largest employer group in this country. It is therefore surprising that we do not do more to enhance this engine room of economic activity. In fact, it seems at times we go out of our way to stifle entrepreneurial enthusiasm with red tape and regulation. Many of these regulations are aimed at assisting those who already have a job. Onerous unfair dismissal laws, rules on how to conduct job interviews, holiday loading that pays more for not being at work and penalty rates are just a few examples. The effect of these regulations is to discourage employment growth. They stop people from getting a job in the first place. Our industrial relations regime inhibits the enthusiasm of business, particularly small business, to employ more people.

The Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015 is intended to encourage important and overdue reform in this area. I introduced the bill, and it is co-sponsored by Senator Day. The purpose of the bill is to improve the viability of small businesses operating in the restaurant, retail and tourism industries. It seeks to reduce regulation overseeing the relationship between small businesses in these industries and their employees. In the context of all the barriers facing small business it is a baby step. But it is at least a baby step in the right direction. It does this by removing any requirement that small businesses in these industries pay penalty rates unless the work is on a public holiday, the
work is in addition to ten hours of work in a day or the work is on a weekend and in addition to 38 hours of work over a seven-day period.

The bill recognises the changing employment market in the 21st century. We no longer live in the world that existed when penalty rates were first introduced. Pubs used to shut at 6 pm. Dining choices were limited. Shopping ceased at noon on Saturdays. Sporting events were held almost exclusively on Saturdays. Today's world, in many ways, operates 24/7. We now shop all weekend. We dine out from breakfast through to late into the night, and the breadth and depth of dining choices has grown significantly. Tourism services for both domestic and international visitors have also blossomed such that tourism is now the fastest growing sector in the economy. The revolution in retailing, restaurants and tourism has provided numerous job opportunities to hundreds of thousands of Australians.

But now we are stalling because we are locked into old labour market thinking. Businesses and entrepreneurs are pulling back, shrivelling under the dead hand of government regulation. To continue the evolution of these important industries we need to recognise the changed circumstances of the 21st century and recalibrate, adapting to the lifestyle choices of both customers and employees. Indeed, recalibrating now, recognising that change is needed, is preferable to the fate of numerous industries that refused to do so and are no longer in business.

Right now in Australia, many retail, restaurant and tourism businesses are choosing to close their businesses on Sundays and public holidays rather than open to trade at a loss. Employers will not run their businesses as a charity. If the law does not provide a framework where a small business can reasonably operate at a profit, they will choose not to open or choose not to employ. There are two losers from this: those who are willing and able to work in those businesses and their customers. It is ludicrous that businesses are being forced to restrict trading hours, and therefore job opportunities, because regulated pay rates deny profitable trade. Any business, other than a sole trader, that restricts trading hours is closing off a job opportunity for someone.

The accounting firm Deloitte recently reported that 49 per cent of businesses in the fast food sector reduce their hours of operation when penalty rates apply. They also reported that a large number of these businesses have decreased their numbers of employees due to the impact of penalty rates. For restaurants and tourism in particular, weekends and late evenings are when people choose to use their services. These businesses are penalised for operating at a time that best suits their customers. They cannot escape this high cost regime and in most cases cannot charge sufficiently more to offset the imposition of penalty rates. For businesses in this bind, penalty rates threaten the viability of their entire business. This is a problem not just for people employed in retailing, restaurants and tourism but also for people who are not employed but who could be.

People not employed obviously do not receive a penalty payment of any kind. They receive nothing—no wage, no dignity of employment and no opportunity to progress. Penalty rates of up to 275 per cent are certainly appreciated by those who are paid such rates, but they are worthless if you do not have a job or if you are never offered shifts that pay such rates. It is a problem that particularly affects the young and low skilled. The retail, restaurant and tourism industries not only are big employers overall but particularly employ a lot of young and low-skilled workers. Unemployment amongst the young is at alarming levels in some areas.
The changes proposed in my bill will provide employment opportunities for a great number of people. Importantly, they will also improve the viability of businesses in the retail, restaurant and tourism industries, giving security to existing employees. While my bill might reduce the take-home pay of some current employees, there will be others who get more because their hours increase and plenty more who start earning a take-home pay. Given the high job mobility in these sectors, it is unlikely anyone will be worse off for long.

Those who feel disinclined to support these reforms should be aware that many of the people who work in these businesses want to work after traditional work hours or on weekends to accommodate studies or the work patterns of their partners. Far from feeling penalised for working early or late shifts or weekends, it is the first choice for many. Indeed, the transcripts of the 2012 Modern Awards Review conducted by the Fair Work Commission make interesting reading on this. They show that many employers find it easier to find employees for weekend shifts than for Monday to Friday nine to five shifts. They outline instances where employees nominate on their job application forms when they wish to work during the week. In many cases times are chosen to fit in with their studying and to avoid formal class hours. These transcripts confirm that many employees in retail, restaurants and tourism are young, with limited skills, and highly mobile, changing jobs to suit their current needs. Many employees state that if they could not work on weekends they could not work. While receiving penalty rates is welcome, it is not the primary motivator for many of them. Clearly, for many it is not a burden to work on weekends or after traditional business hours but an opportunity.

Finally, my bill is consistent with the objects of the Fair Work Act. These are the promotion of flexible modern work practices and efficient and productive performance of work; the promotion of social inclusion through increased workforce participation; the consideration of the likely impact of modern award arrangements on productivity, employment costs and the regulatory burden; and the consideration of the special circumstances of small- and medium-sized businesses. My bill promotes these objects. The current penalty rates regime does not.

The Fair Work Act does not properly address the special needs of small business. It is time for modest reform to improve the effectiveness and suitability of penalty rates, particularly in the small business context. Adoption of the changes in the bill will benefit our tourism industry, one of our biggest employers and a huge success story. The bill reflects a 21st century mindset that recognises changing lifestyles and the needs of both customers and employees. It is a modest reform and I commend it to the Senate.

Senator WILLIAMS (New South Wales) (10:49): I rise to speak on the Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015. Madam Acting Deputy President O'Neill, I give notice to the whips that I probably will not take my full 20 minutes in this presentation. I know it is 11 o'clock and you will be looking for a break, so I will relieve you of your chores there.

I will start off by saying that setting the minimum wage and penalty rates remains the province of the Fair Work Commission. The Fair Work Commission is currently undertaking a review of penalty rates in some modern awards as part of the first four-yearly review. Hearings have commenced this month in the commission about this matter and are scheduled to continue until December 2015. A decision will follow then.
I have some problems with penalty rates. Let me explain. I have listened to John Laws for decades in the shearing shed and on the farm et cetera. John Laws has a saying that 80 per cent of something is better than 100 per cent of nothing. This is the situation that we are facing now. I know that prior to changes that were made, thank goodness, to conditions for juniors, businesses had to employ a school student—say, someone who was 14 years old—for a minimum of three hours. It was crazy. They would get out of school and start work at four o'clock and the shop would close at 5.30. It is 1½ hours work for a 14-year-old. All of my three children had jobs when they were 14.

You do not pay three hours to a school student for 1½ hours work. So what would happen? I know businesses that would say: 'We'll pay you so much per hour. Work 1½ hours, and every two days there are your three hours.' They were actually breaking the rules. I know businesses who have said: 'Come and work for me for 1½ hours and I will pay you so much cash. We will not put it through the books.' They were cheating the system. I know businesses who have simply refused to employ schoolchildren on that basis. This is what happens. That three-hour minimum pay has now been changed, thank goodness, to give the young ones an opportunity to work—to learn a work ethic, go to work, earn some money and learn how to manage money as well. Thankfully that has been changed. It is a great scheme.

I know for a fact that businesses that open on Sunday, for example—it might be a coffee shop—do not pay the award, because they simply cannot afford to. They might pay $30 an hour cash. They cheat the system. It is wrong. They say, 'If we have to pay the full award, we cannot make a profit.' So what do they do then? They do not open of a Sunday; they say, 'There's no point in opening on a Sunday.' As Senator Leyonhjelm said, these small businesses are not charities. What is the point of opening your doors and bringing your staff in and losing money? People who run businesses are well aware that that is not very good business.

Go out to a country pub on Easter Monday—a little pub in a country town—and have a look at who is working behind the bar: the proprietor and his wife. They do not employ casual labour on Easter Monday because of the cost. It is amazing that—and I brought this to the attention of Ged Kearney from the ACTU; that was a few years ago now—$47 an hour is the casual rate on a public holiday for someone 21 years and over; add workers compensation plus superannuation and you are looking at $55 an hour.

Take the IGA store out in a small country town; say it opens Easter Monday—a public holiday. They do not have enough customers to cover the wages of their casual workers at $55 an hour. The profit margin on sales is not there. So what do they do? In some cases they cheat the system and pay cash, or they simply do not open their doors.

I have been a firm believer all my life, especially in public life, in fairness. Life is about fairness. I believe in a fair day's work for a fair day's pay—or, to put it the other way, a fair day's pay for a fair day's work. We are seeing a situation where small businesses will not open because they cannot make a profit for the day, especially on Sundays and public holidays, or they will cheat the system, or, as I said, simply close their doors.

A recent report of new research suggests that nearly 40,000 extra Sunday jobs and public holiday jobs would be created if the penalty rates in the restaurant industry were reduced on those days. In its submission to the Fair Work Commission's review of modern awards, Restaurant & Catering Australia argues that the original reasons for higher penalty rates on
Sundays and public holidays are becoming less relevant and that the current requirements are undermining the ability to open businesses to meet consumer needs, reducing shifts and hours and making it difficult for businesses to make profits. So there is research saying that almost 40,000 extra Sunday and public holiday jobs would be created. That would be a good thing.

I realise that people should be paid some sort of bonus for the inconvenience of working on a Sunday which, traditionally, is a day of rest; some bonus is fine. But, as I said, as to a small business being able to afford $55 an hour for a casual worker 21 years and over on a public holiday: to me, that is far too expensive. That is a huge cost of business, and, as I said, businesses either do not open or they may choose to cheat the system and pay cash—which does occur; I know that occurs.

Small business needs to be given some sort of boost—to be able to look towards a level playing field—because small business does it tough. Many, many businesses start each year and many, many businesses fail, especially new businesses.

That is why I am a big supporter of an amendment adding an effects test to section 46 of the Competition and Consumer Act. I have been involved in business, and I have seen what farmers go through when they supply big business—I have seen the bullying. Senator Sterle and I did a joint press release just a couple of weeks ago—a Labor senator and a Nationals senator on the same ticket—about big business wanting to pay their truckies in 90 day and 100 day payments. That is an absolute disgrace. Senator Sterle and I have written, in the one letter, to the chair of the road transport remuneration tribunal asking them for a ruling that all transport contractors be paid in 30 days. I say that because the truckies have to pay their workers in seven days and pay their accounts in 30 days, especially their fuel—and your truck is not going to operate very well without fuel in it! So that is unfair; the big end of town is bullying.

I will give you an example. You might get a contract for a big company and you go and lease three new prime movers—three new Kenworths, say—with B-double trailers, and A and B trailers. You would have payments to make each month. So say it is a good contract and all is going well, and then two years later you go to renew your contract and they say, 'Yes, we will pay the same rate—minus 10 per cent, or we are going to pay you in 90 days.' That is unfair. That is why we need this section 46 effects test, to give small business a go.

The reason I am passionate about this matter is that we live in a free enterprise economy. What does that mean? It means that you can seek wealth in any way you wish, so long as it is legal. That is a great thing we have in our country. You can leave school, or go and get a tertiary education if you wish, or go out and get a trade and start your own trade business—your own plumbing business, your own building business, your own carpentry business, your own bricklaying business or whatever. It is a great thing that people can choose the way they make their living. But it is not very good when you start up a small business and, because of the forces against you, you are squashed out of business. And I have seen it all my life. If you start a business and you are successful and you are a threat to the big businesses and they cannot get rid of you, what do they do? They buy you out. You see it all the time.

So I hope the Fair Work Commission takes into consideration the submissions and thinks about the small business costs, because, if they do not, as Senator Leyonhjelm has said, the small businesses will not open on Sundays or public holidays. They will say, 'What's the point
of going and opening our coffee shop, or our restaurant, and losing $500? We might as well stay at home and not lose the money.'

As I said, if you go to a pub on a Sunday or public holiday, have a look at who is running the bar and have a look at who is in the kitchen doing the cooking. It is usually the publican—it might be a male publican and his wife, or vice versa; a lady may be the licensee and run the pub—and their partner doing the work, so they do not want to employ someone. The point is then: the jobs are not there. People are not getting a job. People are not getting paid. People are not working. That is the worst scenario you can have.

So I think there is a lot of sense in what Senator Leyonhjelm was putting forward. I do hope that the Fair Work Commission takes this in as it does its review, up to December, and considers keeping businesses afloat—keeping the doors open—and, most importantly, keeping people employed.

Senator CAMERON (New South Wales) (10:58): I rise to indicate that Labor opposes the Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015. I have to say: I always find it quite galling that politicians on a base rate of $200,000 stand up in here to tell workers on $30,000 a year that they should not have access to penalty rates. I just find that absolutely galling. Many of the politicians who are in here would not have a clue what it is like to battle to put food on the table. They would not have a clue what it is like to have to depend on penalty rates to be able to pay their mortgage and bills and to get their kids off to school. When you are on $200,000 a year as a base rate, like Senator Leyonhjelm, I suppose it is okay to stand up and deal with penalty rates in a theoretical manner and to say that everyone is going to be better off if they rip penalty rates away from working people.

Penalty rates have been in this country since about 1900. The penalty rates system has been there to do a number of things. Firstly, to provide support for workers and to give workers a financial benefit for working hours outside the normal hours. You will hear arguments from business that there are no 'abnormal' hours, and that it is a 24/7 operation that businesses have to deal with. That might be true, but the problem we have is that penalty rates are so important for so many people that to do what this bill does would probably end up costing the government more than any productivity and improvements that they claim they would get from removing penalty rates, because it would push more low-paid Australians onto government support and government welfare.

Why would you do that? So that some little coffee shop that has a bad business model and is established in an area where they cannot operate effectively can operate seven days a week and exploit working people, not pay an award minimum and not pay a penalty rate. As I came in I heard Senator Williams talking about some business—I did not get the full gist of it—that was operating illegally. If they are operating illegally, I say that Senator Williams should give the name of that business to the Fair Work Commission. We should get it fixed up. We should get the pay fixed up for the workers in that area.

I just do not accept a proposition from well-paid politicians doing the bidding of business in this country that ordinary Australians should lose access to a decent standard of living. This is being treated in here as some academic exercise that would be send off to the Productivity Commission so that the bean counters and the academics of the Productivity Commission, who have never had to rely on penalty rates in their lives and who are well-paid public servants, will make a determination about a waitress in a small restaurant somewhere in the
country. They will determine in their theoretical view that if they reduce wages, conditions and penalty rates it will increase the productivity and wealth in the country. I just do not buy it—that some boffins sitting down in the Productivity Commission know everything about everything in this country. They do not. They have no idea what it is like to be a blue collar worker, battling away to send their kids to university. They have no idea what it is like to battle to pay their mortgage. They have no idea—not a clue—what it is like to live off $30,000 a year. They have no idea what it is like to be a cleaner in this parliament and to be told by this awful government—and it does not matter who the leader is—that they should have their pay and conditions cut to clean the toilets of politicians, who earn a $200,000 base rate. It is absolute nonsense from the Productivity Commission. It is absolute nonsense from these appeasers of the business community, sitting across the chamber in this place.

I do not have to go back too far for people to understand what a coalition government is about. A coalition government is about appeasing business. A coalition government always tries to deliver for those people who fund their election campaign coffers and fill their election campaign coffers up. Whether the money is given legally or given in a brown paper bag in the front of a Bentley up in Newcastle, it does not matter. They try to look after that big end of town that looks after the coalition.

So, when you hear them talking about penalty rates, when you hear them talking about more flexibility, when you hear them talking about economic improvement and when you hear them talking about sending things off to the Productivity Commission, let me tell you, Madam Acting Deputy President, what it is all about: it is all about cutting wages and conditions so that the top one per cent can be better off and the bottom 40 per cent can please themselves. That is what this government is all about. It does not matter if they put a smart-looking leader in and get rid of their former leader; they will still be the same. They will still be about cutting wages and conditions of ordinary workers in this country. That is what Work Choices was all about. I do not have to go back that far to when they were saying to workers in Spotlight that for a 2c per hour wage increase an individual agreement should remove their penalty rates, their leave loading and their public holidays. What kind of nonsense is it?

Senator Leyonhjelm comes in here on his $200,000 base rate and flippantly says that there are no implications—no negative implications—for cutting the penalty rates of millions of hardworking Australians. I simply believe that Senator Leyonhjelm is doing what he always does—that is, he basically does the bidding of the Liberal Party on this issue. This is part of it—the push out and getting the debate out there. The Liberal Party are still too scared to say what they actually mean, which is that they want lower wages, poorer conditions and to get rid of penalty rates. We know that because that is what they defended and that is what they did during the Work Choices era. Senator Leyonhjelm has been sent out to run that line.

I cannot understand the attitude of the National Party, who have in their electorates some of the poorest paid people in the country. These are the people who will suffer more than anyone else, but the National Party does some deal to get billions of dollars; they hold the Prime Minister to ransom and say that they will not form a coalition unless he gives them billions of dollars so they can get their snouts in the trough. They do not care about penalty rates getting ripped out of their constituencies. Wouldn't it be better for the National Party to care about some of the poorest people in their electorates now and again—just now and again—and stop being the doormat of the coalition, stop going out there and mouthing all the lines that the
Liberal Party feeds them on penalty rates? How can you hold your head up high in your local communities when you do not care about the poorest people there, when you simply go for the economic theory and the economic extremism of the coalition that attack workers' wages and conditions on the basis that the economy, in some theoretical way, will benefit from sending some people into abject poverty? It is unacceptable and they have to be called out on it. And it is not just the National Party—it is a range of coalition MPs in rural and regional Australia who have electorates where some of the poorest people reside; people on award wages who depend on penalty rates to maybe once a year get a week's holiday or send their kids off on a school excursion. This is what it is all about. They are doing this simply to appease their business bankers so they will fund their election war chests.

The most vulnerable people are in that rural and regional area; the most vulnerable people are in the exact area that Senator Leyonhjelm and the coalition want to rip penalty rates away from. People in the service industry, in retail, are really battling. There are people like the cleaners in this place who come in and clean the toilets of the politicians, and then they leave that work in the middle of the night and they are up the next morning to do another job so that they can send their kids to school, put some clothes on their kids' back and put some food on the table. They do this work because they get some penalty rates now and again. What is being pushed here is the economic theory that says with lower wages you will create more jobs and people will be better off. That would not have been the case in my situation when I was a blue-collar worker in the power industry in New South Wales. We had two kids; I was working in regional Australia, in Muswellbrook; and we had one income coming into the family. I needed my penalty rates. I needed penalty rates to pay my mortgage, I needed penalty rates to take my kids for a holiday once a year—a very modest holiday, let me tell you—and I needed penalty rates so we could go to the movies. We never, ever went to a restaurant. A treat for us was to get a pizza. A treat for us was for me to pick up some Kentucky Fried Chicken on the way back from Newcastle to Muswellbrook. That was a treat. That was something I could not afford to do every week. These people over here who argue for cutting penalty rates would never understand that. Maybe one or two of them have done it tough now and again, but they would never systematically through their life have had to survive on 30 grand a year—a very modest holiday, let me tell you—and I needed penalty rates so we could go to the movies. We never, ever went to a restaurant. A treat for us was to get a pizza. A treat for us was for me to pick up some Kentucky Fried Chicken on the way back from Newcastle to Muswellbrook. That was a treat.

Even the academics have had a look at this, and the analysis that has been done by the University of South Australia into unsocial hours and penalty rates says it all. It says:

If we consider that those who relied on penalty rates for their household expenses were at some financial risk if those rates of pay were not available, there are a range of groups at potential risk. Simply as a function of their greater likelihood of financial reliance on penalty rates, women, workers with combined household incomes below $30,000, and employees—

This is not the ACTU saying this; this is not my old union, the AMWU; this is not the Labor Party; this is not the Greens. This is academic analysis undertaken by the University of South
Australia Centre for Work+Life. We hear the argument that it is only retail people those people opposite want to take these benefits off, but we know that the coalition want to take penalty rates off every worker in the country. The study says that the people who rely on penalty rates are labourers. They require penalty rates to fund their households, according to the report, as do workers on permanent or ongoing contracts. I am sure Senator Williams will listen to this:

Finally, workers in the agriculture, forestry and fishing industries, and in electricity, gas, water and waste services, were likely to have their household finances affected by a removal of penalty rates for working unsocial hours.

There you go. We have had the National Party in here saying, 'Get rid of penalty rates' but it is the people in agriculture and in the forestry and fishing industries who are amongst the most vulnerable to penalty rates being cut.

It beggars belief that these well-off coalition politicians can walk in here and just ignore the social consequences of what they are arguing about. The social consequences are massive. For many workers, when they come under financial strain and are constantly under financial strain, it is not just an issue that they are under financial strain; there are personal relationship issues. It means we see more alcohol abuse and more family violence when people are battling to get a decent life and a decent wage coming in. Yet this mob, this rabble that call themselves a government, simply come in and run the Productivity Commission line, run the bosses' line and say, 'Let's cut the penalty rates' without having an iota of understanding of not only the financial implications but also the social implications of destroying a decent base for families to live on in this country.

So Labor will not have a bar of Senator Leyonhjelm's bill while he is doing the bidding of the coalition. We will not have a bar of a two-tier penalty rate system in this country. We will not have a bar of this rabble of a government trying to cut the rates of pay and conditions of workers in this country. The top one per cent will always be okay. Politicians will be okay: they do not have to worry about penalty rates. But the cleaners, the agricultural workers, the fishery workers, the waitresses, the waiters—they are the ones who would do it tough; they are the ones whose families will be in absolute destitution if they lose their penalty rates. And that is the academic analysis as well as the analysis that I present now.

The new Prime Minister, Mr Turnbull, was in a debate about two years ago on the ABC on the issue of penalty rates. The bosses were there saying, 'Cut the penalty rates.' What did our new Prime Minister say? He said, 'Business are making a powerful point. 'We've got to have a sensible and informed debate', said Mr Turnbull. 'We can't have places closing on the weekend.' We heard the National Party running the same line. 'Maybe rates have to be looked at. Maybe we have to have to have a hard-headed and open-eyed discussion. Maybe we should have some consultation on this. Maybe the penalty rates should not be so high.' I am paraphrasing what our current Prime Minister says. That is code for getting rid of penalty rates—from a multimillionaire who would not understand what it means to an ordinary worker. He is a person who flips his policy positions to suit his personal ambition. The personal ambition this Prime Minister should have is to defend penalty rates in this country and maintain a decent life for ordinary workers, for rural workers, for regional workers and for agricultural workers in this country.
Senator McKIM (Tasmania) (11:19): We debate the Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015 at a time in our country when the gap between the haves and the have-nots is too big, at a time when the gap between the haves and the have-nots is continuing to grow. We now have a bill before us that will further accelerate the growth of the gap between the haves and have-nots in this country. Penalty rates have been around for over 100 years in this country. They are in place for a very good reason. They are in place to recognise and compensate people for working unsocial hours that the majority of Australians have free. Most Australians are free during these unsocial hours that are worked by some to play sport, to go out and have a few beers, to spend time with their family, to do some volunteering in their community, to do some gardening—to do many of the things that mean so much to so many Australians. Yet some Australians spend an awful lot of their lives working while many of the rest of their fellow country people are free to enjoy some of the benefits of living in this country.

Penalty rates recognise and compensate people for the impact that working unsocial hours has on their lives and the lives of their families and the impact that working unsocial hours has on their personal health and on their sleep patterns. That is why penalty rates have been around for so long in Australia. According to United Voice, about 1.5 million Australian workers receive penalty rates; 48.1 per cent of the workforce are entitled to penalty rates for a public holiday; and 4.2 million, about 44 per cent of the workforce, are entitled to penalty rates for a weekend if they work then. There are about 870,000 Australians who usually work on Sundays in their main job. It is true that not all of those workers would receive penalty rates, but for many the Sunday shift provides the boost financially that they need to make ends meet.

A reasonable question to put to the Senate is: how many of us who are elected to this place have had to regularly work the unsocial hours that currently attract penalty rates? How many of us have had to choose between putting food on the table and paying the rent, paying the school levies and the range of other pressures on ordinary Australians? I think the answer is that some of us have had to face those challenges in our lives but many, many have not.

Overwhelmingly, this legislation would impact on young people, students, low-income workers and people with insecure casual work. Those are the kinds of people who most depend on penalty rates to make ends meet. In our country the majority of casual workers are women. So many Australian women and their families depend on penalty rates and would be financially devastated if penalty rates are cut. This bill would hurt tens of thousands of women—nurses, cleaners, hospitality staff—who work unsocial hours and are rightly compensated for it. And any cuts to penalty rates would be a body blow for young people across this country—including students, who often study full time during the day and work in the hospitality sector at night to make ends meet.

We currently have very high housing prices. Housing affordability is one of the key issues facing our country. We have wages growing slowly. We have many tens of thousands of young people working in retail and hospitality who depend on penalty rates to support themselves and their aspirations for the future. This bill would undermine one of the fundamentals of the Australian way of life, and that is 'the fair go'. We as a country have always supported the fair go, and this bill seeks to chip away at the margins of that ethos. It is hard not to be persuaded by Senator Cameron's arguments around some of the motivations.
behind introducing this legislation. It is hard not to see Senator Leyonhjelm as someone who has allowed himself to be persuaded to stick his head above the parapet to see if it gets blown off or someone who has potentially allowed the Prime Minister's office to lower him into a coalmine in a canary's cage to see whether he falls silent.

As our member in the House of Representatives, Adam Bandt, has said, the Greens will always fight any attack on penalty rates, the minimum wage and rights at work. He has also said that the Liberals can expect to fight another election on penalty rates and Australians rights at work. We will defend penalty rates and we will be very happy to campaign on it at the next election.

Let's look at a case study by United Voice that was released last year. An adult waitress at a cafe or restaurant is paid only $16.85 an hour for her work from Monday to Friday. But if she works one of her ordinary shifts on a Sunday she makes $25.28 an hour instead. If her Sunday penalty rates are scrapped, her weekly wage would drop from just over $695 a week before tax to $640.20—a wage cut of just under $55 a week or $2,862 over a full year. A cut of just under three grand to what is already an extremely low salary is going to have a massive impact on this adult waitress's capacity to support herself, to invest in the future of her children and to have aspirations for a better life—to properly educate her kids through to higher education opportunities and to follow some of the dreams that we in this country hold so dear.

This bill is framed as having an intention of taking some off the pressure of small businesses. There is a very strong argument that we need to do more to take pressure off small business in this country. But this legislation is not the answer. It goes about its intention in entirely the wrong way. There are many, many ways that we can take the pressure off small business without having to erode rights and penalty rates for workers. That is why the Greens want to support lower tax rates for small business, that is why we voted in parliament to support the government's 1.5 per cent reduction in taxes for small business. But we would go further than the government did in that policy area. We want to expand tax breaks for small business and provide extra funding and legislative powers for the National Small Business Commissioner. We also want to introduce an effects test, which would assist small business and provide them with a more level playing field on which to compete with big business and the top end of town.

I also want to reflect on something else that Senator Cameron said in his contribution that is very hard to argue against. In fact, I would strongly support Senator Cameron's contention that the introduction of this legislation may end up costing Australia more than it delivers in productivity gains. That is because, as Senator Cameron pointed out, if you cut the wages and conditions of some of Australia's lowest-income earners, they are going to put more pressure on essential public services—you can expect to see a blow-out in government costs in areas like our health system, mental health support, family support, our justice systems and our correction systems, just to name a few. This is something that we all need to consider. So not only are there strong moral and social arguments against this legislation there are also extremely strong fiscal and economic arguments against it.

The Australian Greens have been proud to support penalty rates. We have always fought to protect penalty rates from attacks that are generally led by the conservative side of politics and often at the behest of their big business mates at the top end of town. The Greens have led
the Senate in calling on the Abbott government to exclude penalty rates and the minimum wage from the Productivity Commission report because we feared they would use it as an excuse to resurrect attacks on the pay and conditions for Australians at work, and we repeat that call for the new Turnbull government. Unfortunately, the former Prime Minister, Mr Abbott, ignored the Senate's call, and there is a real fear now, and a real possibility, that the dead, buried and cremated Work Choices legislation is set to rise again like a phoenix from the ashes with a brand-new salesman—this time in Australia's new Prime Minister, Mr Turnbull.

Australians deserve some clarity from the Liberal Party on this issue. Is Work Choices still dead, buried and cremated, or are there the stirrings of life in the ashes? That is a fundamental question that is yet to be answered by our new Prime Minister. Anyone hoping to cut penalty rates in this country can expect to have to fight hard as we move towards the next election. Anyone hoping to cut fundamental rights at work for Australians can expect to have to fight hard at the upcoming federal election. We are not going to have any part of this legislation. We will proudly retain our strong defence of penalty rates in this country because we understand that, overwhelmingly, the people who get penalty rates in Australia are people who are overwhelmingly struggling to make ends meet. They are people who work hard. They are people who make sacrifices to work unsociable hours. They are people who sacrifice opportunities for leisure, opportunities to spend time with their family and opportunities to play a stronger role in their communities.

They sacrifice those opportunities because they have a financial imperative to do so—because they want to be able to aspire to a better life for themselves, they want to be able to aspire to a better life for their families and they want to be able to aspire to a better life for their children. The sacrifices they make by working unsociable hours are made so that they can dare to dream of a better life for themselves and so that they can meet some of the pressures that come onto every low-income worker in this country, whether those be paying the school levies, paying the rent or paying the mortgage—or it may be as simple as putting a decent feed on the table every night for their families. Those are the day-to-day struggles of so many people in this country. Their capacity to deliver on those imperatives and to deliver on those aspirations would be put at significant risk and, in fact, would ultimately be undermined by legislation of this kind.

The Greens are part of a vital line of defence against attacks on penalty rates. We will stand shoulder to shoulder with anyone else in this place who is prepared to be part of that line of defence. We say to all Australians: we always have and we always will fight any attack on penalty rates. This legislation fits very squarely into that category as an attack on penalty rates. Even the sponsors of the legislation, I think, would not argue against that characterisation. As I said, we will not have any part of it. We have not had any part of it in the past. We will not have any part of it today. We will not have any part of it going forward.

It is a significant factor in the future of this country that inequity is growing. I encourage those amongst us who take an interest in history to have a look through historic civilisational decline. You will find two common factors around civilisational decline in human history. You will find ecological collapse and you will find a large and growing gap between the haves and the have-nots. We are facing both of those challenges. We are facing ecological disruption on a planetary scale and, in many jurisdictions in the world, we are facing a
widening gap between the haves and have-nots. Today, I do not have time to go into what some of the social and security ramifications of those trends might be, but it is writ large in the history books that, as legislators and as leaders, we will ignore those at our peril.

So we will not have any part of this legislation. We think it is punitive in effect. We will continue to stand shoulder to shoulder with anyone else in this place who is prepared to be part of the line of defence against this kind of attack on some of the most disadvantaged, marginalised and hardworking people in our country.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (11:38): It is a shame that the Greens continue to establish an approach which is often close-minded and inflexible. They usually speak in very strong ideologies, without the acceptance or consideration of new ideas or different viewpoints in this chamber. I find it particularly ironic that that is their stance, given that they often talk about wanting to embrace the modern economy and the modern world. Indeed—through you, Mr Deputy President—Senator McKim made a fine first contribution to this place just the other week and talked about how we now have a new sharing economy, with new abilities for each of us to be engaged in our economy, through apps like Uber, Airbnb, Freelancer—all of those elements. I might be corrected, but I do not think an Uber driver is getting penalty rates, I do not think somebody selling their home on Airbnb and works on a Sunday is getting penalty rates and I do not think somebody who is consulting and offering their services on Freelancer is getting penalty rates.

I find it quite ironic that on the one hand the Greens say we should adapt to the modern world and we should embrace new areas of innovation, but on the other hand they are the staunchest defenders of the conservative view—a view that I must say I do not necessarily disagree with—that Sundays should be a day of rest and contemplation. As I said, I do not necessarily disagree with that. Before I respond further on this bill, I want to correct what I view is an incorrect implication by Senator McKim that somehow this country is becoming more unequal. It is not. We are very fortunate in Australia that we have a progressive income tax system and a strong family tax benefit system. The evidence is clear that, over the past 10 or 15 years, including through the Howard government and the Rudd government, that, largely, the gap between the haves and the have-nots, as Senator McKim described them has remained remarkably stable. That is not true in all other parts of the world—I accept that completely—but we should not seek to always draw parallels with the United States of America. We are a different country. We have different welfare systems and we have different laws to the United States of America, and well may that remain so, because we have a very strong country that should be defended.

This bill does not go in particular to those broad issues about inequality. It is a bill to provide greater flexibility for some businesses in how they negotiate penalty rates. I will say at the outset that I do not support this bill, and I will go through reasons why, but I am not going to reject it in the kind of ideological and close-minded approach that we just heard from Senator McKim. I want to credit my colleagues and senators for bringing forward this bill and bringing forward an approach which has clearly sought to deal with some issues that particularly face small businesses in our hospitality industries. There is no doubt that our current award based system is making it difficult for some small businesses to hire people on Sundays and to employ people on public holidays. If you go to the tourist areas of Queensland, to the Sunshine Coast and the Gold Coast—I am a senator for that region—you
will often find cafes and restaurants closed on those days because, in their view, they cannot afford to pay their workers and justify opening. We need to find a balance. This debate should be about a balance. We should find a balance between wanting to ensure that we give people an opportunity to have a job, work on those days and earn an income for their family and being properly compensated for the fact that they are working on public holidays or Sundays. I agree with that, Senator McKim. I absolutely agree that they should be solemn days as much as possible.

I do want to say from the outset that the idea that Sunday should be a day of rest is not one that has always been the case through history, but it is one that has obviously been a long-held tradition in Western societies. The word 'Sunday' itself does not reflect through its etymology a day of rest. It obviously means 'a day for the sun'. It comes from pagan cultures which often had a cult of the sun and often worshipped the sun. Indeed, there was a day for all of the planets and the various names of the seven days of the week generally accord with different planets in the Roman planetary system. Sunday was another day that was dedicated to a heavenly object. It had a sacred place, but it was not necessarily a day of rest in the Roman world, at least not until Emperor Constantine. Those who are familiar with Roman history in this place would know that Emperor Constantine was the first openly Christian emperor of the Roman Empire. It was he who established the practice that Sunday should be a day of rest. I think it is worthwhile quoting what Emperor Constantine said on 7 March 321 AD:

On the venerable Day of the Sun let the magistrates and people residing in cities rest, and let all workshops be closed. In the country, however, persons engaged in agriculture may freely and lawfully continue their pursuits; because it often happens that another day is not so suitable for grain-sowing or for vine-planting; lest by neglecting the proper moment for such operations the bounty of heaven should be lost.

Even at the very first inception of the notion that Sunday should be a day of rest, there was a conception that some practices, some work, could still be performed given its nature and the common-sense view that you could not simply leave the farm for a day and have a day of rest when essential work needs to be done. Even Emperor Constantine recognised that.

While I am not in the corner down there that represents the Nationals, may I say that is just another reason why we should hold our famers in high regard in our community—they do not usually get a day of rest, and they certainly do not benefit from penalty rates at any time. They have to work when the sun is up, when the cows need milking, when the grain needs harvesting or when the sugar needs planting. At any time they have to work and they do not receive any of the protections and benefits of our award system. They do something that is more essential than almost any other work that we do, and that is to provide food.

This bill is not about the production of food; it is about the service of food in supermarkets and in cafes and restaurants—our hospitality industry. This bill is saying that those industries should be allowed to have different arrangements for penalty rates on Sundays. Again, there is some rationale for that—just like the grain must be planted on whatever day of the week is the best, providing someone with bacon and eggs for breakfast is often best done on a Sunday. Cafes and restaurants often have to, and do, open on a Sunday because it is the day of the week that the rest of us are lucky enough to have off and go to the shops, do our shopping or spend the Sunday morning reading the papers and having a cup of coffee. In that respect their
activities are not dissimilar to those of farmers, and maybe some greater degree of flexibility is warranted.

As I said in my opening remarks, I cannot support this bill for a couple of reasons. First, in this case I share Senator McKim's conservatism that we should try, as much as possible, to keep Sunday a day of rest and reflection and particularly to have time with family. Public holidays as well play an important role in our society. They are often a time of coming together as a nation to do things that are not necessarily related to work and to reflect on how lucky we are to be Australian and how lucky we are to have had people go before us to protect this nation and make it what it is today. I do not disagree that there should be some recognition of that and some reward for those people who otherwise cannot have those days of reflection—be they nurses, doctors, firemen or, indeed, people who perhaps do less crucial work but nonetheless still very beneficial work in brewing a coffee or serving lunch. They deserve some reward for that.

The tradition of ensuring that this day remains a day of rest is one that is close to the heart of our parties that often fly the flag for these conservative values. I, as a National Party senator, quote Menzies cautiously, although I am not going to quote him actually. I remember reading a biography of Robert Menzies and I was very interested in his work practices. His biographer, AW Martin, wrote that in the 1920s:

He estimated that at this time his weekly hours of work would average not less than eighty. The Melbourne courts sat from 10.30am to one o'clock and from 2.15 to 4.15 in the afternoon. Menzies' habit was to work at his desk long into the night and to get up as late as court or conference obligations permitted.

He would also have a routine and the demands of his wife and children meant that they lived a 'very quiet life'. Almost always Menzies took Sunday off, to rest and spend time with his family. Though they sometimes went to church, they took no part in wider church activities. Sunday was a day for reading and occasional picnics and outings.

I long for those sorts of days—Sundays are the new Mondays for us in politics sometimes. It would be perhaps a better and more considerate community if we did take more time. I certainly should take more time to spend with my family and reflect on life, and pause. While there is a somewhat Christian origin for the day of rest on Sunday, actually all of us human beings yearn to have some time away and some time to reflect. If we are able to have that time every week it will usually make us better and more productive people.

I would like to speak further on this bill but I have only half a minute remaining. My final comment is that while I welcome the senator's consideration and creation of this idea, I do think it introduces a level of bureaucracy that is unneeded. We do have a Fair Work Commission process in place to decide penalty rates and weigh up these issues, there is a review of those. I think introducing a piece of legislation which deals specifically with only a couple of sectors and especially with few businesses is too much red tape and we should let the Fair Work Commission decide and balance these issues between days of rest and meaningful reward.

The DEPUTY PRESIDENT: Senator Canavan, the time for the debate has expired. If you have not finished your contribution, you will be in continuation when the debate is resumed.
PETITIONS

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

Healthy Kids Check
To the Honourable President and members of the Senate in Parliament assembled:
This petition of the undersigned brings to the Senate's attention the Abbott Government's short-sighted cut to the Healthy Kids Check from November 2015.
This cut is opposed by general practitioners and speech pathologists and will lead to poorer education outcomes as children attend school with health problems that have gone undetected.
The Healthy Kids Check is a free comprehensive pre-school assessment of a child's development and wellbeing, including height and weight, speech, hearing, eyesight, oral health, toileting and allergies.
According to a study published in the Medical Journal of Australia, the Healthy Kids Check was detecting health problems in one in five Australian children.
Your petitioners ask that the Senate call on the Abbott Government to abandon its short-sighted budget cut to the Healthy Kids Check.
by Senator Bilyk (from 441 citizens).

Marriage
To the Honourable President and members of the Senate in Parliament assembled:
This petition of certain citizens of Australia draws to the attention of the Senate: Marriage is the union of one man and one woman, voluntarily entered for life.
It is an institution vital to the well-being of all society. In particular it confirms the importance of motherhood and fatherhood and seeks to protect children's biological identity.
It has a meaning that we hold deeply for its cultural, religious and social significance.
We therefore ask the Senate not to redefine marriage to admit relationships to which it does not naturally or historically apply.
by Senator Reynolds (from 323 citizens).

NOTICES

Presentation

Senator Dastyari to move:
That there be laid on the table by the Minister representing the Treasurer, by no later than 3.30 pm on Wednesday, 14 October 2015, a list of the companies that are corporate tax entities for the purposes of subsection 3C(1) of the Taxation Administration Act 1953 in the 2013-14 financial year.

Senator Canavan to move:
That the Senate notes that:
(a) Australia's export of coal to China is worth approximately $9.3 billion per year;
(b) China currently imposes a tariff of 3 per cent on these coking coal exports and a 6 per cent tariff on thermal coal exports;
(c) the signing of the China-Australia Free Trade Agreement will eliminate the 3 per cent coking coal tariff immediately, and the 6 per cent tariff on thermal coal within 2 years;
(d) the elimination of these tariffs will save Australia's coal industry around $380 million per year leading to more jobs for Australians in an industry which already directly employs 54 000 people; and
(e) the displacement of poorer quality coal from other countries with Australian coal will reduce global emissions significantly.

Senator Ludlam to move:
That the Senate—
(a) notes
(i) that a Supreme Court action was lodged on Thursday, 10 September 2015, against the approval given by the Western Australian Minister for Environment (Mr Jacob) to the Roe 8 extension Stage 1 of the Perth Freight Link, and includes significant new revelations of bias and conflict of interest on the Environment Protection Authority board, potentially tainting the entire assessment process,
(ii) the opposition to this project by over 30 separate residents' and community groups, at least 3 local councils, and almost 15 000 individuals via petitions since 2008,
(iii) the well-documented flaws in the federal environmental assessment process, including flawed surveys of the iconic Black Cockatoo, and
(iv) the failure of the Government to release key documents to inform public evaluation of this project; and
(b) calls on the Minister representing the Minister for Infrastructure and Regional Development:
(i) to reprioritise $925 million in federal funding allocated to this project to actual solutions to Perth's freight task, including investment in freight rail and the Outer Harbour, and
(ii) to urgently request that the federal assessment be delayed until such time as the judicial review in the Supreme Court has been completed.

Senator Siewert to move:
That the Senate—
(a) notes:
(i) the release of the World Wide Fund for Nature report Living Blue Planet Report: Species, habitats and human well-being,
(ii) that the report found that:
(A) 29 per cent of marine fisheries are overfished and that marine species are under increasing threat around the globe, including around one in four species of sharks, rays and skates are threatened with extinction,
(B) key habitats, including coral reefs, sea grasses and mangroves, are declining, and
(C) by increasing the marine protected area coverage to 30 per cent, up to US$920 billion could be generated between 2015 and 2050, and
(iii) the Government's suspension of the marine protected areas with the 'redevelopment' of marine protected area management plans; and
(b) calls on the Government to:
(i) re-instate the marine protected areas management plans and marine protected areas, and
(ii) consider the solutions outlined in the report.

Withdrawal

Senator WILLIAMS (New South Wales) (11:51): Pursuant to notice of intention given on 16 September 2015, I now withdraw business of the Senate notices of motion Nos 1 to 3 standing in my name for seven sitting days after today.
7108 SENATE Thursday, 17 September 2015

COMMITTEES

Selection of Bills Committee

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (11:52): I present the 12th report of 2015 of the Selection of Bills Committee. I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 12 OF 2015

1. The committee met in private session on Wednesday, 16 September 2015 at 7.15 pm.

2. The committee resolved to recommend:

(a) the provisions of the Migration Amendment (Charging for a Migration Outcome) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 10 November 2015 (see appendices 1 and 2 for a statement of reasons for referral);

(b) the provisions of the Migration and Maritime Powers Amendment Bill (No. 1) 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 10 November 2015 (see appendices 3 and 4 for a statement of reasons for referral);

(c) the provisions of the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 24 November 2015 (see appendices 5 and 6 for a statement of reasons for referral);

(d) the provisions of the Superannuation Legislation Amendment (Trustee Governance) Bill 2015 be referred immediately to the Economics Legislation Committee for inquiry and report by 9 November 2015 (see appendices 7 and 8 for a statement of reasons for referral); and

(e) the provisions of the Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015 be referred immediately to the Economics Legislation Committee for inquiry and report by 9 November 2015 (see appendix 9 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills not be referred to committees:

- Australian Immunisation Register Bill 2015
- Australian Immunisation Register (Consequential and Transitional Provisions) Bill 2015
- Maritime Legislation Amendment Bill 2015
- Marriage Equality Plebiscite Bill 2015
- Social Services Legislation Amendment (Cost of Living Concession) Bill 2015
- Social Services Legislation Amendment (Low Income Supplement) Bill 2015
- Social Services Legislation Amendment (No Jab, No Pay) Bill 2015.

The committee recommends accordingly.

4. The committee considered the following bill but was unable to reach agreement:

- Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015
- Customs Tariff Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015

5. The committee deferred consideration of the following bills to its next meeting:
• Aviation Transport Security Amendment (Cargo) Bill 2015
• Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
• Corporations Amendment (Publish What You Pay) Bill 2014
• Customs Amendment (Fees and Charges) Bill 2015
• Customs Depot Licensing Charges Amendment Bill 2015
• Import Processing Charges Amendment Bill 2015
• Education Legislation Amendment (Overseas Debt Recovery) Bill 2015
• Student Loans (Overseas Debtors Repayment Levy) Bill 2015
• Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015
• Education Services for Overseas Students (Registration Charges) Amendment (Streamlining Regulation) Bill 2015
• Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015
• Health Legislation Amendment (eHealth) Bill 2015
• Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
• Social Services Legislation Amendment (Youth Employment) Bill 2015.

APPENDIX 1
SELECTION OF BILLS COMMITTEE
Name of bill:
   Migration Amendment (Charging for a Migration Outcome) Bill 2015
Reasons for referral/principal issues for consideration:
   To further investigate potential impacts and unintended consequences of the Bill
Possible submissions or evidence from:
   Department of immigration and Boarder Protection
   Migration Council of Australia
   ACTU
   CFMEU
   Scanlon Foundation
   Law Council of Australia
Committee to which bill is to be referred:
   Senate Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s):
   15 November 2015
Possible reporting date:
   (signed)
   Senator McEwen
APPENDIX 2

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:

Migration Amendment (Charging for a Migration Outcome) Bill 2015

Reasons for referral/principal issues for consideration:

Extends the grounds upon which a visa may be cancelled to include situations in which the Minister is satisfied that a benefit was asked for by the Visa holder from another person in relation to a sponsorship related event (regardless of whether this sponsorship event occurs). This needs to be investigated more fully.

Possible submissions or evidence from:

- Refugee Advice and Case Work
- Asylum Seeker Resource Centre
- Refugee Churches taskforce
- Human Rights law Centre
- Australian law Council

Committee to which bill is to be referred:

Legal and Constitutional Affairs References Committee

Possible hearing date(s):

TBC

Possible reporting date:

10 November 2015

(signed)

Senators Rachel Siewert

APPENDIX 3

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:

Migration and Maritime Powers Amendment (No1) bill 2015

Reasons for referral/principal issues for consideration:

To further investigate potential impacts and unintended consequences of the Bill

Possible submissions or evidence from:

- Department of Immigration and Boarder Protection
- United Nations High Commissioner for Refugees
- Australian Human Rights Commissioner
- Law Council of Australia

Committee to which bill is to be referred:

Legal and Constitutional Affairs References Committee
Possible hearing date(s):
  Possible reporting date:
  10 November 2015
(signed)
Senators Anne McEwen

APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
  Migration and Maritime Powers Amendment (No1) bill 2015
Reasons for referral/principal issues for consideration:
  Of concern, this amendment extends the definition of who can be determined to be 'of character concern' to a person the minister reasonably suspects is a member of an organisation which has been involved in criminal conduct, whether or not the person has been convicted of an offence.
  It also extends definitions of substantial criminal record to someone who has been found unfit to plead and detained in an institution (i.e. presumably mental) where found guilty of evidence.
Possible submissions or evidence from:
  Refugee Advice and Casework Service
  Asylum Seeker Resource Centre
  Refugee Churches taskforce
  Human Rights Law Centre
  Australian Law Council
Committee to which bill is to be referred:
  Legal and Constitutional Affairs References Committee
Possible hearing date(s):
  TBC
Possible reporting date:
  10 November 2015
(signed)
Senators Rachel Siewert

APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
  Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015
Reasons for referral/principal issues for consideration:
  To scrutinise and ascertain implications of the Bill in practice;
  To fully consider all stakeholders views on the Bill; and
To make sure that there are no unintended consequences of enacting this legislation.

Possible submissions or evidence from:
- Department of Employment;
- Department of Social Services;
- Employment Services Providers;
- Peak bodies such as Jobs Australia, Australian Unemployment Union, National Employment Services Association (NESA); and
- Not for profit organisations such as the Australian Council of Social Service (ACOSS)

Committee to which bill is to be referred:
- Senate Community Affairs Legislation

Possible hearing date(s):
- TBC

Possible reporting date:
- 24 November 2015

(signed)
Senators Anne McEwen

APPENDIX 6
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of bill:
- Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015

Reasons for referral/principal issues for consideration:
- Significant impact on job seekers

Possible submissions or evidence from:
- National Welfare Rights Network
- Australian Council of Social Service
- Job Active network

Committee to which bill is to be referred:
- Education and Employment Legislation Committee

Possible hearing date(s):
- TBC

Possible reporting date:
- 24 November 2015

(signed)
Senators Rachel Siewert
APPENDIX 7

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:
Superannuation Legislation Amendment (Trustee Governance) Bill 2015

Reasons for referral/principal issues for consideration:
Whether there is currently a problem with superannuation governance
What impact the bill would have on superannuation funds and their members

Possible submissions or evidence from:
Affected funds
Representatives of Superannuation
Not for profit organisations such as the Australian Council of Social Service (ACOSS)

Committee to which bill is to be referred:
Economics Committee

Possible hearing date(s):
TBC

Possible reporting date:
9 November 2015

(signed)
Senator Siewert

APPENDIX 8

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:
Superannuation Legislation Amendment (Trustee Governance) Bill 2015

Reasons for referral/principal issues for consideration:
To ensure detailed scrutiny of the legislation and seek stakeholder input on the impact of the bill.

Possible submissions or evidence from:
Financial Services Sector – FSC, ISA, ASFA, and AIST
Ausyralian Institute of Company Directors
Relevant government agencies and department
Department of Social Services;
Employment Services Providers;
Peak bodies such as Jobs Australia, Australian Unemployment Union, National Employment Services Association (NESA); and
Not for profit organisations such as the Australian Council of Social Service (ACOSS)

Committee to which bill is to be referred:
Senate Economics Legislation Committee
Possible hearing date(s):
  TBC
Possible reporting date:
  9 November 2015
(signed)
Senators Anne McEwen

APPENDIX 9
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
  Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015
Reasons for referral/principal issues for consideration:
  To ensure appropriate scrutiny of significant changes to Australian taxation law and seek stakeholder feedback on the consequences of the bill being enacted as written
Possible submissions or evidence from:
  Australian Taxation Office
  Big Four Accounting firms
  OECD
  Affected companies (Google, Apple, BHP etc.)
  Law Society of Australia
Committee to which bill is to be referred:
  Senate Economics Legislation Committee
Possible hearing date(s):
  TBC
Possible reporting date:
  9 November 2015
(signed)
Senators Anne McEwen

  Senator BUSHBY: I move:
    That the report be adopted.
  Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:52): I move the following amendment:
    At the end of the motion, add, "and in respect of the Social Services Legislation Amendment (No Jab, No Pay) Bill 2015, the provisions of the bill be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 9 November 2015".
    Question agreed to.
  Senator MOORE (Queensland) (11:53): I seek leave to move an amendment to do with the China-Australia Free Trade Agreement.
  The DEPUTY PRESIDENT: You do not need leave, Senator Moore.
Senator MOORE: I move:

At the end of the motion, add "and in respect of the Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015 and the Customs Tariff Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015, the provisions of the bills be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report on the next working day after the tabling of the report of the Foreign Affairs Defence and Trade References Committee on the Proposed China-Australia Free Trade Agreement".

I seek leave to make a short statement.

The DEPUTY PRESIDENT: You do not need leave to do that either, Senator.

Senator MOORE: Then I will rejoice in my ability to work without having leave! There have been significant discussions about the proposal that we are moving. Basically, what we are putting forward is that there be both a legislation committee inquiry and a references committee inquiry on the ChAFTA which would work over the next few weeks, with the intent and the commitment that the reports will be completed in time to begin the debate on the ChAFTA bill in this place on 9 November. That is the basis of our amendment. As there is already a references committee inquiry on this issue and people are aware of that and providing submissions to it, this amendment is to ensure the least confusion possible—so that people know that the two committees will be working on the bill. Both those reports will be completed by the agreed time to allow the debate to continue in this place from 9 November.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:54): In light of the undertaking by the opposition to facilitate consideration of the legislation by 9 November, the government will not proceed with its other amendment circulated in the chamber which was to have the inquiry report by 10 November 2015. We readily take the word of the opposition that their amendment is to facilitate consideration of the legislation commencing 9 November.

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

Question agreed to.

The DEPUTY PRESIDENT: The question now is that the motion, as amended, moved by Senator Bushby, be agreed to.

Question agreed to.

Ordered that the report be adopted.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:56): I move:

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

(a) general business notice of motion no. 868 standing in the name of Senator Muir relating to motorsport in Australia; and

(b) orders of the day relating to documents.

Question agreed to.
NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion 1 standing in the names of Senators Hanson-Young and Gallacher for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 12 October 2015.

MOTIONS

Domestic and Family Violence: Housing Affordability

Senator LINES (Western Australia) (11:57): I move:

That the Senate acknowledges the Federal Government's Family and Domestic Violence Strategy, but notes that;

(a) adequate supply of affordable housing options is critical in enabling women to escape domestic violence; and

(b) the Commonwealth has an integral role to play in the provision of affordable housing options.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LINES: Over a third of women over the age of 15 have experienced physical, psychological and/or sexual violence at the hands of a current or former partner. Homelessness advocates in Australia all agree that domestic and family violence is a significant driver of homelessness in Australia. When women flee violence, they almost invariably become poorer, and their housing conditions deteriorate as they struggle to access private rental accommodation and/or public housing, because in both cases demand is far greater than availability.

The Commonwealth has an integral role to play in the funding of support services for women flee domestic violence, and housing options are key. Analysis by Homelessness Australia found that an extra $68 million a year is required, and through this motion we request a funding allocation for that purpose, as a matter of urgency.

Question agreed to.

Yellow Crazy Ants

Senator IAN MACDONALD (Queensland) (11:58): I note that I think Senator Waters has an amendment to this motion to which I am agreeable, and I move:

That the Senate—

(a) notes:

(i) the super colony hazards of yellow crazy ants in the Wet Tropics, which is distinctly different to the presence of yellow crazy ants in other areas of Queensland, and

(ii) with concern the damage to the natural ecology, to agriculture and to human beings from the yellow crazy ants caused by the formation of super colonies in the Wet Tropics region;

(b) acknowledges the work being done by the Wet Tropics Management Authority, the Cairns Regional Council, the Commonwealth Government's Green Army and individual landowners and volunteers who are to date achieving strong results in containing and locally eradicating the infestation;
(c) calls on the relevant local and Queensland governments to at least match Commonwealth funding to fight the infestation; and
(d) urges the Federal and state governments to commit to eradication of the yellow crazy ants in the Wet Tropics.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (11:58): I was under the impression that Senator Macdonald was amending his own motion, but I believe we have reached agreement. I seek leave to amend general business of motion No. 874 standing in Senator Macdonald's name.

Leave granted.

Senator WATERS: I move the following amendment:
At the end of the motion, add:
(e) calls upon the Queensland and Commonwealth governments to consider the Wet Tropic Management Authority's funding for a targeted eradication program in the Wet Tropics.

The DEPUTY PRESIDENT: Senator Macdonald, did you want to speak to that amendment or seek clarification?

Senator IAN MACDONALD (Queensland) (12:00): Senator Water's amendment, which I am happy to accept, should have been to remove clause (c) and replace it with the clause that she has read out.

The DEPUTY PRESIDENT: I do not have a copy of the amendment, so I might come back to it. I will call you again before we finish, and hopefully we will have resolved that.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:00): The opposition has not seen this proposed amendment either, so if we could be apprised of what it contains we might be able to make a decision on it.

DOCUMENTS
NBN Co
Order for the Production of Documents

Senator MOORE (Queensland) (12:01): At the request of Senator Conroy, I move:

That there be laid on the table by the Minister representing the Minister for Communications (Senator Fifield) and/or the Minister for Finance (Senator Cormann), by 3.30 pm on Monday, 12 October 2015, the following documents in relation to NBN Co Limited:
(a) the 'Operating Plan' referred to in its Corporate Plan 2016;
(b) financial and deployment forecasts for the multi-technology mix from FY2015 to FY2022, as included in the Operating Plan;
(c) the most recent '12 Quarter Integrated Deployment Plan' referred to in its Corporate Plan 2016;
(d) the high level desktop analysis of an all-FTTP fixed line deployment scenario referred to in its Corporate Plan 2016; and
(e) the letter from shareholder ministers to NBN Co Limited requesting that it prepare the high level desktop analysis of an all-FTTP fixed line deployment scenario.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:01): Mr Deputy President, I do not have a statement and I am not seeking leave to give one.
The DEPUTY PRESIDENT (12:01): The question is that general business notice of motion No. 865 be agreed to.

The Senate divided. [12:06]

(The Deputy President—Senator Marshall)

Ayes ....................34
Noes ....................29
Majority ...............5

AYES

Bilyk, CL 
Brown, CL
Bullock, JW 
Cameron, DN
Collins, JMA 
Conroy, SM
Dastyari, S 
Di Natale, R
Gallacher, AM 
Gallagher, KR
Hanson-Young, SC 
Ketter, CR
Lambie, J 
Lazarus, GP
Lines, S 
Ludlam, S
Ludwig, JW 
Madigan, JJ
McAllister, J 
McEwen, A (teller)
McKim, NJ 
McLucas, J
Moore, CM 
Muir, R
O’Neill, DM 
Peris, N
Rhiannon, L 
Rice, J
Siewert, R 
Sterle, G
Urquhart, AE 
Waters, LJ
Whish-Wilson, PS 
Xenophon, N

NOES

Back, CJ 
Bernardi, C
Birmingham, SJ 
Brandis, GH
Bushby, DC (teller) 
Canavan, MJ
Cash, MC 
Colbeck, R
Cormann, M 
Edwards, S
Fawcett, DJ 
Fifield, MP
Johnston, D 
Leyonhjelm, DE
Lindgren, JM 
Macdonald, ID
McGrath, J 
McKenzie, B
Nash, F 
Payne, MA
Reynolds, L 
Ronaldson, M
Ruston, A 
Ryan, SM
Seselja, Z 
Sinodinos, A
Smith, D 
Wang, Z
Williams, JR

PAIRS

Carr, KJ 
Abetz, E
Polley, H 
Heffernan, W
Singh, LM 
O’Sullivan, B
Wong, P 
Fierravanti-Wells, C
MOTIONS

Yellow Crazy Ants

The DEPUTY PRESIDENT (12:09): The question is that the amendment moved by Senator Waters be agreed to.
Question agreed to.

The DEPUTY PRESIDENT: The question now is that general business notice of motion No. 874 as amended be agreed to.
Question agreed to.

Sport: Women's Cricket

Senator MOORE (Queensland) (12:09): I, and also on behalf of Senators Peris, McKenzie and Waters, move:
That the Senate—
(a) notes the achievements of the Australian Women's Cricket Team, the Southern Stars, and congratulates the team on its success in the recent Ashes series in England, the first win in England since 2001;
(b) acknowledges that the Southern Stars are currently ranked number one in the world in test, one day and T20 cricket, a feat they also achieved in early 2013;
(c) congratulates Cricket Australia on its efforts to improve the payment scheme for women cricketers, and to continue closing the gender gap in sport with the 2015 investment and restructure of women's cricket at the domestic level which will progress the plan to increase participation of girls and women in the sport; and
(d) encourages increased media coverage of women's cricket, building on the community interest and the skill and professionalism of the cricketers.

Question agreed to.

National Bilby Day

Senator MOORE (Queensland) (12:10): I move:
That the Senate—
(a) notes the second Sunday of September is Australia's National Bilby Day;
(b) acknowledges the long-term commitment of conservationist, Mr Frank Manthey, to address the plight of the bilby and his efforts to raise community awareness of the need to secure the future of the bilby and other endangered Australian fauna; and
(c) congratulates the Mayor of Ipswich, Mr Paul Pisasale, and the Ipswich community on the organisation of the inaugural community National Bilby Day celebrations on Sunday, 13 September 2015.

Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: I particularly want to draw to the attention of the chamber the extraordinary work of Mr Frank Manthey. Some people in this area would know Mr Manthey from his work in the area of conservation, particularly around the bilby, because he lobbied so strongly to ensure that this day was actually registered as a national day in, I think, 2005. His
work continues, and I think it is particularly important that we engage communities across the nation to be part of this process. You will note that in this motion I have referred to the Ipswich community, which last Sunday inaugurated their day, and my understanding is that it was a very successful function and there was great engagement around the issues of conservation generally and, in particular, saving the bilby, which is such an important part of our wildlife.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: Frank Manthey should be congratulated on his efforts to promote bilby conservation. He recently attended the threatened species summit hosted by the Minister for the Environment. At the summit, Minister Hunt announced a target to turn around the trajectory of 20 mammals by 2020. The bilby was named as one of these priority mammals. Also announced at the summit was an investment of over $6.6 million towards threatened species recovery. This includes projects to help bilbies through controlling feral cats in South Australia and establishing a 100,000 hectare feral-free area at Newhaven wildlife sanctuary in the Northern Territory.

Question agreed to.

BILLS

Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015

First Reading

Senator RHIANNON (New South Wales) (12:12): I move:

That the following bill be introduced: A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999, and for related purposes.

Question agreed to.

Senator RHIANNON: 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 RHIANNON (New South Wales) (12:13): 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 RHIANNON: I present the explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

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CHAMBER
I reintroduce this Bill, the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 which amends the Environment Protection and Biodiversity Conservation Act 1999 to disallow the importation into Australia of live primates for the purposes of research.

The Bill does not ban the use of primates for research per se – the Greens acknowledge this is a separate issue that requires rigorous challenge and examination. There are three government-funded facilities in Australia that breed primates for research. When this Bill was first introduced in November 2012, permits for the importation of live primates had been neither sought by these facilities, nor issued since 2009.

However 37 marmosets were imported into Australia from France in September 2014 for research, with the Department of Agriculture refusing to disclose their destination or for what research purposes those poor creatures were imported, stating such questions belonged to State and Territory jurisdictions.

The Bill does not provide a blanket ban on the importation of primates for other purposes such as zoos. However, it will ensure that Australia does not participate in the unethical trade of wild-caught primates for use in experimentation for the research industry.

Australia is a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which commits to ensuring that international trade in flora and fauna does not threaten their survival. All non-human primates are listed as CITES specimens, and as such wild-caught animals may not normally be traded.

Australia's National Health and Medical Research Council's (NHMRC) policy on non-human primates for scientific purposes also states that "whenever possible investigators obtain non-human primates from National Breeding Centres".

The global wildlife trade is recognised as one of the biggest threats to biodiversity conservation, and the major trade in non-human primates – as live specimens, as body parts or as meat – presents a significant risk to their conservation in the wild.

The illegal and unsustainable trade in primates is increasingly recognised as an urgent threat to conservation and is described as a conservation crisis. One of the main sources of non-human primates to meet global demand is Southeast Asia. Since the 1970s Indonesia has been a major exporter of monkeys.

When India and then Bangladesh banned primate exports in the late 1970s, Southeast Asia became a major hub of wildlife trade. With its concurrent highest rate of tropical deforestation on the planet, the loss of its biodiversity has been described as an impending disaster.

The list of threats causing decimation of the world’s wild primates is a long and bleak litany which includes the trade in monkeys to supply the booming biomedical and pharmaceutical research industry.

Around the world an estimated 100,000 to 200,000, non-human primates, or monkeys, are used in experiments every year, and tens upon tens of thousands of monkeys are traded around the world to meet the research industry demand. According to US Department of Agriculture figures, in the US alone the use of non-human primates in experiments rose from 57,518 in 2000 to 71,317 in 2010.

There is considerable clinical evidence that much animal-based research correlates poorly with the human response. This is confirmed by scientific reviews that show correlations between the results of animal experimentation and human outcomes are negligible, expensive and unnecessary. Most animal experiments do not translate to clinical trials, are not validated, minimally cited, and use methodologies that render findings as unreliable.

For example, Bailey's 2005 scientific critical review on research using animals came to the conclusion such findings "have little or no predictive value or application to human medicine."
Matthews' 2008 paper in the Journal of the Royal Society of Medicine points out that much of the claimed value of animal research is anecdotal rather than quantitative and that there are "relatively few quantitative studies of the predictive abilities of animal models". Where such studies do exist in toxicity testing, "the data provided by these studies is typically incomplete, ambiguous, and subjected to inadequate or incorrect analysis." However "the evidential weight of animals models that emerge are at best inconclusive, and sometimes wholly misleading."

The Medical Research Modernization Committee, a health advocacy organisation comprised of medical professionals and scientists, found in their 2006 critical review that "human data has historically been interpreted in light of laboratory data derived from non-human animals. This has resulted in unfortunate medical consequences."

The 2006 autoimmune, multiple scleroses and leukaemia drug trial at Britain's Northwick Park hospital where six young men suffered multiple organ failure after taking a new drug shown to be safe at a 500 times greater dosage in monkeys, is one such example.

In 2002, the House of Lords Select Committee on Animals in Scientific Procedures stated "the formulaic use of two species in safety testing is not a scientifically justifiable practice, but rather an acknowledgement of the problem of species differences in extrapolating the results of animal tests to predict effects in humans." The Committee also concluded "that the effectiveness and reliability of animal tests is unproven" and that "the reliability and relevance of all existing animal tests should be reviewed as a matter of urgency."

A 2004 UK survey by Europeans for Medical Progress found 82% of general practitioners "were concerned that animal data can be misleading when applied to humans."

Safer Medicines, a British patient safety organisation of doctors and scientists articulates the growing questions from a safety perspective: "whether animal testing, today, is more harmful than helpful to public health and safety" with "alarming evidence that animal tests fail to protect us" in areas from strokes, to AIDS, cancer, autoimmune diseases and more.

Knight's 2007 review on animal experiments found published experiments on chimpanzees, as the species most closely related to human primates, have been shown to generate data of "questionable value" and to make insignificant contributions to cited research – with in vitro studies, human clinical and epidemiological studies, molecular assays and methods, and genomic studies contributing most to the development of combating human diseases.

Not surprisingly, this is because chimpanzees' phenotype, that is their morphology and biochemistry, is markedly different to humans.

Yet with the progressive banning of testing on chimpanzees around the world, the research industry has turned to smaller non-human primates that are even more removed from the human phenome. Indeed in Australia, there are three government-funded facilities that breed non-human primates to be experimented on. This is despite cheaper and more scientifically reliable and valid methodologies and technologies already existing and being used by more and more laboratories around the world.

The Greens urge government, regulators and research institutions to practice these sophisticated and humane research methods. These include genomics, proteomics, nanotechnology, phage display, microdosing, microfluidic chips, epidemiology, autopsies, computer modelling deducing toxicity based on chemical structure of compounds, more thorough world research databases, and tissue and cell in vitro research such as the Ames Test.

Australia has not permitted the import of live non-human primates for research since 2009.

From 2000 until 2009 the CITES database recorded that Australia permitted the live import of 331 pig-tailed macaques from Indonesia for research. These are listed as vulnerable to extinction on the IUCN Red List of Threatened Species.
In the same period Australia also permitted the live import of 71 owl monkeys for research "breeding purposes". This species is also listed on the IUCN red list as "although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival." The IUCN also notes concern that large numbers of these South American species are used in research, and that the issue of wild-caught owl monkeys "should be monitored to understand the effect on populations."

During 2000-2009 250 long-tailed macaques were also imported into Australia for research purposes. These monkeys are noted on the IUCN red list as suffering declining populations, and a CITES meeting in 2011 expressed as "imperative" a reassessment of the species was needed, given the trapping, laundering and largely illegal trade of massive numbers of wild caught long-tail macaques to support the pharmaceutical industry and its researchers.

The European Commission states that the majority of Asian (Old World) monkeys traded for the global research are not bred in western facilities but are born to wild-caught captive monkeys in Asian facilities. The IUCN Primate Specialist Group's Ardith Eudey described these as "lucrative operations ... [that] may serve to 'launder' wild-caught monkeys" to sell as captive-bred to the research industry, and which "appear[s] to have resulted in their disappearance even from legally protected areas".

More than half of the 70 species of primates in Southeast Asia are found in Indonesia, which "features prominently on the list of source countries for both domestic and international trade," and it is from here that Australia sourced most of its primates for research until the last importation in 2009.

In 2009, a BUAV (British Union Against Vivisection) undercover investigation confirmed the IUCN's and other scientists' concerns, revealing Indonesia's "official" ban on the export of wild-caught primates for research (in line with its CITES obligations) is a farce.

Monkeys were shown suffering high levels of cruelty during their capture, confinement and transportation, with an endpoint destination of experimentation in the world's laboratories.

BUAV also found Indonesian wild-caught monkeys are coded as "captive-bred". Monkeys wild-living on islands, such as Australia's source island - Tinjil Island - are also coded as "captive-bred" because the whole island is described as a "breeding facility".

The investigation also revealed monkeys trapped in inhumane conditions by villagers who view them as pests and ready income. Baby monkeys are taken from their trapped parents who are often killed rather than being released back into the wild. Mother monkeys are sometimes shot with air rifles forcing them to flee and drop their infants. Monkeys are chased by dogs to be entangled in nets or ropes which often strangled the trapped terrified animals.

The monkeys, including the infants, are then kept in filthy, crowded and barren concrete pens with metal grid floors lacking fresh air or sunlight, many with no access to water or food. In one primate breeding and supply facility infants were kept in small empty pens with smooth walls, no perches and only a wire ceiling, from which the scores of babies would hang frightened in the absence of safe shelter.

Monkeys are then transported around the world, sometimes kept in transit for days, packed into crates too small to stand up in, suffering the noise, inadequate ventilation and extreme temperature fluctuations. If there are transport delays, there is often insufficient food and water.

One UK primate import company alone had a mortality rate of nearly 19% of its delivered monkeys, all from Indonesia, during 1988-1991.

In the 2001 May Budget estimates, it was stated that the three Australian primate breeding facilities were established, among other reasons: "to remove the necessity to import these animals into Australia; and to protect these species in the wild by breeding them in captive colonies".
This Bill, if passed, would confirm in law that Australia does not support the cruel and inhumane primate trade for experimentation and that Australia will not participate in practices leading to the extinction of primates in the wild.

This is a small but important step on the long road to ceasing the cruel practices of experimentation on animals. Well over 10,000 people have previously signed a petition to call an end to the importation of primates for experiments, and I have no doubt that most Australians would be appalled that Australia still allows this to happen. I refer to my second reading speech on my End Cruel Cosmetics Private Senator's Bill that describes the horror animals are subjected to in animal experiments, and remind the Senate that both Labor and the Liberals have asserted their desire to see the end of animal-tested cruel cosmetics, but have yet to support that Bill.

The Greens support the global scientific 3R principle for the use of animals in research — replacement, refinement and reduction. We support the call by leading scientific researchers and medics, and by important organisations such as Humane Research Australia, for legislators and regulators to actively support and demand more methodologically sound and effective science that transitions away from the 19th century practice of animal experimentation to the more sophisticated and credible modern methods of biomedical research already being used with more accuracy and success today.

Sentient beings are being subjected to great suffering through experiments being performed on them. This Bill is a small first step that all Australians should support.

I commend the Bill to the Senate.

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

Leave granted; debate adjourned.

Fair Work Amendment (Gender Pay Gap) Bill 2015

First Reading

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (12:14): I move:

That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes.

Question agreed to.

Senator WATERS: 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 WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (12:15): I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill and to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—
The Fair Work Amendment (Gender Pay Gap) Bill 2015 will help to reduce the gender pay gap in Australia by banning pay gag clauses which prevent workers from discussing their own pay. It does so by amending the Fair Work Act 2009 to provide that any term of a modern award, enterprise agreement or contract of employment has no effect to the extent that it prohibits workers from discussing their own pay. It also prevents employers from taking adverse action against their workers for discussing their own pay.

This Bill would make sure that workers are allowed to tell their colleagues what they are paid if they wish to, without fear of retaliation from their boss. It would not force anyone to discuss their pay, but it would make sure that bosses could not pressure their employees to stay quiet, or take any action against them if they do discuss their pay.

Data collected by the Workplace Gender Equality Agency (WGEA) shows that where pay is set in secret, the gender pay gap is worse. For instance, the gender pay gap is much smaller in the public sector (12.3%) where workers are allowed to talk about their pay compared to the private sector (22.4%) where discussion is often prohibited.

Women will sometimes only discover that they are being paid less than their male colleagues after talking to a co-worker.

Pay secrecy can help hide discrimination, unconscious bias and bad decision making, such as where two people are paid differently for doing the same job. Pay transparency makes sure employers have to justify pay decisions.

Many workers, especially those who receive a salary and those in the private sector, are not allowed to talk about their pay with colleagues. Many employment contracts include a "gag clause", which means that workers can be disciplined or even sacked for discussing their pay.

When pay is set in secret by individual negotiation, women are at a disadvantage. While there is no evidence to suggest that women's abilities to negotiate are any different from men's, research shows women's negotiations are often less successful. Research suggests that women are less likely to ask for a raise or negotiate aggressively, and are more likely to be judged unfairly by managers.

When workers cannot discuss their pay, they are in a weaker bargaining position. Salary negotiations are partly about telling your boss what you think your labour is worth. If it is impossible to know what your boss is paying others, the negotiation can never be fair.

It should always be your choice whether to discuss your pay. Your employer should never be able to threaten you with sanctions for doing so.

Sometimes people do not feel comfortable talking about their pay, but making sure that bosses cannot impose secrecy clauses is the first step towards cultural change.

Sometimes employers prefer to keep pay secret to avoid 'dissatisfaction', but the best solution is almost always a mature discussion between workers, bosses and unions, rather than enforced secrecy.

There are several examples of similar laws overseas which Australia can learn from. Laws prohibiting bosses from taking action against workers who discuss their own pay already exist in a US law dating from 1935, but those provisions cannot be enforced. Both Republicans and Democrats support making the law enforceable. Several US states have stopped bosses punishing workers for discussing their own pay including California, Vermont, Michigan, Colorado, Illinois and Maine. The UK passed the Equality Act 2010, which sought to protect workers who discussed their own pay for particular reasons, like seeking to identify discrimination, but those rules were vetoed by the incoming Conservative government.

This Bill would not be a silver bullet – the gender pay gap is underpinned by a wide range of factors including women and men working in different industries and different jobs, the lack of women in senior positions, unpaid caring responsibilities, differences in education and experience, discrimination, both direct and indirect. Many players and much effort will be required, but this Bill would be a step...
towards more equal pay for women. Australia's gender pay gap is 17.9% - nearly the highest it's been for two decades. The gender pay gap widens to 24.7% when perks and bonuses are included. It is even worse for women in leadership positions, where it rises to 28.9% for senior executives. In 2015, we should be well on the way to gender equality. We must fix this disgrace.

I am hopeful that this Bill will be the first step, along with the work being done by the WGEA, unions, women's groups, everyday women and employers to fix Australia's gender pay gap.

I commend this Bill to the Senate.

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

Leave granted; debate adjourned.

DOCUMENTS

Coalition Agreement

Order for the Production of Documents

Senator MOORE (Queensland) (12:15): At the request of Senator Wong, I move:

That there be laid on the table by the Minister representing the Prime Minister, by no later than 3.30 pm on Thursday, 17 September 2015, the Coalition Agreement, and related side letter between the Prime Minister and the Deputy Prime Minister, signed on Tuesday, 15 September 2015, outlining the relationship between the Liberal and National parties in government.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:15): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government opposes this motion. The Coalition Agreement is an agreement made between Mr Turnbull in his capacity as Leader of the Liberal Party of Australia and Mr Truss in his capacity as Leader of the National Party. Orders for the production of documents relate to documents in the control of a minister in that capacity. These documents do not match that description.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:16): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WONG: I would make a couple of points in relation to the propositions put by the Manager of Government Business in the Senate. Firstly, the agreement and side letter in question involve significant amounts of money and significant matters of public administration. They involve, on the basis of Senator Canavan's public statement, $2 billion to $4 billion worth of expenditure. They involve the transfer of the administration of the water portfolio to Mr Barnaby Joyce, something that South Australians are concerned about. They go to the expenditure of public moneys, and I think the Australian people are entitled to know what the detail of that agreement is.

Secondly, I do not agree with the proposition, nor does precedent in this chamber support the proposition, that orders for the production of documents can only be in the narrow terms defined by the Manager of Government Business in the Senate.

The DEPUTY PRESIDENT: The question is that the motion moved by Senator Moore be agreed to.
The Senate divided. [12:21]
(The Deputy President—Senator Marshall)

Ayes ...................... 35
Noes ...................... 29
Majority ............... 6

**AYES**

Bilyk, CL
Cameron, DN
Conroy, SM
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Lines, S
Ludwig, JW
McAllister, J
McKim, NJ
Moore, CM
O'Neil, DM
Rhiannon, L
Siewert, R
Urquhart, AE
Whish-Wilson, PS
Xenophon, N

**NOES**

Back, CJ
Birmingham, SJ
Bushby, DC (teller)
Cash, MC
Cormann, M (teller)
Edwards, S
Fifield, MP
Lindgren, JM
McGrath, J
Nash, F
Reynolds, L
Ruston, A
Seselja, Z
Smith, D
Williams, JR

**PAIRS**

Brown, CL
Carr, KJ
Polley, H
Singh, LM

Senator Fierravanti-Wells did not vote, to compensate for the vacancy caused by the resignation of Senator Wright.
Question agreed to.

**MOTIONS**

**Defence Procurement**

**Senator XENOPHON** (South Australia) (12:23): I, and also on behalf of Senators Conroy, Lambie, Lazarus, Madigan and Muir, move:

That the Senate—

(a) notes that:

(i) the 2009 and 2013 Defence White Papers both state a national security requirement for the procurement of 12 new submarines,

(ii) on 20 February 2015, the Minister for Defence announced the acquisition strategy for Australia’s Future Submarine Program, including details of the Competitive Evaluation Process to be undertaken by the Department of Defence, advising that the department would seek proposals from potential partners on 'options for design and build overseas, in Australia, and/or a hybrid approach',

(iii) all tier one navies have their warships and submarines built locally,

(iv) submarine builders DCNS and TKMS:

(A) have expressed a view to a Senate inquiry that the total life cycle costs (from design through construction through operation) will be no more expensive if our future submarines are built in Australia, and

(B) along with submarine builder ASC, have agreed to a proposition put to them at a Senate inquiry that participation in the design and construction of a submarine makes through-life maintenance easier,

(v) building submarines in Australia would:

(A) contribute to Australia's defence self-reliance, and

(B) provide valuable economic and skills stimulus to Australia's manufacturing industry, and

(vi) both the Collins class submarines and ANZAC frigates were built with greater than 70 per cent local content (by value); and

(b) calls on the Government to:

(i) commit to the procurement of 12 submarines,

(ii) commit to its pre-election promise to a local build of submarines and withdraw the stipulated options for 'design and build overseas' and a 'hybrid approach' on Australia's future submarines, and

(iii) set a submarine build benchmark of at least 70 per cent Australian local content (by value).

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:24): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave has been granted for one minute.

**Senator FIFIELD**: The competitive evaluation process for the future submarines is nearing completion. It would create considerable uncertainty and delay the process if the government were to change the scope of the CEP. Submarine expert and head of TKMS Australia, Dr John White, said at a Senate Economics References Committee hearing in July: … a prudent approach to such a major acquisition is to canvass the market and see what is available, including from overseas.
That said, all three potential international design partners will be providing options for a build in Australia, and the defence white paper due in the coming weeks will detail the number of submarines required by the Navy. Senator Xenophon is aware of these facts. The government will not play politics when it comes to providing our Defence personnel with the equipment they need to protect Australia and its interests.

**Senator WHISH-WILSON** (Tasmania) (12:26): I seek leave to amend motion No. 870 by removing clause (b)(i): ‘commit to the procurement of 12 submarines’.

**The DEPUTY PRESIDENT:** Is leave granted for Senator Whish-Wilson to move that amendment?

**Senator Conroy:** Could you repeat the amendment?

**The DEPUTY PRESIDENT:** Yes, Senator Whish-Wilson, if you could—and I should have it in writing, too. I assume it has not been circulated?

**Senator WHISH-WILSON:** We have spoken to the respective officers, but I do apologise, Deputy President; we—

**The DEPUTY PRESIDENT:** I do not have it. So could you repeat that amendment, Senator Whish-Wilson.

**Senator WHISH-WILSON:** I seek leave to amend motion No. 870 by removing a clause: '(b)(i) commit to the procurement of 12 submarines’—taking it out.

**The DEPUTY PRESIDENT:** Is leave granted for Senator Whish-Wilson to move that amendment? Leave is not opposed, Senator Whish-Wilson.

**Senator WHISH-WILSON:** I move:

Omit subparagraph (b)(i).

I seek leave to make a short statement.

**The DEPUTY PRESIDENT:** Leave has been granted for one minute.

**Senator Conroy:** We have worked with senators. I contacted Senator Conroy and Senator Xenophon, who were moving this motion, to see if we could have that clause removed. The Greens do have a very clear policy around the defence of this nation and its self-defence, but, as was highlighted by the government, we are not committing to the procurement of 12 submarines without more information. We have grave concerns about an escalation of submarine numbers from the six we currently have to 12 and about what their roles would be. We also would like to highlight that $70 billion could be effectively spent in other areas of defence, and we do not have the information we need to support 12 submarines. However, we have also made it very clear that we do support local procurement and we have said this publicly before. We have also told the various unions and workers groups we would support any submarines being made in South Australia and in Australia rather than being made overseas, but we will not be committing to 12 submarines at this point.

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (12:28): I seek leave to make a short statement.

**The DEPUTY PRESIDENT:** Leave has been granted for one minute.

**Senator CONROY:** We will not be supporting the Greens amendment because there have been two defence white papers published, in 2009 and 2013, which set out this debate, and
they explain exactly why we need the number of submarines that has been identified. What we are seeing around our region is a massive escalation. I think the current but soon to be gone minister said in a speech that, by 2030, 50 per cent of the submarines in the world will be in our region. So there is a need for our defence capability to be determined by defence forces, not by arguments that we do not have enough information. There are two white papers that have set out the arguments and I would encourage you to have a look at them.

The DEPUTY PRESIDENT: The question is that the amendment moved by Senator Whish-Wilson to general business notice of motion No. 870 be agreed to.

Question negatived.

The DEPUTY PRESIDENT: The question now is that general business notice of motion No. 870 be agreed to.

Senator EDWARDS (South Australia) (12:29): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator EDWARDS: For these two senators to introduce this right now, as we are starting to close the competitive evaluation process, is quite vacuous. They indeed know what is going on. They are fully aware of it. This competitive evaluation process is developing an enormous amount of credibility day by day outside of the government. It has momentum which they understand. They are merely seeking to grandstand here. If they were serious about it with the two white papers that were commissioned in the term of the former government, why didn’t they actually contribute the funds and commit to the projects? $19.6 billion was taken out of the defence budget and Senator Conroy sits there now arguing about something that he failed to argue about.

Senator Conroy: It is sad to see—

The DEPUTY PRESIDENT: Order!

Senator EDWARDS: Senator Xenophon was there and failed to argue the cause as well.

Senator Wong: Come on over, Sean! Don’t vote with them!

Senator Conroy: It is sad that they don’t recognise your merits, Sean.

The DEPUTY PRESIDENT: Order!

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:31): Mr Deputy President, I seek leave to make a short statement. It is a point of clarification on a procedural matter.

The DEPUTY PRESIDENT: Is leave granted for Senator Fifield?

Senator Conroy: For seeking clarification, sure.

The DEPUTY PRESIDENT: Order! Leave is granted.

Senator FIFIELD: When Senator Whish-Wilson was moving his amendment there was some confusion in relation to the call. The government was intending to support the amendment of Senator Whish-Wilson.

The DEPUTY PRESIDENT: Are you seeking leave to have that question put again?

Senator FIFIELD: Yes.
The DEPUTY PRESIDENT: Is leave granted to recommit the question on the amendment moved by Senator Whish Wilson?

Senator Wong: Yes.

The DEPUTY PRESIDENT: Leave is granted, so we will just go back a step. The question is that the amendment moved by Senator Whish-Wilson to general business notice of motion No. 870 be agreed to.

Senate divided. [12:37]

(Deputy President—Senator Marshall)

Ayes .....................38
Noes .....................23
Majority ...............15

AYES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Day, RJ
Edwards, S
Fifield, MP
Johnston, D
Lindgren, JM
Macdonald, ID
McKenzie, B
Nash, F
Reynolds, L
Rice, J
Ruston, A
Seselja, Z
Sinodinos, A
Wang, Z
Whish-Wilson, PS

Birmingham, SJ
Bushby, DC (teller)
Cash, MC
Cormann, M
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Leyonhjelm, DE
Ludlam, S
McGrath, J
McKim, NJ
Payne, MA
Rhiannon, L
Ronaldson, M
Ryan, SM
Siewert, R
Smith, D
Waters, LJ
Williams, JR

NOES

Bullock, JW
Collins, JMA
Dastyari, S
Gallagher, KR
Lambie, J
Ludwig, JW
McAllister, J
McLachlan, J
Muir, R
Peris, N
Urquhart, AE
Xenophon, N

Cameron, DN
Conroy, SM
Gallacher, AM
Ketter, CR
Lazarus, GP
Madigan, JJ
McEwen, A (teller)
Moore, CM
O’Neill, DM
Sterle, G
Wong, P

PAIRS

Abetz, E
Carr, KJ
Senator Lines did not vote, to compensate for the vacancy caused by the resignation of Senator Wright.

Question agreed to.

The DEPUTY PRESIDENT (12:39): The question now is that general business notice of motion No. 870, as amended, be agreed to.

Question agreed to.

Illicit Drugs

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (12:39): I, and also on behalf of Senator Williams, move:

That the Senate—

(a) notes:

(i) the importance of education as part of the campaign to combat the dangers of 'ice' in Australian society, particularly amongst vulnerable youths, and

(ii) the success of the most recent phase of the national drugs campaign 'Ice Destroys Lives', with feedback reporting that 94 per cent of youths who saw the campaign stating they had taken some action as a result, either by talking to peers or to their parents, or by changing their thinking about 'ice'; and 51 per cent of at-risk youth who had seen these advertisements saying they would now avoid using 'ice'; and

(b) condemns those who downplay the dangers of 'ice' by calling for the legalisation of a hazardous and toxic substance that destroys brain function, mental wellbeing, general health, employment, relationships, lives and families.

Senator LEYONHJELM (New South Wales) (12:40): Mr Deputy President, I seek leave to make a brief statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LEYONHJELM: The motion states that ice is dangerous and destructive. I agree. But the motion then makes an extraordinary leap of logic and condemns those calling for the legalisation of ice. Ice is wreaking havoc right now while it remains illegal. But prohibition has never succeeded anywhere. To rule out options without proposing any solution yourself is wrong. To rule out options without hearing from two current inquiries into ice, one of which I am involved in, is knee-jerk politics. At this stage I do not support the legalisation of ice but I maintain an open mind about the decriminalisation of the possession of ice for personal use. I note that this approach has been adopted in Portugal and has succeeded in getting users into treatment and dramatically reducing drug-related crime.

Question agreed to.
Senator LAMBIE (Tasmania) (12:41): I move:

That there be laid on the table by the Minister for Veterans' Affairs (Senator Ronaldson), by no later than 3.30 pm on Monday, 12 October 2015, the following information relating to the 2014 Client Services Survey conducted by ORIMA Research for the Department of Veterans' Affairs (DVA):

(a) any contractual restrictions placed on the Minister releasing the survey methodology by the third party company, ORIMA, which conducted the survey;
(b) all questions asked in the survey;
(c) the sampling methodology;
(d) the format(s) of how the survey and results are stored by DVA;
(e) aggregated results for each question (including in an electronic format);
(f) aggregated results showing which areas of DVA's performance are regarded as:
   (i) strong,
   (ii) poor, and
   (iii) in need of improvement;
(g) a copy of each set of survey responses with any personal identifiers redacted (including in an electronic format);
(h) a breakdown by age group of all who responded;
(i) a copy of all 'client commentary' provided and examples of which are published on the DVA website; and
(j) the criteria used by DVA in selecting the summarised interpretation of the results on the DVA website.

Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LAMBIE: This motion is simply asking DVA to produce important documents which shine a light on the way veterans view the performance of the department. Up to today the department has been reluctant to produce these and other documents. I have received figures today which show that this year alone 21 veterans have killed themselves, three in the past week. It is important that every effort be made to improve the performance of this important department and the production of these documents will help improve the performance of the department, which has been described as dysfunctional and dangerous by some vets who have contacted my office.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:42): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government will not be opposing the motion. We note that the order relates to the same material requested in question on notice 2547 which was tabled on 18 August 2015 and which was responded to by the due date, which is today.
Senator WHISH-WILSON (Tasmania) (12:42): Mr Deputy President, I seek leave to make a very short statement.

The DEPUTY PRESIDENT: Leave is granted for a very short statement.

Senator WHISH-WILSON: The Greens support this motion for an order for the production of documents. This data is very closely related to the current Senate inquiry into veterans’ mental health. Often the Department of Defence and DVA quote from this study in relation to things such as post-traumatic stress disorder, and without getting the detail of how that study was put together it is very much a snapshot in time and it is hard to verify some of their statements. So we support the motion.

Question agreed to.

COMMITTEES

Select Committee on Health

Membership

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:44): I move:

That Senator Rice replace Senator Muir on the Select Committee on Health, and Senator Muir be appointed as a participating member on 18 September 2015

Question agreed to.

BILLS

Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015

Foreign Acquisitions and Takeovers Fees Imposition Bill 2015

Register of Foreign Ownership of Agricultural Land Bill 2015

First Reading

Bills received from the House of Representatives.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:44): 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 FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:45): I present the explanatory memoranda and 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—
FOREIGN ACQUISITIONS AND TAKEOVERS LEGISLATION AMENDMENT BILL 2015

This legislation being introduced today will strengthen Australia’s foreign investment framework.

This legislative package shall ensure Australia maintains a welcoming environment for investment — but one that ensures that the investment is not contrary to our national interest.

These reforms shall ensure that from 1 December 2015, Australia’s foreign investment framework is more modern, simple and effective.

Importantly, it will add integrity to the system, so that everybody plays by the rules. With integrity comes compliance.

By granting new compliance powers to the Australian Taxation Office (ATO), and additional powers to the Foreign Investment Review Board (FIRB), the Government is ensuring that Australians can have confidence that our foreign investment framework will be effectively enforced.

Australians expect our foreign investment rules to be strong, effective and enforceable.

Our foreign investment rules have not been significantly revised since introduction in 1975 and have not kept pace with the changes in global investment.

The Government recognises the changing landscape and has already taken active steps to enforce the existing rules and act decisively on foreign investment breaches.

One such step is to encourage those who are in breach to come forward and self-report. In so doing, we have announced a reduced penalty period for foreign investors who come forward and self-report non-compliance before 30 November 2015.

Already, the Treasurer has issued the first divestment order in about 10 years. Since then, the Treasurer has required the divestment of more than 10 illegally-held properties under the reduced penalty period.

While the Government has increased enforcement activities, further strengthening of the framework is still required to ensure foreign investment in Australia can be appropriately monitored and the rules enforced for the benefit of all Australians.

With this package of Bills, the Government is implementing its commitment to increase scrutiny and transparency around foreign investment in agriculture. The Government is also responding to concerns raised by the House Economics Committee that a lack of compliance and enforcement of the residential real estate rules is undermining the overall integrity of the foreign investment framework.

The package delivers a robust and enforceable regulatory framework and provides a predictable and welcoming environment for investors.

The Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015 makes essential changes to simplify the system, strengthen the framework and ensure the rules are enforced.

Consistent with the recommendations of the House Economics Committee, the Bill introduces a range of new and stricter penalties that are commensurate to the severity of the breach and ensure that those who break the rules do not profit by their actions.

Criminal penalties will be increased from $90,000 to $135,000 for individuals and will be supplemented by civil pecuniary penalties and infringement notices for less serious breaches of the residential real estate rules.

Third parties such as real estate agents, migration agents, conveyancers and lawyers who knowingly assist a foreign investor to breach the rules will also now be subject to both civil and criminal penalties.

The Government has provided $47.5 million over four years to the ATO to improve compliance and enforcement of the rules. The ATO has the capacity to cover more than 600 million transactions annually through its sophisticated data matching programs.
The Foreign Acquisitions Bill also implements the Government's commitment to lower the screening thresholds for investments in Australian agriculture.

Since 1 March 2015, the screening threshold for foreign purchases of agricultural land has been lowered from $252 million to $15 million based on the cumulative value of agricultural land owned by that investor. The Government is also introducing a $55 million threshold for direct interests in agribusinesses from 1 December 2015.

Australians can have confidence that investments into agriculture will be scrutinised to ensure that they are not contrary to the national interest.

The Government is committed to deregulation and ensuring that we create an investment environment that is open for business.

The Bill includes a package of long overdue amendments that will reduce red tape by removing routine cases and better aligning the foreign investment framework with other corporate legislation. For example, the substantial interest threshold will be raised from 15 to 20 per cent to better align the foreign investment rules with the takeover rules in the Corporations Act 2001. This means investors acquiring a stake of less than 20 per cent will no longer need foreign investment approval.

The Bill will also provide greater certainty for investors and the Australian community by bringing foreign government investors within the legislative framework.

FOREIGN ACQUISITIONS AND TAKEOVERS FEES IMPOSITION BILL 2015

The second Bill in the package is the Foreign Acquisitions and Takeovers Fees Imposition Bill 2015.

The Imposition Bill introduces fees on foreign investment applications to ensure Australian taxpayers are no longer required to fund the costs of the administering and enforcing the foreign investment regime.

For residential and agricultural properties valued at $1 million or less, foreign investors will pay a fee of $5,000. Higher fees apply to more expensive residential and agricultural properties as well as commercial real estate and business applications.

REGISTER OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND BILL 2015

The last Bill in the package is the Register of Foreign Ownership of Agricultural Land Bill 2015.

The Register Bill complements the lower agricultural screening thresholds that the Government has put in place to deliver better scrutiny and transparency around foreign investment into Australia’s agricultural sector.

On 1 July 2015 the Government established a register of foreign ownership of agricultural land operated by the ATO.

All existing holdings must be registered with the ATO by 31 December 2015 and any new interests registered within 30 days.

The ATO is collecting information such as the location and size of the property and size of the interest acquired.

The Government is also working with the states and territories to use their land titles data to expand the register in the future.

For the first time, the land register will provide a clear picture on the actual levels of foreign ownership of agricultural land in Australia.
This package of legislation ensures that we continue to welcome foreign investment while having the capacity to monitor activity and ensure compliance. In doing so, these measures will ensure that continued foreign investment in Australia will benefit all Australians and our future generations.

Debate adjourned.

Broadcasting Legislation Amendment (Primary Television Broadcasting Service) Bill 2015
Social Services Legislation Amendment (No. 2) Bill 2015
Banking Laws Amendment (Unclaimed Money) Bill 2015
Tax and Superannuation Laws Amendment (2015 Measures No. 2) Bill 2015

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

DOCUMENTS

Department of Infrastructure and Regional Development
Order for the Production of Documents

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:46): Mr Deputy President, I have previously been trying to seek the call. I would like to table a letter in response to an order for the production of documents.

BILLS

Fair Work Amendment Bill 2014
Second Reading

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

Senator DASTYARI (New South Wales) (12:46): I think I am continuing my remarks on—

The DEPUTY PRESIDENT: You are in continuation and also in your correct seat, which pleases me.

Senator DASTYARI: I am here to please, Mr Deputy President. That is a goal I have set myself. But what does not please me is the Fair Work Amendment Bill 2015. As I was saying in my remarks yesterday evening, I worry that the sheer damage and danger being proposed by this legislation has perhaps in part failed to be recognised, given the way in which the government has fairly cleverly used and clouded the language around some of these matters.

It is important to reiterate the framework of what is being proposed. At the last election a series of commitments were given by this government. The commitments that were given were that these amendments would not go any further than the government's pre-election promises and that it would implement specific recommendations directly from the 2012 Fair Work review. The government on both those counts has broken its promise. This bill goes further than its pre-election promises in a number of places. Three in particular need to be explored: firstly, individual flexibility arrangements; secondly, greenfields agreements; and finally, the issues relating to rights of entry. More broadly than that, the bill as a whole...
demonstrates an ideological agenda that has been run by this government against trade unionism, against workers and against the right of workers to collectively bargain.

Individual flexibility arrangements, IFAs, were introduced by Labor in 2009. Labor introduced IFAs because we believe that flexible work practices can deliver benefits to both employees and employers if—and this is the big if—they are applied appropriately. At the same time Labor wanted to protect the vulnerable low-paid workers and families who could least afford cuts to the bottom line of their budget, by ensuring that sufficient safeguards were in the legislation. But—and this is what is so worrying about the aims of this legislation—IFAs should not be imposed on unsuspecting employees as a means of taking away their conditions and taking away their penalty rates.

We have all heard examples where an employee swaps a relatively insignificant monetary benefit for a non-financial benefit. In those cases it can be a win for employers and employees. But the point in relation to this legislation is that the relevant expert panel recommendation states that if a non-monetary benefit is being traded for a monetary benefit, the value of the monetary benefit forgone must be relatively insignificant and the value of the non-monetary benefit must be proportionate. We do not want to see a situation where IFAs are being used to exploit and rip people off. Despite the clear prescription of relative insignificance and proportion, those two words are missing from the government's bill.

I want to draw the Senate's attention to the work that has been done by the Senate Education and Employment Legislation Committee and their fantastic report on the provisions of the Fair Work Amendment Bill 2014, which gives a fairly detailed analysis. We are not going to have the opportunity here to go through it in detail but it gives a detailed analysis of what is so worrying about these IFA arrangements and why they go so much further than was ever the initial intention of the legislation.

The provisions on greenfields agreements are also concerning. The government's proposed amendments to greenfields agreements pave the way for employers to essentially negotiate with themselves. The opposition opposes these amendments because the bargaining process will not be improved by simply removing one party, trade unions, from the negotiating table. These amendments give employers the absolute advantage in negotiating. I will quickly run through some of the powers that this bill will give them. Employers will gain absolute control over which unions they themselves are able to negotiate with, taking that power away from the workers. After an employer agrees to bargain with an employee organisation, the employer at any time can issue notice to commence a three-month notified negotiation period. The countdown clock does not stop once it starts. An employer could essentially walk away from the negotiating table and simply wait for those three months to expire. Finally, at the end of the three months, the employer and only the employer could take a proposed agreement to the Fair Work Commission for assessment and approval. The concern here is that these agreements, these relationships, on greenfields sites are most effective when it is a two-way street, not simply an employer-driven dead end.

The other big concern here relates to the issue of rights of entry. Labor expect anyone afforded the right to enter a workplace to act properly at all times. Let's be clear: within the act, within the current provisions, there are strict rules about what is and is not appropriate behaviour for a person entering a worksite. But let's also remember that all Australian workers also deserve rights to access independent advice and advocacy at their workplace. So it is
important that right of entry provisions are sensible but not weighted too heavily in favour of either group—unions or employers.

The government's proposed changes to the right of entry provisions heavily favour one group, and that is employers. The coalition said they would adopt recommendation 35 of the expert panel, which provides Fair Work Australia with greater power to resolve disputes about the frequency of visits. The government's inclusion of a provision that requires Fair Work Commission to consider 'the combined impact on the employer's operations' is clearly intended to exclude all unions from a site if only one union has been found to have entered too frequently. For the government, it is a case of 'punish one, punish all'. That really goes to the heart of some of the problems with this legislation—this entire idea that you should class everyone together and use an occasional exemption that is already very well covered by provisions in other acts to simply prevent the right of workers to have access to the representation.

The government is suggesting that, if an employee would like his or her union to come to their workplace and they wish to remain anonymous, the union must apply to the Fair Work Commission to obtain an invitation certificate. Does the coalition honestly believe that in a small business with, say, 15 or fewer employees the boss will not be able to find out who sought the union's presence at that workplace? Another of the government's claims is that employers have to pay for the cost of union boss 'joy riders' to remote worksites. What the coalition does not tell anyone is that employers are required to facilitate access only where premises are not reasonably accessible by transport other than by the employer or that the nature of the premises means the union is required to stay overnight. This is an exception, not a common rule.

As a whole, this bill goes too far. It introduces measures that go against what the government itself had promised before the election and it fundamentally represents what has been a continuation of nothing more than an ideologically driven attack on the rights of workers to organise and work together. I urge the Senate to vote down this bill.

Senator RHIANNON (New South Wales) (12:55): The Greens oppose the Fair Work Amendment Bill 2014. This bill is another reminder of what a seamless change it is from the Abbott government to the Turnbull government. What this bill will attempt to do is deeply alarming—the degree to which it will drive down working conditions in this country. The ability to collectively organise and union rights are central to this legislation. This is a real reminder of why it should not go through. It will increase inequality in this country. Fairness will become a distant memory. I think it is very important that the Senate rejects this piece of legislation.

I understand that some crossbench senators are in talks with the Liberal-National government to get this legislation through. I think it is very important that we look thoroughly at this legislation because it would be an enormous setback. Even if the legislation passes not in full but in some modified form, that is not progress, that is not the solution here. The bill needs to be defeated in its entirety. There cannot be a compromise here. It is bad legislation. I would urge those crossbench senators to consider how they have often stopped similar legislation going through in the past. They have been a voice for working people—for the conditions of workers on the job and for the rights of unions. We must continue to work together to ensure that that continues.
One of the main concerns in this bill is what it seeks to do to greenfields agreements. I think we need to look very closely at it. I find it deeply alarming when I look at it because I understand and know how important the current arrangements have been to ensuring that workers going into new sites are able to start with decent conditions. And those conditions have worked for industry and business as well; they have given them certainty. The argument that it gives unions control and that businesses do not know what they do and they cannot get their projects off the ground is rubbish. It is just not the case. It is another means to try and increase the profits of companies by driving down working conditions—a very troubling aspect and a reminder why we need to pay close attention to this and ensure that it does not pass.

When we are talking about greenfield sites, we are largely talking about new mine sites, ports, LNG processing and also some large-scale construction. At the moment, there needs to be an agreement between the prospective employer and the unions—often there is more than one union representing the workers—to cover that site. I would like to share with you a very fine example of how the current system has worked so well. I imagine that many of you would imagine the 2000 Olympics in Sydney. It was a great success, it was hailed as the world's best Olympics and there was great credit given to how those Olympics were run. The starting point in any sporting endeavour is that you need the various venues. Who built the venues? Tens of thousands of workers. Why was it on time? Why was it world class? Why were there minimal health and safety conditions? It was firstly because of how the union, the state government and the companies involved worked together. It was effectively a greenfields agreement that allowed that project to be on time. There were venues all over the place and all sorts of huge projects being built. Yes, there were some accidents but they were minimal and it was delivered on time. Bob Carr—a former senator, a former foreign minister and a former premier of New South Wales—would regularly boast about the success of the Sydney Olympic Games. Why were they successful? Because the negotiations were done with the union, there were good working conditions and industrial issues were kept to a minimum because of all those agreements.

Here we have this Liberal-National government, now under the leadership of Prime Minister Turnbull, turning the clock back on working conditions and the ability of unions to organise. Let's remember that the conditions of the operation of current greenfields sites are something that have been won by struggle. Once upon a time these conditions were not there. Why were they put in place? It was to give some decent working conditions to protect workers in terms of health and safety conditions. That is what was established, and that is what would be removed.

Some of the arguments that have been put are that greenfields bargaining practices mean that the commencement of projects can be delayed or possibly abandoned. There are minimal examples of that, and often they are set-up examples where the company wants to be able to complain so that down the track that company and other companies can get a better deal. Again, why would you wind the clock back? These companies still make extensive profits. All the current greenfield site arrangements set out is for there to be an agreement, but if it is changed we have the extraordinary situation where a company could negotiate with itself. Seriously—that is how it would operate. That really does go too far—to water down working conditions to such an extent.
How that would work—if the changes were to be brought in—would be that a company could refuse to engage in discussions with the relevant union or unions about an enterprise agreement. It would just have to tough it out for three months. I understand that there could be an amendment to make that six months. Really, that time difference makes no difference. If they last out that time, then they can make the agreement. They are, effectively, negotiating with themselves, because then they are off to the Fair Work Commission—that is the next stage.

This legislation would take away the only thing that employees have the right to do in this situation, and that is their right to take industrial action. Remember, that is why unions came into being. At the end of the day, the only power that workers have if they have an employer or boss that is ruthless with regard to working conditions—where they deem that they have to take action—is to withdraw their labour. That is what we are talking about here, and that is what would be denied. What is put in place? These are very ugly laws resulting in fines and possibly jail both for the workers and the union officials who are trying to give them support. At every turn, this is legislation that the alarm bells should ring on. It needs to be looked at closely and, again, I want to emphasise that this is not legislation that we can just amend and improve on. There is a clear intent here, which is to remove unions from having a role in establishing what the working conditions should be on a large-scale construction project, a port or a mine—clearly, where a negotiation should be worked out so it is there for all involved. That is where the certainty can come from, but that is what would be denied here.

The Greens think that workers are entitled to a share in the resources boom which comes from many of these projects, and that is why the current arrangements should be allowed to continue. But this is legislation that is really about letting employers and companies earn exorbitant profits from these projects. We have not heard reports of projects not getting off the ground. I wanted to emphasise this point again, because that is being used as a justification for why this needs to change. But the case has not been established. Where there have been difficulties in negotiating under the current legislation has not been put out there. We need to remember that this is not an attempt to get more projects up. It is an attempt to get employers an even greater share of the profits coming from agreements by, effectively, shutting the door on negotiations. What does that mean? It means you shut out the unions, and you shut out the workers from negotiating their wages and conditions. This is coming from the Liberals and Nationals—parties that tell us constantly about the rights of the individual; the right to get out there and have your say. Here they are shutting the door—if this legislation goes through—and denying people the right to come together collectively, to have their say and to work for fair wages and conditions. This is very, very extreme legislation that would set Australia back enormously.

Where this legislation comes from—and sometimes I have heard this used as an excuse—is the review of the Fair Work Commission. This takes us back to 2012. There were a number of recommendations in that Fair Work Commission review, but what we see coming from this government is that they have picked the eyes out of those aspects that suit one section of Australian society. It is their constituency; the constituency of the former Abbott government and now the Turnbull government—the corporate world and corporate Australia. Again, this is a very divisive way to run politics and policy in this country. There were some good aspects to that review, but there were some very problematic aspects, as we are seeing with the
greenfields arrangements. My colleague in the House of Representatives, the member for Melbourne, Adam Bandt, has done extensive work on this and I would recommend that members in this place should acquaint themselves with his work, because he gives a very balanced assessment of what that review came down with. We need to ensure that we have very fair industrial relations laws, not the biased ones that we have before us today.

The Greens are concerned about a number of the proposals in this review. There is a weakening of the 'better off overall test' limiting the bargaining on greenfield sites, as I said, and the possible removal of holiday penalty rates in some states and territories. We welcome some aspects. There was a recommendation on extending the right to request flexible arrangements. That should be backed up with an enforceable right. I want to inject that into our considerations today because this is where the legislation has come from: the review. The review is problematic in aspects, but it certainly should not be used as justification to the crossbenchers, or in any way at all, for what we are seeing being pushed through here today. The changes to the greenfield site are effectively about changing the minimum standard with regard to signing off on conditions for new large-scale projects. I find that often a favourite word of the coalition government is 'flexibility'—that we need flexibility for employers so they can get these projects going; that it will be good for the economy and it would be good for jobs. I am sure we will hear that speech again. We have heard it many times before. But this does not give flexibility. It is actually the opposite. It is rigid and it is, in fact, classic neoliberal dogma, where your lock out unions and you lock out the ability of working people to be organised. At the end of the day, there is one group deciding how the project will operate, down to the very details of wages and conditions, and that is the employers.

I want to go over this point again because it is very telling about how wrong this legislation is. When you hear the word 'agreement', you would think that there would be at least two parties involved, but what do we have here? Again, it is really important to emphasise this: an employer is now going to be able to agree with themselves about the legislation and the minimum conditions that will apply in their workplace. How wrong is that? That is so deeply unfair. There are bad employers out there. They are not all bad employers. All employers have to make a profit, so they are looking for a good deal for themselves, but there are some who are really unfair. How many times have we seen that lately in Australia, with rorts going on, the 7-Eleven stores and a number of exposes around—

Senator Canavan interjecting—

Senator RHIANNON: I am happy to take the interjection. It is very clear where the Nationals line up. On this bill they certainly are not a voice for rural workers. They have totally forgotten about that constituency. They try to make out that they are friends of rural communities, but the way they try to walk both sides of the road—

Senator Canavan interjecting—

Senator RHIANNON: I am happy to acknowledge your interjections, Senator. They walk both sides of the road, but it is being exposed more and more and those interjections show them up even more. It is very important that we understand how this will work. As I said before, if an employer just toughs it out for three months—it does not matter how many months; even if an amendment comes through in about six months—that is so meaningless in making this legislation fair. That is not possible. I was making the point about how many employers, sadly, have been exposed in recent times of being very discriminatory against
their workforce. When I was in the New South Wales parliament, I did a lot with the Textile Workers Union. I went to the homes of people—mainly women from non-English-speaking backgrounds—who were often working in their own backyard. There were effectively sweatshop conditions for such minimal pay and the big fashion houses were taking advantage of them. We see examples in many areas; it is not just in greenfield areas. I give the example of piece workers as a reminder of how important unions are. Workers have a right to be represented by a union. They have a right to come together with their fellow workers and speak up and negotiate for better conditions. That is something so fundamental to a fair and democratic society, but we are seeing that effectively denied. That is the intent of the various pieces of legislation that the government wishes to bring forward.

I must admit that when I saw this on the agenda today and following some of the conversations this week since we had a change of leadership with the new Prime Minister, it brought to my mind some of the Sydney Morning Herald cartoons that we have seen over the years of Mr Turnbull. The 'toffee person in the top hat' is how one person described it to me this week. Why does it remind me of that? Because this bill benefits those with money, those with wealth and those with privilege. This is a very serious move that must be put to bed with a clear no vote. I urge the crossbenchers who have brought a very principled voice, a very strong voice, into the Senate for working people and for unions to continue the work that they have done. There cannot be amendments that improve this bill; there cannot be a compromise. This is very dangerous legislation that needs to be exposed and it needs to be voted against. Let's remember that, when we are talking about greenfield sites, we are talking about very large scale projects. There will continue to be more of these projects across Australia, even though the resources boom may be on the wane. There will still be many such projects in the resources area and the construction area, and those workers have rights. That is why the Greens are taking such a very clear stand here. This is about a fair system for all: for workers, for unions—who have a right to represent those workers—for industry and for business. That is the way to give certainty, not the scam that the Turnbull government is now running.

Senator STERLE (Western Australia) (13:14): I too look forward to making my contribution to the Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015. I must commend Senator Rhiannon's contribution because it was very well put. The sad part is that this bill is a real crock, unfortunately. It just shows that side of the parliament's absolute hatred. People have to understand that there is an absolute hatred on that side of the chamber to organised labour. It is as simple as that. They cannot stand the thought of organised labour. The free marketeers over there would love to rip, tear and do whatever they want to do. They think: 'Occupational health and safety—we will worry about that if we get caught.' As long their conditions are not touched, as long as their earnings are not touched and as long as their mates who contribute to them are doing all right, then that is okay.

Madam Acting Deputy President Lines, I feel proud to be in the chamber today with your good self, Senator Cameron and Senator Bilyk. We have all actually come through the ranks. We actually know the meaning of a hard day's work and a fair day's pay for a fair day's work. If I may say this—I cannot think of another saying—we have all come through with 'dirt under our fingernails'. The four of us who are here at the moment, and most of us on this side of the chamber, did not snivel our way through university and fall into a senator's office or a
minister's office at the tender age of 21 or 22 and think: 'I want to be a senator.' We have actually earned our stripes. We have actually worked hard.

We know what it is like to have a man or a woman in our office. I am the old truckie here in the room. Truck drivers are predominantly male. There is nothing worse than having a man who stands six-odd feet, who is covered in tattoos and could eat nails at a party, break down in tears when he loses his job. He is sitting in your office on a Friday afternoon, after he has been touched on the shoulder and told: 'See you mate. You may be 55 or 60 but we've got no room for you anymore.'

Most of that side over there, those who are born with a silver spoon in their gob, do not really get it. They do not see the point here. They want to talk shares. They like to go to a footy match and sit in the boxes with their corporate mates who donate. They do not see the horrible end. They do not see someone who has been backed over by a forklift at four or five o'clock in the morning or your experience, Madam Acting Deputy President Lines, representing some of the lowest paid workers. This is another ideological blue from that side over there.

As other speakers have touched on, the bill should be just chucked in the bin, quite frankly. It is a good week to do it because most of the stupid promises made to mates in business were made by the previous Prime Minister and he is not a worry anymore. But, do not worry, there are plenty of spear chuckers who will fill his shoes to run the lines: 'We have to get out there and break down organised labour. At every opportunity we must demean the unions.'

Here is a classic example—and I am not using a prop; I just want to use the paper. I am quite proud to say that I never read The Daily Telegraph; however, today I have because something was brought to my attention. This is typical of this rag owned by Murdoch. He is their mate; he is a supporter of those opposite. If anyone wants to be the Prime Minister they have to get on the right side of Murdoch. If they make sure they are on his side then they will get the tick and be off and racing and the paper will run all the stuff. It is not happening with Mr Turnbull at the moment because Mr Murdoch is still in love with the previous Prime Minister, who has gone missing.

The paper attacks the CFMEU. I put out there that the CFMEU are my mates, make no mistake about that. Last week I was proudly with Dave Noonan, Michael O'Connor and another 100 CFMEU delegates at their national conference. It was a great honour. I was with real people. I have tell you that I was so much happier sitting in that room talking to good people than I am looking at that mob on that side of the chamber, like I do during my normal working days, four days a week.

The CFMEU, other unions, I and others in this building are very concerned about the ChAFTA. I know that it is not part of this bill, but it all fills into where this lot over there want to go. For those who do not know, two weeks ago it was called the China-Australia Free Trade Agreement and last week it fell into the Chinese—do not worry about import—export agreement. I do not know what shape it has taken this week. The CFMEU have made very clear to us the dangers of following that mob blindly with the current China-Australia Free Trade Agreement and the nasties that are in it.

Obviously, they are fans of the assistant minister for immigration, Senator Cash, because she has made a comment here in the paper. I would say he is a young reporter. His name is
Daniel Meers. If you are listening, Danny, come and see me if you are up here—I am in room 6.1.39—or give me a buzz. He has been given the job by the boss of the paper to attack the CFMEU. The heading is 'CFMEU's anti-China campaign hypocrisy'. I will tell you what it is all about. They have a picture of a CFMEU cap that has been made in China. Daniel Meers has said:

THE CFMEU's campaign against the China-Australia Free Trade Agreement has been exposed as hypocritical with revelations merchandise sold by the militant union is made in China.

Well golly! Then it goes on to say:

The Daily Telegraph can reveal multiple items of supporter merchandise branded with CFMEU logos, which were worn during street protests against the Chinese deal, have been made in that country.

Well whooppee! Fantastic! Daniel Meers—sorry, mate, you are not heading for a gong, but I will give you a gong. I will help you out.

I have said this a lot of times, but I have to remind that lot over there. For the last 10 years I have sat on the Senate Rural and Regional Affairs and Transport Committee. For eight years I have chaired it, either the legislation committee when we were in government or the references committee when we are in opposition. One of the biggest inquiries we had was with full-blown anger that was driven by that side. It was not you, Senator Canavan, because you were not here then, but you were in Senator Joyce's office so I reckon you did the wording. We had to have an inquiry into the bogeys coming down from China and buying up all our farmland.

Senator Canavan: Madam Acting Deputy President, I rise on a point of order on relevance. I recognise we range widely here but we have had three or four minutes now of things not even relevant—

The ACTING DEPUTY PRESIDENT (Senator Lines): That is a debating point. Please resume your seat.

Senator STERLE: It is very relevant and I have not got to the greenfields clause yet. I will build it all up so the good folk of Australia can actually understand what is going on here. I wish I had a couple of hours to do this. I chaired this committee where we had to make sure that the Foreign Investment Review Board were not blindly shutting their eyes and letting the Chinese come and buy all our farms. Certainly, if the Chinese government was buying up farming land, then I would have had concerns, but this was a real 'we've got to kill off anything foreign'. What really piqued us was when ADM wanted to buy GrainCorp. For all those out there who do not know, ADM is not Chinese; it is American. We have to protect our farmers—absolutely no problem—and our rural communities, the whole lot. But to use Daniel Meers' argument here in the Daily Telegraph about how the CFMEU's caps are made in China is ridiculous.

All through the committee hearings on the ownership of farming land—make sure it is not the Chinese taking over!—I never once thought that I would condemn any farmer, farmworker or farming family, or any food producing family or community if they happened to be driving a car made in China. Why would I do that? I never, ever went down that path. While that side opposite were going feral about the Chinese buying land, I was not thinking, 'I'd better get out there on every farm and make sure there are no tools made in China,' or no farming equipment made in China or any farming machinery made in China. At the same time
I was listening to all that nonsense from those opposite, going on about the Chinese, I never thought, when a witness from the farming communities or from state farming organisations or whoever was putting up the big defence that we must stop the Chinese buying our land, 'Should I go out there and ask the farming communities and families where their fridges were made,' or their freezers or their TVs? Never, not once—it has nothing to do with it. We all enjoy products made in China, because they are cheaper. Unfortunately for Australian workers who may be employed in that area, Chinese items are cheaper and we buy them. It never occurred to me to think, 'Where was your furniture made, because if it has been made in China and the Chinese are buying our land, you should throw your furniture out,' let alone caring where the kids' school backpacks were made.

So Mr Daniel Meers is doing the bidding of the Libs over there, or whoever put him up to write this nonsense. Goodness me; the hats are made in China! Well, check your jocks and socks.

Senator Canavan interjecting—

Senator STERLE: If they have an Australian flag on them, mate, I will be the first one up here making an apology! In fact, don't check them. Check your tyre—leave it at that!

That brings me back to this legislation and the greenfields agreement. , Madam Acting Deputy President Lines, you and I come from the great state of Western Australia, where we went through this massive mining boom. We hear some commentators over the other side, who have no idea, saying, 'The boom's over.' Let me tell you: the boom is not over. Production in mining is going through the roof. They are not getting the dollars for the iron ore that they were before and they are not getting the dollars for the coal that they were before, but production is booming. Sadly, construction is dead. Construction is just about finished in WA, as you know, Madam Acting Deputy President. You and I had the privilege of going up there and seeing what was going on Barrow Island with Gorgon and Wheatstone. In a couple of years time, it will be kaput, finished—that's it. There are no other massive projects on the horizon.

I go back to the fibs being told about the China-Australia Free Trade Agreement. While those opposite are trying to break down organised labour, where unions have the ability to negotiate for and on behalf of workers who want to use their services—they are not forced into it; they want to use their services—they are killing off Australian jobs at the same time.

This is a copy of the text of the China free trade agreement and the memorandum of understanding. Senator Cash, Mr Robb and others on that side are saying one thing, and some luminaries who used to be members of the Labor Party in this joint—yeah, big deal!—who are doing the bidding of their clients and do not care about Australian jobs. If they are happy to go out there and take the Liberal-National side, that is fine. But I want to go to article 10 of the China free trade agreement, where 10.4, is entitled 'grant of temporary entry'. In Australia under the previous, Labor government we had things called EMAs, enterprise migration agreements, so that, if we had these massive mining projects, we had to try and find Australian workers first, and if that was not possible we would go for 457 visas and bring foreigners in from overseas who had skills. It was not a problem. No-one on this side has a problem with that. If you cannot find Aussies, to get the job done, import the skills. But what we should be doing is investing in the next generation so our kids have the skills. Don't worry about profits, don't worry about returns to shareholders, although that is important. Take this tiny little bit
and invest it in the next generation so our kids and our grandkids have the opportunity to get the skills that we do not have, so when these projects come up Aussies can be employed. Great.

To those out there listening, I take you to 10.4(3) in the China-Australia Free Trade Agreement. It says:

In respect of the specific commitments on temporary entry in this Chapter, unless otherwise specified in Annex 10-A, neither Party shall—

and, going to part (b)—

(b) require labour market testing, economic needs testing or other procedures of similar effect as a condition for temporary entry.

I go to the memorandum of understanding, but I will not bore everyone with it too much—although it is not boring; it is damn interesting—because time is against me. Under the previous government, when we sorted out EMAs, you could only apply for jobs on projects, which we know are mining projects, that had a value of over $2 billion. I remember my good friend Senator Cameron I going absolutely off the reservation when we found out that someone was trying to apply that to Roy Hill. Now, you may not know Roy Hill; that is a big project in Western Australia. The one with the pearl necklace—what's her name?

Senator Bilyk: Gina Rinehart.

Senator STERLE: Gina Rinehart, Mrs Rinehart. Thank you. How could I forget Mrs Rinehart! Mrs Rinehart wanted to bring in 1,500 foreign workers. Senator Cameron I went absolutely berserk and, at the end of the day—

Senator Canavan: 1,700.

Senator STERLE: Seventeen hundred, was it? Thank you very much. But they did not need them. Guess what? Australians were available. But I tell you what the scary part is, people listening out there. The scary part of the new China-Australia Free Trade Agreement is written here for all to see, so rather than reading it I will summarise it for you. While that lot are saying that we and the CFMEU are misleading and xenophobic, which is bulldust, they have done away with that minimum project value. That mob over there—there are only two of them there at the moment. The rest of them must be hiding, because if I was wrong they would be kicking that door down, coming in here and pulling me up on that. Not one of them has come crashing through that door yet.

It says: 'Any project to the value of'—ready? not $2 billion—'$150 million'. If the Chinese—yes, it is the Chinese, because it is the Chinese-Australia Free Trade Agreement—have 15 per cent ownership in that project, they can bring in their own workers. I say to those opposite: come and prove me wrong. You are all out there. You have all got TVs in your offices. In fact, you have got three TVs in your offices. Kick the door down and have a crack at me. This is what makes me so mad, because, you see, it is tied up with other nonsense in this Fair Work Amendment Bill where it goes to a greenfields clause. A greenfields is a brand new project. A brownfields is an existing project. If another mine or gas plant starting up north—and I will talk about the north of our state of WA, Madam Acting Deputy President Lines, but it could be anywhere in Australia—and that mine has 15 per cent Chinese ownership—and we have a massive one in WA called Sino, at Cape Preston; we know that one—and it is valued at $150 million or more, they can flood it with Chinese workers. If we
do not have Australian workers available, fine, but they do not even have to labour market
test. They do not have to go and get Australian workers. I am not making this up; it is in their
damned agreement. And the sad part is that we have the likes of the Daily Telegraph of the
Murdoch press who cannot wait to grab the arguments of Mr Robb and Senator Cash.

I am still waiting for Senator Cash to come screaming through the door. She is not here yet.
She has three minutes in which to hurry up. Mark my words: she will be carrying on in
question time. The poor devils who have to listen to this argument all the time do not hear
question time. Well, they all stand up like little robots. They get their dorothea dixers. What we
call a dorothea dixer is: 'Sorry, mate, I don't want to do this to you, but you've got to ask this
minister this really stupid question and the minister has a prepared speech.' You watch it
today. They will say: 'Tell us the benefits of the Chinese-Australia Free Trade Agreement.
Tell us about all the jobs that it is going to create. And tell us what the impediments to it are.'
They will all act like kiddies—'Oh, that lot over there.' Well, you know what, as long as I am
in this building and standing here, I will proudly fight any government who wants to do away
with Australian jobs.

Now, I haven't even started on the shipping industry. What you do not know out there is
that this mob is again trying to put a bill through this parliament that does away with
Australian vessels and Australian crews on our ships. We are an island nation with the fifth-
largest shipping task in the world, and what they want to do is deflag Australian vessels. They
want to run up a foreign flag on the back of these vessels and put foreign crews on them. You
have all heard the arguments going on with Mr Bill Milby, who heads up North Star Cruises
in Western Australia. In Broome alone, 17 companies run little charters from Broome all the
way to Darwin. They are all Australian flagged vessels, with all-Australian crews. Mr Milby
asked the responsible department: 'How do I compete if you're going to let foreign ships in, if
you're going to let foreign crews on foreign wages come in and compete with us?' This was a
simple question for Mr Truss, who is the minister, and his departmental officials. We got the
answer to it last Monday night during an inquiry that was held in this building. They said to
him: 'Deflag your ship. Take the Australian flag off it and go over and get a flag of
convenience. Just go overseas—I don't know; Panama or wherever they get them from—and
put that flag on. Get rid of your Australian crew and employ a foreign crew.'

This is just one bill. Most people sitting here would be thinking, 'Fair Work Amendment
Bill 2014—what could be harmful about that?' I just hope that in these 20 minutes I have been
able to paint the picture for you of the series of mistruths that are told by this lot over there.
They can change their Prime Minister every year but the same story will come out. Do you
know what? This is the question that should be asked: if any member of this proud parliament
who pertains to represent Australian people thinks it is a great thing to do away with
Australian jobs, well, maybe I am on the wrong planet. Maybe I have got it all wrong. And
how dare I worry about my kids, my neighbour's kids, the next generation of kids and every
other Australian! I tell you what: I can sleep at night, because I will always defend Australian
jobs. (Time expired)

Senator McKIM (Tasmania) (13:34): The more things change at times in Australian
politics, the more things stay the same. We may have seen this week a change in the leader of
the Liberal Party and consequently a change in our Prime Minister, but we have seen no
change in the provisions of the Fair Work Amendment Bill 2014. We have seen no change in
the strategy of the government to relentlessly attack Australian workers, to relentlessly attack their conditions and to relentlessly attack the capacity of some of our lowest paid workers—
those who struggle the most to be able to put food on the table for their families and to aspire to a better life.

This is a bill that was first put forward by a government and then Prime Minister who were on a crusade to slowly but surely strip away the rights of Australian workers. We are now under the new leadership of a government and we can see that nothing has changed. In this bill, we see a government—old or new; it does not seem to make much difference—that is continuing to put the profits of big business ahead of the rights of vulnerable Australian workers. This legislation is about changing minimum standards. It is not about giving people more flexibility. That is the spin we are hearing in relation to this legislation. Rather, it is actually about giving bad employers—not all employers in Australia are bad, but there are some who are in fact very bad employers—the capacity to have more power over vulnerable people. When one looks at the provisions in this bill, one can see that the government has basically gone back to the previous Fair Work review and cherry-picked the things that work to implement on one side of the ledger only. The problem is, of course, that there is nothing here to balance it up on the other side—the side that protects workers in this country.

In this bill we again see the obsession of the government—and again I make the point that it does not seem to matter whether it is the Abbott government or the Turnbull government here—about employees having access to their union representatives at reasonable times, and that, of course, remains something that we should fight to enshrine. In many workplaces often the only way workers can find out about what their entitlements are is by asking their union representative who can come in and tell them, 'No, actually there are laws to protect you, and you are entitled to be paid properly as a member of the Australian community and as a member of the Australian workforce.' Yet what we see here in this legislation is a winding back of the provisions that would allow someone to come in and give that explanation.

We know that what some unscrupulous employers do at the moment, and certainly have done from time to time in the past, is to say this to their workers, 'Sure, you're low paid worker; you can find out what your minimum legal rights. But I'll tell you what I'll do. I'll put the union representative, when they come during your lunch break, in the room next to my office and I'll just sit there with a clipboard making a note of every worker who comes in to get advice from the rep about what their minimum conditions are.' And we all know what could happen to those workers whose names are taken down for nothing more than seeking advice from the union rep. Currently the law says you cannot do that. The charge before us all as legislators is to strike a balance between not disrupting the workplace and allowing people to find out what their minimum entitlements are, and that balance is lost under this legislation.

When you think about this from the perspective of a vulnerable worker who may not, for example, have English as their first language, how are they going to find out about their rights? And the answer, of course, is that either they will not find out about their rights or it will be prohibitively difficult for them to find out about their rights. That will be the practicality of this legislation, and I and the Greens have no doubt that that is exactly what this legislation is designed to do.

I note that there have been a number of amendments to this bill, and most notably I note the amendments proposed by members of the crossbench. It is important that the crossbenchers
who have proposed these amendments and this chamber more broadly are aware of what these amendments do, and we believe that essentially they make a bad bill just a little bit less bad. Yes, the amendments will remove part 2 of the bill which says that if you have happened to accrue annual leave loading and other reasonable measures during your time at work and it turns out that you get sacked before you have had the chance to take them, do not expect to get your full entitlement paid out; you are only going to get part of your entitlement paid out. And yes, it also takes out part 3 which would remove the right of employees to take or accrue annual leave while they are receiving workers compensation.

While the Greens welcome the removal of these provisions, we still cannot support this bill, because essentially they make a very bad bill just a little bit less bad. The deal the crossbench has done will take out some of the nastiest provisions that the original bill contained, yet still it does not go far enough to protect the rights of vulnerable Australian workers. What the crossbench deal has not removed from this nasty piece of legislation are the provisions that would take away employees’ rights to industrial action. This will tip the scales in favour of the employer during negotiations.

Imagine going to your employer with a legitimate request for better pay and conditions and the employer being unwilling to even have a conversation with you about it and you as the employee having no legally protected course of action to make the employer come to the bargaining table. Under this bill an employer gets to be the sole decision maker on what legislation and minimum standards apply in their workplace. It removes the negotiation element of bargaining and allows an employer to sit there, fold their arms and say, 'I refuse to engage in discussions with you about an enterprise agreement.'

It is deeply concerning to the Greens, and ought to be deeply concerning to all members, that this bill will also take away an employee’s only power in this situation, which is to take industrial action. Under existing laws, if employers refuses to negotiate with their employees, then the employees are able to commence stop-work meetings or go on strike. What are employees supposed to do when under this bill these options—their only two options: stop-work meetings or going on strike—are taken away from them? What are employees supposed to do? It is a question for us all.

The Greens have also moved amendments to this bill that will actually, genuinely make work fairer. Our amendments would give workers more job security. They would allow workers to have the flexibility that works for them so that they can have the time off work to pick up the kids, drop the kids off at school or look after a sick parent or grandparent, for example. The average full-time working week in Australia is 44 hours, the longest in the western world. Australian workers perform around $72 billion worth of unpaid overtime every year. Just over half of all Australians want to change their hours of work, even if it might impact on their income. What they are effectively saying to us is, 'Give us more genuine flexibility.' Flexibility means that mothers, fathers, family members and community members have opportunities to spend more time with their families, to play sport and to volunteer and build capacity in our communities. That is what the over half of Australians who want to change their hours of work even if it might impact on their income are saying to us as legislators. On average, full-time employees would like to work about 5.6 hours less per week. You can see there a genuine desire to work less, even if it impacts on income, so that people can spend more time doing the things that really matter in life.
Research shows that working hours are impacting on wellbeing. We are seeing poorer health outcomes and greater use of prescription medications. They are also affecting personal and family lives. For example, around 60 per cent of women feel consistently time pressured and nearly half of men feel that way as well.

In this country we need to better match the hours people want to work with the hours they actually work. If people want to work different, more flexible hours or work from home so that their life is better, then the law should allow that, provided it does not unduly impact on their employer. In fact, allowing workers more flexible hours will in many circumstances result in a productivity bonus not only for their employer but also for the economy. Business will benefit from that reform. Good employers are already promoting a more healthy work-life balance. Satisfied employees are likely to remain in a workplace longer and they are likely to be healthier and more productive.

We in this parliament need to be working to improve and protect the rights of Australian workers, not passing legislation that will bit by bit see their rights stripped away from them, their working conditions worsen and the fundamental protections given to them by current laws taken away. The Senate has twice rejected pieces of legislation that formed a major part of the current government's attack on people's rights at work. I hope and trust that the Senate will reject this piece of legislation too. However, right now we are concerned that some of the crossbench senators may be doing a deal with the coalition to get this legislation through. It may not pass in its current form, but it looks as if some of the worst parts of this legislation could still remain subsequent to any deals that are being done and could be passed if crossbench senators do a deal and join with the government to vote it through.

One of the Greens' main concerns with this bill is what it seeks to do to greenfields agreements. I commend the contribution of my colleague Senator Rhiannon earlier today, where she focussed very strongly on this issue. It is important that crossbench senators are aware of what this legislation would do. If it were to pass, the changes would deny workers on big projects any voice at all on their wages and conditions. These are workers on new big projects like new mines, ports and LNG processing plants. It would mean that employers are effectively able to bargain with themselves and unilaterally determine the wages and conditions that workers on their projects would receive without having to negotiate with workers or their representatives, including their union representatives.

In fact it goes far beyond this. It even allows the employers to choose which union they want to be their negotiating partner. Usually it is the workers who get to choose which union is involved in negotiations, but this legislation goes against that principle and allows the employers to choose. Not only would employers get to pick wages and conditions for workers; they would also get to pick their negotiating partner—who they will face off with at the negotiating table. This goes far, far beyond the recommendations of the Productivity Commission's draft report into workplace relations. That draft report recommends the Fair Work Act be amended so that:

... if an employer and union have not reached a negotiated outcome for a greenfields agreement after three months, the employer may …

- continue negotiating with the union
- request that the Fair Work Commission undertake 'last offer' arbitration of an outcome by choosing between the last offers made by the employer and the union
submit the employer's proposed greenfields arrangement for approval with a 12 month nominal expiry date.

But this piece of legislation will not even allow this. Instead of employers and unions negotiating a decent agreement on wages and conditions that works for both parties, this legislation would see employers able to just wait it out for three months, or for six months if one of the crossbench amendments passes. They would then be able to ask the Fair Work Commission to accept whatever they have put on the table, giving employees and unions absolutely no say at all.

The Greens believe that workers are entitled to share in the resources boom. But this legislation is really about letting employers and companies earn even more profit from their projects. We have not heard many reports of projects not getting off the ground because of difficulties negotiating under the current legislation. So this is not even an attempt to get more projects up; it is an attempt to let employers claw from employees an even greater share of the profits coming from agreements by shutting workers and unions out from negotiating their wages and conditions.

The Greens cannot support this bill as it currently stands; nor can we allow it to pass with only the amendments supported by the crossbench. As I said earlier in my speech, they make a very bad bill a little bit less bad. The amendments put forward by the Greens would significantly change this bill—in fact, they would radically change it: they would ensure that workers are truly given the flexibility and working conditions that they deserve.

As I previously said to this chamber, Australian workers want more genuine flexibility in their workplace. They want that so that they can spend more of their time doing things that really matter in life: playing with their kids; playing sport; working to volunteer in their communities; building stronger and more cohesive communities so that they can have a better place to live and so that their kids and their grandkids can have a better place to live. But that is genuine flexibility that is required here. I commend the work done by my colleague the member from Melbourne, Mr Bandt, in the other place, where he has been a strong and tireless advocate for a better work-life balance and more genuine workplace flexibility, so that we can all, as Australians, do more of the things that really matter in life.

**Senator O'NEILL** (New South Wales) (13:54): I rise to speak on a very important piece of legislation before the chamber this afternoon, the Fair Work Amendment Bill 2014. I was in the chair when I heard Senator Leyonhjelm making his contribution to this debate, and I want to puncture the myths that seem to surround this all of the time—that the people who are going to be affected by this are kids who are going to earn a little bit of pocket money; that really it is good for them to work on Saturdays and Sundays; that they do not really need it; that they will be able to manage the money; that it is fine; that it does not matter if they are not getting paid for working unsociable hours. That is so far from the reality of so many working Australians.

It is certainly very far from the reality that was reported to the Fair Work Taskforce in Gosford last Friday. I was pleased to be joined there by my colleagues Lisa Chesters, who chairs that taskforce, Senator Chris Ketter, my colleague here in the Senate, and Sharon Claydon, the member for Newcastle, when we took evidence from a range of members of the community. There was Youth Connections, a local group that looks after young people. These young people have a passion, which they articulated so clearly on the day: they want to get to
They are trying to negotiate the gap between where they are and where they want to be and getting a job. And the sorts of jobs that they will be able to get on the Central Coast will be jobs in retail, hospitality and tourism—the exact sectors that this bill attempts to attack. We heard from them about their aspirations for work. We heard from nurses and midwives about the impact of the loss of penalty rates on the capacity of that profession to even draw people to it.

This is the thin edge of a wedge that we are seeing put before this Senate today. I urge all senators to reject it, in the interests of the nation, and in the interests of fairness, which is what Labor stands up for every single day of the year that we are here in this place.

We heard from Luke Hutchinson representing the USU who said very simply that when you take away penalty rates what you do is: you cut people's take-home pay. You cut their pay. And, if they live in a regional economy, like many Australians do, up and down the coast of this great country, when you take that money out of those pay packets, you take it out of the economy, and it will have a contractionary effect.

The people who are speaking for this bill today swear black and blue that it will create jobs left, right and centre. But they are not going to be held to account on it, and they are saying this simply as a matter of opinion, because the facts do not match that assertion.

The task force's last witness of the day was a business owner who is an ethical employer. And this is what she actually said: 'I would like, as a business owner, when I am making my plan, to take all the emotion out of it. It seems just like the right thing to do. I believe in dealing in facts, not opinion.' And the facts are, for her small business—a retail business in a regional part of Australia—that her penalty rates on a Sunday are less than two per cent of her turnover. She said that she is happy to pay for great staff to come in on a Sunday, to give up time with their families, to make her business successful and sustainable. That is what a good employer will do. They will understand.

We have people who are working in these shops who are mothers. We heard from Liz, a local person who is a single mother. Rent stress is a reality. When you take wages away from working mothers who are on limited hours in the retail, hospitality and tourism sectors, the chance of them actually having enough money to pay their rent is a big problem. When you take away their penalty rates, you take away from their take-home pay—you cut their take-home pay. And you make them vulnerable. We heard about what happens when women on the coast—and it is predominantly women—lose their jobs or lose their wages. They find themselves caught up in homelessness. We heard stories about women who need more hours of work, who are so at risk in the fields of hospitality, tourism and other service industries that they will end up having to sleep in their cars. That is what we heard: evidence of a local woman, who has children, sleeping in her unregistered car near her children's school. That woman, and other women like her, need a job that has decent pay. They are vulnerable. They are working limited hours. And they need this parliament, this Senate, to have people who will stand up for them against the interests of businesses that are unethical—businesses that are only there to secure a profit for themselves and to increase the profit for themselves on the back of the exploitation of very insecure workers.

I want to speak to the reality that we face today with this piece of legislation: that we either make a choice for the great Australian tradition of supporting those who believe in fairness
and making sure that those who work unsociable hours get fair recompense for the inconvenience to them and their families, or—

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Turnbull Government

Senator KIM CARR (Victoria) (14:00): My question is to the Minister representing the Prime Minister, Senator Abetz. Has the Prime Minister asked the minister to remain in cabinet?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:00): It is on the public record that the Prime Minister has asked all cabinet ministers to remain in cabinet until such time as he makes an announcement about a reshuffle which has been occasioned by his ascendancy to the prime ministership. And so, in due course, that announcement will be made. But he has asked all cabinet ministers to retain their positions and as a result I can confirm to the honourable senator that the answer is yes.

Senator KIM CARR (Victoria) (14:01): Mr President, I ask a supplementary question. Has the Prime Minister asked the Treasurer, the defence minister, the finance minister and the Minister for the Environment to remain in his cabinet—it is a simple proposition here—or have they done the honourable thing, like Mr Dutton has, and offered their resignations?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:01): See the answer to the above question, which is that we have all been asked to remain in cabinet. The fact that Mr Dutton remains in cabinet I think speaks for itself. It stands to reason that in due course new announcements will be made and then the honourable senator will be relieved of any anxiety he might feel for the wellbeing of cabinet ministers.

Senator KIM CARR (Victoria) (14:02): Mr President, I ask a further supplementary question. Is the selection of a government Senate leader a matter for the Liberal Party Senate room or the Prime Minister? Is this the minister's last question time as leader and minister?

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:02): The situation is that in opposition the Liberal Party room elects its leader in this place, and I had the honour of being elected unopposed as leader. On the Abbott government winning, the Prime Minister made the determination as to who ought be leader in the place and he honoured me by giving me that position.

The current Prime Minister has asked me to continue in that role and I have been continuing in that role. What happens next, nobody knows. We will find out in due course. One thing I was taught by my parents was to take one day at a time. It has been an absolute privilege and it continues to be a privilege to be of service to the people of Australia in whatever capacity I might be called upon to serve them.

Opposition senators: It is a captain's pick!
The PRESIDENT: Order on my left!

Taxation

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:03): My question is to the Minister for Finance and the minister representing the Treasurer, Senator Cormann. Can the minister outline to the Senate what the government is doing to strengthen the integrity of the Australian tax system and ensure that multinationals pay their fair share of tax?

Senator CORMANN (Western Australia—Minister for Finance) (14:03): I thank Senator Bushby for a policy question, because Senator Bushby and every senator on this side of the chamber is actually interested in the future of Australia. We are actually interested in building a stronger economic and fiscal foundation for Australia.

The government wants and expects all taxpayers to pay their fair share of tax. If companies make a profit here they should pay tax here and they should pay tax consistent with our laws. In this year's budget we announced significant steps to strengthen the integrity of our tax system and crack down on multinational tax avoidance. This included measures on anti-hybrid rules, harmful tax practices, exchange of rulings and treaty abuse rules. The government has also tightened our thin capitalisation rules to stop multinationals from claiming excessive debt deductions. These measures are our contribution to the G20-OECD Base Erosion and Profit Shifting Action Plan, following our successful leadership in this global effort as G20 president in 2014. May I just say that Treasurer Hockey did an outstanding job in providing global leadership on this very important issue.

Yesterday the Treasurer introduced to the House a new multinational anti-avoidance bill to stop companies from diverting their profits to tax havens to avoid paying tax in Australia. This law will target approximately 30 large multinationals suspected of diverting profits using artificial structures to avoid a taxable presence in Australia. If economic activity takes place here then the profits will be taxed here. Multinationals that break the rules will face tougher penalties. Not only will they have to pay the tax they owe, but they will also face additional penalties of up to 100 per cent of the tax they owe.

We are continuing to provide leadership at an international level through the G20 and through the OECD. In government, Labor was all talk and no action. This government is actually getting on with making a difference.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:05): Mr President, I ask a supplementary question. Will the minister inform the Senate how these measures to combat multinational tax avoidance will benefit Australians?

Senator CORMANN (Western Australia—Minister for Finance) (14:06): Tax avoidance by anyone undermines the fairness and integrity of our tax system. When someone elects not to pay their fair share of tax here in Australia, everyone else has to pay more because they have to pick up the bill.

Senator Dastyari: It's a joke! Why don't you do something serious about it?

Senator CORMANN: That places an unfair burden on individual taxpayers and on our business community. The vast majority of Australians—workers and businesses—do the right thing and they rightly expect multinationals to do the same, which is why this government is taking action.
We have Senator Jack-in-the-Box up there at the back, jumping up and down again and yelling and screaming. You wait for the second supplementary, Senator Jack-in-the-Box, and we will talk about your activities.

The PRESIDENT: Order! Senator Cormann, you will address senators by their correct titles.

Senator CORMANN: Senator Dastyari, also known as 'Senator Jack-in-the-Box' and 'Mr Bean'. As the OECD rightly points out, tax laws around the world have not always kept pace with global corporations, the fluid movement of capital and the rise of the digital economy. This government is taking action—\(^\text{Time expired}\)

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:07): Mr President, I ask a further supplementary question. Can the minister advise the Senate whether there are any risks to the government's efforts to combat multinational tax avoidance?

Senator CORMANN (Western Australia—Minister for Finance) (14:07): The biggest risk to effective action against multinational tax avoidance is the Labor Party. You would have guessed it. Labor's alternative multinational tax avoidance package, announced in March this year, poses an unnecessary risk to our economy and to jobs. Treasury has assessed that, amongst other things, it is likely to increase the cost of capital in Australia and have a negative impact on economic activity, which means it will cost jobs.

Senator Dastyari: You won't even put figures out. You don't have to embarrass yourself like this.

Senator CORMANN: We have Senator Jack-in-the-Box—sorry, Senator Dastyari, also known as Senator Jack-in-the-Box—up the back there yelling and screaming—

The PRESIDENT: Pause the clock.

Senator Dastyari: Mr President, I rise on a point of order. You made a very clear ruling and you gave Senator Cormann a direction. I know that Senator Cormann thinks he is Arnold Schwarzenegger but he is actually Danny DeVito. You gave a clear direction but I just do not think he has been listening to you, Mr President.

The PRESIDENT: There is no point of order. I remind all senators to address senators by their correct titles.

Senator CORMANN: Mr President, the chair of the Senate Economics References Committee, also known as Mr Bean, got the boss of David Bradbury—

The PRESIDENT: Order! Senator Cormann, it is okay to have a little bit of a joviality but we are just going a bit too far.

Senator Moore: Mr President, on a point of order: That was my point exactly. It has just been taken too far.

The PRESIDENT: All senators will desist from using nicknames or other names in this place.

Senator Conroy: 'Wacka'! What about 'Wacka'?

The PRESIDENT: Senator Conroy, that applies to you also.
Senator CORMANN: Former Assistant Treasurer David Bradbury works in Paris now; his boss is Pascal Saint-Amans, Director of the OECD Centre for Tax Policy. He says Labor's policy is premature— (Time expired)

Prime Minister

Senator LINES (Western Australia) (14:10): My question is to the Minister representing the Prime Minister, Senator Abetz. I refer to the Minister for Defence, Mr Andrews, who described the Prime Minister, Mr Turnbull, as someone whose focus seems to have been almost entirely on himself and on undermining the government. Does the minister agree?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:10): I learned long ago not to trust the Labor Party when they come in here claiming to quote my colleagues. I have said time and time again that this is a government committed to the service of the Australian people—a government that does not indulge in the sort of gossip column tactics of the Labor Party. Mr President, you would have thought that on an occasion such as this, having the opportunity to put the government to the test, there might have been a question about the China free trade agreement and the jobs that that would provide. But no, instead we have a question about what somebody allegedly said on some program. We do not indulge in those sorts of matters on this side—we keep on with the task of serving the Australian people, of creating the employment opportunities, of reducing the cost of living pressures on family budgets, of ensuring that we get a good, sound, balanced environmental policy, of getting our resource projects underway and of getting rid of red and green tape. They are the things that we concentrate on, they are the things that we are devoted to, and that is what we will continue to do.

We can play all sorts of games about 'he said', 'she said', and indeed there are some very interesting quotes of what Labor people are saying about each other. Where does that advance the cause of the national interest? Absolutely nowhere. What advances the cause of the national interest is a focus on the policies that will create jobs, will keep jobs, will put downward pressure on the cost of living and will ensure the future of our nation. That is what we are dedicated to doing.

Senator LINES (Western Australia) (14:12): Mr President, I ask a supplementary question. I refer to former Prime Minister Abbott's comments about the sour, bitter character assassination that took place while he was leader. Does the minister agree with Mr Abbott's description of Mr Turnbull's actions as he white-anted his way to the top?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:12): While Mr Abbott was leader of the Liberal Party I do understand that a very sour, bitter character assassination took place, and that was by Kevin Rudd of Julia Gillard, and then by Julia Gillard of Kevin Rudd. If the honourable senator is referring to that sour, bitter character assassination while Mr Abbott was Leader of the Liberal Party, chances are she is right. As the Australian people recognise, it is important when there is a change of leader to get on with the business of governing, on delivering on the China free trade agreement. What the Australian people want to know today is where does Senator Wong stand on the China free trade agreement? Will the Labor Party be supporting the China free trade agreement or will
they be pursuing the xenophobic policies of the most corrupt union that this country has, namely the CFMEU? (Time expired)

Senator LINES (Western Australia) (14:13): Mr President, I ask a further supplementary question. Can the minister confirm that Mr Turnbull once sought support for a Labor Senate seat, and does this not show that former Liberal Premier of Victoria, Mr Jeff Kennett, is right when he says that Mr Turnbull is an individual who always puts self-interest first?

The PRESIDENT: I indicate to the minister that that question has a very tenuous link to the primary question. I will allow the minister to answer any part of the question that he wishes.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:14): Mr President, you and I come from the great state of Tasmania. Tasmania has a very proud record of having had somebody that used to be in the Labor Party seeing the light and becoming Tasmania's only Prime Minister. I of course refer to Joseph Lyons, shifting from the Labor Party to the cause that advanced the nation. If that which is asserted about Mr Turnbull is correct, he then follows that great model of Joseph Lyons who, having seen the problems of the Labor Party, came across to the conservative side of politics and did untold good for our nation in times of economic circumstances which we would not have wished on our nation. I say to the honourable senator that, if that which she asserts is true, I welcome the fact that Mr Turnbull saw the light, and I trust others on that side will as well. (Time expired)

Trade with China

Senator WHISH-WILSON (Tasmania) (14:15): My question is to the Minister representing the Minister for Trade and Investment, Senator Payne—and Senator Abetz will be pleased to know it is about the Chinese free trade deal and the jobs it will provide. Minister, recently, in response to a question on the benefits of the Korean, Japanese and Chinese free trade agreements, you stated that modelling shows that between 2016 and 2035 there will be 178,000 additional jobs created as a result of these deals. This figure was also repeated by the former Prime Minister, Mr Abbott—that sounds satisfying—in the other place and recently by Senator Abetz in the Senate. In his media statements, the Minister for Trade has also referred to hundreds and thousands of jobs being created. Minister, did you take this figure from the government's report on the impact of these trade deals which was done by the Centre for International Economics? If so, why are you quoting a figure of 178,000 jobs when the report explains there will be only 5,434 jobs in 2035?

Senator PAYNE (New South Wales—Minister for Human Services) (14:16): I thank Senator Whish-Wilson for his question. In fact, he has correctly observed that they are observations I have made in this chamber, that Minister Robb has made, that Mr Abbott has made and that a number of other enthusiastic supporters of the China-Australia Free Trade Agreement have also made. I think if you wanted to look more accurately at the industries and at examples in our region of the huge potential in this China-Australia Free Trade Agreement then you could go to the evidence provided by Prime Minister John Key from New Zealand, who has said:

I'm a massive proponent of free trade, and the benefits of our FTA have been 11 times greater than the most optimistic estimates. The numbers speak for themselves. Having negotiated an agreement that is high quality, you'd like to grab it with both hands. New Zealand will be quite happy to do it if you don't.
In fact, as I understand it, the New Zealand record shows a quintupling of the benefits that they were expecting under their free trade agreement.

You could also listen to the words of the dairy industry, who have said the free trade agreement will create 600 to 700 jobs in that industry in the first year alone. The Financial Services Council, which I have also referred to, said that the agreement would result in the creation of 10,000 new jobs by 2030 in the financial services sector alone. We have other examples, like New South Wales—

Senator Whish-Wilson: Mr President, I rise on a point of order. My question was specifically about the government's report—the only report that I am aware of—by the Centre for International Economics, which is on the DFAT website, which stated 5,434 jobs versus the minister's stated 178,000. That is out by a factor of 33 or 3,300 per cent. I wanted a clear answer on that.

The PRESIDENT: Thank you, Senator Whish-Wilson. I will remind the minister of the question. She has 21 seconds in which to answer.

Senator PAYNE: I am very grateful for Senator Whish-Wilson's continued reference to the great value of the China-Australia Free Trade Agreement. The more he acts as a sceptic and the more he continues in the negative way that he is, the more damage there is to Australia's reputation as an open and free trading country. If that is what the Greens want to do then that is a matter for them. (Time expired)

Senator WHISH-WILSON (Tasmania) (14:19): Mr President, I ask a supplementary question. Damage to our reputation is actually more about how misleading the government has been on this. As I said, the figures are out by 3,300 per cent. This is a significant error. Minister, on behalf of the government and the Minister for Trade will you please take this opportunity to correct the record? Can you explain if you were deliberately misleading the Senate and the Australian people or if this was just an embarrassing mistake or an oversight?

Senator PAYNE (New South Wales—Minister for Human Services) (14:20): What I will take the opportunity to do, in response to Senator Whish-Wilson's invitation, is re-emphasise what a groundbreaking opportunity this is for this nation. I will take the opportunity to confirm the value of the initiatives under the free trade agreement—like the ones I was speaking about before. In fact, I did not finish those, so I might go back to them. For example, we have the Seafood Trade Advisory Group. If I were from Tasmania—

Senator Di Natale: Mr President, I rise on a point of order. You have been very good in drawing the minister's attention to the question. This was a very, very simple question: does the minister stand by the figure of 170,000 jobs, or will she now correct the record as indicated on the DFAT website?

The PRESIDENT: Thank you, Senator Di Natale. I will remind the minister of the question and advise that she has 32 seconds in which to answer.

Senator PAYNE: I was talking about Tasmania and the importance of the seafood industry to Tasmania, as I recall, and the Seafood Trade Advisory Group. We are talking about numbers of jobs, which is what Senator Whish-Wilson asked me about.

Senator Di Natale: Mr President, I rise on a point of order. I think you know where I am about to go, Mr President. I ask you to draw the minister's attention to the question. It is a very simple one: does the minister stand by the figure of 170,000 jobs, or will she now correct
the record? This is very, very serious. Will she correct the record? Otherwise, she has misled the Senate.

The PRESIDENT: Thank you, Senator Di Natale. I will remind the minister that she has 18 seconds left in which to answer.

Senator PAYNE: I have said that I stand by what I have said in this place, and I stand by what Minister Robb has said in relation to the China-Australia Free Trade Agreement. If that is not clear enough for Senator Whish-Wilson and his leader then I fail to see what would be.

Senator WHISH-WILSON (Tasmania) (14:22): Mr President, I ask a further supplementary question. Given that the employment figures the government have been touting are complete bunkum and that it is a significant matter of public interest for the Australian people to know this, does the minister accept that this totally undermines the government's credibility on claims about 'rivers of gold' resulting from these trade deals, and what else has the government misled the Australian people on regarding these free trade agreements?

Senator PAYNE (New South Wales—Minister for Human Services) (14:22): I absolutely do not accept Senator Whish-Wilson's characterisation of that in any way, shape or form. What I do accept is the evidence provided by countless numbers of industry organisations and businesses in this country who are just waiting for the opportunity to take up the chances under the China-Australia Free Trade Agreement to transform their industries, to transform their businesses, and to create jobs in this country. If the Greens and those opposite are not prepared to support the China-Australia Free Trade Agreement to enable it to come into force by the end of this year so that we can have a first set of tariff reductions before the end of this year and a second set of tariff reductions next year, then they are putting in jeopardy those jobs. We will not do that.

Medicare

Senator CAMERON (New South Wales) (14:23): My question is to the Minister for Human Services, Senator Payne. I refer the minister to the theft of Medicare clients' sensitive, personal information including bank account details. When did the minister become aware of the theft of Medicare clients' confidential, personal information which has been used by scammers to create fake bank accounts into which Medicare rebates are deposited?

Senator PAYNE (New South Wales—Minister for Human Services) (14:24): I thank Senator Cameron for his question. What I do not thank Senator Cameron for is his outrageous misrepresentation of the Department of Human Services staff, which he has engaged in at least twice in the last 24 hours, by accusing them, without a shred of evidence and without a shred of material to stand on, of engaging in a cover up, and I will not stand for it.

Opposition senators interjecting—

The PRESIDENT: Order! Senator Cameron, a point of order.

Senator Cameron: I raise a point of order on relevance. This is a very, very clear question with one aspect: when did the minister become aware of the theft. That is the question and the minister should be directed to go to that very important question of public policy.

The PRESIDENT: Thank you, Senator Cameron. Senator Moore, a point of order.
Senator Moore: Mr President, I would like to actually question whether the minister's comments were a reflection on Senator Cameron.

Honourable senators interjecting—

The PRESIDENT: Order! Can I just deal with Senator Cameron's point of order first. In relation to Senator Cameron's point of order, I think it would be very unfair to say that the minister has not been directly relevant because she has not really had enough time. She has only been into her answer for a short period of time.

Honourable senators interjecting—

The PRESIDENT: Order! We need to give ministers some time to at least come to the question. In relation to the second point of order, I do not believe that was a reflection necessarily on Senator Cameron. I think Senator Payne was referring to facts that have occurred in the last 24 hours. However I will be listening fairly carefully to the answer. Minister.

Senator PAYNE: Thank you very much, Mr President. I reiterate that I completely reject the senator's outrageous slur on my department's staff. The New South Wales Police alerted the department on Thursday, 10 September that they had found a number of allegedly stolen medical files during an unrelated police operation. This is an ongoing police investigation, and ongoing police investigations must be allowed to take their appropriate course. The department is undertaking investigations as to any matters associated with inappropriate Medicare claiming. As is standard and responsible practice, the department does not comment on open or ongoing police investigations as this could potentially jeopardise their investigation. Observing this level of responsible behaviour has apparently escaped Senator Cameron.

The PRESIDENT: Order! Pause the clock. A point of order, Senator Cameron.

Senator Cameron: I come back to relevance. I did not ask when the department found out, I asked: when did the minister become aware. She has not gone to that question yet. I think she is well into her answer and she should draw her attention to the question.

The PRESIDENT: Thank you, Senator Cameron. The minister is being relevant to providing some background information. It is a sensitive area. She has also indicated that it is a matter for the police at this point in time. I remind the minister, again, of the question. Minister, you have 36 seconds in which to answer.

Senator PAYNE: Thank you, Mr President. There were a number of matters in Senator Cameron's question to which I am responding. I would also note that Senator Cameron has said publicly that he has concerns about the comprising of Medicare/Medibank information and has indicated that Medicare information has been stolen. This is not the case. What has been stolen—

Honourable senators interjecting—

The PRESIDENT: Order! Pause the clock. Senator Cameron.

Senator Cameron: Mr President, this is a very important public policy matter. I asked the minister: when did she become aware of the theft. She has 13 seconds left, you have given her plenty of rope and she will not go to that question.

Honourable senators interjecting—
The PRESIDENT: Order! On my right. Thank you, Senator Cameron. I remind the minister of the question and indicate the minister has 13 seconds in which to answer. Minister.

Senator PAYNE: Thank you very much, Mr President. As I was saying, a number of medical files have been stolen, allegedly, from medical practices in south-west Sydney. I want to make it very clear that they are medical files stolen from practices. *(Time expired)*

Senator CAMERON (New South Wales) (14:28): Mr President, I ask a supplementary question. Can the minister advise the Senate of the number of Medicare clients whose identities have been stolen and the amount of money that has been defrauded from the Commonwealth?

Senator PAYNE (New South Wales—Minister for Human Services) (14:29): Mr President, I am not able to advise the Senate of the details that Senator Cameron has sought because the matter is the subject of a police investigation. We will work with the police in New South Wales to provide any and all information that they require.

Senator CAMERON (New South Wales) (14:29): Mr President, I ask a further supplementary question. What steps has the minister taken to ensure that Medicare clients can be absolutely confident that their confidential personal information is secure from identity theft and fraud?

Senator PAYNE (New South Wales—Minister for Human Services) (14:29): As a matter of course, the department uses very sophisticated data analysis and other processes to prevent and proactively detect instances of alleged fraud and noncompliance, which include a number of mechanisms that we have spoken about in the chamber before. I indicated that the New South Wales police advised the department on Thursday, 10 September that they had found a number of allegedly stolen medical files from a medical practice or practices, not material stolen from the Department of Human Services.

The PRESIDENT: Stop the clock.

Senator Cameron: Mr President, I rise on a point of order, on relevance. This question is very targeted—

The PRESIDENT: Senator Cameron, can I stop you there. The minister has been directly relevant to your question. She answered it completely up-front by saying she could not advise you. So I do not accept that there is a relevance issue in this case, I am sorry, Senator Cameron. The minister is in order.

Senator PAYNE: I indicated in my answer to Senator Cameron’s first question that the department will undertake appropriate investigations as to any matters associated with inappropriate Medicare claiming or any other issues that the New South Wales police believe are associated with this. That is exactly what we are doing. We are undertaking appropriate investigations of the material provided to us by the New South Wales police. *(Time expired)*

**Steel Industry**

Senator MADIGAN (Victoria) (14:31): My question is to the Minister representing the Minister for Industry and Science, Senator Ronaldson. Australian steelmakers and fabricators operate in an ethical environment. This means that their product quality has to be of a high level and quality documentation must be accurate. Compliance with environmental,
workplace and other requirements must be thorough. Many overseas steelmakers and fabricators have no such boundaries, so their costs will always be cheaper. Many are owned by unelected governments and can freely dump low-cost steel on the world market.

Australia will lose its steelmaking industry if the government's current open-door policy remains in place for much longer. What does the Australian government plan to do to safeguard the Australian steelmaking industry and Australian jobs?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:32): I thank Senator Madigan for his question and acknowledge his longstanding interest in this matter, and I thank him for providing me with some notice about the question. The Australian government is aware of the pressures on the Australian steel industry, particularly given the tougher economic conditions in China and the resulting oversupply in the global market. The government is working closely with the steel industry to deal with these issues, with a focus on the long-term future for Australian manufacturing and jobs. However, successive governments have found that restoring high tariffs is not a sustainable option for the development of Australian industry, as high tariffs impose additional costs upon both producers and end consumers, slowing productivity growth. Raising barriers to trade could result in retaliation from our trading partners and jeopardise our export industries as well as undermine Australia's treaty obligations to trading partners.

The Minister for Industry and Science, Ian Macfarlane, recently held a meeting of key stakeholders in Wollongong, including the New South Wales government, local federal MPs, BlueScope Steel, workers, unions, the local council, the business community and the university, to develop a long-term economic strategy for the steel industry and for the Illawarra. The government looks forward to continuing to work with the steel industry and the Illawarra community in a bipartisan manner.

I understand that industry can request a safeguards investigation by the Productivity Commission, but that is up to those involved in the industry, and that at the instigation of industry the minister can refer a safeguards request to the Productivity Commission for investigation. The industry would have to provide prima facie evidence that the industry is facing material damage and this damage is directly resulting from an increase of imports of steel. It actually has nothing to do with anti-dumping.

Senator MADIGAN (Victoria) (14:34): Mr President, I ask a supplementary question. There are numerous examples of imported fabricated steel arriving in Australia containing major defects. This steel is being purchased by both private enterprise and government. It is obvious that state government and private enterprise cannot control the quality of imported steel. What does the federal government plan to do to protect the citizens of Australia from collapses or other unintended consequences of poor-quality imported steel?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:34): Again I thank Senator Madigan. The government shares your concern in relation to non-conforming building products. At the building ministers forum in Melbourne—I think it was in July, from recollection—ministers agreed on a range of significant outcomes that will benefit the Australian building and construction industry and the wider community. One of the key themes of the building ministers forum was addressing non-conforming building products,
and during the meeting the Commonwealth put on the table options for better information sharing with Customs and Border Protection that would assist state and territory regulators to better manage and respond to non-conforming products coming into the country.

The Commonwealth and state and territory ministers also agreed to establish a working group of senior officers that will report back within six months on the issue of non-conforming building products. I am pleased to say this working group has been established and will be meeting in the coming months to work through the forward plan. The key task will be to work up strategies to minimise the risk to consumers, businesses and the community. (Time expired)

Senator MADIGAN (Victoria) (14:36): Mr President, I ask a further supplementary question. With the current oversupply of steel on the world market, dumping into Australia is rife. It is a lot easier for an importer to dump overseas steel than it is for an Australian steelmaker to mount a dumping case and prove dumping. Why has the government allowed a situation to develop where the playing field is skewed more in favour of foreign steel dumpers than Australian steelmakers, and what does the government plan to do about it?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:36): Again I thank Senator Madigan. The claim that our anti-dumping system is set in favour of importers is totally incorrect. Our regime is seen as one of the strongest and most robust in the world. As Senator Madigan knows, earlier this year the government introduced a suite of reforms to the anti-dumping system, and some of these include: placing a greater onus on overseas businesses to cooperate with investigations, more stringent deadlines for the submissions, tracking down uncooperative exporters, better assistance for Australian businesses, addressing circumvention of anti-dumping duties, reducing red tape, improving certainty and improving the anti-dumping merits review. I think it is fair to say that we are absolutely committed to ensuring that our anti-dumping regime is a strong one and that it does comply. We are a government that has done something about this. The interjections from Senator Carr before only confirm that they did absolutely nothing at all about this. (Time expired)

Trade with China

Senator REYNOLDS (Western Australia) (14:37): My question is to the Assistant Minister for Education and Training, Senator Birmingham. Will the minister inform the Senate of how the China-Australia free trade agreement will protect Australian jobs and will still require foreign workers in Australia to meet Australian standards?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:38): I thank Senator Reynolds for her question about the job creation of the China-Australia free trade agreement.

Senator Whish-Wilson interjecting—

Opposition senators interjecting—

Senator BIRMINGHAM: I hear the interjections coming from Senator Whish-Wilson and others over there. I reflect on the question that Senator Whish-Wilson asked before, in which he was quibbling over the number of jobs that the China-Australia free trade agreement would create. But what he was not disputing was that jobs will be created and that there will be more jobs. My question to Senator Whish-Wilson, to the Greens, to the Labor Party and to
everybody else is: why are they against jobs? Why are they against the fact that the China-Australia free trade agreement will create many more jobs?

The proof is there—as Senator Payne rightly said—in the fact that since New Zealand signed their free trade agreement with China, New Zealand's trade exports to China have gone up five times, as Senator Back said. They have quintupled. In comparison, Australia has basically doubled in that time. New Zealand's FTA has demonstrated that it a good FTA with China delivers more trade, more exports and more jobs.

It does that right around Australia and across industries around Australia: in agriculture; in resources and energy; in services, like education, aged care and other services exports and in advanced manufacturing. It does that right around Australia geographically, in states like Senator Reynolds—Western Australia—where there will be great benefits and in localities like the electorate of Canning, where there will be great benefits and there will be more jobs for Australians because of the increased exports and trade from the China-Australia free trade agreement.

Senator Reynolds also asked whether it was still require foreign workers working in Australia to meet Australian standards. The simple answer to that is: yes, it will require workers to meet exactly the same standards as anybody else in Australia. (Time expired)

Senator REYNOLDS (Western Australia) (14:40): Mr President, I ask a supplementary question. Can the minister update the Senate on the benefits of the China-Australia free trade agreement, particularly for growth in jobs in the trades?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:40): The benefits are immense. The benefits are immense because China already buys around one-third of Australia's exports, valued at nearly $98 billion in 2014. It is our top overseas markets for agriculture, for resources and for services. The opportunity is there, in the world's most populous economy, to grow in all of those different industries. Chinese investment in Australia has been growing strongly in recent years, reaching almost $65 billion in 2014. The opportunities exist for more Chinese investment in Australia, creating more jobs and more industries in Australia, as well as more Chinese purchasing of Australian goods. That means there will be more jobs. That is the good news for Australians. It is a mystery as to why Senator Wong and all those opposite stand against the job creation that the China-Australia free trade agreement will bring to all Australians.

Senator REYNOLDS (Western Australia) (14:41): Mr President, I ask a further supplementary question. Can the minister also inform the Senate of how the China-Australia free trade agreement streamlines the administrative pathway for Australian workers in certain occupations to work in China?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:41): This is an important aspect of the China-Australia free trade agreement: Australians will have improved access to be able to work in China. That is because China is—as we all accept—a much bigger and a much bigger market than Australia, so the opportunities for skilled Australians to be able to access those chances in China are immense.

Specifically, China will provide a guaranteed access to Australian citizens and permanent residents in the following categories: intracorporate transferees for up to three years,
including executives, managers and specialists; contractual service suppliers in certain sectors for one year or longer if stipulated under the relevant contract; installers and maintainers for up to 180 days and business visitors for up to 180 days. For the first time in any free trade agreement, China will guarantee equivalent entry and stay for dependents and spouses of Australians granted entry as intracorporate transferees or contractual service suppliers for longer than 12 months. This means—(Time expired)

Indigenous Communities

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:43): My question is to the Minister for Indigenous Affairs, Senator Scullion. It is about Aboriginal stolen wages. The Senate inquiry into stolen wages in 2006 found that the Commonwealth played a role in controlling the finances of Aboriginal people through its regulation of, access to and payment of social security payments.

In fact, the Commonwealth amended its legislation to enable allowances to be paid indirectly to a third party. Records from Queensland and WA suggest that Commonwealth authorities knew of the misappropriation of endowments and pensions but did not introduce procedures to prevent misuse nor to ensure that those receiving an endowment and pensioners received their entitlement, as mandated by federal legislation. Do you acknowledge that payments were taken? Does the Commonwealth accept any responsibility for these stolen allowances? If so, what is the Commonwealth doing about it? If not, why not?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:44): I would like to take some of those more detailed questions on notice. The principal question goes to responsibility of the Commonwealth and—as the senator has pointed out—there is a vicarious connection to those people who were responsible for paying the wages, which are in fact in the jurisdictions of the states. Under a Commonwealth legislation, as to if they have failed to obey Commonwealth legislation and the question about whether or not the Commonwealth has some responsibility in that matter, I will have to take that question on notice. It is very detailed, but it is an important question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:44): Mr President, I ask a supplementary question. Could the minister please outline any work that the Commonwealth has been doing to look at this issue? I am specifically asking about Commonwealth payments. The evidence suggests that the Commonwealth knew about the fact that these payments were not going to the intended recipient. Has the Commonwealth done any work since the Senate report was released in 2006?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:45): Obviously the question is on what work the Commonwealth may have done either in the area of my portfolio or similar portfolios and within the Attorney-General’s Department between 2006 and now. Again, it is something that I will have to take on notice due to the considerable detail of the question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:45): Mr President, I ask a further supplementary question. Will the Commonwealth be prepared to open its records so that those people needing and seeking redress for stolen allowances—which is part
of the whole process of stolen wages—can access that detail in order to make claims regarding their lost allowances?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:46): Again, I will have to take that question on notice. But I certainly would support the notion that, if the Commonwealth has details about that matter, those people who—

Senator Kim Carr: You have no idea!

The PRESIDENT: Senator Carr!

Senator Kim Carr: Take it on notice! You took the whole thing on notice—something as simple as this.

The PRESIDENT: Order, Senator Carr! Minister, you have the call.

Senator SCULLION: Thank you, Mr President. I would certainly support the notion that, if the Commonwealth has information that pertains to a claim, no matter how long ago it was, that information should be made available. But, again, I will have to take that on notice.

Fair Work Commission

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:46): My question is to the Minister for Employment, Senator Abetz. I refer the minister to revelations that Fair Work Commission Vice-President Michael Lawler took nine months of fully paid sick leave from his $435,000-a-year job at Fair Work in just one year. This is despite Mr Lawler admitting to the trade union royal commission staff that he had been constantly working on legal issues for his partner, the disgraced union official, Kathy Jackson, during this period. Given Mr Lawler's own admission that he had been conducting complex legal work while claiming to be too sick to work, will the government investigate this apparent rorting of taxpayers' money?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:47): As the honourable senator should well know, the terms and conditions of Vice-President Lawler's appointment were determined by Labor's Fair Work Act. There are matters that need to be looked at exceptionally carefully. As I said to the honourable senator earlier this week—

Senator Conroy: Looks like you'll be on the front page of The Australian twice tomorrow.

The PRESIDENT: Order! Senator Conroy, you have asked your question.

Senator ABETZ: in response to a similar question, these matters need to be dealt with in a methodical manner, in a purposeful manner and in a manner that ensures natural justice.

In relation to people taking sick leave from the Fair Work Commission, it should not surprise the honourable senator that that is not something that comes across my desk, but goes across the desk of the person in charge of the Fair Work Commission. If Senator Conroy is asserting that false medical certificates have been provided, let him assert that, especially outside of this place, and see what occurs. But, from my perspective, it is vitally important that we take these matters in a step-by-step manner to ensure that natural justice does occur.

Senator Conroy interjecting—
Senator ABETZ: The bellicose shouting of the honourable senator clearly indicates that he has no interest in a proper course of action being undertaken but rather wants a vindictive outcome because Mr Lawler's partner, Ms Jackson, has exposed rorts within the trade union movement that have shattered Senator Conroy's personal empire in the trade union movement.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:49): Mr President, I ask a supplementary question. I refer the minister to an article by Pamela Williams in The Australian on 22 August that outlined a paper trail showing how Mr Lawler had benefited from the proceeds of crime by taking ownership of a house that Kathy Jackson financed with stolen union money. Will the government take the necessary steps to protect the integrity of the Fair Work Commission and remove Mr Lawler from his position?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:50): It stands to reason that, if there are stolen monies involved, as asserted, these matters should be dealt with by the police and—

Senator Conroy: They have been. She declared bankruptcy to avoid paying it back.

The PRESIDENT: Order, on my left! You have asked your question, Senator Conroy.

Senator ABETZ: The matter should be dealt with by the police and then the rule of law ought to apply through the court system. We should not be seeking to use the Senate as some sort of other court of law. What needs to happen in these cases for the rule of law—

Senator Conroy: You should sack him!

Senator ABETZ: and the proper process of law to apply is to not follow that sort of bellicose interjection asserting that someone should be sacked before all the proper steps are taken.

Senator Conroy: He is living off stolen money.

Senator ABETZ: Talk about stolen moneys and living off them—Michael Williamson, Craig Thomson. And where were you, Senator Conroy? Nowhere to be seen.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:51): Mr President, I ask a further supplementary question. Mr Lawler has performed complex legal work while taking a nine-month sickie, has acted as a legal advocate for his corrupt partner in the Federal Court, has been embroiled in a scandalous attempt to control an old man's finances, has had multiple complaints lodged regarding his professional conduct and has taken ownership of a house financed with stolen money. Does this government continue to support and protect Mr Lawler, or will it now act to end this chaotic saga?

Senator Cormann interjecting—

Senator Conroy interjecting—

The PRESIDENT: Senator Cormann. Senator Conroy; you have asked your question.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:52): I would trust that if there is one thing people might be agreed upon in this place it is that I would in no way, shape or form seek to protect any form of corruption. Other than Senators Conroy and Carr, who are motivated by things other than due process and the rule of law, these things need to be dealt with in a manner that is appropriate. I simply remind the honourable senator
that it took over six years to bring Mr Craig Thomson to justice. So, if we are talking about dealing with things in a timely fashion, I would invite the Australian Labor Party to see how long it took them to deal with Craig Thomson, how long it took them to deal with Michael Williamson and how long it took to flush out the $75,000 that Mr Shorten never declared.

(Time expired)

Trade with China

Senator BERNARDI (South Australia) (14:53): My question is to the Assistant Minister for Immigration and Border Protection, Senator Cash. Can the minister advise the Senate, in relation to the import of goods through Australia’s borders, of whether opponents of the China-Australia Free Trade Agreement are consistent in their claims to be protecting the jobs of Australian workers?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:54): I thank Senator Bernardi for his question. The CFMEU campaign being waged against the China-Australia Free Trade Agreement is—and I am going to quote another former Labor Senator who has now come onboard, former Labor Senator John Black—‘a throwback to the Labor Party of 100 years ago … It’s certainly xenophobic’. Senators would be interested to know that the material being distributed by the CFMEU, arguing against this historic free trade agreement, argues: ‘Australian manufacturing workers will lose their jobs as cheap imported products send Australian companies out of business.’

So, imagine my surprise when it was recently brought to my attention that the very merchandise that you see being worn by those CFMEU protestors at their anti free trade agreement protests are actually made in China—exhibit A, the CFMEU cap; you flip it over, and what does it say? Made in China. Even though the CFMEU are out there waging a xenophobic campaign, they do not have enough shame to actually purchase their products in Australia. It is a fact: you are allowed to purchase products from China. I support that. I hope that with the free trade agreement more Australians can do that. But the hypocrisy of the CFMEU wearing products made in China—

Senator Cormann interjecting—

The PRESIDENT: Senator Cormann, remove that cap.

Senator CASH: whilst at the same time waging a war. Senators on the other side will be pleased to know that there is a manufacturer in Australia that can make you those caps. The CFMEU know that, but they just did not choose that manufacturer.

The PRESIDENT: Before I call Senator Bernardi, I will just remind senators on my right that you are not allowed to use props, and that includes a baseball cap.

Senator Bernardi: Mr President, it may assist the Senate if the minister tabled the baseball cap so that we could all view it!

Senator Cash interjecting—

The PRESIDENT: Senator Cash, you do not have the call.

Senator BERNARDI (South Australia) (14:57): Mr President, I ask a supplementary question. Would the minister please advise the Senate of how unions and workers will benefit
from the reduction in tariffs on Australian exports under the China-Australia Free Trade Agreement?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:58): Yes, I can. There is a particular Australian manufacturer that has workers who will benefit, and that is of course the manufacturer in Australia that produces this baseball cap that the CFMEU imports from China. As I was saying, you have to say to these Australian manufacturers: the CFMEU had a choice; they just did not choose you. It is a fact that in relation to the free trade agreement Australia exported in excess of $90 billion worth of products to China in 2013-14. In fact, that was around one-third of Australia's total exports to all countries. And when we ratify the free trade agreement, 92.9 per cent of China's imports will be duty-free, with the remaining tariffs eliminated in four years. (Time expired)

Senator BERNARDI (South Australia) (14:59): Mr President, I ask a further supplementary question. Can the minister advise the Senate of what impact the passage of the China-Australia Free Trade Agreement will have on the tariffs applicable to campaign merchandise and apparel?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:59): I can certainly inform those on the other side, who can then take it back to their CFMEU bosses, that their merchandise will actually be even cheaper if they back the free trade agreement. How about that? The union members will be able to buy cheaper products, which is a good thing, I would have thought. At their next protest rally they could be fitted out with heavily discounted products. For the record, in relation to the products that are found on the union's website, the tariffs on clothing made of non-woven material from China would go from five per cent down to zero. Tariffs on polyester flags—and we often see those polyester flags at the protests—will disappear altogether, as will the tariffs on vinyl banners. And I am sure those on the other side will be pleased, as we go into summer, that Chinese-made sunglasses will also soon be tariff free. It is very convenient to stand here and not back the— (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:01): I move:

That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Human Services (Senator Payne) to questions without notice asked by Opposition senators today.

I want to pay particular attention to Senator Abetz's disgraceful continuing covering for and protecting Michael Lawler. The Liberal Party hand-picked the vice-president of the Fair Work Commission without public scrutiny and they continue to protect him from public scrutiny and accountability. In his role at Fair Work, Mr Lawler is responsible for upholding the values of our legal system and society in relation to critical matters of industrial relations. But Mr Lawler's conduct over the last five years can only be described as extraordinary: taking extreme amounts of leave, nine out of the last 12 months, at the expense of the taxpayer;
breaching judicial codes and practice standards; attracting formal investigations into his behaviour—and all while presiding over a sharply declining number of matters before the Fair Work Commission. Lawler has proven himself unfit for the office which he holds.

Mr Lawler is of course the partner of none other than the disgraced union fraudster Kathy Jackson. Senator Abetz has described Kathy Jackson as a courageous person who should be applauded. But watch Senator Abetz squirm away from that ringing endorsement now that Jackson has been exposed as having misappropriated $1.4 million from the Health Services Union and its members. Right by Ms Jackson's side throughout her plundering of union members' money has been Mr Lawler, a person charged with protecting the integrity of our industrial relations system.

Relentless work by Pamela Williams at the Australian newspaper has uncovered the extent to which Mr Lawler has benefited from Ms Jackson's crimes. That is right: while taking home nearly half a million dollars in taxpayer-funded salary, despite taking nine months of unexplained sick leave, Michael Lawler has benefited from the proceeds of crime. Recent proceedings against Jackson in the Federal Court uncovered damning evidence of stolen money being used to finance Jackson's luxury Melbourne home during 2008. Faced in court with this evidence, Jackson had no choice but to admit to paying off her mortgage with stolen HSU money. She admitted it in court. In mid-2012, Lawler and Jackson moved out of Jackson's luxury Melbourne home and moved to the New South Wales coast, where they purchased a $1.3 million home in Wombarra. In October 2013, when Jackson finalised the sale of her luxury Melbourne home, the same home that she had financed using stolen HSU money, the net profits of this sale were more than $620,000. She took the money and, in three separate transactions in October 2013, paid down the mortgage on her Wombarra home.

In October 2014, supposedly while on sick leave from the Fair Work Commission, Mr Lawler transferred 50 per cent of Ms Jackson's Wombarra home into his own name. He took advantage of the New South Wales property laws to avoid any money changing hands as well as to prevent any stamp duty from being paid on the transfer. But at that moment, in his greed, he received ownership of a property purchased with the proceeds of crime. The money trail leads straight from the HSU to Jackson's Melbourne mortgage, then on to financing the Wombarra mortgage, the home that Mr Lawler now includes as one of his own assets. Lawler is living off the proceeds of crime. He owns a house bought with money stolen from union members. So this government, Senator Abetz and Mr Turnbull should stop protecting Mr Lawler and work with the opposition to restore the integrity of the Fair Work Commission.

Senator SESELJA (Australian Capital Territory) (15:06): It is great to be able to respond to Senator Conroy and the rant that we just heard. What is clear about the Labor Party and what was made clear again by that contribution from Senator Conroy is that they are not concerned about rorts, rackets and rip-offs; they are only concerned about rorts, rackets and rip-offs that involve someone who is no longer one of their own. We know, despite all the allegations against Kathy Jackson, that she used to be one of their best mates. She was one of Bill Shorten's best mates. She was one of Senator Conroy's best mates. She was embedded in their factional system in the Victorian ALP. The only time they started to care about her activities was when she started blowing the whistle on other people's dodgy activities within the union movement.
So that is what we are talking about here. Did the ALP care about Michael Williamson's rorts, the president of the ALP? No, they did not care about the rorts. And what about Craig Thomson? Did you know about Craig Thomson? Yes, you knew about Craig Thomson. And what did you do when you found out about Craig Thomson? You put him up for preselection, he got preselected and then you defended him. You used ALP money to defend him. Perhaps Senator Dastyari could get up in this debate and tell us why he believed he should authorise hundreds of thousands of dollars of ALP money to defend Craig Thomson's rip-offs and rorts. They have had Michael Williamson and they have had Craig Thomson. We have seen the long line in the CFMEU.

That takes me to the other protection racket: the CFMEU and its relationship with the Australian Labor Party.

**Senator Conroy:** What's that got to do with Kathy Jackson?

**Senator SESELJA:** It has got to do with what you defend.

**Senator Conroy:** Mr Deputy Speaker, on relevance: the CFMEU has got nothing whatsoever to do with Michael Lawler or Kathy Jackson. So I ask you to bring the Senator Back to the motion.

**Senator SESELJA:** Mr Deputy President, on the point of order: Senator Conroy had a wide-ranging rant on corruption, and I am talking about corruption and what the ALP defends.

**The DEPUTY PRESIDENT:** Senator Seselja, I understand the argument you are mounting and I think you are in order.

**Senator SESELJA:** Mr Deputy President, thank you for your ruling. So this is what the ALP protects. Senator Abetz made it very clear that there is a process to follow here; if someone has done the wrong thing, there will be a process. If there is police action with any of these individuals, they will be pursued to the full force of the law—because it is without fear or favour. But what I will highlight is the fact that the ALP sees things somewhat differently. When it is one of their own—as long as they have not 'ratted them out'—they will defend the most outrageous behaviour. We have seen it with the royal commission. They defend the CFMEU because the CFMEU pays their bills.

And if we get the Greens to stand up, they can tell us why they continue to defend the CFMEU. It is interesting in terms of the Greens. When they receive money from the CFMEU, the Greens said its okay because they received the money not from the forestry part but from the construction part. That was the Greens line! They said they didn't receive it from the people representing those 'evil forest workers', they received it from the good part of the CFMEU, the construction part. That is the corrupt part that we have seen on show.

**Senator Whish-Wilson interjecting**—

**Senator SESELJA:** That is where you get your money from, Senator Whish-Wilson. That is where the Greens have been getting their money. So when the Greens get up and speak about this issue they can say why they believe that the construction part of the CFMEU is the decent part of the CFMEU. They get those large cheques—and who knows where that money comes from. We have seen the stuff about extortion on business sites right here in the ACT and right around the country. Decent, hardworking small business owners have had their
money extorted. In some cases that money goes into CFMEU coffers and then they split it up among their supporters in the parliament—between the Labor Party and the Greens.

In conclusion, the Labor Party are into protection rackets but what they are not into is in anyway having a fair and balanced approach. They will defend their own to the death regardless of how outrageous they are. (Time expired)

Senator CAMERON (New South Wales) (15:12): Today I asked the Minister for Human Services, Senator Payne, three very detailed questions in relation to the theft of Medicare clients’ personal information, including their bank account details. I asked the minister: when did she become aware of the theft? Not only could the minister not tell me about when the theft took place; she could not tell me how many Medicare clients were involved and she could not tell the Senate the amount of money that has been defrauded from the Commonwealth. Even more concerning, when I asked what steps the minister had taken to deal with this issue we get told it is in the hands of the police. Well, it might be in the hands of the police but the minister has a responsibility to ensure Medicare information is kept confidential and is not used by fraudsters to defraud the Commonwealth. That is what the minister failed to do. This minister knew there was a problem just under a month ago. After a constituent had raised with me that there could be a problem, I wrote to the minister and asked her to advise me about the issues facing DHS in relation to the stealing of Medicare clients' confidential information. I received nothing back from this minister.

The problem is that the minister is too busy trying to rip the wages and conditions off Commonwealth public servants in her department at the behest of Senator Abetz. She is too busy attacking the wages and conditions of hardworking public servants. We know that is a precursor to ripping the wages and conditions off workers in the rest of the country. This was Senator Abetz’s little experiment within the public service to see how it could be replicated in the rest of the community.

In the meantime, clients of DHS are having their identity ripped off and the Commonwealth is being defrauded. I think the priority should be to make sure that people using Medicare—people using DHS systems—are not ripped off. But no, the minister was too busy to do that. The minister was too busy attacking workers, wages and conditions to deal with what I think is one of the most outrageous problems we have in the government at the moment, and that is the use of Centrepay by companies like Radio Rentals to rip off some of the poorest people in our community. Radio Rentals today have now had to pay back $1 million to people on welfare benefits. Yet when I raised this issue with the minister, what does she do? She dodges it. She said, 'There will be an inquiry.' To fix this Centrepay issue simply requires a signature from the minister. Fix it minister! Before you end up going somewhere else in the reshuffle, what you could do is one good thing in your time in this portfolio, and that is to sign off on excluding the rip-off merchants from consumer leases that attack welfare recipients and others in the community.

The industrial chaos takes away from what should be one of the best government departments in the country. The industrial chaos is caused by the ideology and extremism of this government. Call wait times are soaring because this government cannot get its act together. They are too busy attacking working people. They are too busy attacking each other. They are too busy knifing their own Prime Minister.
Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:17): I do not normally do this, but I at least want to give some acclaim to Senator Cameron because he is at least talking about a proper policy issue. While I think he is drawing a bit of a longbow with some of the arguments about why there might be some issues with Medicare records and those aspects, no doubt it is an important issue, and no doubt the minister—and I am sure the government—will investigate those matters extensively.

What we have had in question time here today with all the other questions on issues from Labor senators is confirmation that on that side of the chamber they are more focused on the jobs here in Canberra than the jobs out in the wider community. They are more focused on wanting to argue about who has what job, and who is doing what down here, and not about what we can do to create jobs in this country. Because we have not had one question in the last fortnight that I can remember from the other side about, say, the Chinese free trade agreement, which is actually going to create jobs in this country and which is going to create economic opportunity in Australia—create well-paying jobs and higher exports. There have been no questions about that. All they want a focus on is politics here in Canberra and I think that is what people are sick of—it is what people are really sick of.

This week has been a tumultuous week for the country. For what it is worth, from this corner of the chamber, we have been focused on delivering jobs and benefits to the people we represent. We have been focused on getting outcomes for regional Australia, and I believe we have got those outcomes for regional Australia because we are going to go into a new relationship with a new Prime Minister, focused very firmly on getting a good deal for small business, getting a good deal for families and getting a good deal for jobs in regional areas. All those things are covered off in the new coalition agreement we have with the new Prime Minister. I am looking forward to that agreement coming to fruition, and to delivering those gains to regional Australians and to people who live where you can see the Milky Way.

I take some solace in the new-found interest that the Labor Party have in the operations of the National Party, because usually they do not take much interest in the areas of this country where you can see the Milky Way at night. They do not particularly care about those areas, because they are focused on the capital cities. But at least they are now taking notice, and I am sure we will deliver for those people in the coming years.

In the time left remaining I want to correct, or put into context, some of the issues that Senator Conroy, in particular, raised. Senator Conroy has an obsession and a fascination with one particular individual who has had claims made about his misbehaviour. The Leader of the Government in the Senate summed it up well—that these matters should be investigated. Indeed, it is exactly the same position that the Labor Party took when they were in government—exactly the same position.

I remember that there was a former member of the other place who had done some things in the Health Services Union that were not all that seemly. There were questions about that behaviour and that was subject to a very long, extensive investigation by the Fair Work Commission. I remember the now Leader of the Opposition, Mr Shorten, being responsible for the Fair Work Commission at the time and being responsible for those investigations. He was asked about that once by the media. When he was asked about Mr Thomson's behaviour he said, 'What I do know, as Minister for Workplace Relations is that there has been a Fair
Work Australia investigation into parts of the Health Services Union. I do know that that investigation is taking far too long.'

This is exactly the same approach that the government is taking for Michael Lawler, but now Labor want a different standard applied from what they applied when they were in government. I would like to go one step further and say that if Senator Conroy is so concerned about corruption and so concerned about behaviour which is not up to the standard that we would expect in this country then he may want to have a read of *The Courier-Mail* today, where there are reported revelations from the royal commission into trade unions yesterday of a former union boss receiving a home paid for by a construction union. It seems to be a seedy deal. If Mr Conroy thinks that people should be removed before an investigation, I am sure he would have a bit more influence over Dave Hanna than over Michael Lawler, which his questions focussed on today.

**Senator LINES** (Western Australia) (15:22): I rise to take note of answers to questions put by Labor to Senator Abetz. Despite not answering the questions today, Australians do have a right to understand who Mr Turnbull is. He is the new Prime Minister. They need to be clear about what he stands for and what he does not stand for, but there are so many conflicting views around Mr Turnbull. Mr Andrews has described Mr Turnbull as someone whose focus seems to have been almost entirely on himself. He said that publicly and went on to say that he believes he has just been undermining the government. These are comments which are out there. He went on to say that he is a selfish man and is interested in self-promotion. The former Prime Minister described Mr Turnbull's actions as white-anting his way to the top job. Yesterday, there were the incredible outbursts by one of their icon Liberal leaders, Mr Jeff Kennett, on every airway, on social media and in newsprint. He just would not shut up. His condemnation of Mr Turnbull was everywhere. Mr Kennett repeated the sorts of comments we have heard from Mr Andrews and others. He described Mr Turnbull as an individual who always puts self-interest first. He was all over the media yesterday and went on to say:

This has nothing to do with the governing of Australia. This is the promotion of Malcolm Turnbull. He couldn't work with the team.

Mr Kennett went on and on. He said:

I will never, ever, ever vote for Malcolm Turnbull ... Malcolm Turnbull has never put a team together, he cannot work with a team.

He went on to say:

This is a disgrace. Malcolm Turnbull should resign from parliament. He should have done it a long time ago.

Of course, the shock jocks, particularly in New South Wales and Victoria, were describing Mr Turnbull as elitist and a snob.

To be fair to Mr Turnbull, I thought I would look at some of the comments he has made about himself, and he has made quite a lot of comments about himself. This one struck me as particularly relevant. Mr Turnbull said:

I believe politicians should aim to be accurate and truthful ... You can be truthful and inaccurate but what you shouldn't be doing at any time is saying things that are untrue or making commitments that you have no intention of honouring.
We have seen the backflipping of Mr Turnbull already this week. He is a strong supporter of marriage equality—someone who wants to see a change to the Marriage Act—but what is he going to do? He is going to continue with a plebiscite. Again, this is somebody who made a commitment. He said that you do not make commitments you are not going to keep. He made those commitments around marriage equality and now he has made a whole new set of commitments. That might be fine, but they are entirely opposing commitments.

On climate change, he has made contrary commitments—absolutely. At one stage he criticised the Direct Action policy and yet, now that he is Prime Minister, he is signing up to it. He obviously does not stand by the comment he made about himself: someone who does not make commitments that he has no intention of honouring. It is day 3 of his prime ministership and he has already backflipped on a whole range of views that he held apparently quite near and dear. As we all know, Mr Turnbull has led the Liberals before and they rolled him on climate change. He was defeated as party leader back in 2009 as the party conservatives rose up to defeat him. We know there are 44 people who did not vote for Mr Turnbull. Certainly, Senator Bernardi has been very free and open with his comments and he has taken the Liberal badging off his Twitter account. I am not sure what that means.

Senator Bernardi: That was months ago.

Senator LINES: He said he did it months ago. Perhaps he has been warming up to this. Perhaps he knew before all of us that there was going to be a leadership challenge. Seriously, it is time for Mr Turnbull to say, ‘I am this leader and I am not that leader. I am a person who stands by my commitments,’ because right now he is not.

Question agreed to.

Trade with China

Senator WHISH-WILSON (Tasmania) (15:27): I move:

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

Firstly, Senator Abetz may wish to reflect on what a funny business politics is and the irony of the fact that the CFMEU hugged both himself and the previous Prime Minister John Howard into power in 2007. In this chamber in recent weeks, the attack on that organisation has been relentless.

I want to talk about trade deals. If you were observing the political system in this country from afar or even up close in recent months you would be correct to assume that this government has no other economic vision for this country than free trade deals. Three free trade deals have been signed, a couple more are in the wings and a couple of large multilateral deals are also looked at being signed. The problem with these free trade deals, as the Productivity Commission has pointed out, is that they are always oversold and they always underdeliver, especially bilateral deals like the Chinese free trade deals.

In the last two weeks we have heard nothing but dorothy dixers from this government on the supposed benefits and rivers of gold that are going to flow from these free trade deals. The Greens exposed today, as we did last Thursday, that these claims are based on a lie, and if they are not based on a lie they are based on a very serious and embarrassing mistake. Last Thursday, we asked the minister why Treasury do not factor the supposed billions of dollars worth of wealth-creating revenue in this country into their growth forecasts, and they said...
they were not significant enough. DFAT said the same thing. In this instance, we are dealing with hundreds and thousands of jobs and we have heard about it in this chamber from Minister Abetz and in the other place from the Prime Minister and from Minister Robb. They are out there saying that these free trade deals are going to deliver up to 178,000 new jobs by 2035.

I seek leave to table the last page of the economic report by the Centre for International Economics that I referred to in my first question. The report is on the DFAT website.

Leave granted.

Senator WHISH-WILSON: This analysis highlights the expected increase in net employment from the three trade deals the government signed, starting in 2016 and based on a base from 2015 through to 2035. There are different numbers each year of jobs that would be created but in 2035, after 20 years in operation, these three trade deals are going to produce 5,434 jobs. What the government has done is taken the 20 years of numbers and added them all together. If I had $1,000 in my bank account at the end of the year and I kept it in there for another year, I will not have $2,000; I will still have $1,000. It is a very simple mistake and it is a very big mistake. Unfortunately, it has been the basis of their rhetoric and their spin for two solid weeks. It is on the front page of every newspaper. It has dominated question time here in the Senate and in the other place, and it is based on a total lie or a huge embarrassing mistake.

All I am asking for some intellectual honesty about these trade deals because it is the central plank of this government's economic vision for Australia. It was the first thing that the new Prime Minister, Malcolm Turnbull, talked about when he did his press conference. I know because I snuck out to listen. He talked about the Chinese free trade deal and getting it back on track. It is all we have heard about. But here we have evidence from the government's own modelling that in 20 years time three free trade deals are going to deliver 5,000 jobs. That may not be the case—it may be more than that or it may be less than that—but let us have some perspective in this debate because this is a politicisation of these trade deals. If anyone dares criticise them or asks relevant questions about what is in our national interest—like inclusion of investor-state dispute settlement clauses or changes to labour conditions or that it is the first time investment facilitation agreements have ever been included in a trade deal—they get shot to pieces. It is reasonable for us as parliamentarians to ask these questions. The Greens have pointed out today that the numbers the government are touting are total BS. (Time expired)

Question agreed to.

COMMITTEES
Finance and Public Administration Legislation Committee
Report

Senator BERNARDI (South Australia) (15:34): I present the report of the Senate Finance and Public Administration Legislation Committee on the Department of Parliamentary Services, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.
Senator BERNARDI: I move:

That the Senate take note of the report.

This is the committee's third and final report of this very important inquiry. It was established over 12 months ago and in that time the committee has covered a broad range of issues in relation to the management and performance of the Department of Parliamentary Services.

The committee's first interim report covered three specific matters:

- the Australian National Audit Office's audit of the management of assets and contracts at Parliament House;
- the process leading to the awarding of the photograph commission to celebrate the 25th anniversary of Parliament House; and
- the background and conclusions of the Senate Committee of Privileges inquiry into the use of CCTV material in Parliament House, in particular, inconsistent evidence provided to the committee by the former Secretary of DPS, Ms Carol Mills.

The committee's second report dealt only with the misleading evidence provided by Ms Mills.

In this third report the committee has covered a range of issues pursuant to the terms of reference, including the response to the committee's recommendations in its 2012 report, particularly in relation to heritage management; building and asset management; contract management; and workplace culture.

Before going into the committee's conclusions and recommendations, I note that the Presiding Officers, through the Parliamentary Service Commissioner, have commenced a recruitment process to fill the position of Secretary of DPS. I also note that there is currently an independent structural review of DPS underway.

The committee agrees with the need to look at the structure of DPS and makes the following comments resulting from the inquiry.

The committee understands that there have been significant changes in DPS senior management structure since 2012 and the committee accepts that there was a need for restructure. However, the committee does not believe that the changes in senior management to date, which include seven new SES positions, have necessarily brought a commensurate improvement in management within DPS.

Given impending consultations on the position of secretary and the structural review of DPS, the committee has not made any further comment on the senior management structure of DPS, but has included a recommendation that the committee is to be kept updated of changes within DPS senior management prior to each estimates hearing.

On the remainder of the matters covered in this inquiry, the evidence that the committee has received during the course of this inquiry causes it great concern. Like the ANAO, the committee finds it hard to identify anything positive coming from the many recommendations made in the committee's 2012 interim and final reports.

In relation to heritage management, the committee heard that all the significant documents for the heritage management of this building are incomplete. The central reference document, which this committee recommended be completed three years ago, has not progressed at all.
The conservation management plan and the design principles, the development of which the former secretary announced three years ago, are still not complete.

The committee has recommended that DPS dedicate the necessary resources to have the conservation management plan and the design principles completed by 30 October 2015 and the central reference document complete by 30 September 2017. Further, the committee is also seeking an update from DPS prior to every estimates hearing on the progress with these documents.

The committee notes that not all recommendations in relation to building management from the 2012 report have been addressed, and the committee acknowledges that DPS’s financial position has constrained its ability to respond to those recommendations. One particular issue the committee considered in relation to building management is the tracking of assets throughout the building. This matter arose out of findings in the ANAO report about the disposal of assets from Parliament House. In light of these findings, the committee has made a recommendation that DPS undertake a stocktake of all assets in all areas of Parliament House once every three years.

The committee's consideration of DPS contract management has focused primarily on the photographic commission for the 25th anniversary of Parliament House. The committee can find no redeeming aspect in relation to the process for selecting an artist for this commission. The photographic commission to the value of $40,000 was awarded to someone personally known to the former departmental secretary. Further, there is no documentation to explain the awarding of that photographic commission. The committee notes DPS's invitation to the ANAO to undertake a follow-up audit of contract management, and the committee supports such an audit. The committee has also recommended that DPS undertake an internal audit of contracts put in place in 2015 and provide a copy of the audit report to the committee by 1 February 2016.

DPS's response to recommendations on workplace culture and employment issues was a further area that the committee considered in the course of its inquiry. The committee acknowledges that there has been a reduction in bullying and harassment complaints between 2012-13 and 2013-14.

However, changing a culture of bullying and harassment is an ongoing process to ensure that cultural change becomes embedded within the organisation. The committee has therefore made a number of recommendations for DPS to provide the committee with information about bullying and harassment complaints across the department.

The committee was particularly interested in the factors underlying the low morale within the Hansard section. It seems evident to the committee that a high staff turnover, resulting in a significant increase in the number of trainees, along with high workloads and pressure on resources would potentially lead to a general sense of unhappiness. The committee has recommended that DPS provide the committee with information on the number of Hansard staff and workload prior to each estimates hearing, so that the committee may continue to monitor this issue.

The committee was also alerted to concerns relating to the employment conditions of Visitor Services Officers, and the committee has sought further information from DPS about
the trial of full-day shifts for these officers so that the committee can continue to follow this matter through the estimates process.

In addition to considering DPS's progress in responding to the committee's 2012 recommendation the committee considered a range of other matters, including:

- funding for DPS;
- the use of Parliament House as a commercial venue;
- the review of the Visitor Experience at Parliament House.

And the committee has made recommendations in relation to each of these matters.

In conclusion, the committee believes that DPS is now entering a new stage, which will be marked by the appointment of a new secretary and the outcomes of the independent structural review which the Presiding Officers have initiated.

In the committee's view it is important that a new secretary be allowed to commence at DPS armed with the knowledge of the current status of the department as outlined by both the ANAO and this committee but unencumbered by the overt scrutiny that comes with an ongoing Senate committee inquiry.

However, as the recommendations in this report show, the committee will continue to closely monitor DPS through the estimates process.

Finally, I extend my thanks to my deputy chair, Senator Gallagher, and to Senator Ludwig, as well as to all those who participated in this committee inquiry. It was undertaken in a very positive sense, in that we wanted to deliver outcomes on behalf of the parliament, to ensure the integrity of Parliament House and the ongoing services to members and senators, as well as to look after those who work in this building, from the security officers right through to those who work in the Hansard section and in every other aspect of the building. It was a very positive project, and I hope that that is reflected in positive outcomes. I also express my thanks to the secretariat, who worked extraordinarily hard in supporting us and putting this report together.

Senator GALLAGHER (Australian Capital Territory) (15:41): I will add a few comments to those the committee chair, Senator Bernardi, has just made. This building and the work that takes place in it form the heart of our nation's democracy. It is a building of great symbolic and architectural significance. It is the home of the nation's government and a place where, at times, great dramas are played out, as we have only recently been reminded. It is a place which pulses with visitors and lobbyists. It is the destination of schoolchildren and families from all around the country, newly arrived migrants, overseas tourists and retirees. It is the place where bills are legislated and debated, where Hansard workers faithfully keep the record of our speeches and debates and where librarians provide high-level research and support to every representative. It is where the security guards and AFP officers are vigilant in ensuring that everyone in the building, from the Prime Minister to every child visitor, is kept safe. It is where committee secretariat staff provide support to politicians inquiring into the issues of the day.

This place is important not only for those who have the privilege to work here but for our national pride, our sense of self and our sense of nationhood. In no small measure, it is a place
of employment for many of my constituents, a source of local pride and, at times, when the word 'Canberra' can be a synonym for politics, the source of negative national banter.

It is therefore imperative that, at all levels, Parliament House functions as an effective and efficient, well-oiled machine at all levels; that we can be certain that its heritage is protected, it is well maintained and its assets are accounted for; that its support services are functional and well coordinated; and that its staff are appropriately skilled and led.

The focus of the Finance and Public Administration Legislation Committee's inquiry has been the performance of the Department of Parliamentary Services, including what progress has been made since the committee's 2012 report. A range of other associated matters were also examined, including the structure of DPS, oversight and security arrangements, the future of ICT services, the use of Parliament House as a commercial venue, the current budget-setting process and the operations and maintenance of the parliamentary estate. There have been two interim reports issued by the committee. This is the third and final report of the committee.

By any measure, this has been a thorough and forensic examination of all aspects of the performance of DPS, and DPS has been found wanting. There is no doubt that the evidence brought before this inquiry, one which commenced before I came into this place, has revealed matters of great concern. I do not intend to canvass issues already dealt with in the interim report or indeed by the chair in his comments. What I would like to focus on is the accountability framework established by the committee to oversight and monitor progress within DPS in remedying and rectifying problematic, organisational, operational and cultural issues that have come to the committee's attention.

First and foremost is the need for regular oversight and monitoring of the administration and management of DPS, including its management structure, details of any bullying and harassment complaints, staffing levels in Hansard and an evaluation of the full-day shift trial in Visitor Services. Dates have been set for required regular updates to be given to the committee prior to estimates hearings. Time lines have also been set for the production of the final conservation management plan and the design principles by 30 October 2015 and the central reference document by 30 September 2017.

There are recommendations for further audits of contract management to be undertaken both internally and by ANAO and the committee has recommended that there be a triennial stocktake of assets in all areas of Parliament House. Importantly in my view, the committee has once again recommended that the funding and administration of DPS be jointly overseen by the Senate Appropriations, Staffing and Security Committee and the House Appropriations and Administration Committee and that standing orders be amended accordingly.

The committee also took the view that, given that a total of $270,000 has already been spent on a review of the visitor experience at Parliament House, DPS now provide the committee with a list of the recommendations that it intends to implement. We know from evidence given to the committee that visitor numbers were falling, that Parliament House in itself is a major tourist attraction but efforts to improve the visitor experience lies stranded without any coherent or centralised management and accountability focus. Similarly, the committee has recommended that DPS provide the committee with a revised and updated policy on the use of Parliament House facilities for functions and events once that policy has been finalised.
Finally, I would like to put on the record my support for the initiation of an independent structural review of DPS and note that that work is currently underway to recruit a new secretary. I remain hopeful that the report tabled here today, combined with the structural review and the appointment of a new secretary, together with the ongoing monitoring of progress of various recommendations, will set a new and purposeful direction for DPS into the future. I would also like to acknowledge and put on the record my thanks to the Chair, Senator Bernardi, and my fellow committee members for the collegiate and cooperative approach taken in finalising this report. It would be remiss of me if I did not put on the record my thanks to former Senators John Faulkner and Kate Lundy, who provided invaluable support and advice to me when I joined the committee in March this year.

Question agreed to.

Select Committee on the Regional Processing Centre in Nauru

Additional Information

Senator GALLACHER (South Australia) (15:46): I present additional information received by the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru and move:

That the Senate take note of the document.

I want to take a few moments to address the additional information. It basically relates to an answer to a written question on notice. The Commission of Audit report 2014 outlined the illegal maritime arrival costs, comparing the cost of onshore, offshore, community detention and bridging visas. The source given is the Department of Finance, although the data does not appear to have been made publicly available.

My question on notice to the department was to provide an update of the various costs that had been modelled by the Commission of Audit, and the source is the immigration detention network model population forecast and modelling assumption as at January 2014. From this answer, senators who read this information will see that onshore detention was $238,690, offshore detention was $433,956, community detention was $89,040 and a bridging visa was $30,907. That is in the answer in 1(a), and 1(b) is the updated graph for 2014. We see that for 12 months onshore detention is $311,027 per illegal maritime arrival; offshore detention is $402,923 per illegal maritime arrival; community detention is $91,443; and a bridging visa is $32,017.

So work has been done through the Commission of Audit, through the department, to model these figures. But I suppose more germane to the inquiry into Nauru is that the figures that we got from the department for a period of 10 months per asylum seeker was $613,000 plus—a vast difference to what has been modelled. In all respects, the unrestrained, unscrutinised expenditure on Nauru is, in my view, a very, very significant misuse of public money. When you have modelling done by the Commission of Audit, which this government places great store in, and further modelling on those figures sourced after a question on notice, and that modelling and the actual cost given in evidence by the department is $200,000 out then I think a fair bit more scrutiny needs to be given to this area.

Question agreed to.
Publications Committee
Report

Senator REYNOLDS (Western Australia) (15:50): I present the 17th report of the Publications Committee.

Ordered that the report be adopted.

Regulations and Ordinances Committee
Delegated Legislation Monitor

Senator WILLIAMS (New South Wales) (15:50): As Chair of the Senate Standing Committee on Regulations and Ordinances, I present the Delegated legislation monitor No. 11 of 2015.

Ordered that the document be printed.

Senator WILLIAMS: I move:

That the Senate take note of the document.

In my capacity as Chair of the Standing Committee on Regulations and Ordinances to make some comments on a matter raised in the committee's current report, the Delegated legislation monitor No. 11 of 2015.

At the outset, I would remind senators that the role of the committee is to examine all disallowable instruments of delegated legislation to ensure that they comply with the committee's scrutiny principles.

In broad terms, these scrutiny principles are intended to ensure that the Senate retains effective oversight of the Parliament's legislative power, when that power is exercised by ministers and other officials in making instruments of delegated legislation.

In this respect, the committee approaches its work as a bipartisan and technical inquiry. The committee therefore does not consider whether the particular policy being implemented by an instrument is desirable or not—it simply examines each instrument to ensure that it does not breach the committee's scrutiny principles.

With this in mind, I would like to draw the attention of the Senate to the committee's current examination of the Corporations Amendment (Financial Advice) Regulation 2015.

This regulation makes a number of amendments to the Corporations Regulations 2001, relating to the Future of Financial Advice (FOFA) provisions of the Corporations Act. The Assistant Treasurer has advised the committee that the amendments arise from the disallowance of a previous instrument—the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014—on 19 November 2014.

The disallowance of that instrument has reportedly caused some disruption to the financial advice industry, and in that regard the current regulation is intended to 'provide certainty to industry as quickly as possible' until the measures can be enacted through primary legislation. A bill for that very purpose—the Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014—is currently before the Senate.

Naturally, the committee appreciates that ministers often have to deal with matters that present practical considerations for the regulation of industries under their portfolios. However, the making of regulations to effectively anticipate the consideration and
determination of proposed legislation in the Senate—as is being done in this case—raises an important matter of principle for the Regulations and Ordinances Committee.

In particular, pre-emptive regulations of this type can lead to a situation where the regulation does not ultimately reflect the will of the Senate, as expressed by its consideration of the subsequent bill.

For example, if the subsequent bill is not passed, or is passed with amendments that do not reflect the substance of the pre-emptive regulation, the regulation will continue in force despite the fact it does not reflect the outcome of the Senate's determination of the bill.

To address the potential for outcomes like this, the members of the committee agree that it is important that in these cases the fate of the subsequent bill is determined by the Senate within the period that the pre-emptive regulation remains open to disallowance. This protects the ability of the Senate to disallow the instrument in the event that the subsequent bill is not passed, or is passed with amendments that do not reflect the substance of the regulation.

Applying these considerations to the current instrument being examined by the committee, I draw senators' attention to the committee's decision to give a notice of motion for disallowance of the current regulation. This notice has the effect of extending the disallowance period for the regulation by a further 15 sitting days—a period which the committee expects will provide sufficient time for the fate of the current Future of Financial Advice Bill to be determined by the Senate.

These remarks I hope draw senators' attention to an important principle of the Regulations and Ordinances Committee's work, and I commend the committee's report to the Senate.

Question agreed to.

Select Committee on Health

Report

Senator O'NEILL (New South Wales) (15:55): I present the third interim report of the Select Committee on Health.

Ordered that the report be printed.

Senator O'NEILL: I move:

That the Senate take note of the report.

I would like to put on the record some remarks today in light of the hearing into hearing that we held in Sydney. Australian Hearing is at the centre of the inquiry. It was a full day's hearing from 8 am till 6 pm into this institution that was established as long ago as 1947. Australian Hearing was established to provide services for children whose hearing had been affected by a series of rubella epidemics and to assist World War II veterans who had suffered hearing damage.

The Australian Hearing submission to the inquiry shows that in the 2013-14 financial year, given an amazing and powerful history across our nation, Australian Hearing provided 446,870 hearing health services to Australians, they visited 217 outreach sites to support the hearing needs of Aboriginal and Torres Strait Islander communities and they fitted and followed up over 150,000 hearing devices, with a total revenue of $212 million.
Despite the amazing esteem in which Australian Hearing is held around this nation, the Abbott-Turnbull government, on coming to power, called on the Commission of Audit to consider what should happen to this wonderful institution that is in the hands of Australians. In February 2014 the National Commission of Audit recommended that privatisation of a number of bodies should go ahead, and in the first round of those privatisations they recommended the sale of Australian Hearing. When that is proposed, a scoping study is then undertaken. That will be undertaken by the Department of Finance into selling off Australian Hearing. Of course, this has caused incredible alarm.

What I want to do in the time that I have, apart from addressing the recommendations in the report, is to put on the record for the people here in the gallery today and people listening around the country and, indeed, here in the chamber what actually happens. Tomorrow morning a baby will be born in Australia who is either hard of hearing or deaf. Australia has absolutely world-class procedures around what will happen. Within 48 hours that baby will have its hearing tested. If problems are noted, within the next 48 hours a more significant testing regime will be undertaken, and within a week of birth that baby will be in the care of a specialist.

In Australia, by the time young babies are five weeks of age we are fitting them with hearing devices and cochlear implants—an amazing Australian innovation. It is quite intensive support that these children have, because we all know how quickly babies grow, and Australian Hearing manage that whole process for the families as they go through the first phase of coping with a surprise that they were not perhaps expecting at the birth of their child. They go through the process of helping them learn how to adjust the hearing and the devices over the ages of one, two, three, four and five, with many, many fittings, and then they continue to be a support to that family going forward.

The great thing about this capacity that we have as Australians is that it happens for any child. It does not matter if your parents are rich or poor. This is happening for every Australian child who needs this services. We are committed to it and we are having incredible success, because the vast majority of the babies who get that service are going to school hearing and speaking. That is a profoundly important outcome not only for those children but for their families and for their capacity as Australians to participate fully in the whole life of our community and to participate in the workforce as well.

The committee makes two recommendations, and I am joined by Senator McLucas and Senator McAllister, who attended the Sydney hearing. I want to be clear about these at the outset. Based on the evidence and concerns that were outlined by stakeholders, the committee recommends that Australian Hearing not be privatised. We do that on the back of the evidence that we received from parents, including groups such as Parents of Deaf Children, who were not consulted. Parents of Deaf Children, one of the major peak bodies and advocates for this cause—and they provided us with the most amazingly diligently prepared submission for our inquiry—were not consulted. That should ring alarm bells for all Australians who care about the future of any child who might be born into their family in Australia with a hearing impediment.

The committee also recommends that the government provide clarity around the work that has already been done on the transition of the Hearing Services Program to the National Disability Insurance Scheme. We argue that any blueprint or implementation plan should be
made public as soon as it is finalised so as to reassure stakeholders of the quality of the services provided by Australian Hearing, so that they can continue to ensure that hearing-impaired Australians can live the life that they deserve. That was to address a concern about a lack of communication between this government and the advocates of the deaf and hard-of-hearing community.

One of the serious concerns that I and my fellow committee members who were at the hearing have is that the scoping study that was undertaken appears to have been very selective in who was consulted. They have been very secretive in the way that information was forwarded. We heard evidence from witnesses that they were consulted often just because they had known someone who was part of the PricewaterhouseCoopers grouping and they got to participate because of that familiarity and being known to somebody. Other groups had gone to incredible lengths looking for information in the papers simply to find out if there was any way that they could put their point of view forward. That is how excluded they felt from this process. Powerful advocates for children and other members of the community who are deaf and hard of hearing felt so excluded and marginalised by this government that they went to the papers looking for tender documents to find out what the government was up to.

That is what we are seeing—a cover-up. First of all they ignore the needs of the community, then they deny that the community has the story right. When we go ahead and do a hearing and put on the public record the things that this government does not want to be known, they want to deny it and cover it up. It does not surprise me, but it does disappoint me, that government senators have chosen to lodge a dissenting report. They reject the recommendations of our committee. They believe that it is okay; they are going to have some further consultation. We know that when they consult it looks like they ask whoever they think is going to give them the result that they want and they exclude voices that are doing genuine advocacy. They also reject our second recommendation about clarity for the community in providing information to the community in a timely way.

The argument that the government has constantly put for selling Australian Hearing is that the government needs to get out of this space: 'By privatising it we can put people in there. We will be able to have competition. The cost will go down and it will all be good for the Australian people.' That is their argument on so many occasions. But I ask you, my fellow Australians, at this time when we have the chance to prevent this government from taking away an institution that is enabling us to give the best standard of care in the world to our young children who are deaf and hard of hearing, can we possibly trust what they are saying? Do you really think that the parents of a child who is born deaf or hard of hearing—and it could be the child of your neighbour or one of your colleagues—are in a position to find out about the market and make an informed choice about who is best? They need care and support to wrap around them and their child. Australia is doing it brilliantly. We are providing the best outcomes in the world, but that is not good enough for the Turnbull-Abbott government. They will take what is well and will break it. The people who will pay the costs of this are all of those children, who will no longer get the wraparound care that they need and deserve.

I thank my fellow members on the committee for their ongoing endeavours with the committee, but particularly on that day when we let Australians have their voice. I also acknowledge the work of the secretariat, particularly Stephen Palethorpe and Jed Reardon, who do extraordinary work on behalf of our community and here in the parliament. I would
also very much like to acknowledge Anne Charlton, one of my staff members, who is significantly enabling this committee, and also the advocates of the deaf and hard-of-hearing community. (Time expired)

Senator McALLISTER (New South Wales) (16:05): I wish to add some remarks to those of my friend and colleague Senator O'Neill in relation to this interim report of the Select Committee on Health. I want to start by thanking the witnesses who appeared before us in our inquiries into Australian Hearing. One can imagine that for a hearing-impaired person or for a person who cares for a hearing-impaired child it would be enough to advocate for your own needs or for the needs of your child. It reflects a very great generosity indeed that these individuals not only seek to advocate for their own needs but also take responsibility for advocating for the needs of other people in their situation. They were very fine advocates indeed and I thank them very much for their time.

The most significant thing that I took away from those hearings—and I confess that I do not come to this issue with a deep knowledge of the health sector or, particularly, of the needs of hearing-impaired people—was the unique services that are currently being provided by Australian Hearing and the challenges that we might face should we seek to design another system for delivering those same services. Senator O'Neill talked about the services that are currently available for a newborn baby who is identified as having a hearing impairment. The evidence we heard is that the nature of that service is dependent on intensive training and experience in paediatric audiology. In other countries a standard is set for paediatric audiologists which requires that they undertake a certain number of those kinds of specialised consultations every year so that their level of exposure to those cases and their level of professional knowledge is maintained at the necessary standard to deliver those services competently and excellently. My very great concern is that a misguided attempt to break up a very well functioning institution such as Australian Hearing and disperse that service provision amongst audiologists who may not receive the same level of regular exposure to paediatric cases will produce a diminution in the level of service that is able to be provided to these very vulnerable babies and their families.

I want to speak also about the role of Australian Hearing in providing services to Indigenous people, particularly those in remote communities. I think that many people listening will understand that one of the many, many injustices heaped upon Indigenous people in this country is that they suffer disproportionately from hearing impairment and hearing related illnesses. Australian Hearing has a specialised service that is tailored to providing support to remote communities. They go to those remote communities. They are people who are regularly in touch with remote communities. They have specialised cultural knowledge that allows them to provide appropriate support to Aboriginal and Torres Strait Islander people—support that those families will be willing to engage with. Again, my concern is that a misguided attempt to break up Australian Hearing to make these services contestable will leave us with no-one who is actually in a position to provide services of this kind to these remote communities.

The nature of demand for these services is that it is very specialised and it requires a very specialised service in response. I was shocked by the lack of clarity provided by the departmental witnesses about how this level of specialisation is to be provided under the new model. I was shocked by the lack of detail about the new model that is proposed, and, like
Senator O'Neill, I was shocked by the lack of consultation and engagement with the affected community. This is not a process that is being handled well. People who are vulnerable who already face disadvantage on many fronts do not need a process foisted upon them that is difficult to engage with, that adds uncertainty and difficulty to their lives and that leaves them without any clarity at all about how their needs will be met in the future.

You will know that the committee's recommendation is that Australian Hearing should not be privatised. We should be very careful about the destruction of institutions that have been carefully built up over decades to play a very important role in the public health of Australians. If it is not broken, then we probably should not seek to fix it. No credible justification has been provided for this intervention, beyond an ideological fixation on introducing contestability, whatever the consequences. I say to people here: think very carefully before you meddle with an institution such as Australian Hearing.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Additional Information

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:11): I present additional information received by committees relating to estimates.

BILLS

International Aid (Promoting Gender Equality) Bill 2015

Report of Legislation Committee

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:11): On behalf of Senator Back, I present the report of the Senate Foreign Affairs, Defence and Trade Legislation Committee on the International Aid (Promoting Gender Equality) Bill 2015, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator FAWCETT: I move:

That the Senate take note of the report.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (16:12): I just wish to speak briefly to this report of the inquiry into the International Aid (Promoting Gender Equality) Bill 2015. I certainly thank the secretariat for preparing a comprehensive and very useful report on this important issue. While the Labor Party cannot support the bill, for the reasons explained in the report, I do acknowledge Senator Rhiannon for bringing the bill to the parliament, which has given the Senate another opportunity to look in detail at the actual implementation of the government's aid framework, which includes, as one of its priorities, investment in gender equality and empowering women and girls.

The bill proposes new legislation similar to that implemented in 2014 in United Kingdom. However, as was pointed out by most submissions, the UK's gender equality act was additional to an already well-established legislative framework that governs overseas development aid. We do not have that overarching legislative framework in Australia,
although the inquiry raised the issue of whether or not that is something that Australia should contemplate. I note that most of the submissions to the inquiry supported a legislative approach to ODA, although a number of submitters pointed out some problems with the bill that have been traversed in the report, as I said.

There was no disagreement between committee members about a bipartisan commitment to focusing on gender equality and the empowerment of women and girls in Australia's overseas development aid program. The importance of addressing gender equality as a development goal, in and of itself, is well known—as is the fact that gender equality is a precursor to eliminating poverty. And those facts were well supported once again by the evidence given to this inquiry and to many other inquiries undertaken by this parliament into the effectiveness of aid. I note that the role of gender and development has been covered extensively in an inquiry into the human rights of women and girls in the Asia-Pacific region currently being undertaken by the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

There is agreement within Australia's parliament and within government, and there is agreement by international organisations, economists, civil society and other stakeholders that women suffer disproportionately from poverty and that aid programs should therefore disproportionately support women. The Millennium Development Goals and the new Sustainable Development Goals will include similar commitments to gender equality.

The Senate committee examining the bill spent some time attempting to find out from DFAT officials how the government's commitments are actually being rolled out. I think it would be fair to say that while the commitment to gender equality and aid is often articulated and repeated, the various reporting and accountability methods that DFAT uses to report on the effectiveness of its programs need to be enhanced if we are to actually discover whether the commitment is being delivered on the ground and is effective. This was highlighted by a number of submitters. For example, Plan Australia noted that DFAT's reporting on gender impacts of Australian aid focused largely on headline figures, such as the number of girls in schools, but only gives a limited picture of the effectiveness of Australian aid in addressing gender inequality. The IWDA noted that the department does not track enough information to actually be able to realise the commitment to gender-equality implementation. DFAT itself struggled to respond when asked how it can substantiate the government's claim that over 50 per cent of Australia's aid budget is spent on initiatives that promote gender equality.

A number of submitters noted that reporting to parliament was inadequate. For example, it was noted that the coalition government no longer prepares a specific aid budget statement as part of the annual budget process. Of course, AusAID is no longer a stand-alone organisation and the aid budget is within DFAT. Submitters suggested that there should be an annual report to the parliament by the minister that can be scrutinised by the public and by the parliament. It was noted that many of DFAT's current reporting mechanisms are not subject to parliamentary and public oversight. For example, AQCs and partner performance assessments are kept confidential, although the cumulative results of those are included in aid program performance reports that can be scrutinised by Senate estimates.

Whilst Senate estimates allows examination of some aspects of the aid budget, many submitters sought more information that would specifically go to aid effectiveness in delivering the goal of gender equality. While the potential cost of that additional reporting
was traversed by the inquiry, the committee report and the committee members recognised that the benefits of identifying gender-specific expenditure would outweigh the cost. The committee also said that more publicly available reporting on gender-specific expenditure would assist in better promoting the achievement of Australia's aid programs.

As I said, there are specific matters raised in the report about the technicalities of the bill that makes it problematic, including a lack of definition of gender equality, the threshold amounts for reporting requirements and the lack of overarching legislative frameworks. While the Labor Party does not support the bill, we do of course support the ongoing focus on gender equality in our aid program and we will work to ensure that the focus is translated into real, effective, transparent and accountable outcomes.

**Senator Rhiannon** (New South Wales) (16:18): The inquiry into the Greens' International Aid (Promoting Gender Equality) Bill 2015 was very useful. Some excellent information was presented to us. There were 14 submissions from non-government organisations, as well as from the department. It certainly did highlight the need for legislative change. There was a range of suggestions of how this could be taken forward.

An important aspect of the bill we were looking into is that it requires the minister to report on how funds were spent and how these funds helped to promote gender equality. The need to recalibrate the aid program did come through very strongly. It is recognised internationally that women need to be central to any aid program to help ensure that aid does reach the people that the public expects that it will assist in poverty alleviation.

The Greens put in a dissenting report, because the bulk of the evidence did show that legislative change is needed. I thank all of those organisations that put in their submissions, including ACFID, Plan Australia, IWDA, the Fred Hollows Association, Family Planning, Oxfam, ActionAid and many others. The submissions acknowledged that DFAT already does collect data on gender. However, it is clear that the level of transparency and publicly available information needs to be improved. There was some very interesting evidence about this issue of data, because at the moment it is collected as aggregate data. Aggregate data does not provide the detail required to track gender-equality outcomes and to signpost where greater effort or adjustment is needed. That again underlines why this legislation is needed. That is essentially why we put in the dissenting report.

Some of the recommendations from the submissions were useful. For example, Oxfam put forward that a Commonwealth aid official who proposes to make a decision relating to the provision of humanitarian assistance must, in making that decision, recognise gender differences, inequalities and capacities of those affected by a disaster or emergency and respond to them. ActionAid suggested that measurement is applied consistently to all projects, regardless of organisational partners' own mechanisms and capacities. This was emphasised time and time again—the need to break away from aggregate data and for there to be consistency in the data itself. While we need to improve on how that data is collected, that is not something that should just be left to the department.

The need for these measures to be put into legislation came through time and time again in the submissions. There was a very interesting experience in Britain, where the model for much of this legislation has come from. We will certainly look at how we take this forward, becoming all the more important as the Sustainable Development Goals are brought down. I seek leave to continue my remarks later.
Leave granted; debate adjourned.

COMMITTEES
Community Affairs References Committee
Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:22): I present the report of the Community Affairs References Committee on the availability of cancer drugs in Australia, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator SIEWERT: I move:

That the Senate take note of the report.

I will only speak very quickly to this because I know the chamber has other business to deal with before 4:30. This is an extremely complicated matter. We heard from a wide range of witnesses and got a number of submissions, and at this time I would like to take the opportunity to thank most sincerely those who gave us a written submission and the witnesses who presented before the committee, including those who presented their personal experiences. They were deeply personal and moving accounts that gave us a much better insight into the problems being faced. It is quite clear that the system is not moving now as fast as is needed to address the ever-escalating rate of development of specialised cancer drugs and also different uses of drugs. The system is not moving as quickly as is necessary to register drugs and make them available and to have them considered for the Pharmaceutical Benefits Scheme through the PBAC process. We detail quite extensive evidence that was presented about that, and we have made three recommendations.

While three recommendations does not sound enormous, recommendation 1 is quite a large recommendation— the committee recommends that the Australian government initiate a comprehensive review of the operation of the Pharmaceutical Benefits Advisory Committee and this review should include pathways for sponsors, operation assessment processes including enhancement of engagement with sponsors and other stakeholders, and ensuring that consumers and clinicians are more involved and have a more substantial role. There are some quite specific recommendations about what a review should look at.

The point here is that we are not being overly critical of the process, we are just saying that this is very complicated. Technology and innovation is moving very quickly and we need a process that is more responsive given that cancer drugs are being much more specialised for specific cancers now—we have rare cancers that we need to look at accessibility for. I urge the government to look at the report. I commend it to the Senate and I seek leave to continue my remarks later.

Leave granted; debate adjourned.
DOCUMENTS

Coalition Agreement

Order for the Production of Documents

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (16:25): I table a document relating to the order for the production of documents of the Senate of today concerning the Coalition Agreement.

MINISTERIAL STATEMENTS

Iraq, Syria and Afghanistan

Asylum Seekers

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (16:25): I table two ministerial statements as listed at item 16 on today's order of business:

Defence—Operations in the Middle East—Statement on Iraq, Syria, Afghanistan and operations in the Middle East—Ministerial statement by the Minister for Defence (Mr Andrews), dated 16 September 2015.

Immigration—Australia's response to the Syrian humanitarian crisis—Ministerial statement by the Minister for Immigration and Border Protection (Mr Dutton), dated 16 September 2015.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (16:25): In respect of the first document, I move:

That the Senate take note of the document.

I wish to speak in response to the statement by the Minister for Defence in the other place concerning Australian Defence Force operations. I thank the minister for his update on the important work our defence forces are doing around the world to protect our country, people and national interests.

As the minister states, the barbaric movement known as Daesh continues to conduct and inspire atrocities and terrorist attacks. The world stands in condemnation of Daesh. Labor has provided strong bipartisan support for Australia's contribution to the effort to combat Daesh in Iraq—known as Operation OKRA—and we recently supported the extension of activities under Operation OKRA into Syrian airspace.

Labor did not make this decision lightly. We sought and received assurances—from independent experts and the government—about the legal basis for such action. We received assurances that combat search and rescue arrangements are in place should an Australian aircraft be downed. And we received assurances that our stringent 'red card' system remains in effect to minimise, as far as possible, the potential for civilian casualties—an assurance I personally sought from the Chief of the Defence Force during a briefing last week. I wish to thank the minister for arranging that briefing.

I ask that the minister make a better effort to keep the Opposition informed about Australian Defence Force operations. It was extremely disappointing to learn that the government was considering air strikes in Syria via an opinion piece by a backbencher. Labor offers its bipartisan support because we believe our efforts in Iraq are in Australia's national interest—but we ask that this not be taken for granted. Labor believes that the government should also give the parliament an opportunity to discuss our evolving commitment in Iraq.
again urge the government to show the parliament the courtesy of a full discussion—as occurred with Australia’s previous commitments in Iraq in 1991 and 2003.

I note the minister’s update on Australia’s commitment in Afghanistan. As the minister states, this commitment has involved significant sacrifice, including the lives of 41 Australian personnel with over 260 personnel physically wounded. Labor joins with the government in mourning those who gave everything, in recognising the sorrow felt by their families and in acknowledging the struggles our sick and wounded face on a daily basis. I ask that the minister keeps Labor informed as the government works towards a decision on this commitment beyond 2016.

Much attention is paid to our forces in Iraq and Afghanistan—and rightly so. But I would also like to recognise the many Australian personnel serving on other operations—including in such places as Sudan, Egypt, the Indian Ocean, the South Pacific and our maritime approaches. Labor expresses its appreciation for the dedication and professionalism of our serving men and women on these operations.

I again thank the minister for his statement. Labor firmly believes it is of the upmost importance that the Australian parliament and the Australian people be regularly informed about these important matters. This is why the former Labor government provided such ministerial statements on a quarterly basis. I strongly encourage the government to do likewise and to be more forthright in outlining the rationale, objectives and progress of Australia’s operational commitments.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (16:28): I rise with a sense of dismay that the parliament has left precisely four minutes for this discussion to occur. Senator Conroy has done me the courtesy of getting through his speech very rapidly. It is an insult to the service personnel that we send overseas that the parliament would set aside four minutes for a debate of this nature. Associate Professor Rodger Shanahan, who is a research fellow at Lowy, has called the Prime Minister’s announcement on our RAAF deployment over Syria as long on rhetoric, short on detail, lacking any semblance of strategic vision or acknowledgement of the potential impact on the situation inside Syria.

The document tabled by the outgoing Minister for Defence that the Senate has been given four minutes to reflect upon tells us a tiny little bit about the government’s military intentions, which many believe were fast tracked for entirely domestic political reasons, but nothing at all about the political or diplomatic solution in Syria. There is no military solution to the civil war inside Syria, our only contribution being to fan the military flames. It is entirely counterproductive.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): Order! It being at 4.30 pm, the Senate will proceed to the consideration of general business.

MOTIONS

Sport: Motorsport

Senator MUIR (Victoria) (16:30): I move:
That the Senate notes the economic, social and other benefits of motorsport in Australia.
This speech may not start where a few people think it will, but bear with me; I will get back to why I am starting this way. It is a matter of great regret that large-scale new vehicle manufacturing in Australia is going to cease by the end of 2017. Of course this is not new news but, as with any good relationship gone bad, it is news that does not get better with time. Between my home state of Victoria and our neighbour to the west, South Australia, it is forecasted that between new vehicle manufacturers, original equipment manufacturers, downstream parts suppliers and the subsequent flow-on effects we will see upward of 150,000 to 200,000 jobs lost. This is at a time when unemployment is already at an uncomfortable high. I do not think we need to be contributing to that.

The way I see it, we can either sit on our hands and do nothing, as appears to have been allowed to happen with our automotive manufacturing, or turn our focus to what we do well and allow new and existing businesses and opportunities to flourish. It is hard to argue that subsidising an auto sector—like every other country which manufactures cars does—at a time of need would not represent value for money. But there we were, not long before I took my seat in this place, essentially goading the auto sector into leaving our shores. It was a very disappointing point in our history and one which, in my eyes, stands out as almost economic vandalism. Subsidising the sector, keeping a potential 150,000 to 200,000 people in the southern states in a job, makes sense. Allowing the industry to leave, potentially putting those people on welfare, makes no sense at all. If we are not a country of manufacturers, we are a country of importers. This leaves us at the mercy of others in a very uncertain world. Some say, now that new vehicle manufacturing is leaving our shores, that the auto sector is dead. This is far from the truth. Much as I would like to see a rise of the phoenix in our vehicle manufacturing, an important fact that many people are not aware of is that new vehicle manufacturing is one-fifth of our auto sector. We need to focus on the other 80 per cent that is still there, and there are opportunities for it to grow, expand and even start in new directions.

So how does this statement tie in with the economic and social benefits of motorsport? I will start with a report written by Ernst & Young commissioned by the Confederation of Australian Motorsport, CAMS, in 2013. As the report states, it:

... highlights the importance of the motor sport industry to Australia, by estimating the economic contribution, value add and employment of the industry in 2013. This study also estimates other key measures, such as the number of participants, clubs and venues across Australia. At this point it is important to mention that this report only covers four-wheeled motorsport and does not cover the economic benefits of two-wheeled motorsport. The report identified that four-wheeled motorsport contributes $2.7 billion in direct industry output and $1.2 billion in direct value-added, and creates 16,300 full-time jobs. This is an astounding economic contribution—and, as previously mentioned, it does not include two-wheeled motorsport. The report also notes that there are 17,419 licensed volunteer officials in Australia, who are responsible for running the majority of motorsport events held each year. It notes that motorsport is the fourth most watched sport in Australia and that 80 per cent of the people surveyed said that 'being with family and friends' is an important reason why they are involved. We all need a sense of belonging. The family culture around motorsport, which I, alongside hundreds of thousands of other Australians, am very familiar with, provides an important sense of belonging.
The Ernst & Young report also identifies that 30 per cent of motorsport participants live in regional areas and that 85 per cent of motorsport venues are available to those in regional areas. When attending a round of the V8 Supercars in Winton, Victoria, earlier this year I was glad to hear that this one event brought $17 million dollars to the local economy in just that one four-day weekend—$17 million to a rural community. I believe that Winton running that event each year creates around 400 jobs. There is no arguing that that is a huge benefit to the regional area—and other regional areas—and one that should be looked after and maintained well into the future. I have been informed that the Mildura drag strip contributes $60 million to the local economy every year. This is money and employment created just by people getting away from their TV and enjoying their lifestyle.

Motorcycling Australia hosts a number of national and international events each year that contribute significantly to the national, state and local economies as well. Events such as the MotoGP, world superbikes at Phillip Island each year, world trials championships and world speedway grand prix events contribute tens of millions of dollars to the economy. Events like the motocross national championships, Australian speedway and supercross championships and Australian Superbike Championship contribute millions more. In 2014, Motorcycling Australia through its state controlled bodies and affiliated clubs issued licences for more than 66,500 people to participate in organised motorcycling activities. This included participation in competitive and non-competitive events as riders, officials and coaches. Over 5,500 permits were issued for Motorcycling Australia affiliated clubs across Australia, of which more than 300 were to conduct motorcycling events, which worked out to an average of 105 events being run per week.

Naturally, hand in hand with motorsport comes the aftermarket industry. The aftermarket industry is heavily supported by motorsport and is a $13 billion industry. In 2013 it was worth around $11 billion. So it is actually growing without government financial support; it is currently highly successful without the need for subsidies. It also employs around 30,000 people. Of the $13 billion generated by this industry $5 billion is from local manufacturing in Australia. A decent proportion of this $5 billion is generated from the manufacturing of specialty equipment specifically designed for motorsport. An example of such a manufacturer is Albins, which is located at Delacombe in my home state of Victoria. Albins manufacture transmissions and gears for a range of motorsport applications. And as times change they have also diversified into the defence industry, supplying product for the Bushranger armoured vehicles. They also supply transaxles for the V8 Supercars and export internationally.

PWR Performance Products manufacture cooling systems for the Red Bull Formula One Team and have a huge variety of bolt-in aftermarket accessories for a variety of standard applications right through to the many different disciplines of motorsport. And this is not to forget successful Australian businesses such as SupaShock—for whom my colleague Senator Xenophon has become a passionate advocate—Xforce Exhaust, Turbosmart and ARB. ARB are an Australian specialist manufacturer in aftermarket four-wheel drive accessories. They are an ASX listed company with operations in Melbourne, the US and Thailand and they export to over 100 countries. That is only a very, very small proportion of our small businesses that manufacture aftermarket products in Australia; there are thousands more.
There are many different disciplines of motorsport. People seem to think that motorsport consists of V8 Supercars, Formula One and MotoGP. However, this is far from the truth. These are highly successful, high-profile events but there are many more types of motorsport: motocross, hillclimbs, one-eighth mile and one-quarter mile drag racing, rally, speedway and go-carting. And there is even lawnmower racing on modified ride-on lawnmowers—they do not have the cutting deck anymore!

One area I am extremely supportive of is grassroots motorsport. Like all sport, you don’t begin at an elite level. None of us is lucky enough to walk straight into the V8 Supercars and have a career. But you have to start somewhere and that is generally at the local club level. Grassroots motorsport is typically entry level motorsport, the type of sport you can enter at a minimum cost. It gives those who may have an interest in competing in a safe and legal environment a place to compete and a facility to help encourage people to keep antisocial behaviour off our streets. We give those who want to play cricket a field, we give those who want to play football an oval and we create parks for those who want to skate. Yet in 2014-15 CAMS received only $339,800 of federal assistance. In comparison, sailing received a $1.25 million boost to its allocation, which took its funding up to $8,096,400.

In Gippsland I have been working in close contact with a local club at Bairnsdale that is currently in the process of creating a ‘multiplex’. The facility is being built on the site of a drag strip which unfortunately was demolished a few years back. Currently in its rebuild stage, the Bairnsdale multiplex has run some very successful ‘show and shines’ and large burnout competitions while it is awaiting the necessary funds to finalise the track to get it back to being able to host drag racing events. The club is also hosting multi-events once every month, which includes Supermoto. It has a near-complete four-wheel drive track, which will create an opportunity for people to race off-road in a four-wheel drive in a safe and legal environment. It is an affordable place for people to go to spin their wheels in a competition style if they so desire. It is not everyone’s cup of tea. But we know people like to do it, so we should be providing them with a facility.

This has strong support from the local police as they see the value of having the venue to point people in the right direction. That is not just something I am reading from a bit of paper. It is an actual statement. I have spoken directly to the local police. They are very supportive of having this venue to encourage people to go to the right place. If we did not provide people with a football oval on which to play their sport, there would be plenty of people playing football on the streets. We have seen many reports in the media about hoons doing the wrong thing. I do not support antisocial behaviour at all. If someone is doing the wrong thing, they absolutely deserve to have the book thrown at them. But we should at least be encouraging people to go to the right place. We have seen the economic benefits and, of course, we have seen the social benefits of keeping it off the streets and making our roads a safer place. If we want to encourage people to keep it off the streets, I think the social benefits of having a track to go to makes a great deal of sense.

It would probably come as no surprise that many, many people are calling for access to tracks at which they can compete at a grassroots level. It is often said that if you get your kids into cars they will not have the time or money for drugs. These grassroots motorsport clubs provide a sense of community, extended family and belonging. Motorsport clubs provide members with personal support networks. These are all key ingredients in providing positive
mental health outcomes. I am part of the Maffra & District Car Club. They hold a junior development program. So the motorsport facility is also used as a driver education facility. The junior development program gives you an opportunity to learn how to brake in a car, take off in a car and position yourself in a car.

Rather than someone passing a test at 16 years of age and then going on to look at their learner's permit and hitting the road for the very first time without ever having taken their foot off the clutch, there is an opportunity to teach them how to drive. Many other motorsport venues do the same thing. There are so many volunteers who get involved who like to participate in a better outcome for young drivers.

Something that is not so much motorsport related but which is tied in, is that motorsport clubs generally have a tendency to get heavily involved in charities—charity rides to raise money for cancer events or missing children events. One I have heard of recently was from somebody in the Victorian Torana Club. The Melbourne Old School Cruisers club got together about 600 cars to raise money for a missing child. I think that is an important social factor which is regularly missed out on. I am aware that I am running out of time, so I might have to cut some of the speech out—actually, I will continue. I have never really gone for the whole 20 minutes!

In Queensland recently, motorsport and enthusiast clubs from a variety of backgrounds came together in support of a charity need. Bravehearts Highway Thunder is a convoy of road cars, four-wheel drives, bikes and trucks that all meet up at a 'show-n-shine' to raise money for programs to educate, empower and protect Australian children against sexual abuse. For the last 15 years Four Wheel Drive Queensland has run the annual Fraser Island Cleanup. In mentioning this event, I would also like to single out Jeff and Nola Chase, who I have been told have been the driving force behind this event. It was their idea to utilise the resources of Four Wheel Drive Queensland in the beginning. I have it on good authority that Jeff and Nola were both recognised for their volunteer commitment to the event and to Fraser Island when they were presented with an award by the Queensland Parks and Wildlife Services in 2012.

I should mention why I started with the death, or perceived death, of our automotive industry. I have mentioned the after-market industry, the passionate people in the car clubs and so on. With the correct policy settings, we can use this after-market industry—which is already very self-sufficient—and create an industry that can grow and soak up some of the jobs that are going to be lost when automotive manufacturing leaves by 2017. We can encourage motorsport and the industries that are supported by it. We are good at it, so we should be doing everything we can, no matter how big or how small, to allow our industries to soak up the excess jobs that are going to be lost.

During the recent Australian Automotive Industry Summit of the Motor Trades Association of Australia, comments were made that there is not enough spoken about motorsport in Australia at a federal level. I have two minutes and 30 seconds left, although I have cut part of my speech out, so I hope at least that this motion has started a new direction in conversation and covered that!

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (16:48): I rise also to address Senator Muir's motion on the economic, social and other benefits of motorsport in Australia.
Ever since I was a child I have been drawn to motorsport. I recall well the many Sunday mornings in early October each year watching 'the great race' as a child—with my most enduring memories being the epic battles between the big Ford Falcon coupes and the Holden L34 and A9X Toranas. And of course, the epic contests between Peter Brock and Allan Moffat and, later, Dick Johnson.

Senator Conroy interjecting—

Senator BUSHBY: I am not sure what Senator Conroy will think of this, but I admit that in those days I was firmly in the 'Holden' and 'Brockie' camp. Maybe this was demonstrated when, as a 20-year-old, I purchased a 1977 5.0 litre LX Torana SS hatchback, heavily modified for Group 3 racing but de-tuned for road use. I wish I still had it; it would now be a very valuable collector piece.

Over the course of my adult life I have since participated in a number of entry-level motorsport events—mainly hill climbs, track days and the like. I have even managed to compete occasionally since I joined the Senate—most recently in the inaugural Targa Hellyer Gorge event in north-west Tasmania earlier this year. My interest is shared by many Australians—large numbers of whom participate and even more who spectate.

Senator Conroy: You are either a Ford man or a Holden man. I have never driven a Holden in my life!

Senator BUSHBY: I have a Ford in the garage down there now. Our combined passion—those many Australians who enjoy and appreciate motorsport—has created enormous benefits for this great country of ours. Indeed, it is a fact that motorsport is the fourth-most-watched sport in Australia in terms of spectator attendance, behind only Australian rules football, horseracing and Rugby League.

Last year I rose in this place to pay tribute a true international giant of motorsport and a truly great Australian, Sir John Arthur 'Jack' Brabham AO, OBE. Sir Jack was a pioneer of Formula One racing in Australia. He was a relatively late starter to Formula One racing, entering his first race at the age of 30 and winning his first drivers' world championship at the age of 34. He successfully defended his championship the very next year, and reclaimed the title five years later in 1966 at the age of 40. His success was credited to his personal qualities, including hard work, perseverance, flair and courage—traits that all Australians aspire to. I am certain that Sir Jack played a big role in cementing the popularity of motorsports in Australia.

Beyond the myriad 'larger than life' personalities and innumerable motorsport champions that the sport and its fans inevitably create, motorsport has provided some wonderful benefits to the Australian economy. Motorsport relates to any form of land-based motorised competition, regardless of whether it has four wheels, two wheels or any other combination. The various disciplines—listed in order from highest to lowest number of participants—include, speed, circuit, karting, rally, speedway, social, autotest, drag and off-road.

According to an Ernst & Young report, which I think Senator Muir also referred to—the Economic contribution of the Australian motor sport industry—commissioned by the Confederation of Australian Motor Sport, or CAMS, some of the economic contributions to Australia are remarkable. The Australian motorsport industry directly generates $2.7 billion of direct industry output and $1.2 billion of directly value-added contribution. This
investment directly supports over 16,300 jobs in Australia. If you add indirect jobs, this figure increases to over 31,300 people working in the motorsport industry in Australia. In Tasmania, my home state, motorsports directly contribute an output of $98 million dollars with a value-add output of $42 million, and employs some 585 Tasmanians in full-time equivalent jobs.

There are spin-offs from having a strong motorsport industry, including innovation, some of which give Australia a cutting-edge advantage in the development of technologies. This technology can have practical application well beyond the motor industry. Another advantage of motorsports is to enable a very strong automotive aftermarket industry—which Senator Muir also touched on—providing numerous jobs and export opportunities which would otherwise not exist. The Australian Automotive Aftermarket Association, or the AAAA, supports manufacturers, distributors, wholesalers, importers, mechanical repair and modification services, and retailers of automotive parts, accessories, tools and equipment, as well as companies and consultants who service the automotive aftermarket industry.

Total value of Australian parts manufacturing is estimated to be worth $5.4 billion each and every year. It is difficult to value the aftermarket proportion of production, but, given the decline in local new car manufacturing, it could be assumed that a large part of this contribution is within the aftermarket. The largest areas of production include exhaust systems and other parts and accessories, accounting for 39.4 per cent of the automotive aftermarket industry, with motor reconditioning accounting for 14.9 per cent, seats and interior components 9.8 per cent and brakes and parts 6.5 per cent. The AAAA believes the total size of the industry will grow to $34 billion and has great optimism about the future. Recently, 76 per cent of AAAA member companies shared an expectation that their businesses will continue to grow. This sort of optimism breeds confidence in the economy and helps provide the certainty needed for new job creation in Australia.

Looking more closely at motorsports participants' direct contribution to the economy, the average annual spend per participant on motorsport related activities is $12,000 to $15,000 and the average spend on motorsport vehicle purchases and modifications is $60,000. Whilst these numbers appear high, as I will later illustrate entry cost does not prove to be an insurmountable barrier for those wishing to enter the sport. In other words, the average costs are skewed due to the investments at the high end of the sport.

Motorsport events generated 30 per cent of the motorsport industry's output, namely $800 million in direct industry output, $400 million in value added and 5,050 odd jobs. In analysing a single event, the Australian Formula One Grand Prix held in Melbourne each year, the scale of the sport becomes obvious. Based on an Ernst and Young report in 2011, this event singularly increased the Victorian gross state product by around $39.34 million and created an additional 411 full-time equivalent jobs. I suspect the contribution of this event to the economy has only grown since 2011. The Grand Prix also provides significant branding and positioning for Melbourne and Victoria, both nationally and internationally. Past Melbourne F1 Grands Prix have each provided a media or advertising equivalent value in excess of $35 million to the state. The event also attracts over 230,000 international visitors each year and generates significant benefits, including tourism attraction, investment attraction and community involvement.

There is a myth about motorsports, and that is that relatively few people can participate due to the high cost of competing. If that were the case, then I am sure that neither Senator Muir
nor I would ever have had the chance to participate. The fact is that there are around 55,340 Australians who compete in motorsport in Australia every year and a further 17,420 people who officiate. There are 76,775 other people who are members of motorsport related clubs. There are 334 tracks and venues throughout Australia, 1,390 motorsports clubs and 6,250 events are conducted annually. Clubs and participants are involved in circuit racing, rally driving, off-road, speed, autotest, social, drag racing, go-karting and speedway. Direct participant expenditure accounts for around 49 per cent of the Australian motorsport industry's output. Importantly, around 30 per cent of participants, as noted by Senator Muir, are based in regional areas and around 85 per cent of tracks and venues are located in regional areas.

I am proud to say that in my home state of Tasmania more than 5,000 people compete in motorsports—the highest per capita participation rate in the country. Tasmania has 20 motorsport tracks or venues, 72 motoring clubs and an average of 273 events per year, proving that it punches very much over its weight. Tasmania hosts the whole gambit of motorsports, from stock cars to go-carts and everything in between, from Symons Plains in the north, which hosts an annual round of the V8 Supercar championship, to Baskerville in the south, soon to host the National Historic Race Meeting in October this year.

Along with the V8 Supercar round, the highest profile event on the Tasmanian motorsports calendar is undoubtedly Targa Tasmania. The 2016 Targa Tasmania will see a potentially record field as it celebrates the milestone 25th running of this iconic event. The genesis of Targa racing goes back to the Targa Florio, which was an open-road endurance automobile race held in the mountains of Sicily near Palermo from 1906. The Mille Miglia continued this legacy in continental Italy and was held 24 times from 1927 to 1957—13 before the war and 11 from 1947. The Targa Tasmania continues in the tradition of Gran Turismo, or Grand Touring, and is a tarmac rally that travels over 2,000 kilometres with over 40 competitive stages on closed roads for the true motoring enthusiast, catering for up to 300 selected cars approved by invitation.

Targa Tasmania also draws concepts directly from the best features of the Coupe des Alpes and the Tour de Corse to create the world's largest tarmac rally with a cross-section of marvellously restored classic vehicles, as well as the latest in grand touring and sports vehicles. Notable past and current competitors have included Barry Sheene, Dick Johnson, Sir Jack Brabham, Jim Richards, Michael Doohan, Murray Walker, Peter Brock and Sir Stirling Moss. The event traverses every electorate in the state and Tasmanians look forward to the excitement the event brings each year, not to mention the economic benefits. Competing in Targa Tasmania is on the bucket list of many motoring enthusiasts across Australia and even the world The Tasmanian government sees Targa Tasmania as a pillar of its strategy of making Tasmania the boutique events capital of Australia. Events generate great economic and cultural benefit for the state, as well as being a key driver towards the government's target of attracting 1.5 million visitors each year to Tasmania by 2020. Capitalising on the popularity of Targa Tasmania, as mentioned, the inaugural Targa Hellyer Gorge was held in February this year. This modified event provides a number of hill climbs and time trials and is designed as a way for those looking to get into Tarmac rallying to get a taste of touring motor sports and test out their own skills and their vehicles.
Beyond the economics and participation, motorsport contributes in other ways to Australia’s social profile. We can be proud of the fact that, according to Volunteering Australia, 36.2 per cent of people aged 18 years and over participate in formal volunteering each year. Motorsport makes a rich contribution to volunteering. There are 17,419 licensed volunteer officials in Australia who are responsible for running the majority of motorsport events each year. This figure underestimates the true number of motorsport volunteers. If all of the unlicensed volunteers involved in motor sporting events, charity events, club events and in other ways could be added up, perhaps the true number of volunteers may be a factor of 10 on that number.

Motorsport also offers up opportunities for Australians of a variety of ages and genders to compete. Unlike so many other sports, the competitor age profile peaks in the band with an age profile of 55 to 64 years old and has a rapidly growing rate of female participation. Indeed, my eight-year-old daughter, Emily, will tell you, if you ask her, that she wants to be a racing car driver when she grows up. There is also overall rapid growth in motorsport participation, with over 45 per cent of participants being involved with the sport for less than five years. This fact alone should ensure that policymakers are vigilant in ensuring the ongoing health of the sport, especially when considering the average participant enters six events every year, pays for nine nights away and on average takes 1.8 people away with them, which further increases the penetration of the sport into the community.

According to a recent CAMS official survey, over 80 per cent of respondents indicated that to be with family and friends is a very important, or somewhat important, factor in choosing to participate in motorsport. As Senator Muir noted, these are much higher numbers than most sports and sporting codes in Australia. It demonstrates that motorsports are family friendly and often undertaken with other family members. Policymakers need to pay close attention to participants who have indicated that they are seeking improved venues and facilities, more events, new and different events, streamlined regulations, improved event awareness and improved training and coaching.

Motorsport also plays an important role in advocating for road safety and related themes. In May 2011, the Federation Internationale de l'Automobile—otherwise known as the FIA, which is much easier to pronounce—launched its Action For Road Safety in support of the United Nations Decade of Action for Road Safety. The FIA’s initiative aims to lower the alarming figures associated with global road accidents and to spread the safer motoring message. CAMS Ignition is a road safety initiative supported by the FIA under the FIA Action for Road Safety program. This initiative focuses on educating Australia’s pre-licensed youth. Driver education delivered through CAMS Ignition is designed to assist young people to develop awareness of their involvement in motor vehicles and road use. In 2013, over 4,000 Australian young people participated in the program. In addition to this road safety initiative, there are numerous other levels of involvement with road safety, including campaigns around defensive driving, speed control and drink-driving.

Corporate involvement in motorsport also contributes both economically and socially. An example of this is MTAA Super's sponsorship arrangements with V8 Supercars Australia, a part of which seeks to encourage young students into the retail motor trades and to support existing apprentices already studying through a number of initiatives.
Australians are very philanthropic. According to Philanthropy Australia, Australian households donate more than $2.4 billion to philanthropic causes, with business donations exceeding $850,000 on top of philanthropic organisations, which have distributed over $1.7 billion over the last decade to worthy causes. Motorsport well and truly pulls its weight when it comes to its share of philanthropic giving, as also noted by Senator Muir. It is not often that motorsport philanthropy is recognised and, on behalf of the numerous philanthropic causes which are supported by the sport, I would like to recognise a few in this place today.

Major motorsport events such as the Australian Formula 1 Grand Prix, the V8 Supercar Clipsal 500 Adelaide, NRMA Sydney 500 and many others have major charity partners. Over recent years, the Australian Formula 1 Grand Prix has teamed up with the Good Friday Appeal, which raises money for the Royal Children's Hospital in Melbourne through its Race for the Kids initiative. The V8 Supercar Clipsal 500 Adelaide has partnered with Asthma Foundation SA, a member of Asthma Australia, providing the opportunity to fund vital asthma research and education programs and provide life-changing information and support for those living with asthma. The money raised is used by Asthma SA to directly support children with poorly controlled asthma through a paediatric asthma educator initiative. The V8 Supercar Sydney NRMA 500 joined with the Leukaemia Foundation to raise money and awareness against this acute illness, helping Australia's only non-profit organisation dedicated to the care and cure of those with blood cancer and related blood disorders. The organisation funds blood cancer research and provides services to support people with leukaemia, lymphoma and myeloma at no cost. These major event related charity partnerships often underpin the major fundraising drives of charities involved and exist at all levels and varieties of motor sport.

In addition to major event based charity partnering, as also noted by Senator Muir, there are other motorsport events which are dedicated to philanthropic ends. Again, all of these kinds of events are worthy of mention; however, I will share a couple of these with the Senate on behalf of all of the others to pay them their due tribute. Such has been its success, I would think almost every Australian would have heard of the Variety Bash—an event held across every state and territory of Australia. The Bash has been staged by Variety since 1985 and the spirit of the original idea has been retained. Every entrant has to raise money for Variety and all vehicles must be 30 years old or older at the time of entry and be non-performance modified. The bash is not a race, rally or speed trial; rather, the single most significant rule of the bash is to relax and enjoy the Australian outback and help raise funds for kids in need.

The Black Dog Ride involves groups of motorcycle enthusiasts who ride together to raise awareness and money for suicide prevention and mental health awareness. Lifeline Australia is one of the biggest, and worthiest I might add, recipients of money raised by the Black Dog Ride. I would like to commend to the parliament the work that Steve Andrews has done in founding and managing the Black Dog Ride. Another great event is the Hogs for the Homeless charity ride. The Hogs for the Homeless event is a charity motorcycle ride, founded by rugby league legend Fittler, aiming to raise funds to support Father Chris Riley's Youth Off the Streets.

The great philanthropic work through charitable partnerships with key motorsport events and philanthropic specific events is matched by the generous individuals within the motorsport industry. To name two great motor sporting philanthropists, it is hard to go past...
Mark Webber and Garry Rogers. As many of you would know, Mark Webber is best known as a former Australian Formula One driver, with nine victories and 42 podium finishes achieved at arguably the pinnacle of world motorsport. In humility, Mark Webber said:

I've visited a few hospitals in Australia and it's in those places that I've seen people who were much less fortunate than me. People for whom every day is a struggle. As I started to do well out of my own profession, it made me want to give something back and to help people back home. I don't like to shout about it, but that's my philosophy and that's what I'll continue to do.

Mark Webber's philanthropy extends to the Mark Webber Foundation, the Aylesbury College Trust and Wings for Life.

I am guessing not as many people have heard of Garry Rogers. Rogers, owner of Garry Rogers Motorsport, is partnering with the Volvo factory racing team Polestar to bring the Swedish manufacturer to the V8 motor racing circuit. In doing so, he is pioneering a new kind of sponsorship deal, one which seeks to also have an altruistic element. This altruistic approach may well become the template for all major sponsorship deals across all sports in the future.

Already we have seen V8 Volvos roaring around racing circuits in Australia supporting charities like beyondblue, which is a national initiative designed to raise awareness of anxiety and depression, and the Cure for Life Foundation, which seeks to accelerate treatments for brain cancer. Indeed, philanthropy and the social benefits which it can and does provide have become synonymous with motorsport.

I finish by endorsing Senator Muir's words in recognising the enormous benefits that motorsport brings to Australia on a whole range of levels, not just measured in the enjoyment experienced by participants and fans, but also measured by the economic, social and philanthropic advantages that it provides to the Australian community.

Senator DASTYARI (New South Wales) (17:07): I have a few brief remarks to make. A lot has already been said on this matter, and I think there is a fair amount of bipartisan support. I want to acknowledge the contributions of Senator Muir, which I will touch on in a bit more detail, and also of Senator Bushby. There was a bit of banter across the chamber during those contributions about whether people are Ford people or Holden people. I can proudly say that I am VW Golf person.

Honourable senators interjecting—

Senator DASTYARI: Yes, it is very old. When we talk about motorsport around Australia there is an important motorsport that we sometimes forget, and that is called 'the Sydney commute' which can be for about two or three hours to travel a short distance with many obstacles on the way.

I am delighted to rise in this place on behalf of Labor senators and support the motion moved by Senator Muir that this Senate notes the economic, social and other benefits of motorsport in Australia. I am reliably informed that Senator Muir will be joining the proud revheads of my home state at Bathurst, which will be his first visit, in about three weeks. I will be there this weekend.

Motorsport holds a special place in the heart of many Australians. There are events that bring the country to a standstill such as the rumble of V8s around Mount Panorama in Bathurst and the Formula One Australian Grand Prix, which is the first event of the global
Formula One season. It is allegedly going to be held at Albert Park in Melbourne this year, but I believe there are moves underway to try to get it to Sydney. Just this past weekend in Coffs Harbour the annual Australian leg of the FIA World Rally Championship and the Coffs Word Rally were held. There is also the Gippsland Hill Climb that Senator Muir enjoys when he is not working in this place.

Motorsport contributes much to our economy, our culture, and our country. The names of our motorsport greats such as Alan Jones, Peter Brock and Dick Johnson, to name just a few, are held in the same esteem as the most revered in Australian sport. Data from the governing body, the Confederation of Australian Motor Sport, CAMS, confirms the benefits of motorsport to our economy. It generates more than $2.7 billion and more than 16,000 jobs. There are more than 150,000 people participating across Australia at more than 6,000 events every year. Motorsport contributes significantly to regional economies, and I know that is something that Senator Muir has spoken about in this place on many occasions.

While CAMS does not put a dollar figure on the impact in regional Australia, 85 per cent of sanctioned tracks are in regional areas and around 30 per cent of participants are from regional Australia. The data demonstrates the value of motorsport to Australia, but it is much more than just an economic consideration. For many Australians motorsport is a way of life at the front and centre in the national sporting psyche.

On behalf of Labor members and senators I thank Senator Muir for bringing this motion before the Senate. I thank Senator Muir and I thank the contributions of other senators in this debate.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:11): I, too, rise to make a small contribution on the motion put by Senator Muir to acknowledge the substantial contribution that motorsport makes to not just the economic fabric of our society but also our social culture. I acknowledge the commitment that Senator Muir has made to this particular topic. He is a great advocate for the motoring industry in Australia and in particular for motorsport. I acknowledge that my fellow whip is also a great supporter of motorsport and often comes to work on a Monday morning and tells us of exploits of driving his car very fast up and down hills, which is done of course in a controlled environments and certainly not on the road.

Senator Bilyk interjecting—

Senator RUSTON: Through you, Mr Acting Deputy President, Senator Bilyk comes from Tasmania and may well know something about Senator Bushby's driving habits more than I do, because I do not drive on the same roads as Senator Bushby as a general rule. I am sure that he is a terribly law-abiding citizen when it comes to obeying the road rules.

This is a much more serious issue than the fun and frivolity of the last few minutes. The social and economic benefits of motorsport in Australia are quite significant. Apart from the fun that is associated with driving a car very fast in a controlled and safe environment, there are some really huge benefits that go our communities. If you have a look at my home state of South Australia—and your home state, Mr Acting Deputy President Gallacher—motorsport has played a very big role in our state for a very, very long time. In fact it was back in the 1930s that the first Grand Prix was held in South Australia. I do not know whether you realise it, Mr Acting Deputy President, but it was held in Victor Harbor. Whilst everybody was
greatly pleased when the Grand Prix came back to Australia in 1985 and was held in Adelaide, everybody also thought that this was the first time that a Grand Prix was held in Australia. But that was not the case. We in South Australia were actually early adopters of the concept of fast Formula One motorsport.

The Grand Prix was a fantastic economic contributor to the South Australian economy, and for most of the 10 years that South Australia had the privilege and luxury of owning the rights to hold Australia's Grand Prix in Adelaide it was a very, very beneficial thing for us to have. It was not just the fact of the expenditure on the event itself. I will admit that in many years it actually cost South Australia money to hold the event. The knock-on impact of the economic activity that was achieved through the event was very, very significant. Many, many times the amount of money that was invested by the South Australian government in getting the event to South Australia was returned to the community through visitation and increased economic activity.

It was interesting to find some statistics on these instances. Every Grand Prix had attendances in excess of 250,000 people, but also the economic benefit of the Clipsal 500, for example, is around half a billion dollars a year for South Australia, so you can see that it makes a very significant contribution.

Regarding the Clipsal 500, there is an interesting anecdotal story. During the Grand Prix one year, the Supercar drivers decided that they wanted to be paid appearance money at the Grand Prix. Until that time, the touring cars had just been a support event for the Grand Prix. So the decision was made that we would tell the touring car drivers that we would not worry about paying them and, if they decided they were not going to come to the Grand Prix, so be it; that was bad luck. Luckily, some reasonable wisdom prevailed and a survey was undertaken of the South Australian public. Very interestingly, it found that in excess of 60 per cent of the people who attended the Grand Prix in Adelaide went because they wanted to see the touring cars, not because they wanted to see the Grand Prix cars. From the information from the survey that was undertaken, and when the FOCA rights for the Grand Prix had become so excessively expensive that the economic benefit that was generated started to be eroded, it became very evident that the touring cars could have the capacity to generate reasonably similar amounts of economic activity in South Australia but without the extraordinary expense of the rights to buy the Grand Prix. So we sent the Grand Prix to Victoria—I think they were quite happy to have it for a while; I am not sure that they still are—and South Australia now has the premier touring car event for Australia, the Clipsal 500.

Whilst we can talk about all these major motorsport events that have an economic benefit to Australia, it is also quite interesting to realise the benefits to the car industry and to car accessory and car part manufacturers across the whole of Australia—and across the whole of the world, for that matter—and also, indirectly, to car sales. You only have to look at the continued competition that occurs between Ford and Holden to realise that there is a benefit there through car sales, but also there are other developmental benefits to cars that occur. Obviously, when you are driving a car at extreme speeds, you have to make sure that they are extraordinarily safe, so the safety components and developmental components that come from racing cars are also extremely important.

As I said, there is huge economic benefit from the big events, but there is also economic benefit that can be generated in our regional communities. I, for one, have been known to be a
bit of a petrolhead—I have raced in the Classic Adelaide Rally—but, like Senator Bushby, I always obey the road rules, so I only drive fast when the roads are closed and I have permission to do so. There are economic benefits in our regional communities from things like rallying, off-road buggy racing and the local speedways. All of these smaller motor-racing events have massive individual economic benefit for the communities in which they operate. They also provide the young people in our communities the opportunity to drive fast and do things that all young kids like to do but without the added risk of being on the road. If you look at motorsport, there is far more than the economic benefit that you see from big events. There is such a huge knock-on effect in our local communities in giving our young kids the opportunity to learn how to drive fast in controlled conditions—not on roads—where medical attention is available should an unfortunate situation require it.

As I said, I am a great supporter of motorsport and a great supporter of Senator Muir's motion today to acknowledge the economic and social benefits of motorsport. I commend Senator Muir on his continued and ongoing interest in and support for motorsport in Australia.

Question agreed to.

**DOCUMENTS**

**Centrepay Order for the Production of Documents**

**Senator RONALDSON** (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:19): I table a document relating to the order for the production of documents concerning the Centrepay policy and terms.

**COMMITTEES**

**Select Committee on the Regional Processing Centre in Nauru Report**

Debate resumed on the motion:

That the Senate take note of the report.

**Senator GALLACHER** (South Australia) (17:19): I made some remarks on the document last week and I want to put on the record a more complete explanation of my remarks, as they appear to have been taken out of context. Basically, I made some remarks singling out Senator Reynolds because of her conduct throughout the inquiry. I said:

It was totally partisan, totally political and less than objective conduct.

I want to put forward some further and better particulars in respect of that.

By way of background, I have, prior to coming to the Senate, some experience as a chair and some experience as a member of a committee. For example, I spent 16 years as the secretary of a branch committee of management of a reasonably sized union. I spent 10 years as the chair of an investment committee on a reasonably sized superannuation fund. I chaired the complaints and appeals on that superannuation fund. I was a director of the Motor Accident Commission. I chaired the marketing and sponsorship committee. So, when I say something is partisan and purely political, I am coming from a very technical background.
The Senate passed a resolution. I was minding my own business. I knew little or nothing about Nauru. I just knew, anecdotally, that it was an area where superphosphate was mined and had historically been extraordinarily wealthy and had some reasonably good investments in the city of Melbourne. When I came to the first meeting, which was a telephone conference, we had a resolution of the Senate which basically said the composition of the committee—so the office bearers of the committee, the deputy chair and the chair. The resolution was fairly simple: the chair would be a member of the opposition and the deputy chair would be a member of the Australian Greens.

At that very first meeting, it surprised me when the coalition senator present, Senator Reynolds, moved that Senator Bernardi would be the deputy chair. It was contrary to the resolution of the Senate, so it did not cause all that much disquiet or discomfort! But it did pose the question: either Senator Reynolds did not read the resolution or did not understand what the Senate had determined. That is, there would be a committee and there will be a chair and deputy chair from the respective groups. Either she did not read that or—

**Senator Ronaldson:** Mr President, on a point of order: I would hope that Senator Gallacher is not going to raise matters that were discussed during private meetings of the committee, because I think that would be clearly in breach of standing orders.

**The President:** Yes, unless those deliberations of the committee have been made public—I will seek further advice—I think you would be advised not to reveal confidential discussions of a committee.

**Senator Gallacher:** My advice is that your position is correct: the minutes of the committee are confidential. I am not reading from those confidential minutes; I am simply telling you what happened. There was a telephone conference and a member of the coalition made a nomination of a coalition senator who was not there to be deputy chair—

**Senator Canavan:** Mr President, on a point of order: I took your previous ruling there to be that if the matters discussed in the committee were confidential, then confidentiality should not be breached. I do not see the distinction between the minutes of the meeting and the actual goings on of the meeting. If the meeting is confidential, then surely both the minutes and the discussion held in the meeting should be confidential and should remain so.

**The President:** Senator Gallacher, I have just had the advice that I gave you confirmed by the clerk. You have to be careful about what you do say about the confidential deliberations of the committee and matters that are not on the public record that were discussed in the committee in an expected closed environment. With that proviso and that advice, you may continue.

**Senator Gallacher:** I will attempt to put on the record the further and better particulars, which I am attempting to do, to explain my statement about partisanship and about totally political and less than objective conduct. In the course of the work of the committee, it became very, very clear. There were a number of contributors: there were contributors from the Australian Greens, there were contributors from the Australian Labor Party and there were contributors from the coalition.

**Senator Ronaldson:** Mr President, I rise on a point of order. I think you have directed Senator Gallacher as to what is appropriate and what is not. I do not believe that these matters that are being raised now are in the public domain and I ask you, please, to again insist on
Senator Gallacher listening to and abiding by your ruling in relation to this. These are clearly matters that were private discussions in the committee.

The PRESIDENT: I have been listening to Senator Gallacher's continued contribution. He is okay at the moment and he is aware of the provisions.

Senator GALLACHER: My comments are in the public domain. They are on the record and they are on the Hansard. Anybody who wishes to read them, they are on the Hansard. What I am attempting to do is give further and better particulars about my statements, because my statements have been taken completely out of context and used in a different way. I am attempting, careful as it may need to be, to put the—

Senator Ronaldson: Mr President, I rise on a point of order. If Senator Gallacher believes that he has been misrepresented and he wishes to make a personal explanation, then he can do so. But this is not the forum for that to be done. I am quite happy for Senator Gallacher to give a personal explanation as to where he has been misrepresented. That is an entitlement of senators. I am happy for it to be done now, although it was not done at the start of the senator's contribution. I am happy for that to occur as to where he has been represented, but not as to general matters discussed by this inquiry.

The PRESIDENT: Senator Gallacher is entitled to incorporate any speech if it relates to the topic and it does—that is, matters that he is raising. You are correct, Senator Ronaldson: there are other opportunities to raise matters where he believes he has been misrepresented, but he is also entitled to do it within this speech if it fits within the topic matter.

Senator GALLACHER: The contributions were generous from all quarters and rightly so: it was important series of committee hearings. There was an abundance of evidence and there was a huge amount of reading and work undertaken by all members of the committee. What I am stating in my assessment is that people took a different attitude as to what this committee is all about. My view is that the Senate gave us a task. People had their opportunity to vote for or against the inquiry and the majority of the Senate gave a task to the opposition, the Australian Greens and the coalition.

As I have said in my earlier contribution, I was then tapped on the shoulder—for want of a better word—and asked to chair. I knew little or nothing about Nauru. I had no preconceived political agenda. Despite the claims of the minister of the day, labelling it a witch-hunt before it started, and despite the statements in the media about how we had orchestrated a situation where the department did not get to give evidence on a day of inquiry, the actual truth of the matter was that the timetable for that inquiry was set by Senator Reynolds and her good and honest reason of wanting to get back to Perth. I accept that. I know people who live in Perth, and I accept that it is extremely difficult travelling to and from Perth.

So we set an agenda. The agenda ran over and we were called out by the minister for not allowing the department to give 'inconvenient truths' to the inquiry. Well, the department had their day before the inquiry, and there were no inconvenient truths. In fact, as I stated in my early contribution, we actually had to write to the department reminding them of the standing order, and they said, 'Yes, we accept that we haven't been quite as forthcoming as we should, and we will do better.' So it was a partisan effort by the coalition outside of the committee.

Senator Ian Macdonald: You had the majority on the committee.

The PRESIDENT: Order on my right!
Senator GALLACHER: Outside of the committee there was a clear partisan view by the minister. His public statements and his press releases say all of this. I am saying that that contagion came inside the committee. From doing clear thinking and an evaluation of the circumstances relating to the situation at Nauru, the committee became partisan. My simple contention is that the coalition senator who was partisan in that was Senator Reynolds. Whether that was the task given to her, I do not know, but she was clearly partisan. Senator Bernardi is renowned in this chamber as being a chair of an extremely high standard. As a chair of a committee, he sets really high standards. Senator Johnston's contribution was analytical, deliberate. He cross-examined with purpose and prosecuted his position, as he always does, very well.

That was not true of the contributions from Senator Reynolds. That is why my statement came to bear. My statement came to bear because, clearly, the agenda that she was running was not the agenda that was set by the Senate. As I say, I have had enough experience to know when people doing things—and they can do it; there is no issue with that—that frustrate the normal working of a committee. In normal meetings you have an opening and you have apologies and you have the acceptance of minutes. If someone moves that the minutes not be accepted, you ask why. Clearly, they have an issue with the minutes—but all of the minutes; every set of minutes? My instruction to the secretariat who drafted the minutes was, 'Please take them to Senator Reynolds and have them fixed, and whenever she is happy, I will sign them.' I had no problem with the minutes.

The PRESIDENT: Order, Senator Gallacher. You are now delving into deliberations of the committee and workings within the committee. You are getting into too much detail again. So I just draw your attention to that.

Senator GALLACHER: Thank you, Mr President. I accept that admonishment. I accept that the minutes are confidential. That was my advice before I came in here. My advice was that I could refer to matters pertaining to the minutes—

The PRESIDENT: Yes, but you are starting—

Senator GALLACHER: but I could not refer to the actual minutes.

The PRESIDENT: Correct.

Senator GALLACHER: In the few short seconds I have left, I want to say that I do not cast any aspersions on anyone's character. That is not my role. That is not the way I do things. That is not the way I live. I am not the judge and jury of anyone's character, compassion or humanity. But I do know partisan political behaviour when I see it—and, from my experience as a chair, it was present. (Time expired)

Senator IAN MACDONALD (Queensland) (17:34): This inquiry was another attempt by the Labor Party and the Greens to blame the coalition government for a situation which evolved during the time of the Rudd-Gillard-Rudd government—in fact, during the second Rudd government. This was a references committee set up inappropriately. It was about the fourth committee that the Greens and the Labor Party had set up. It achieved absolutely nothing, except to show that Mr Kevin Rudd, as the Labor Prime Minister, set up this regional processing centre without proper thought in a matter of weeks before the election to try to overcome a political problem he had with the unregulated entry of illegal arrivals into our country. Mr Rudd had eventually worked out that Mr Howard was correct and that the proper
process was to set up these regional detention centres. Mr Rudd did that but, unlike Mr Howard, he did it within a matter of days and without proper consideration. Of course, those opposite were part of that government. If anyone had given it any thought and if they were seriously looking at the issue, they would have said to Mr Rudd at that time, 'You can't set this up in a matter of minutes because it will end in tears.' And in tears it did end.

My colleague Senator Reynolds assiduously tried to participate in this, as did I. I was asked to participate in this. But with this committee—as with a similar committee—the times for hearings seemed to be set up when they knew coalition people could not be there. I suspect that it was not often that the two coalition members we able to be there. There were only two coalition members on this committee. Notwithstanding that the coalition has the majority of senators in this chamber, the coalition was only given two out of six or seven positions on this committee. That is the way the Labor Party and the Greens attempt to run these dodgy committees—hoping to get a result that attacks the coalition government for something the Rudd government did with the support of the Greens political party.

Senator Reynolds, in senators' statements just yesterday, actually gave a very detailed response to the matters that Senator Gallacher has just, again, raised. Senator Gallacher, in previous contributions—six times, I am told—has tried to defend this committee and has personally attacked Senator Reynolds. Senator Reynolds has responded, and if anyone is interested in this debate I would urge them to look at Senator Reynolds's statement in senators' statements yesterday, or the day before, to see the real truth of the matter.

As I said, this is the third or fourth or fifth inquiry that the Greens initiated—and the Labor Party goes along with them—trying to—

The PRESIDENT: Pause the clock.

Senator Gallacher: Mr President, a point of order: the honourable senator opposite is referring to five or six reports into Nauru—

The PRESIDENT: That is a debating point.

Senator Gallacher: Well, I do not think there have been five or six reports into Nauru.

The PRESIDENT: That is a debating point. There is no point of order.

Senator Gallacher: There is no point of order—he can misrepresent the position?

The PRESIDENT: You can address that in a different forum. A point of order relates only to the conduct in this debate.

Senator IAN MACDONALD: I can understand that Senator Gallacher is trying to stop me, because I know people listen to this on a Thursday afternoon. Senator Gallacher and the Labor Party will do anything to stop the people of Australia understanding how the Labor Party and the Greens political party have wasted taxpayers' money on many inquiries into the same issue. They call them different names. They set them up in different committees. But it is the same old same old. And I say to—well, I will not mention names—one of the participants from the Greens political party who has a standard set of emotive words to put to these inquiries, and usually a tear or two to go with it, that this is an absolute disgrace. It is a farce of the Senate committee system, and the sooner senators understand this the better.

But I will conclude on this point: if Senator Gallacher has a problem with the conditions and circumstances at the regional processing centre in Nauru, he needs to look at the root
cause of that. The root cause of it was the hurry in which his Prime Minister, the Labor Prime Minister, Mr Rudd, set up these regional processing centres, without proper thought, without care, without any consideration of what might happen if he did this without proper support. All of these inquiries have shown, when the departments have been able to give evidence, that things just were not set up before these illegal arrivals were sent to these regional processing centres. They were not properly prepared. There were not the proper facilities. There were not the proper staff. The staff who worked there had not been properly trained. As a consequence, there were problems at these institutions, but they are all problems that were of Mr Rudd's making when he was the Labor Prime Minister. I look forward to Senator Carr's contribution to this debate, because he was a minister in Mr Rudd's government, which set up these regional processing centres. I would like to hear from Senator Carr his lame excuses for why they did that the way they did. After years of saying Mr Howard was wrong, suddenly, with an election approaching in 2013, Senator Carr and Mr Rudd thought, 'Gee—Howard was right after all; we'd better re-establish these things.' But it was done in such a short time, just because there was an election coming up, and all these problems evolved.

I want to congratulate Senator Reynolds for the sterling effort she and her colleagues put into this dodgy inquiry, if I can call it that. It was very difficult for Senator Reynolds or any of us on this side to attend, because that is how these committees seem to run these days: 'Find out when coalition senators are not available, notwithstanding the fact that they represent most of the citizens of Australia in this chamber; make sure that they cannot be properly represented so we can ask all the dodgy questions of public servants and try to browbeat and bully public servants fortuitously.' I saw a bit of that and have read some of the transcript. The public servants were up to the task. I want to congratulate the public servants who have done a wonderful job in trying to fix the problems created by the Labor Prime Minister, Mr Rudd. They are very professional. They worked under extremely difficult circumstances. Having done what they could to help Mr Rudd through his stupidity, they then get attacked in these sorts of committees for their alleged breaches. They have done a wonderful job, and I congratulate them.

Senator KIM CARR (Victoria) (17:42): The Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru arose following the intervention of the former Minister for Immigration, Mr Morrison, who acted upon what he said were intelligence reports when the government sought to sack a number of employees of a contractor to the Save the Children Fund who were alleged by the government to have acted improperly in that they had been orchestrating complaints by asylum seekers on Nauru. The government, through the minister, unilaterally removed those people from the Save the Children Fund from Nauru and from their responsibilities to provide welfare services for the detainees on Nauru. A subsequent report was produced by the department following the commissioning of an independent investigation into the affairs of the Save the Children Fund. It was found that those people who had been deported from Nauru—

Senator Ian Macdonald: What are you talking about?

Senator KIM CARR: That is the basis for this report, Senator Macdonald. If you are a member of the committee, if you actually attended, you would know the circumstances of why this select committee was established. These were not the actions of a previous
government; these were the actions of this government. This is a centre that has been administered by the current government, not the previous government. This was a matter that came about as a direct result of the allegations made by the minister in this government into the activities of one of the government contractors. As a result of the independent investigation, it was subsequently found to be baseless. Those persons have never received an apology, not even recognition, that the claims made against them were ill-founded, intemperate and, of course, predicated on false reports by the contractors. 

What has been discovered as a result of that independent inquiry is that there had been repeated instances of mistreatment of detainees at the hands of the contractors, including widespread sexual abuse. Senator Macdonald, you and I might have substantial differences on most things, but one thing I would not accuse you of is condoning that action. The purpose of Senate inquiries such as this is to actually protect the human rights of people. That goes to the issue of when people are detained as a direct result of government policy—

Senator Ian Macdonald: It was your government.

Senator Kim Carr: I do not care which government. If people are detained as a result of the actions of any Australian government and they are subjected to sexual abuse, to torture or to mistreatment—and we are financing that—as a parliament we have a responsibility to do something about it. Senators have many great illusions as to what their powers are, but they have one substantial power—which we would all have to concur with—and that is the power of exposure. In reality, that is the only real power we have. The work of the Senate committees is vital to carry out that function. Has anyone said that the results of this committee inquiry have been proven to be wrong? No, because they have been demonstrated to be supported. A further non-party, non-political, non-parliamentary inquiry demonstrated the widespread abuse of detainees at Nauru and at our other detention centres.

You asked: did I, as a cabinet minister in the previous government, sign up to offshore detention? The answer is unequivocally yes. I will say this: never, ever was there a proposition put in any part of any government that I participated in that we would brutalise detainees as part of the offshore detention system and that is something that this parliament should turn its back upon. The proposition that the brutalisation of detainees was an inherent part of any detention is of course a proposition that I thoroughly and completely reject.

In relation to the conduct of this inquiry, what I can say is that I participated in the inquiry and I sought to participate properly. I freely concede that Senator Gallacher has not chaired many Senate inquiries but I cannot fault his behaviour. In the 23 years that I have been a senator here, I have seen quite a few chairmen of committees. You, Senator Macdonald, were one of the worst committee chairs I have ever seen. What I say about Senator Gallacher is that he acted courteously, he acted properly and he acted consistently with the advice of the secretariat on all occasions. He provided opportunities for witnesses, no matter what their position, to be heard properly.

Is it true that the government did not like this inquiry? Yes. Were they opposed for political reasons to this inquiry being established? Yes. It does not change the fact, in any regard, that there were coalition senators who behaved properly on this inquiry—Senator Johnston being one of them. Senator Bernardi behaved entirely differently, from my direct observations, to the way in which Senator Reynolds behaved. There are some fundamentals about how this Senate operates—a recognition that there may well be substantial differences of opinion, but
when it comes to the procedures and protocols there is a standard of behaviour we expect, particularly on committee business. Senator Macdonald, that is something you have ignored for a long time and as a chair you behaved appallingly. Senator Gallacher, as far as I am concerned you behaved professionally, properly and in the very best traditions of this Senate.

This report itself is important. Do not detract from the substance of this report because there have been human rights abuses that have occurred under our name. The Parliament of Australia has been funding programs that led to circumstances which are simply unacceptable. The point of this parliament as far as I am concerned is to expose such injustice and to have it stopped. I think this report will go a substantial way to seeing that happen. You may not like every recommendation and you might want to rely on the legal fiction that this is happening in a foreign country and therefore it is not a matter of our concern. I put to you that that position is completely wrong. The conservative government in New Zealand does not share that point of view. The conservative government in New Zealand says that what happens on Nauru in regard to the human rights abuses is of importance to them. We have seen the sacking of the chief magistrate and the sacking of the police commissioner. We have seen operations on Nauru, and that is something that we should not condone, particularly when this parliament is paying for it.

Senator Gallacher, I commend you for the work that you have undertaken. I wish there were more opportunities for backbench senators to be able to present a proper view of how this parliament should operate.

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

Senator Kim Carr: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Legal and Constitutional Affairs References Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator IAN MACDONALD (Queensland) (17:52): The Legal and Constitutional Affairs References Committee inquiry into the handling of a letter sent by Mr Man Haron Monis to the Attorney-General is another inquiry along the same lines as the one we have just been talking about—a completely farcical inquiry set up by the Labor Party and the Greens in a most inappropriate way and that actually wasted taxpayers' money for a series of hearings and a report which discloses absolutely nothing.

Let me remind senators and those who might be listening what this was all about. In an estimates hearing conducted by the Legal and Constitutional Affairs Legislation Committee, an officer of the Attorney-General's Department was asked:

Are you able to tell me whether this correspondence was considered by that review?

This was the letter that Mr Man Haron Monis wrote to the Attorney-General, asking, effectively, for some legal advice. The following answer was given:

It was provided to the review and we considered all the correspondence that was provided …

This was given by a middle-order public servant at an estimates committee hearing. Subsequently, that same public servant, on thinking about this a couple of days later, had
doubts about the accuracy of the evidence she had given to the estimates committee. She advised her superiors and, at the direction of the Secretary of the Attorney-General's Department, a full and complete investigation was initiated to ascertain what the facts were in relation to this letter—when was it received, what happened to it, was it handed to the Thawley review of the Martin Place siege, did it have any impact? So the department secretary initiated a full investigation. It was then discovered that the public servant was correct; she had made a mistake. The letter had not been passed on to the review.

After the error by the public servant was properly acknowledged by the public servant and fully investigated by the department, Senator Brandis came in and told the Senate as soon as he could that the answer was wrong; in fact, the letter had not been passed on to the review. As a result of that, the Labor Party made all sorts of allegations. Senator Brandis was hiding something, he had delayed bringing it forward, the government was trying to hide something, this would have made a difference to the Sydney siege—all of these imputations were made by the Labor Party, including by the person who, regrettably, holds the shadow Attorney-General position in this parliament.

After Senator Brandis had advised the parliament that the public servant had made an error, Labor members on the estimates committee approached me as chair of the estimates committee and said, 'We want to have an estimates spillover day so we can investigate this.' Fair enough—that is what estimates committees for. That is what the legislation committee is for. So the legislation committee said, 'Right, we'll take this as a spillover thing, we'll discuss it at our next regular meeting, find a date and a time, look at some witnesses we can call, let the Labor Party have their day looking at it.' That was all in progress. So, what happened?

The Labor Party and the Greens in this chamber, having set up the spillover day for the legislation committee to investigate that, then decided to set up a references committee hearing to do exactly the same thing—exactly the same thing—the difference being, of course, that on the references committee the Labor Party and the Greens and the Greens Independent have a majority of four to two. They knew that if it had gone to the legislation committee that I chair it would have been properly chaired, it would have allowed full investigation, but it would have been done in accordance with the rules of the Senate and the rules of meeting procedure. But they did not want that, because they did not want a fair inquiry. So they sent it off to the references committee, where the Labor Party, the Greens and the Greens Independent have a majority.

The rest is history. We spent what must have been thousands and thousands of taxpayer dollars looking at a matter which had already been scheduled for another committee to look at. The references committee went through exhaustive hearings. They were embarrassingly rude to public servants. But the story never changed.

At the end of this expensive inquiry, we had nine fatuous recommendations by the committee. If you look at the dissenting report by government senators, you see that it goes through every one of those recommendations and shows clearly how they are purely fatuous, quite nonsensical, and the one or two that were sensible were things which the department had said it had already done. So the committee was telling the department they should do something; the department gave evidence that they had already done that. What a complete and absolute waste of time.
In the section of the report where additional comments were made by Labor senators, they say, at paragraph 1.40:

This inquiry has unearthed a pattern of concerning behaviour from the Attorney-General and his department.

It is almost laughable. There are a list of things there, none of which were supported by the evidence given to the inquiry. Not one of the things that they raised was supported by evidence. What the evidence showed was that a public servant made an error and realised it, and then courageously and professionally told her boss, the secretary of the department, 'I think I have made an error; I don't think we did pass that letter on,' whereupon the secretary said, 'Right, let's have a full investigation. We've made one mistake'—it is a very professional department—'We will be absolutely certain not to make any others. We won't rush through this. We will look at every single element in the event to make sure that we've got it right, and when we've got it right we'll go back to our boss, the Attorney-General, and tell him what the real facts are—which occurred. Senator Brandis came to the parliament at the earliest opportunity and told the parliament that the public servant had made an error and then he explained what the real situation was.

Because the inquiry related to the Sydney siege, those who did not know that might have thought that the failure to provide this letter from Man Monis to the Thawley-Comley review would have in some way impacted upon the review, that it would have prevented the review from properly assessing the Sydney siege. But the review people gave evidence to this committee that it made absolutely no difference at all, because the letter from Man Monis was not about anything except asking for a legal opinion on whether he could, as an Australian citizen, legally write and give some advice to someone who was seen as a terrorist overseas. So it had nothing to do with the Sydney siege, and the evidence clearly showed that.

As a result of this exhaustive, expensive inquiry that took not just the costs of the Senate committee but also the costs of busy public servants, not one single element has come out of this where there is any blame on the Attorney-General, on the department—except for the original error, which they discovered and admitted. So we have had this useless, expensive inquiry that has caused public servants to put in time attending committee hearings and answering quite juvenile questions from the Labor Party and the Greens and not one thing has come out of it. Not one thing has shown any blame to the minister, to the department, to the government or to the public servants. In fact, what the evidence shows is that public servants in the best public service tradition of the Australian Public Service did the right thing at all times. They made a mistake, a human mistake, in giving evidence amongst a heap of other evidence. They realised the mistake and conducted an investigation and then got the appropriate minister at the appropriate time to come in and advised of the mistake. So, it is another example of a waste of resources by the Labor Party and the Greens. (Time expired)

Question agreed to.

COMMITTEES
Consideration

The following orders of the day relating to committee reports and government responses were considered—


Legal and Constitutional Affairs References Committee—Matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia—Report. Motion of the chair of the committee (Senator Lazarus) to take note of report agreed to.

Community Affairs References Committee—Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services—Report. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.


Law Enforcement—Joint Statutory Committee—Inquiry into financial related crime—Report. Motion of Senator Singh to take note of report agreed to.

Economics References Committee—Future of Australia's naval shipbuilding industry—Interim report. Motion of Senator Canavan to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Environment and Communications References Committee—Regulation of the fin-fish aquaculture industry in Tasmania—Report. Motion of the chair of the committee (Senator Urquhart) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Economics References Committee—Future of Australia's automotive industry—Interim report. Motion of Senator Carr to take note of report agreed to.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of the chair of the committee (Senator Gallagher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Availability of new, innovative and specialist cancer drugs in Australia—Interim report. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Report. Motion of Senator McEwen to take note of report agreed to.

Economics References Committee—Future of Australia's naval shipbuilding industry: Long-term planning (part 3)—Report. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia's treaty-making process—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—Report. Motion of Senator Peris to take note of report agreed to.
Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Legal and Constitutional Affairs References Committee—Ability of Australian law enforcement authorities to eliminate gun-related violence in the community—Report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator Ruston in continuation.

Finance and Public Administration References Committee—Domestic violence in Australia—Interim report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

National Broadband Network—Select Committee—Second interim report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

National Disability Insurance Scheme—Joint Standing Committee—Progress report—Implementation and administration of the National Disability Insurance Scheme—Government response. Motion of Senator Siewert to take note of document agreed to.

Abbott Government's Budget Cuts—Select Committee—First interim report. Motion of Senator Bilyk to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Incident at the Manus Island Detention Centre from 16 February to 18 February 2014—Interim and final reports. Motion of Senator Bilyk to take note of reports agreed to.

ADJOURNMENT

The PRESIDENT (18:04): Order! I propose the question:

That the Senate do now adjourn.

National Police Remembrance Day

Senator LINDGREN (Queensland) (18:04): I rise to speak about National Police Remembrance Day, which is held on 29 September every year. Police Remembrance Day is a day in which police services throughout the Australia-Pacific region commemorate fallen officers during Remembrance Day services. It is a significant day for police throughout Australia, New Zealand, Papua New Guinea, Samoa and the Solomon Islands.

The 29th of September is significant because it falls on the Feast of Saint Michael and All Angels. Saint Michael is considered their patron because Saint Michael knows what it means to face the threat of evil and imminent danger. Police are in one of a few occupations that face danger on a daily basis. This danger is all the more worse due to the unpredictable nature of some people and situations.

National Police Remembrance Day is a time for us to pause and honour those officers whose lives have been cut short whilst performing their duty. It is also an important time to remember the police officers who have lost their lives through illness or other circumstances.

On 26 August 1803, Constable Joseph Luker of the Colony of New South Wales was the first police officer recorded in Australian history to have died whilst on duty. He was in fact brutally murdered whilst patrolling Back Row East Sydney Town endeavouring to bring to justice a number of burglars. Since then, a further 756 officers have died on duty or as a result...
of injuries received on duty. Regrettably, Constable Casey Blain of the Queensland Police Service was the latest name to be added to that list after his death in 2013.

Criminal activity knows no boundaries with officers being killed in their own driveway, as was the case of Assistant Commissioner Colin Winchester of the Australia Federal Police. There are many tragic stories of police dying whilst doing their job, but one in particular was a tragic first. This tragedy occurred on the 27 March 1986, when Australia’s first female officer was killed in the line of duty as a result of the Russell Street bombing.

Not all police officers have died as a result of criminal action, but some have died whilst performing their sworn duty. Causes of death include: perished ‘for want of water’ in remote locations; drowned crossing flooded waterways; mine cave-ins; Industrial accidents; traffic incidents; air crashes; and killed while on peacekeeping operations overseas. Unfortunately, our police officers have died in places from lonely tracks in remote Australia to foreign countries.

The various Australian police services have banded together and created a National Police Memorial, which is located here in Canberra, and is under the stewardship of the Australian Federal Police. I understand that the National Police Memorial and the Honour Roll contain the names of 757 police officers who have been killed on duty or died as a result of their duties.

On 29 September there will be services in many places throughout Australia. In Queensland, there will be services from the Gold Coast to Thursday Island and inland to places such as Charleville, Roma, Cloncurry and Mount Isa. Some will be simple, due to the location and numbers, and others will be a much larger, but all will have the same sentiment.

Police camaraderie is strong even when one leaves the service. An example of this camaraderie was shown recently when the annual Wall to Wall Ride occurred. This is a national annual event that occurs in September. It is an event where officers and friends from all states gather at and depart from their respective service memorials and ride motorcycles to Canberra to gather together to pay their respects to fallen officers. It happens just prior to the National Police Remembrance Day, and this year there were some 1,600 bikes involved. It is a day not only for police and their families; it is a day for all of us, and anybody is welcome to attend those services.

As well as acknowledging those whose names are recorded on the National Police Memorial and other state memorials, I wish to acknowledge those whose names have not been included. They are the Indigenous men of the various pre-Federation police forces who served as native troopers. I hope that their names will be added one day.

I am the wife of a serving police officer, and every time he leaves for work there is a chance that he may not come home. Being a senator does not insulate me from a fate that others have had to endure. I thankfully have not had to answer a late-night knock on the door. Police build strong bonds, and I recall the sombre mood when we heard on the 29 May 2011 of the shooting of Detective Senior Constable Damian Leeding, who passed away a couple of days later from his injuries. His death hit close to home as my husband had worked with him on the Gold Coast a few years before.

I have the greatest respect for all those who have served in the police service and, in particular, those who have paid the ultimate sacrifice on the thin blue line. There are only a
few occupations where you run towards danger as others are running away from it. They do a job many of us would be unwilling to do. They see the worst of humanity at times. They put their wellbeing on the line every day when they start a shift. I take this opportunity to place this on the public record. I would also like to take this opportunity to thank the men and women on the thin blue line for their dedication and service to their country.

South Australia: Regional Development

Senator GALLACHER (South Australia) (18:09): I rise to make a contribution on my duty seat of Grey. During the winter break I took the opportunity to travel around the electorate of Grey, speaking with residents, business people, mayors, and the Regional Development Australia group. A bit like in parts of Tasmania, Labor senators sometimes need a bit of a leave pass, and I did appreciate the comment of one mayor who said, ‘I rang Rowan and he said you’re okay, not a bad bloke, so I could talk to you.’ I appreciate that candour, and it did happen to be in an area of vital interest to this parliament: Ceduna. The trial that is underway there is an eminently good trial, and the forthright nature of that mayor needs to be commended. It is indicative of the reception you get in regional Australia.

I want to put on the record my thanks to all those who met with us, who briefed us and who sometimes shared a meal. In one particular spot the meal in the pub ran to a few hours and I think I met everybody in the community. A trip like that is inspiring because you get to connect with people—real people, doing real work—in regional Australia. You get to understand their problems and you meet the whole breadth of your exposure in the parliament. Discussing the problems of autism in a regional community with a young farmer and his wife brought home the work that has been done in the national disability area. I am a proud member of that committee, and it is not an area that I had any particular expertise in, but it just brings it all home when you meet someone in regional Australia who speaks highly of the work that has been done in that area. These are people that are running farms and bringing up children and they have great challenges in front of them. But it was really invigorating, so to speak, to spend some time in the winter break doing that.

We know that Port Pirie’s confidence is up a bit. Port Pirie is completing a major enhancement of their activities, underpinned by the state Labor government’s commitment and also a contribution from the federal government under the EFIC scheme. They have had a major redevelopment with lots of employment, including a lot of local employment, and that has been very good. It is very good to see Port Pirie’s future looking bright and transitioning to a much cleaner situation with the new redevelopment.

In the town of Port Augusta we know things are not quite as good. It is an awful tragedy when our push for renewables, which is eminently reasonable, eminently sensible and eminently defensible, actually causes the loss of a significant amount of jobs, with Alinta closing the power station. We know that the state government has put in place a task force to look into that.

Whyalla has been hit hard. The ore in Whyalla is probably not of the high grade that some of the Western Australian operations have. We also know that it is barged out, so there are add-on costs that really dictate a higher price than is currently being achieved, and there have been lay-offs there. Whyalla has not disappeared off the map. The carbon tax has not driven it off the map. In fact, you could barely get a motel room there when the carbon tax was in place. But I will not get too political about this. The simple fact is that Whyalla is doing it
pretty tough. On the back of quite good iron ore prices, they had some expansions in a number of subdivisions and a number of new houses were built. The number of houses for sale in Whyalla is in the area of about 600, I think, which is not a good thing for anybody trying to move out of the area. Port Lincoln is just that bit far away from Adelaide to be able to maintain its homogeneity. It has its tourism and fishing and a considerable financial asset base with entrepreneurial skill. Because of the diversity of its local economy it appears to be impervious, in some respects, to some of the ups and downs of Whyalla, Port Augusta and Port Pirie.

I did get a distinct sense that the level of support from the federal government in regional Australia has dropped. That is very clear. There is a sense that the previous high standard set by the former minister for regional development, the Hon. Simon Crean, has been lost. My goodness, doesn't he have a reputation in the bush! In every local community he is seen as a man of vision who brought to reality things which had lain unfunded for a long time. They still dearly love and remember Simon Crean and his work in regional Australia.

In the short time that I have left—I think I should have gone for a 20-minute adjournment speech, as I may have to come back and continue my remarks another day—I would like to put on record one particular issue. When we were in Port Augusta we spoke to the RDA for the far north. They raised a particular issue. This is a project for the installation of 10 water dispensers, which are small-scale water treatment plants, in communities over a five-year period to provide security of supply of good quality water. The 10 communities are Oodnadatta, Innamincka, Yunta, Penong, Glendambo, Marla, Marree, Parachilna, Blinman and William Creek. They have bore water. If you have ever had a cup of tea made with bore water or had a shower in bore water, you would know that it can be a bit alkaline.

It would seem to me that, given that we have a coalition member in the seat of Grey and a National in charge of regional Australia—the Hon. Jamie Briggs is in there somewhere—we should not have to remind people that South Australia is the driest state in the driest continent. These communities have natural water resources around them that are not of a high standard. Some of these communities have 150 people. I would have thought that their submissions would have made the grade in the government's National Stronger Regions Fund. That first round had 405 applications, and 51 projects were approved. Apparently that equated to applications worth $1.2 billion but only $212 million was allocated.

I am not advocating that every project be funded, but I find it a little hard to understand how we in Australia allow communities to have less than the standard of clear, clean potable water to make a cup of tea with, to wash in, to use for their gardens or to enhance their surroundings. These are places that attract a bit of tourism: the Oodnadatta Track, Innamincka, Yunta, Penong, Glendambo, Marla, Marree, Parachilna, Blinman and William Creek. Lots of people visit the outback. Grey nomads take their caravans and four-wheel drives and visit these places. The communities can put together a beauty enhancement project or perhaps even have some market gardens in certain areas to provide a modest level of employment for people. More particularly, they should be able to enjoy what every Australian citizen has a right to: clean, clear potable water. Clean, clear potable water should be the right of every Australian.

People may say, 'Why do they live there?' They live there because that is their place of birth or that is the place where they have chosen to work. I have written to the minister and he
has replied basically saying that they did not make the grade and suggesting that they reapply. I hope that Mr Ramsey, a very effective and hard-working member, puts this as a priority and joins with me in trying to get this matter resolved. *(Time expired)*

**Defence Procurement**

**Senator LEYONHJELM** (New South Wales) (18:19): The Liberal Democrats accept that national defence is a legitimate role for the Commonwealth government. The Navy comprises part of that defence. Furthermore, because there are only two types of ships—submarines and targets—we support the need for submarines. However, we know that unnecessary spending means excessive taxation and that putting Australia further into debt only makes us less secure. Unfortunately, so far the Collins class submarine replacement project appears to consist mainly of unnecessary spending. The government insists on building submarines here, so it is the most expensive defence procurement project in Australian history.

If the government were taking advice, I would tell them to buy second-hand nuclear-powered submarines. These would halve the cost. They are already proven and would be much safer than gas-belching diesel subs that are forced to the surface on a regular basis. However, I know that nothing I say here will make the government change its mind, because none of this is about good submarines. I also know that my colleagues, such as Senators Xenophon, Lambie, Lazarus and Madigan have all made a case to get a piece of the spend for their states. I cannot say I blame them for this. Let us face it, vocational options for people in some of the states they represent are limited to working for a senator or picking up road kill.

So I have decided to make a bid on behalf of the people of New South Wales. Mr President, today I call on the government to shift its $50 billion submarine project to Western Sydney. You know it makes sense. If you want truly Aussie submarines, you need to build them in Western Sydney.

As we all know, there are only two types of Australians: people who live in New South Wales, and people with a chip on their shoulder. When Australia was first settled by Europeans, everything in Australia consisted of New South Wales, until some people started camping out, and decided to form other states. Now some of them want to build submarines. This is a risk that none of us should be forced to take. Who among us doubts that if we put submarines into the wrong hands, Senator Lambie may try a sneak attack on Bondi Beach, or South Australia become the Republic of Xenophonia?

Western Sydney is the home of Eastern Creek. This venue has the benefit of being both a magnificent waterway, and the centre of Australia's motoring expertise.

The proprietor of a Penrith muffler shop by the name of Ferret advises me that he could custom-make plenty of submarine-shaped vessels at Eastern Creek for much less than a billion dollars and weld them so they are pretty much watertight. He further advises we could generate considerable savings for taxpayers if we were willing to take the aluminium option, rather than stainless steel.

The proprietor of a Blacktown engine reconditioning shop, Raylene, tells me she can source any number of Australian-made V8 engines to power the submarines. She is willing to charge taxpayers mates' rates, too.

But because it is important that submarines are quiet, and V8 engines in the western suburbs are not usually quiet, we may have to look elsewhere in New South Wales to find a
muffler manufacturer. However, I am in no doubt at least one will be found. Nothing could be more Aussie than that.

Some might argue that a submarine powered by V8 engines would not be especially stealthy, but I doubt it would be any noisier than an unmodified WB V8 Caprice or Statesman. And seriously, who can argue with that—especially when you recall they'll be Aussie, and will leave all other ocean vessels behind in a cloud of smoke.

There is one vexing question, however, and that is: should the engines be Ford or Holden? Since I do not wish to marginalise half my voter base, I propose that this sensitive question be decided by plebiscite.

In addition, New South Wales can provide everything else we need for the submarines. This includes furry dice made from premium Goulburn merino wool, knitted by Slim Dusty's daughter, and hung up in the control room.

Of course, an Aussie sub would not be complete without some bumper stickers, commemorating various B&S balls, and reminding foreign invaders, 'Eff off. We're full.'

To make it completely Aussie, I propose that the whole Eastern Creek Submarine Corporation be overseen by Dick Smith.

But the most important reason to adopt my modest proposal is that western Sydney is home to around one million voters. And isn't that what all this is about?

Senate adjourned at 18:25

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Environment Protection and Biodiversity Conservation Act 1999—

Amendment to the list of migratory species under section 209 (9 September 2015) [F2015L01436].

Amendment to the lists of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (176) (9 September 2015) [F2015L01435].

Migration Act 1958—


Statements under section 33—1 January to 30 June 2015 [1].

Radiocommunications Act 1992—

Radiocommunications (27 MHz Handphone Stations) Class Licence 2015 [F2015L01441].

Radiocommunications (Low Interference Potential Devices) Class Licence 2015 [F2015L01438].
Radiocommunications (Short Range Devices) Amendment Standard 2015 (No. 1) [F2015L01439].

Tabling

The following document was tabled by the Clerk pursuant to the order of the Senate of 25 June 2014: