**INTERNET**


**SITTING DAYS—2019**

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**RADIO BROADCASTS**

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- PERTH      585AM
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FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

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

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

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

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

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—C Surtees
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—J Wilkinson
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<tr>
<td>Minister for the Public Service</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon. Marise Payne</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service and Cabinet</td>
<td>The Hon. Greg Hunt MP</td>
</tr>
<tr>
<td>Minister for Indigenous Australians</td>
<td>The Hon. Ken Wyatt AM MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister and Cabinet</td>
<td>The Hon. Ben Morton MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development</td>
<td>The Hon. Michael McCormack MP</td>
</tr>
<tr>
<td>Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management</td>
<td>The Hon. David Littleproud MP</td>
</tr>
<tr>
<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon. Alan Tudge MP</td>
</tr>
<tr>
<td>Minister for Regional Services, Decentralisation and Local Government</td>
<td>The Hon. Mark Coulton MP</td>
</tr>
<tr>
<td>Assistant Minister for Road Safety and Freight Transport</td>
<td>The Hon. Scott Buchholz MP</td>
</tr>
<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon. Andrew Gee MP</td>
</tr>
<tr>
<td>Assistant Minister for Regional Development and Territories</td>
<td>The Hon. Nola Marino MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon. Josh Frydenberg MP</td>
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<tr>
<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon. Michael Sukkar MP</td>
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<tr>
<td>Minister for Housing</td>
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<tr>
<td>Assistant Minister for Superannuation, Financial Services and Financial Technology</td>
<td>Senator the Hon. Jane Hume</td>
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<tr>
<td>Minister for Finance</td>
<td>Senator the Hon. Mathias Cormann</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>Senator the Hon. Zed Seselja</td>
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<td>Minister for Agriculture</td>
<td>Senator the Hon. Bridget McKenzie</td>
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<td>Senator the Hon. Jonathon Duniam</td>
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<td>Senator the Hon. Marise Payne</td>
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<td>Minister for Trade, Tourism and Investment</td>
<td>Senator the Hon. Simon Birmingham</td>
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<td>(Deputy Leader of the Government in the Senate)</td>
<td>The Hon. Alex Hawke MP</td>
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<td>Minister for Aged Care and Senior Australians</td>
<td>Senator the Hon. Richard Colbeck</td>
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<td>Minister for Youth and Sport</td>
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<td>Disaster and Emergency Management</td>
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<td>Minister for Immigration, Citizenship, Migrant Services and</td>
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<td>Multicultural Affairs</td>
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<tr>
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<td>Assistant Minister for Vocational Education, Training and</td>
<td>The Hon. Steve Irons MP</td>
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<tr>
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<td>Senator the Hon. Matthew Canavan</td>
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Monday, 25 November 2019

The PRESIDENT (Senator the Hon. Scott Ryan) took the chair at 10:00, read prayers and made an acknowledgement of country.

PARLIAMENTARY REPRESENTATION

New South Wales

The PRESIDENT (10:01): I have received, through the Governor-General, from the Governor of New South Wales, the certificate of choice by the New South Wales parliament of Andrew James Molan to fill the vacancy caused by the resignation of Senator the Hon. Arthur Sinodinos. I table the document.

Senators Sworn

Senator Molan made and subscribed the oath of allegiance.

PARLIAMENTARY OFFICE HOLDERS

Temporary Chairs of Committees

The PRESIDENT (10:05): Pursuant to standing order 12, I lay on the table a warrant nominating Senator Polley as an additional Temporary Chair of Committees when the Deputy President and Chair of Committees is absent.

DOCUMENTS

Tabling

The Clerk: I table documents pursuant to statute and a return to order as listed on the Dynamic Red.

Full details of the documents are recorded in the Journals of the Senate.

BUSINESS

Rearrangement

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (10:06): I move:

That general business order of the day No. 7 (Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019)—be considered today at the time for private senators' bills.

Question agreed to.

BILLS

Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019

Second Reading

Senator GRIFF (South Australia) (10:06): I move:

That this bill be now read a second time.

This bill deals with unwanted calls and texts from political parties, candidates and charities.

Why? Because the volume of many of these calls has reached epidemic proportions and the public deserve the right to be protected from harassment.
Unlike telemarketers, charities, political parties and candidates are exempt from the restrictions imposed by the Do Not Call Register Act, meaning they can call people who have placed their phone number on the Do Not Call Register at any time, for any purpose.

Political parties and charities are also exempt from the rules in the Spam Act that say you need someone's permission before you can call them. They are also exempt from the requirement to provide an unsubscribe option when sending a text or email.

The public don't want to receive unsolicited calls and texts, particularly when they haven't given consent, but the current laws give them no way of pushing back against these.

This bill attempts to give some choice and control back to the people by doing three things. Firstly, it will allow those on the Do Not Call Register to opt out of receiving charity calls.

Why is this necessary, and why charities in particular?

Because, of all the exempt groups that are allowed to access numbers on the Do Not Call Register, charity calls account for the biggest share of unwanted calls by far.

Too many Australians—particularly elderly people—report feeling harassed by repeated calls from charities bothering them for money.

Bona fide charities play a very important part in society.

We all value their work and recognise they must fundraise, but they should never be permitted to become a nuisance where they harass and badger often older members of our community.

A few years ago, Choice joined forces with advocacy group National Seniors to call for an end to unwanted charity calls. Its research found one in four of the people surveyed received unwanted charity calls each and every week.

Unsurprisingly, the majority of people thought charities should not be allowed to call numbers on the Do Not Call Register.

And ACMA, in its ‘Unsolicited calls in Australia’ study late last year, found 69 per cent of landline phone users received a significant number of unsolicited charity calls in the last six months. One-third of these people reported getting these unwanted calls at least weekly.

And, demonstrating why this bill is needed, the research showed one-third of people who received unwanted calls from charities found them a worry—mostly because they considered the calls a nuisance or because they were being hammered with repeat calls.

What is most abhorrent about these calls is that older Australians are the ones most likely to be targeted. Older Australians are the prey that some charities cherish. Older people are more likely to answer their landline phone during the day and are often more susceptible to a heart-wrenching sales pitch.

They are the ideal age to start a relationship that may end with a sizeable bequest.

I've been aware of this problem for a long time, which is what prompted me to draft this bill in the previous parliament and restore it to this parliament.

The issue was brought home to me around six or seven weeks ago by a constituent who told me he'd reached the end of his tether.

In just a single day, this elderly constituent received 12 unwanted calls—half of which were from charities.
The only way he believed he could stop the harassment was to call his service provider and change his phone number. This will, of course, probably give him only a temporary reprieve from the harassment.

Why should he be made to do this?

This bill will ensure that people such as my elderly constituent can take action that deals with the problem without the type of inconvenience, sacrifice and stress he has endured.

All that he and others like him would like to do is just register on the Do Not Call register so that they will not receive calls from charities badgering them. This bill proposes that this can be done at any time after sign-up, too, and can be reversed if the person happens to change their mind.

It's so much simpler than changing phone numbers, or unplugging or turning off your phone, or ignoring calls in case it's a charity telemarketer.

To be clear, this bill won't wipe out the ability of charities to do their fundraising cold calls. There are almost 12 million phone and fax numbers registered on the Do Not Call Register and they will remain 'charity contactable numbers' unless people request otherwise.

It would mostly be people who are distressed or annoyed by charity telemarketing calls who would be motivated to take action and opt out of receiving these calls.

As I mentioned, this bill does three things. Dealing with unwanted charity calls is just one of them.

This bill will also ensure that voters can opt out of receiving unwanted spam messages from political parties and candidates.

Text messages and emails containing electoral matter—as defined by the Commonwealth Electoral Act—will be required to have an 'unsubscribe' function, something very obvious but something that doesn't exist now. This will mean that voters can choose whether to keep receiving those messages from a particular party or candidate or not.

The initial message is not blocked—so it can't be construed as restricting the implied freedom of political expression.

But it will stop repeat spamming if the recipient chooses to opt out from receiving messages from a particular party or candidate.

This puts political texts and emails in line with commercial electronic messages, which need to have an 'unsubscribe' function.

This would mean an end to political spam from the likes of Clive Palmer, as we saw during the most recent federal election, or even continual texting—sometimes called mass texting or 'mexting'—by other political parties and candidates.

So Labor, Liberals and the Greens—get on board with this very simple and respectful change.

Let the public choose whether they want to continue receiving your messages or not.

Political parties don't do themselves any favours by force-feeding their political material to unwilling voters.

The SA division of the Liberal Party found out in July that it doesn't pay to annoy voters.
Colleagues might remember that this party mistimed their robocalls at the crack of dawn, instead of a civilised late-afternoon or early-evening broadcast. There were many complaints to ACMA.

I’ve had a further look at this because I wanted to assure myself that behaviour of this kind is also captured by current law and should not be permitted. Luckily it is.

All telemarketing calls—even those from charities and political parties—have to abide by the industry standard set out in the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017. That standard specifies the hours within which fundraising calls, opinion polls and other research-type calls must happen.

Failure to abide by these rules can result in a hefty fine of up to $250,000—though in the case of the SA Liberals, it has only resulted in a formal warning from ACMA, and a promise to come down harder if it happens again.

Hopefully the party have put in fail-safes to ensure that they won't be annoying South Australian voters yet again.

Finally, the bill also seeks to ensure more honest telephone campaigning during elections, by ensuring that the use of actors in calls is disclosed at the outset.

So—no more calls where an actor may be impersonating a nurse, or someone on the age pension, or any other person who appears to be giving you an honest testimonial—when in reality it is often just a big con.

These measures are incredibly sensible.

They strike the right balance by preserving the rights of charities, political parties and candidates to continue doing what they're used to doing—but not at the cost of annoying and stressing fellow Australians.

This bill, if enacted, would allow people to choose who gets to bother them on the phone.

Having said that—this bill doesn't go far enough.

What I'd really like to see is all exemptions for political parties, candidates and charities removed from the Spam Act and the Do Not Call Register.

Why?

Because that's exactly what the public—the voters—want!

Unfortunately, this place will never allow that to happen, so I've aimed for the most important changes that I think are necessary and that give some power back to the people.

Two weeks ago I met with over 50 elderly people who attended a Spam and Scam information session in Victor Harbor in South Australia that was put together by my parliamentary colleague Rebekha Sharkie.

Overwhelmingly charities—whether they are bona fide or not—and the way many prey on the elderly were seen as a very big issue. They were all very supportive of what this bill will do, and it's incumbent on us here today to support our elderly with a solution that will work for them.

So here we are today with a very simple and effective method to restrict charities from harassing the elderly, and to stop the public being spammed with text messages from political parties and candidates.
The question is—will the major parties support this bill and thereby respect the public, or will they continue to see themselves as above all this and cling stubbornly to their exemptions, regardless of the ill will it is causing?

Senator FAWCETT (South Australia) (10:17): I thank my colleague opposite Senator Griff for this private senator's bill, the Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019, because he is correct: there is a lot of concern in our community about a range of these issues. Just in my own suburb, where the NBN has been rolled out, all of a sudden people, including my own household, are getting phone calls from scammers who are basically threatening that, if we don't dial or press the numbers they want and respond to them, our phone services, NBN and other things are going to be cut off. Particularly for the elderly, there are real concerns in terms of the impact of the scams and the unwelcome intrusion into their lives. But this bill isn't specifically looking to address those kinds of scams. It's looking to address a few other areas.

There are four key areas that Senator Griff seeks to address in this bill. The first is to amend the Spam Act, but it's not about those people who are seeking to rip off the elderly financially. He is looking to amend the Spam Act 2003 to require political parties to provide an 'unsubscribe' function for all unsolicited electronic communications containing political content. He is seeking to amend the Commonwealth Electoral Act 1918 to require that voice calls communicating an electoral matter identify the use of actors at the beginning of the call. He is seeking to amend the Do Not Call Register Act 2006 to enable people who register on the Do Not Call Register to opt out of receiving calls from charities. And he is seeking to amend the Telecommunications Act 1997 to require the Australian Communications and Media Authority to change relevant industry standards to comply with the proposed amendments to the Do Not Call Register Act.

The first comment I would make here is that there are elements of what Senator Griff has put forward that I support. For example, we all remember some of the advertisements we've seen in previous elections where people are making heartfelt pleas to the public to look at an issue, but then it transpires, when you dig into it, that they're not actually genuine mums or grandparents or tradies or whatever but are actors who have been brought in for an ad. There are elements of truth in that advertising. I actually have a high degree of empathy for what Senator Griff is seeking to put forward in that area.

In some of the other areas though, around the ability of elected members to reach the community, to identify areas of concern, I've heard mixed feedback about that in terms of charities. There's been mixed feedback in terms of whether this will have an undue impact on charities. That's why the work of the Senate is so important in the passage of a piece of legislation. Senator Griff would well know that the normal process is for bills, once introduced, to go to a committee which looks at which of them should be referred for examination.

I happen to chair the Senate's Environment and Communications Legislation Committee. We would normally get a reference from that committee to look at a bill, so we give a chance for witnesses across the spectrum—members of the public, who Senator Griff has rightly identified, who have concerns but also regulators, in this case charities, and other people—to come and look at the bill and to dissect the bill and say, 'This would work, but this may have unintended consequences,' particularly in this area where we also potentially start getting into
constitutional issues. I've dealt with those on a number of different committees. There are experts in constitutional law who will come to committees and provide detailed evidence as to the likelihood of something surviving a High Court challenge and whether or not the wording or the effect should be changed, such that it is likely to achieve the intended outcome without being subject to a challenge which would actually make the legislation not only not achieve the outcome but potentially cause lots of cost and angst for both the taxpayer, the public or companies down the track. The process we have in place, where a bill will come to a Senate committee for review, is an important part of the process.

My understanding is that, in that committee that looks at this, there has been no move to bring that forward to an investigation by a Senate committee, which means that the Senate has been deprived of the opportunity to seek the views of the broader Australian community—the stakeholders who would be impacted by this—to have their say about the things that they welcome, the things that could be tweaked, and the things that they oppose because of the unintended consequences. For that reason, up-front, I can say the government won't be supporting the bill. The bill hasn't been through that process. There are also a number of concerns that the government holds about some of the content.

The protections that already exist are fairly extensive. I will just talk through some of those as well as some of the feedback I've had from people about the communications that modern social media, text and online options provide for communicating with constituents. It is fair to say that consumer protection rules have improved over time to give consumers more and more choice around what it is they do or don't receive. In fact, going back to 2006, the Howard government passed the Do Not Call Register Act 2006 and the Spam Act was passed in 2003 for this purpose. In their day, these were both groundbreaking pieces of legislation.

The Do Not Call Register Act 2006 created the Do Not Call Register, which allows consumers to opt out of unsolicited telemarketing and marketing faxes on their personal phone numbers. There are now approximately 11.7 million users registered on this scheme. I do note—as many people have indicated, in fact, even within my own family—this doesn't prevent spam calls occurring from overseas. There are numerous people—again, including my own family—who get calls from Tunisia and other parts of the world, where we know no-one and have no business dealings et cetera. So I recognise that, for many people in our community, these Australian based acts don't necessarily remove the problem entirely. But it is beyond the ability of an Australian based government to regulate what happens in overseas countries.

The Spam Act 2003 provides a legislative protection from spam messages, both internet based and through text messages such as SMS. It's appropriate for the government to continue to assess consumer protections over time so they remain fit for purpose as technology evolves. The government will continue to assess these and the issues raised in Senator Griff's bill, but one of the venues for this chamber to have done that would be the environment and communications committees.

People are concerned about not only the texts but also the calls and emails—particularly emails that encourage people to tap on links. Or, as we've seen recently with the Australian National University, there is now the potential for emails—even if they're not opened—to infect a system once they appear in somebody's inbox. We saw with the ANU the great breaches that occurred there due to those kinds of emails. This is a timely reminder not only
for individuals about their own data protection but also for companies and institutions to review where they are up to with their data protection around cyber. If needs be, they can access some of the supports that are available from the Australian Signals Directorate, feeding into hubs around the country where there's information available to help people with their cybersecurity.

Without consultation with stakeholders through the committee process, the concerns that the government holds have yet to be substantiated. This is part of the reason that we won't be rubberstamping or supporting a bill without that additional scrutiny here today. Senator Griff has mentioned a number of the concerns. One is the implied right of political freedom, and he believes that he has taken measures within the bill to provide for that. But, again, without constitutional law experts reviewing that, it would be foolhardy of the Senate to just pass it without actually providing the opportunity for expert opinion on what these measures actually provide.

I would like to quickly touch on the existing laws around unsolicited marketing communications. Under the Do Not Call Register Act 2006, telemarketing calls and faxes can't be made or sent to numbers listed on the register without the consent of the account holder. Consent can be express—for example, somebody can just tick a box on a form—or it can be inferred—that is, you have an existing business relationship with a stakeholder, who can then communicate with you. Telemarketing calls and marketing faxes are calls and faxes that offer or advertise goods and services, land, and business and investment opportunities. The definition also specifically includes the solicitation of donations. There are various exceptions, including for communications about important things—for example, product recalls, fault rectifications, appointments or payments. I think the majority of people would recognise that, whilst you may not wish to receive a marketing call for a product, if you've already bought a product and it is faulty, then you would wish to hear from people about that.

The exemptions also extend to government bodies, registered charities, political parties, election candidates, independent members of parliament, and educational institutions, where they make calls to a current or past member, a past student, or their households. These were designed, at the time, to protect the broader public interest by recognising, particularly in the case of charities, the important work that charities do. Charities indicate that a substantial amount of the funds that they require to operate comes through the operation of people who solicit donations through telemarketing. So one of the things that a Senate inquiry would do would be to provide an opportunity for charities and the charity regulator to look at what the implications would be, what the alternatives would be and to get feedback from the broader Australian community as to, if they wish to continue to give to charities and if it isn't through telephone marketing, what other avenues may well work.

I'll move on to electronic messages. Under the Spam Act 2003, commercial electronic messages such as text messages and emails with an Australian link are prohibited without consent. Again, it can be expressed or inferred consent, along the lines of telemarketing calls and faxes, but it doesn't specifically include the soliciting of donations. Messages that have been consented to must include a functional 'unsubscribe' facility. The exemption still applies for factual issues such as the recall of a faulty product, and there are still exemptions under that act for registered charities, government bodies, registered political parties and educational...
institutions—although in that last case only if they're communicating with past students. Again, these exemptions operate because of the public interest which was foreseen at the time the bill went through.

When it comes to political communication and freedom of political communication, one of the things I have observed through my time both in the House of Representatives and here in the Senate is that there are some in our community who wish they could hear more from their elected members, particularly outside of an election cycle. People sometimes get cynical and say, 'The only time we hear from an elected member of parliament is during an election cycle.' On the other hand you have people who object to newsletters, emails or other things, if they receive them, and say, 'We don't want our inbox or physical letterbox filled up with your junk.' There is a diversity of opinion across our community. One of the things that I have found useful is to have regular communication with people on topics that they are interested in.

The way to establish what people are interested this is to give them the opportunity to give feedback to the office. As I look at Acting Deputy President Sterle, it might be transport issues. People might be interested in road safety and the condition of roads. It might be the health system, education or national defence. There are several ways that people who are elected can do that, whether it be through surveys we include with things like new-elector letters, whether it be through putting a QR code on a survey or any information we send out to the population, or whether it be through using some of the more modern technologies such as automated polls.

Under the legislation the government passed, there is identification that it is an electronic poll being conducted on behalf of a particular political party or elected member, so people, if they don't want that, can hang up at that point. They don't have to participate. But for the number of people who have participated in the ones that I've conducted, where they have given feedback and said, 'Yes, these issues are important to us,' I've had staff follow up with a personal phone call to those people where they have left a phone number they've been happy to be contacted on. We have then followed up with a regular email when there are significant issues that occur in the portfolio areas that they are interested in.

If we're going to restore trust in our institution of parliament, there have to be vehicles whereby elected members of parliament can consistently—not just during an election period, but consistently—reach out with material that is valuable to the individual constituent. It doesn't mean smothering them with the latest talking points from a party; it means having a method to engage and ask: 'What are the policy or local issues that are important to you? How can I communicate with you more effectively?' My concern is that if we start closing down some of those avenues we will get back to a point where people will only hear from elected members, candidates or political parties in the run-up to an election, which will just breed cynicism. And as we look around the world, with the rise of totalitarian regimes, if ever there was a time when we needed people in Australia to value their democracy—the fact that they have a say in electing who will represent them in government and making laws—it is now. Modern communications, whether it be using emails, text messages or social media, are one avenue whereby elected members can reach out, engage with people, find out what they're interested in and talk with them.
The implied freedom of political communication is a critical part, I believe, of communicating between elected members representing the institution of the parliament and their constituents. I would be very reluctant to pass laws that made that process less effective without the kind of inquiry that the Senate legislation committees apply so that we can fully understand what would work, what may have unintended consequences and what could be improved.

On that basis, whilst I recognise and applaud the intent behind Senator Griff's private member's bill, I note the fact that it hasn't had the normal scrutiny that this chamber affords to bills to give all the stakeholders involved the opportunity to have their say, and the fact that there are a number of questions that have been raised about either the efficacy or the unintended consequences of some of the measures proposed, although I support some of those measures and am sympathetic to most. I believe that to support this without that committee process would not be wise, and for that reason I will not be supporting the bill.

Senator KITCHING (Victoria) (10:36): I rise to speak on the Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019. As outlined in the explanatory memorandum, the primary purpose of this bill is to provide consumers with more control over the receiving of unsolicited communications. The bill proposes to achieve this by amending exemptions in which provided entities, such as political parties and charities, have greater flexibility on unsolicited communications.

This bill before the Senate proposes to make several changes. They are (1) to amend the Do Not Call Register Act 2006 to enable consumers who register on the Do Not Call Register to opt out of receiving phone calls from charities; (2) to amend the Spam Act 2003 to require political parties to provide an 'unsubscribe' function for all unsolicited electronic communications containing political content; (3) to amend the Commonwealth Electoral Act 1918 to require that voice calls communicating in an electoral matter to a person identify the use of any actors at the beginning of the call; and (4) to amend the Telecommunications Act 1997 to make other consequential amendments.

In reference to these proposed changes, it is important to state at the outset that Labor acknowledges Senator Griff has brought these proposals forward in good faith. In doing so, Senator Griff is seeking to address issues of legitimate concern to many members of the community. The actions of Clive Palmer in the run-up to and throughout the 2019 election are a clear representation for many of us of Senator Griff's concerns. Over the space of several months, we saw a relentless campaign by Clive Palmer and his United Australia Party in unleashing a barrage of unsolicited text messages on voters, many of which contained false claims. This operation contained geographically targeted slogans and campaign material, with the ABC reporting that as of January 2019 more than 5.6 million Australian phones had received text messages from Clive Palmer and the UAP. Furthermore, the scale and frequency of the operation led to widespread community concern, which prompted over 3,000 complaints from consumers to the Australian Communications and Media Authority, the regulator overseeing spam and unsolicited communications.

Just so that we're clear: the Australian Communications and Media Authority is responsible for administering the Do Not Call Register as well as enforcing the Do Not Call Register Act 2006, the related Telecommunications (Telemarketing and Research Calls) Industry Standard 2017 and the Fax Marketing Industry Standard 2011. There are currently 10.9 million
numbers on the Do Not Call Register, including 5.6 million fixed-line numbers, 4.9 million mobile numbers, and 430,000 fax numbers. The registration of mobile numbers is now the fastest-growing registration type. Australians are able to add their fixed-line or mobile telephone numbers to the Do Not Call Register provided those numbers are used primarily for private or domestic purposes. Any number used exclusively as a personal or a business fax number can also be registered.

These amendments seek to provide a method of addressing specific calls from specific entities—for example, calls from political parties, from members of parliament and from political candidates soliciting donations or offering goods and services; calls from educational institutions, where the recipient is or was a student of that institution, offering goods or services; calls from registered charities soliciting donations or offering goods or services; opinion polling; and research calls. In responding to the concerns of Australians, the Australian Communications and Media Authority noted that, under current laws, political parties are free to send campaign material as long as that material is not commercial in nature. As an Australian Communications and Media Authority spokesman said:

Calls, emails or SMS that are not commercial—that is they do not have a commercial purpose—are generally allowed and not required to comply with the obligations under the Do Not Call Register Act 2006 and the Spam Act 2003. Communications about political matters do not usually include a commercial element.

Whilst the conduct of Clive Palmer and the UAP goes to issues much broader than this bill, it is well established that Clive Palmer was willing to spend whatever was necessary in the last election, particularly to undermine the campaign of the Australian Labor Party. When his advertising campaign began in 2018, the advertisements attacked both the Liberal Party and the Australian Labor Party. But, following a preference deal with the coalition in January 2019, Clive Palmer agreed that, in the final period of the election campaign, he would switch his attack exclusively towards Labor. Both sides should be concerned about the principle of this. The ability of a high-wealth individual to leverage such legislative exemptions in relation to electronic messaging and then use this to wage what was effectively a misinformation campaign is obviously an issue of significant concern. So there are clearly some broader issues here that require consideration.

On 25 September 2019, the Australian Communications and Media Authority also issued a formal warning to the South Australian division of the Liberal Party for making robocalls during prohibited calling times in the early hours of the morning, well before what is permitted by the telemarketing standard. I refer to an ABC article quoting a caller who phoned in on ABC Radio Adelaide. Her name is Karen. She says:

'My husband's mobile went off so he raced out of bed and sure enough, it was a robocall,' said ABC Radio Adelaide listener Karen, who was disturbed from her slumber just after 6:30am. 'Anyway, I was dozing back to sleep and then my mobile went off so we scored it twice this morning and I actually did the survey. 'Normally I wouldn't do it but I was so angry this morning that I decided to give Mr Marshall and the Liberal Party a bad rating.'

We should all heed the caveat against phoning voters early in the morning.

With conduct and behaviour such as this, which ACMA, the Australian Communications and Media Authority, has to police, it is no surprise that many Australians are not impressed and are, indeed, quite frustrated with these occurrences and the manner of their intrusiveness.
The constant inflow of illegal calls from overseas scammers is also ever present in the lives of Australians, particularly older Australians, who spend a greater proportion of their time at home. Senator Fawcett in his contribution alluded to these phone calls and the disturbances and sense of anxiety they can create in Australians.

Who doesn't have countless examples of getting ready to sit down for dinner, only to have the landline ring, and it is someone from somewhere selling unwanted goods or services, or in fact not even being specific about what they're selling. This is especially unsettling for many families for whom the landline has become a tool seldom used—usually only to communicate with loved ones abroad and at times of emergency. You can imagine you are expecting someone to phone you only in those instances and the phone keeps going off because it is a robocall or someone from overseas running a scam—from which there are so many.

Clearly, the accumulation of these different issues, combined with the intensity of the election campaign, has exhausted the patience of many. In a world where concerns about privacy and the widespread sharing of personal information receive almost daily attention, supercharged by the rapid proliferation of digital platforms and social media, it is important that the parliament remains responsive to such developments and concerns. We shouldn't be always playing catch-up when technology improves.

The Do Not Call Register is one tool relied on by many Australians to reduce the amount of unsolicited communications they receive. I remind the chamber that there are currently 10.9 million numbers that have been registered on the Do Not Call Register. That includes 5.6 million fixed line numbers, 4.9 million mobile numbers, and 430,000 fax numbers. That is an incredible number of phone numbers and fax numbers where Australians have said: 'Enough is enough. I don't want you contacting me. I want to have control over who phones me on my communication devices.'

The register is, in effect, a secure database where individuals can register their Australian telephone number. Once registered, a number will stay on the register indefinitely. Organisations such as telemarketers then need to do what is called 'washing'. They need to wash their calling lists against the register to ensure those numbers are not contacted. It is important to note, however, that when the Do Not Call Register Act was established in 2006, it contained exemptions for charities, religious organisations, educational institutions and political parties. These types of callers were permitted to bypass the register but they are still required to comply with the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017, which stipulates: when a telemarketer or researcher can call you, what information they have to give you at the start of the call, the information they have to give you if you request it and that they must terminate the call if you ask. I think we all know that the last one might be more honoured in the breach, perhaps. These exemptions are important because, for charitable bodies to continue to provide valuable services to the community, they rely on having various options to conduct fundraising activities.

Nearly half the major charities are members of Fundraising Institute Australia. This is an organisation that actually has its own code of conduct and claims to set a higher bar than the industry standard. It will be important to understand what the impacts of any proposal for change on charities will be and how this will impact on their ability to service the community.

Political parties and candidates can provide voters with information on how to inform their voting behaviour. Electronic communication is one of the key channels and, again, the
previous contributors to this debate, Senator Griff and Senator Fawcett, have noted that, obviously, there are many ways in which to contact a voter. It is certainly fair to say that this is, at times, intrusive and disruptive, but that is the overall rough and tumble of democracy itself. Part of our democratic and political system, of course, is the art of persuasion. Obviously, one needs to communicate with voters in order to be able to persuade them on a policy idea, for example.

Clearly, the proposals outlined by Senator Griff deserve attention and consideration. For these reasons, Labor considers it would be appropriate for the Joint Standing Committee on Electoral Matters to consider and report on this bill, and we will be circulating a second reading amendment to this effect.

On 29 July 2019 the Minister for Finance asked the committee to inquire into and report on all aspects of the conduct of the 2019 federal election. This inquiry has commenced. It's invited submissions, with the first public hearing scheduled for 6 December 2019.

On the topic of this bill, I also want to touch on the broader issue of scam calls. Scam calls are the largest source of frustration and financial harm when it comes to unsolicited calls. The headline figures are well publicised. In April this year the ACCC revealed that the total combined losses reported to Scamwatch and other agencies exceeded $489 million for 2018. I'll just say that again: in April this year the ACCC revealed that the total combined losses reported to Scamwatch and other agencies exceeded $489 million for 2018. That is a lot of money. Of course, we know from stories in the media that often the most vulnerable in our society are targeted. This is an increase of $149 million over what was reported for 2017. There were 177,000 scam calls reported to Scamwatch in 2018. This is up from a figure of 91,000 in 2014. No wonder seven in 10 Australians do not believe enough is being done to protect them.

The growth in scams and the unsolicited telephone calls which often precede them is an assault on the integrity of our numbering and communications system. Furthermore, this illegal practice is an incursion on the privacy every Australian has the right to enjoy in their own home. This has been recognised around the world, and different jurisdictions are trying out their own ideas. The United States is implementing technical standards to verify caller ID integrity to improve safeguards against illegal number spoofing—that's where people just run through lists and lists of phone numbers, hoping that they're going to get a hit. In the United Kingdom, British Telecom introduced Call Protect, a free opt-in service which combines network intelligence and user feedback to prevent calls from numbers on a scam blacklist from reaching households. This service was reported to reduce the volume of nuisance calls by 65 per cent, with over two million UK households signing up in the first three months. Again, that reduced nuisance calls by 65 per cent, so it's obviously been a very successful system. The UK has also trialled handset technology in the homes of some of the most vulnerable people across the UK. A key group who are disproportionately affected here are dementia sufferers, who have been identified by doctors as being at risk from nuisance callers. Now, isn't that a terrible thing? People suffering from dementia are already very vulnerable, and they are disproportionately affected and targeted. In New Zealand, the telecommunications industry has established a scam prevention code. So there are clearly some options available—each of which has its own advantages and difficulties—that have
worked in their respective jurisdictions to cut down the number of scam calls people are receiving.

What perplexes many Australians is that on the one hand they see the government acting forcefully to rush through poorly drafted encryption legislation, and on the other hand, when we have nearly half a billion dollars being robbed from citizens every year and our elderly and vulnerable parents being harassed in their homes nearly every day, the same government is not acting with the same level of urgency. This will come into focus this week in this bill, and again Labor acknowledges Senator Griff's work on this. But we need to look at the prevalence of scam callers and the constant nuisance and potential misery this brings to the community, which is of utmost importance to many Australians and especially those in vulnerable groups. Despite being in power for over six years, the Liberals are only just beginning to put together a plan, after repeated warnings the problem was getting worse. We look forward to the Australian Communications and Media Authority outlining in December how it plans to tackle the issue as part of its report on the Scam Technology Project.

I move the second reading amendment standing in my name:

At the end of the motion, add "and:

(a) the bill be referred to the Joint Standing Committee on Electoral Matters for inquiry and report;

and

(b) further consideration of the bill be made an order of the day for the first sitting day after the committee has presented its report".

Senator WATERS (Queensland) (10:56): I rise to speak on the Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019, which presumably was designed to stop instances such as those where we saw almost six million people spammed by Clive Palmer in the lead-up to the last election—ironically, at one point with a text message saying he would ban unsolicited text messages. Irony is clearly dead in that scenario. It's a very welcome bill that we will be supporting when the time comes; I understand that it's not coming on for a vote today. I note the amendment moved by Labor providing for the Joint Standing Committee on Electoral Matters to examine the bill. We'll be supporting that further examination as well.

This bill allows members of the public to unsubscribe from unsolicited political text messages and also from other unsolicited messages, which we think is also a fair enough step. It's pretty outrageous that we saw folk like Clive Palmer spamming so many people—thankfully, with little result, although arguably we now have the government sitting on the benches that they're sitting on partially as a result of such campaigns by Mr Palmer. But 5.6 million people received those text messages from him—numerous text messages, on a whole range of topics—and there was no ability for them to unsubscribe. It's no wonder that there were more than 3,000 complaints by people saying, 'I want him to stop texting me.' But they had no means to enforce that desire. This bill would remedy that, and it would require such text messages to include an unsubscribe function that then would have to be respected by the political party who received that unsubscribe request. That seems to me a fair balancing of the right to freedom of political communication and the right of people to not be spammed by Clive Palmer, so we support this bill.

The other facet of the bill which I thought was quite amusing was the requirement for folk to declare when they're actors and are not really tradies but are just paid to dress up as a tradie
and pretend that they support whichever major political party is paying for that particular ad. Likewise, we think that's a really good transparency measure and will ensure that voters aren't deceived. There's an awful lot of need for truth in advertising—in particular, truth in political communications—and this is a small step in the right direction. There's a lot more work that needs to be done in that regard.

What's really needed, though, is genuine reform of the influence that big money has on our election campaigns. Are we to become America? There was some research over the weekend that showed that there's a direct correlation between money spent and seats won. That is a very scary prospect for this nation to be potentially heading down. There's no cap on spending and certainly no cap on donations. The vested interests and big corporate donors that line the pockets of both of the big political parties get a very good return on their investment.

We've looked at the figures, going back a few years, and for every dollar that fossil fuel—that is, big coal, big oil and big gas—donated to both sides of politics they got $2,000 in subsidies. Their donations were able to purchase policy outcomes from governments of the day, of either persuasion, thanks to that cosy relationship of, 'Gee, I'll make a donation to you, and, when you're in government, you can write me some subsidies, or I can write off my equipment faster than anyone else can, or I can get accelerated depreciation and diesel-fuel subsidies that nobody else can get.' What a very good return on investment for those big corporate donors! It's that sort of corruption of democracy that we think needs to be addressed. This bill is a great step in the right direction, but it doesn't deal with that more fundamental issue of how big money is buying our politics.

Since 2012, we've seen $100 million donated to both sides of politics—Labor, Liberal and the National Party. There has been more than $100 million in big corporate donations. Is it any wonder that disenchantment and disenfranchisement are at all-time highs? People don't feel like this democracy is for them anymore. They don't feel heard, they don't feel represented and they know they can't get the access that the big corporates can get. The money flows, the meetings are given and the policy outcomes flow. The rich get richer and the poor get done over. This is what needs to be fixed in our great democracy of ours. It has the potential to give voice to people's genuine concerns and help make their lives better. Instead, we have $100 million in corporate donations flowing to both sides. They get the policy outcomes they want. Everybody in here is very happy. Meanwhile, out there in the community, life's getting harder for people, and they're feeling like this democracy doesn't even speak for them anymore. It doesn't represent their interests, it doesn't help them and it's not for them. That's a cancer on our democracy, which we need to arrest.

The Greens have been campaigning for more than a decade now for limits on corporate donations. In fact, we think the fossil-fuel, alcohol, tobacco and gambling industries shouldn't be allowed to donate at all. We don't think that they should be able to buy outcomes that suit their profits, because their profits inevitably disadvantage everyone else. We think that this house of democracy is meant to be here for the people, for the community, for making decisions, in the public interest, that address climate change, fix financial inequality, redress the lack of affordable housing and finally end violence against women—and for all those other issues that are real issues for people out there in the community. We think that those sorts of issues should be what this parliament deals with, rather than the corporate outcomes that the big donors buy.
We've long been campaigning for a cap, or in fact a complete ban, on corporate donations by those particular interest groups—dirty money, if you like—and a cap on donations by everybody else—and we mean everybody else—of no more than $3,000 per political term, so essentially $1,000 a year. Big money should not have its dirty influence on our politics. Big money does not belong in our politics. This is not America. Our democracy is a precious thing. It should be treasured and it should be given voice to. Instead, we are seeing that big money is running this place, so we've long campaigned for a ban on those donations.

We need spending caps, and that harks back to the substance of this bill. If we'd already had spending caps then perhaps Mr Palmer wouldn't have been able to send his more than 5.6 million unsolicited and unsubscribable text messages to unsuspecting Australians. It's well documented that he spent upwards of $60 million in the election campaign and ran some very scathing ads, and he arguably delivered government for this mob over here. We don't think that big money should buy election outcomes. That's why we think there should be a cap on election spending.

There's also a real need to clean up the revolving door of lobbyists and politicians. I talked a bit about the access that vested interests and donors get in this place, but the lobbyists get an awful lot of access too. I don't know what sorts of promises they make, but often you find that people leave this parliament and end up working for those groups. And it's not confined to just one side of this chamber. There are examples on both sides of the chamber. Closing that revolving door between lobbyists and MPs will help restore public confidence that democracy is for them, is about them and is there to make their lives better; it's not just there to feather the nests of politicians once they leave parliament. They're the sorts of reforms that the Greens would like to see to our democratic system.

As one small step forward, we think this bill is very welcome. People should be able to unsubscribe from text messages, from political parties, that they didn't ask for, that they don't want, that are from a party that they may not support and that they want to stop receiving. It's just an absolute travesty that people were able to get spammed text message after text message when they wanted to unsubscribe but had no legal ability to do so. This bill is an important contribution to enabling voters to say when enough is enough. We think the flip side of that should be spending caps, for the reasons I've mentioned. Big money should not be able to influence election outcomes. An election should be about campaigning, it should be about policies and it should be about listening to the community and addressing their real concerns. We'll be supporting this bill and we'll likewise be supporting, if they come on for a vote, the amendment that seeks further examination of this bill through the JSCEM process and then the bringing back on of this bill for further debate and, hopefully, passage in due course.

Senator O'NEILL (New South Wales) (11:06): I rise to make a contribution this morning on the bill being advanced by Senator Griff, the Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019. As outlined in the explanatory memorandum, the primary purpose of the bill is to provide consumers with more control over the receiving of unsolicited communications—those calls that you receive not from somebody you know but from somebody you absolutely don't know who's asking you to do something, to give something, to say something or to enact something. They have no former relationship with you and you often have to ask, 'How on earth did they get my number and why are they
calling me when I'm trying to get the kids out of the bath?' Those are the sorts of questions Australians constantly ask, and they get very annoyed when they have no recourse. This bill proposes to achieve more control over the reception of those unsolicited communications by amending exemptions which provided entities such as political parties and charities with a degree of greater flexibility on unsolicited communications. No doubt the situation that allowed that was well intentioned at the time, but as technology changes and as sometimes business practices change we need to adjust the law to accommodate the realities that become apparent before our very eyes—or maybe in this case our ears.

The bill before the Senate proposes to make several changes. The first is to amend the Do Not Call Register Act 2006 to enable consumers who register on the Do Not Call Register to opt out of receiving phone calls from charities. The second is to amend the Spam Act 2003 to require political parties to provide an unsubscribe function for all unsolicited electronic communications containing political content. The third is to amend the Commonwealth Electoral Act 1918 to require that voice calls communicating an electoral matter to a person must identify the use of any actors at the beginning of the call. The fourth is to amend the Telecommunications Act 1997 to make other consequential amendments.

It is important to state at the outset that Labor acknowledges Senator Griff has brought these proposals forward in good faith and seeks to address issues of legitimate concern to the community. Leading into the 2019 election, we saw Clive Palmer and the United Australia Party unleash on millions of voters a barrage of unsolicited text messages, many of which contained false and misleading claims and statements. Despite being on the Do Not Call Register and almost all wanting to immediately cease receiving the spam messages, Australians were swamped by texts from the UAP, aptly described by many as unsolicited election trash. You can understand the frustration. I'm sure many of my colleagues who were handing out in the course of the election were engaged by very aggrieved Australians letting us know how unhappy they were at having been so attacked by the detritus that came out of the UAP at the cost of Clive Palmer. This operation contained geographically targeted slogans and campaign material, with the ABC reporting that, as of January 2019, more than 5.6 million Australian phones had received text messages from Clive Palmer and the UAP. This was a scale of attack on Australians' right to privacy of a kind we have never seen. It was a tsunami of unwanted and illegitimate claims that were foisted on good Australians who want to take their civic duty seriously and engage in the voting process with facts and information that help them make choices that will impact their lives and the lives of their families and of people they love.

Furthermore, the scale and frequency of the operation led to widespread community concern which prompted over 3,000 complaints to the Australian Communications and Media Authority, the regulator overseeing spam and unsolicited communications, from consumers. However, the Australian Communications and Media Authority was unable to act as the messages are not within its remit. They do not offer goods or services; just false information and an imposition. Clive Palmer plain refused to stop sending the text messages, despite wide public anger from the almost one-third of voting Australians who were bombarded by the messages. Whilst the conduct of Mr Palmer goes to issues much broader than this bill, it's well-established that Clive Palmer was willing to spend whatever was necessary, in his mind, to undermine Labor. When his advertising campaign began in 2018, the advertisements
attacked both the Liberal Party and the ALP, but, following a preference deal with the coalition in January 2019, Clive Palmer agreed that in the final period of the election campaign he would switch his attack, and his considerable millions, to be exclusively against the Labor Party.

Being an individual of high wealth, his ability to leverage legislative exemptions in relation to electronic messaging and then use this to wage a misinformation campaign for the primary purposes of protecting his own financial interests is obviously an issue of significant concern, particularly when you think that the scale of the investment Mr Palmer made in electing this government is on the public record as being in the vicinity of $60 million. When I went to school and I learned about democracy, I was appalled that ordinary people used to be unable to vote, that only people with money got to vote and that it took a lot of reform to reach the state where it was one vote, one value. That basic tenet was absolutely overturned by the action of Mr Palmer in this nation. It was a historic moment of gross manipulation of information in the public place, where one man's wealth was able to buy a swathe of votes. One vote, one value; each of us as equal Australians—that is what is at risk if the behaviour of Mr Palmer is allowed to continue.

He's not the only one who has sought to use financial influence in this place. On 25 September 2019, ACMA also issued a formal warning to the South Australian Division of the Liberal Party for making robocalls during prohibited calling times in the early hours of the morning, well before what is permitted by the telemarketing standard. I've said before and I say again: Australians value their privacy. Like people all over the world, we're not particularly thrilled to be woken up by political calls in the early hours of the morning.

The constant flow of illegal calls from overseas scammers is also ever present in the lives of Australians, particularly older Australians, who spend a great proportion of their time at home. I very clearly recall a conversation with one of my friends, who was talking about her concern for her mum. Recently widowed, her mum, despite having considerable support from the family, was targeted by phone calls, frequently around dinertime, and she would sit on the phone talking with people from overseas. She ended up buying all sorts of things that she didn't need or want. In her grief, in her loneliness and in her kindness in talking to other people, she was being scammed of significant amounts of money and being exploited. We don't want that to continue. I know that even my government office is swamped by calls from scammers, often purporting to be from the NBN or the ATO. They come in nearly every single day, and this is a common experience for Australians these days.

Clearly the accumulation of these different issues—combined with the intensity of the election campaign as waged, particularly, by Mr Palmer—has just drained the goodwill of ordinary Australians. They've had enough. They've had a gutful, as we might say. In a world where concerns about privacy and the sharing of personal information receive almost daily attention, supercharged by the rapid proliferation of digital platforms and social media, it's important that the parliament remain responsive to such developments and concerns. We are worried about scandals such as that of Cambridge Analytica, where ultrasmart algorithms are slowly classifying humans into their most basic political and commercial wants and needs and stripping them of their wider humanity, all for the purpose of getting a vote or a sale.

For those who don't understand how data is scraped, it's just information about you. Every time you get an app on your phone or Google Maps is following you around or Siri's listening
in, there's information being gathered about you. Information is being gathered about us all. We're complex and interesting human beings, but people have figured out that all this data we're generating is money in their bank. They're getting the data. They might call it pretty dirty, but they scrape it, they clean it up, they provide some analysis on it and they sell it on. I would be shocked if there were a person in this room who is not impacted in that way by how data is used. When data can pinpoint you and really ramp up the things that you're concerned about in an inflammatory way—especially when they purport to tell you the truth but it's actually lies told by an actor—we've got a big problem. It's got to stop. Things need to change.

The Do Not Call Register is one tool relied on by many Australians to reduce the number of unsolicited communications they receive. This register is, in effect, a secure database where individuals can register their Australian telephone number, and, once registered, a number will stay on the register indefinitely. Organisations such as telemarketers then need to wash their calling lists against the register to ensure that the numbers that are on the register are not contacted by them. It's important to note, however, that, when the Do Not Call Register Act was established in 2006, it contained exemptions—important exemptions, probably for very good reason at the time—for charities, for religious organisations, for educational institutions and for political parties. These types of callers were permitted to bypass the register, but they were contained by a requirement to comply with the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017, which stipulates that a telemarketer or researcher can call you only within a particular limited time; stipulates the information that they have to give you at the start of the call and the information that they have to give you if you request it; and stipulates that they must terminate the call immediately if you ask.

Charities in Australia continue to provide valuable services in the community and rely on having various options to conduct fundraising activities. Just in the last couple of weeks, we've seen—with the crisis of the bushfires across this country but particularly up and down the east coast—that there has been a great call on Australians to provide support for our fellow Australians, and charities have had a vital role to play in that. There's a place for this, but there needs to be further containment. Nearly half of the major charities are members of Fundraising Institute Australia. That institute has its own code of conduct and claims to set the bar higher than the industry standard. It is important to understand what the impacts of any proposal for changes on charities would be and how this would impact on their ability to look after the vital needs in our community and do what they do: raise funds that can be distributed to places where there is great need, often at very short notice.

Political parties and candidates also provide voters with information that they can use to inform their voting behaviour. Electronic communication is one of those key channels, and it's certainly fair to say that this is, at times, intrusive and disruptive. It reflects in some way the overall rough and tumble of democracy itself. But it's very difficult to think about people making informed choices without some contact from the parties that are seeking their support.

Senator Griff's bill deserves respect and due consideration, and for these reasons Labor considers it would be most appropriate for the Parliamentary Joint Standing Committee on Electoral Matters to consider and report on this bill. I believe that Senator Kitching has indicated that we will be circulating a second reading amendment to this effect. On 29 July
2019 the Minister for Finance asked the committee to inquire into and report on all aspects of the conduct of the 2019 federal election. The inquiry has commenced and has invited submissions, with the first public hearings scheduled for 6 December 2019. We believe it would be wise to wait for the inquiry to examine and report on this issue before we move on a legislative prescription.

I also want to touch on the broader issue of scam calls, which are increasingly becoming a plague to members of the public and business. You could say that scam calls are the largest source of frustration and financial harm when it comes to unsolicited calls. This year in April the ACCC revealed that the total combined losses reported to Scamwatch and other agencies exceeded $489 million—that is, $489 million was scammed from Australians in 2019. That was bad; it was so bad that year. We can see the scale of the increase in scams operating. In 2017 the cost was $149 million. So, reported losses to scamming went up from $149 million to $489 million. What about the unreported ones where people were too embarrassed or ashamed to report what happened to them? It's truly a dramatic rise in the exploitation of Australian people via the use of a telecommunications device. We know that scam artists are getting craftier; we know they're getting more effective in their thievery. There were 177,000 scams reported to Scamwatch in 2018, up from over 91,000 in 2014. It's really no wonder, then, that seven in 10 Australians do not believe enough is being done to protect them. Australia does need a clamping-down on these scammers and protection for the lonely and the vulnerable and remote and unlucky Australians who fall victim to scamming.

The growth in the number of scams and the unsolicited telephone calls which often precede them is an assault on the integrity of our phone system. Furthermore, this illegal practice is an incursion on the privacy of every Australian. Every Australian has the right, and should continue to have the right, to safety and quiet enjoyment in their own homes. This has been recognised around the world, and different jurisdictions are trying their own ideas. Does this government have a plan? No. Just like in so many areas of public policy, there is no plan. The US is implementing technical standards to verifying caller ID integrity to improve safeguards against illegal number spoofing. In the UK, British Telecom introduced Call Protect, a free opt-in service which combines network intelligence and user feedback to prevent calls from numbers on scam blacklists from reaching households. This service was reported to reduce the volume of nuisance calls by 65 per cent. I think Australians would be pretty happy with that level of reduction in assaults on them and their household. Over two million UK households signed up in the first three months of that program in the UK. The UK's also trialled handset technology in the homes of some of the most vulnerable people across the UK, such as dementia sufferers, who have been identified by doctors as being at particular risk from nuisance callers. In New Zealand, the telecommunications industry has established a scam prevention code.

Fiona Cameron, the chair of the scam technology project of the Australian Communications and Media Authority, has described trying to fight the scourge as ‘a bit like playing whack-a-mole’. Australians were cheated out of half a billion dollars last year alone, and we need a strong and comprehensive response to manage these scam artists. There are clearly some options available to this not-interested government. There’s work being done out there. There are effective policies being implemented in other jurisdictions, and they have
some considerable advantages. Perhaps they have some difficulties, too. That's why we need to have a further inquiry into this matter.

What perplexes many Australians is they see the government really acting forcefully to rush through poorly drafted encryption legislation, yet, when we've got nearly half a billion dollars being robbed from citizens every year and our elderly, vulnerable people being harassed in their homes nearly every day, that same Liberal-National party government are not acting with any urgency. Despite the fact they've been in power for over six years now, the Liberals still have no plan. That's despite repeated warnings of danger.

Labor would like to see the Joint Standing Committee on Electoral Matters examine the proposals contained in Senator Griff's bill, and Labor will be circulating, as I said, a second reading amendment to that effect. Our response needs to be comprehensive, measured and robust enough to remove scam artists from the system, root and branch. (Time expired)

Senator MARIELLE SMITH (South Australia) (11:26): I join my colleagues in rising to speak on this private member's bill, the Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019. I'd like to start by thanking my South Australian colleague Senator Griff for bringing these issues to the Senate for debate through this bill today. The bill proposes to make some changes which would provide consumers with more control and transparency over the receipt of unsolicited electronic and telephone communications from political parties and charities by removing several longstanding exemptions.

The bill before us proposes to make several changes. It seeks to amend the Do Not Call Register Act 2006 to enable consumers who register on the Do Not Call Register to opt out of receiving phone calls from charities. It seeks to amend the Spam Act 2003 to require political parties to provide an 'unsubscribe' function for all unsolicited electronic communications containing political content. It seeks to amend the Commonwealth Electoral Act 1918 to require voice calls communicating an electoral matter to a person to identify the use of any actors at the beginning of the call. And it seeks to amend the Telecommunications Act 1997 to make other consequential amendments.

Labor acknowledge, as my colleagues Senators O'Neill and Kitching have already said, that Senator Griff has brought forward these proposals in good faith and that he is genuinely seeking to address issues of significant concern to the community. We acknowledge that. We, too, understand that there are many Australians out there who hold concerns about these issues, especially in regard to electronic communications containing political content. During political campaigns and debates, it is crucial that the Australian public are informed about who is trying to persuade them to think or to act in a certain way and that people authorising political matters are held accountable for the material broadcast in instances where proper attribution is absent or the source of political advertising and messaging is hidden and has the potential to compromise the contribution of political communications to the political and democratic process.

For the purposes of the Australian Communications and Media Authority, 'political matter' is defined very broadly in the Broadcasting Services Act 1992 to mean 'any political matter, including the policy launch of a political party'. Guidance as to the sort of material that may constitute political matter is provided primarily through the Australian Communications and Media Authority's decision-making, reflected in reports of political matter investigations.
What constitutes political matter is an objective test and is determined on a case-by-case basis by the Australian Communications and Media Authority, but the balance that we find can often be a fine one.

In the lead-up to the 2019 election, we saw Clive Palmer and the United Australia Party unleash an unacceptable barrage of unsolicited text messages to unsuspecting voters, many of which contained false claims. Those messages contained geographically targeted slogans and campaign material, with the ABC reporting that, as of January 2019, more than 5.6 million Australian phones had received these text messages from Clive Palmer and the United Australia Party. As of March 2019, the population of Queensland was five million, so a population larger than the state of Queensland received these text messages.

This prompted over 3,000 complaints from consumers to the Australian Communications and Media Authority, who is the regulator that oversees spam and unsolicited communications. In responding to these concerns, they noted that under current laws political parties are free to send campaign material as long as that material is not commercial in its nature. As a spokesman from the Australian Communications and Media Authority at the time said:

Calls, emails or SMS that are not commercial — that is they do not have a commercial purpose — are generally allowed and not required to comply with the obligations under the Do Not Call Register Act 2006 and the Spam Act 2003. Communications about political matters do not usually include a commercial element.

There are clearly challenges here that require consideration given the sheer volume of messages involved. On 25 September 2019, the South Australian Liberal Party made robocalls to households across the Adelaide Hills over two consecutive mornings at 6 am, when these calls were supposed to be made at 6 pm. After the first round of calls went out, the Liberal government issued an apology over the very embarrassing and disruptive blunder which rudely woke so many South Australians early in the morning, and they promised to fix the problem. However, less than 24 hours after their apology, the Liberal state director had to apologise to listeners for a second time on ABC Radio ADELAIDE for sending out the same robocalls, again at 6 am.

Residents in South Australia were rightly frustrated by this. They were rightly frustrated. Then, they rightly called for a ban on these robocalls to vent their frustration. We heard reports from Karen from Adelaide, who's sleep was disrupted just after 6.30 in the morning. She described the incident on ABC Radio ADELAIDE:

My husband's mobile went off so he raced out of bed and sure enough, it was a robocall.

… I was dozing back to sleep and then my mobile went off so we scored it twice this morning and I actually did the survey.

Normally I wouldn't do it but I was so angry this morning that I decided to give Mr Marshall and the Liberal Party a bad rating.

I suggest it was a bad rating that, after those robocalls, they certainly deserved.

Many senior Liberal ministers were forced to admit to the blunder and apologise to the South Australians affected, with one senior minister stating, 'No sensible person would be commissioning polling or robocalling at 6 am.' Well, that's the public's expectation for sensibility as well, but it's an expectation that certainly wasn't met in this instance.
The Australian Communications and Media Authority formally warned the South Australian division of the Liberal Party for making these robocalls during prohibited calling times in the early hours of the morning—well before what is permitted by the telemarketing standard in this case. The Australian Communications and Media Authority states that penalties for telecommunications breaches range from formal warnings to fines of up to $250,000. I have to say, it seems that in this instance the South Australian Liberal Party probably got away with what could be called a slap on the wrist.

It's no secret that South Australians and Australians are not impressed by, and indeed get frustrated with, these occurrences—not just in my state, with the Liberal Party's robocalls at 6 am, but nationally, and not just in politics but generally with unsolicited calls. The influx of unsolicited calls from overseas scammers only serves to compound this frustration further. Research by CHOICE last year found that 89 per cent of Australians received at least one unsolicited call in a six-month period and 25 per cent of people receive unwanted calls from charities on a weekly basis. Of those Australians surveyed, five per cent said they received unwanted and unsolicited calls on a daily occurrence. On top of these statistics, it is not surprising that seven in 10 Australians do not believe enough is being done to tackle nuisance and scam calls.

As some of my colleagues have said during the debate, it's often senior Australians who are particularly vulnerable to the barrage of calls. Seniors are often more reliant on landlines and are more likely to be home during the day. They may also feel reluctant to hang up on or abruptly fob off a caller collecting charity donations. The chief executive officer of National Seniors recently stated: ‘We are hearing from our members that the calls are making them anxious and that they are reluctant to answer the phone.’ National Seniors collected stories from older Australians affected by unwanted calls, especially from charities, and found that people are avoiding answering their phones or considering disconnecting their landlines and that in some instances, shockingly, family members are moving in with elderly relatives in order to protect them from these unwanted—and, at times, aggressive—unsolicited phone calls seeking donations. I've witnessed my own parents-in-law take these calls and the frustration and sometimes worry that they can cause.

Labor acknowledges the importance of Australians having better control over what unsolicited communications they receive and from whom, especially for more vulnerable groups in our community. In a world where concerns about privacy and the sharing of personal information receive almost daily attention, supercharged by the rapid proliferation of digital platforms and social media, it is important that the parliament remains responsive to developments and concerns. When technology is moving especially fast and personal data is becoming more and more valuable, responsive, well-researched and strong policies are necessary. However, it is also important to note that political parties and candidates provide voters with information they use to inform their voting behaviour. Electronic communication is one of the key channels through which they do so. This is important communication.

The Do Not Call Register Act was established in 2006 and prohibits making unsolicited telemarketing calls or sending unsolicited marketing faxes to members on the register. It sets out the main remedies for breaches of the act and requires the Australian Communications and Media Authority to establish and oversee the Do Not Call Register and to investigate breaches. When the Do Not Call Register Act was established it contained exemptions for
charities, religious organisations, educational institutions and political parties. These types of callers were permitted to bypass the register, but they still need to comply with the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017, which stipulates when a telemarketer or researcher can call you, what information they have to give you at the start of the call, the information they have to give you if you request it and that they must terminate the call if you ask.

Our charities provide hugely valuable services to our community and rely on having various options to conduct their fundraising activities. The value of our charity sector is demonstrated by the five in six Australians who give to not-for-profits and the $143 billion given in the last year, most of it through the generosity of the Australian community. The esteem in which this sector is held is demonstrated by the size of the charity workforce, which employs one in every 10 Australian workers. The not-for-profit sector and charities, social enterprises and community organisations also provide so much of Australia's social infrastructure. As of March 2018 there are more than 50,000 registered charities in Australia competing for donations from the Australian community. Nearly half the major charities are members of the Fundraising Institute of Australia, which has its own code of conduct and claims to set a higher bar than the industry standards.

However, Australians, who are certainly generous and generally hugely supportive of the charity sector, aren't immune to frustration from the telephone calls that they receive canvassing donations. As Jim from Perth described on ABC talkback radio:

When they ring me, I tell them that they are invading my privacy and that I do not respond to these phone calls. I also ask them to take my name off their lists.

We in this place need to work with the charity sector to understand and ensure that any proposals for change do not undermine their viability to serve their community. It is absolutely essential and important that we support the charity sector in Australia and that we encourage the generosity and giving nature embedded in our Australian values and culture, but we also need to support Australians who feel frustrated by the status quo.

More broadly, the driver of complaints about unsolicited communications to consumers both in terms of volume and in terms of harm is illegal telephone scams. In April this year the Australian Competition and Consumer Commission revealed that the total combined losses reported to Scamwatch and other agencies exceeded $489 million for 2018, an increase of $149 million on 2017. There were 177,000 scams reported to Scamwatch in 2018, up from over 91,000 in 2014. Scamwatch statistics now show that in this year alone nearly $30 million has been lost to illegal telephone scams, with over 60,000 reports made to Scamwatch. Of those 60,000 reports, approximately 10,000 have been made from residents within my home state of South Australia.

The age group most vulnerable to illegal telephone scams is those aged between 55 and 64. Whilst the issue of illegal telephone scams is not an issue for the objective of this particular bill, it is something that we need to see the government focus on as an immediate priority to better protect Australians, especially those most vulnerable to these types of telephone scams.

For these reasons, Labor considers it would be appropriate for the Parliamentary Joint Standing Committee on Electoral Matters to consider and report on this bill. We absolutely understand and agree that the issues raised in this bill by Senator Griff deserve due attention
and consideration. We also believe that there is a more robust process in which we can better capture the wider issues that a bill like this should ultimately consider.

On 29 July 2019, the Minister for Finance asked the Joint Standing Committee on Electoral Matters to inquire into and report on all aspects of the conduct of the 2019 federal election. In a media release in September, the committee stated:

Political advertising on social and traditional media is being investigated by the Joint Standing Committee on Electoral Matters as part of its inquiry into the 2019 Federal election.

The changes in social media, traditional media and smart phones have significantly changed the way we're exposed to information, the way we access information and the way we publish information. Digital media has become our most active source of media, yet the regulatory framework hasn't kept up with the significant and rapid changes we are seeing in this area. The 2019 election made these gaps especially poignant. The committee has opened and invited submissions, and the first public hearing is scheduled for 6 December 2019. As a member of the Joint Standing Committee on Electoral Matters, I will be keeping a close eye on the submissions and ideas which come out of our hearings as we listen to feedback from Australians. I expect that there will be many different ideas on the avenues and approaches we can explore in order to move forward in protecting our democracy from these new changes.

The growth in scams and the unsolicited telephone calls which often precede them is a very serious issue. This illegal practice is also an incursion on the privacy every Australian has the right to enjoy in their own home. This has been recognised around the world, and different jurisdictions are trying out their own ideas—ideas which we should be giving consideration to in a debate like this and in the consideration of legislation like this. For example, in the US, they are implementing technical standards to verify caller ID integrity, to improve safeguards against illegal number spoofing. In the UK, British Telecom recently introduced Call Protect, which is a free opt-in service which combines network intelligence and user feedback to prevent calls from numbers on a scam blacklist from reaching households. This service was reported to reduce the volume of nuisance calls by 65 per cent, with over two million UK households signing up in the first three months. The UK has also trialled handset technology in the homes of some of the most vulnerable people across the UK, such as dementia sufferers, who have been identified by doctors as being the most at risk from nuisance calls. In New Zealand, the telecommunications industry has established a scam prevention code. There are many options like these and others which the Australian parliament could also explore. Each of these options, of course, will have its own advantages and difficulties in design and implementation, but that's what we should be considering in detail and in depth.

What perplexes many Australians indeed is that they see the government acting forcefully to rush through poorly drafted encryption legislation, and yet, when we have nearly half a billion dollars being robbed from citizens every year, especially senior Australians, and vulnerable people being harassed in their homes nearly every day, the same government, is not acting with the same level of urgency. And, despite being in power for over six years, the Liberals have only just begun to put together a plan—despite repeated warnings that the problem was getting worse.

In the United States, the Federal Communications Commission has singled out combating scam calls as a top consumer priority for the commission. We, on our side of the chamber—Labor senators—are calling on the government to show the same level of seriousness to this
issue here. We look forward to the Australian Communications and Media Authority outlining in December how it plans to tackle the issue as part of its report from the scam technology project.

As our interaction with and exposure to online digital media changes and changes rapidly, we must make sure that the parliament continues to protect our electoral and democratic processes from digital and social media manipulation and disinformation. Our dependence on digital media platforms has come to the forefront of debates across the globe, especially its effects on elections and democracies. Although of course this is a global problem that needs to be addressed on a global scale, we too in Australia need to be inquiring and looking into ways in which we can effectively tackle this problem at home through our own legislative framework and through our own public policies.

It is true that mass digital technology provides platforms for greater political engagement than has ever been possible before. This not only creates a platform for both greater voter engagement and policy discussion but also poses significant threats. So I urge everyone—senators, members of parliament, everyday Australian citizens or anyone concerned with the legislative framework around new-age media, digital platforms and old policies that need updating in this industry—to make a submission to the electoral matters committee inquiry into the federal election.

Again, I would like to note and fully acknowledge that Senator Griff's proposals are serious and have been well considered by him in their substance. They deserve our consideration, debate and discussion in the Senate. I thank senators from all sides of this chamber for contributing to that debate and having this discussion. I know Centre Alliance has taken a special interest because of what happened in South Australia with the Liberals' robocalls. I acknowledge that, but it is important for legislative frameworks to strike the always challenging balance between the rights of consumers and the ability of political parties and charities to communicate with the public. To do this properly, the bill and the measures within it must be properly scrutinised and consulted upon. Labor senators would like to see the Joint Standing Committee on Electoral Matters examine the proposals contained in Senator Griff's bill, as we believe that is the appropriate forum for these matters to be considered in depth. I note my colleague Senator Kitching has distributed amendments to that effect, and they are amendments that I will be supporting.

Senator CAROL BROWN (Tasmania) (11:47): It is with great pleasure that I follow Senator Marielle Smith's very thorough contribution on the issues that are raised in this bill and also the broader issues that plague many Australians in terms of unwanted and unsolicited calls. I rise to speak on the Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019, introduced by Senator Griff. In my role as Deputy Chair of the Joint Standing Committee on Electoral Matters, I would also like to commend Senator Griff—as most people, if not all, have in their contributions—for bringing forward this piece of legislation and the discussion on concerns raised by some in our community.

As has been previously mentioned, the primary purpose of this bill is to provide people with more control over the receipt of unsolicited communications. The bill seeks to amend the Spam Act to require political parties to provide an 'unsubscribe' function for all unsolicited electronic communication, namely SMS and email, which contains content that aims to influence the way electors vote in a federal election. It also proposes to amend the Electoral
Act to ensure actors used for the purposes of a political telephone campaign are identified as such at the beginning of the voice call; and the Do Not Call Register Act to remove the existing blanket exception for registered charities which allows them to make telemarketing calls to consumers who are on the Do Not Call Register—that is, removing that exemption for charities whereby they can ring Australians who have taken the time to register themselves so they can try to avoid unsolicited phone calls. Registered charities do not have to abide by that law to not ring people on the Do Not Call Register. I have to say, though, as somebody who knows some people who have been on the Do Not Call Register, that I'm not sure how well it actually works, because it seems that it's not just registered charities that somehow have your number and make unsolicited phone calls.

Colleagues would be aware that the Joint Select Committee on Electoral Matters is in the process of conducting the inquiry into the conduct of the 2019 federal election. In fact, the committee will be holding a public hearing on Friday 6 December, this year. Further public hearings will be held in January, February and March next year, and the committee will report our findings and recommendations by, hopefully, July 2020. That's the time line the committee intends to meet. To date, the committee has received some 140 written submissions. Some of them have come from our parliamentary colleagues. Each of the registered political parties that participated in the election have provided submissions and many interested organisations and academics have also contributed.

As the committee has been at pains to point out in the past, Australians have never been afraid of challenging the operation of our electoral system. Previous reports from the Joint Standing Committee on Electoral Matters, JSCEM, have assisted in the continuing modernisation of our voting system and the conduct of election campaigns. These inquiries play an extremely important role in facilitating comment and suggestions by experts, and everyday members of the community on the conduct of our federal elections. It's also important for those of us who are intimately involved in election campaigns to take the time to reflect on the feedback we receive from concerned individuals about the conduct of each election—and it's always an interesting exercise to read the submissions the committee receives.

Of course, the conduct of Mr Palmer and his United Australia Party has drawn a lot of comment in the contributions made here today, and, of course, in the wider community. It is not just unsolicited text messages that have been raised with the committee; members of the public have been most concerned about the number of what we have come to know as robocalls, along with advertising that they consider to be false or misleading. There is no doubt that Mr Palmer's millions of unsolicited text messages sent out throughout the nation annoyed and upset many members of our community. As was indicated in the contributions by Senator Kitching and Senator O'Neill, Mr Palmer's operation contained geographically targeted slogans and campaign material, with the ABC reporting that, as of January 2019, more than 5.6 million Australian phones had received text messages from Mr Palmer and the United Australia Party. The absolute scale and frequency of the operation led to widespread community concern which prompted over 3,000 complaints from consumers to the Australian Communications and Media Authority, who is the regulator which oversees spam and unsolicited communications.
In responding to that extraordinarily large number of complaints over Mr Palmer’s campaign of sending unsolicited communication, ACMA noted that, under the current laws, political parties are free to send campaign material as long as that material is not commercial in nature. ACMA said:

Calls, emails or SMS that are not commercial—that is they do not have a commercial purpose—are generally allowed and not required to comply with the obligations under the Do Not Call Register Act 2006 and the Spam Act 2003. Communications about political matters do not usually include a commercial element.

While you could say the conduct of Mr Palmer goes to issues much broader than those in this bill, it is well-established that Mr Palmer was willing to spend whatever necessary to undermine the Labor Party. Of course, this is a man who is not really interested in paying his workers their entitlements; nor is he, it seems—unless he paid in the last week or so—interested in paying a bill that is owed. He owes about $7,000 to the Australian parliament.

With the wall-to-wall advertising that sought to bend the facts to suit whatever argument Mr Palmer was trying to make, the ability of a high-wealth individual to leverage such legislative exemptions in relation to electronic messaging is worthy of much closer scrutiny. It certainly is. I think most people in the parliament would agree that the activities of Mr Palmer and the United Australia Party deserve much closer scrutiny.

However, part of that scrutiny has to ensure that any changes reflect the wishes and priorities of the community. Our electoral system deserves integrity. There should not be any unintended or adverse impacts on organisations that need to be able to communicate with our community. It is very important that, when we look at these issues, we ensure that there are no unintended or adverse impacts on organisations that need to actually communicate with our community. That is extremely important.

One of the important safeguards that must be preserved to protect our democracy is the compliance of registered political parties with all of the various laws associated with communication of political messages. Another important safeguard is regular review and assurance that those laws and those regulations meet community expectations—hence the very important role played by the Joint Standing Committee on Electoral Matters and the inquiries that they conduct. The conduct of each election brings with it different feedback and priorities from the community. The conduct of the 2016 federal election was followed by significant public concern around the authorisation and legitimacy of election material and the amount and influence of foreign donations to political parties. A cursory examination of the submissions received to date for the inquiry into the conduct of the 2019 election shows considerable public concern about the use of robocalls and the content of political advertising. It would be interesting to learn, through the public hearing process of the inquiry, what priorities members of the public place on various options for reform.

We know that ACMA received thousands of complaints—I’ve talked about that—which was an extraordinarily large amount. There were over 3,000 complaints. We also know, again, that complaints to various agencies about scam calls and robocalls are now in the hundreds of thousands. Part of the fallout from the 2016 federal election was a dramatic increase in the recording of complaints about unsolicited political messages from campaigns right across the political spectrum. They ranged from thousands of text messages purporting to be from Mr Malcolm Turnbull, urging electors to vote for Mr Ross Vasta to ensure stable government, to
messages from the Greens urging votes for Mr Adam Bandt in Melbourne and Mr Jason Ball in Higgins, respectively. To be fair, and to keep things in perspective, ACMA says:

… it received 37 complaints about text messages containing the word "Liberal" during the election campaign, and 36 complaints about messages containing the word "Labor"—during and following the 2016 federal election campaign. This compares to ACMA receiving 244 complaints about election related telephone calls during May and June of 2016, and 214 of those complaints related to robocalls. At the time, ACMA said:

The actual … figure may be higher, but there was insufficient information in a number of complaints received to be able to clearly state that the calls related to election/political matters.

Clearly there has been a significant change between the 2016 election and the 2019 election.

As a parliament we owe it to the Australian people to look at what went on and what their priorities are for reform. However, at this time of significant challenge for large parts of our society, we need to ensure that we don't impede many important organisations, as I've already said, from communicating with our community and appealing for help and assistance. I am thinking particularly of the many assistance, volunteer firefighting and animal welfare organisations that are appealing for all kinds of help that we can offer in combating and dealing with consequences of the current bushfires ravaging so many of our communities. There are also calls for financial and other assistance that go out from many hardworking and respected charities in Australia at times of natural disaster throughout the world on behalf of people left stranded and homeless and without clothing, income or any support.

I therefore urge Senator Griff to consider a number of things: to allow JSCEM, the Joint Standing Committee on Electoral Matters, to complete its important work in reviewing the conduct of the 2019 federal election and to report back to both chambers on the evidence for the need and priorities for reform as expressed by the Australian community; and to work with those of us across the parliament who have a genuine belief in reform to ensure that this bill truly reflects the priorities that the broader community demands, without unintentionally impacting on organisations or incidents and causes that are of genuine concern to Australians.

I was interested to listen to Senator Marielle Smith's contribution. She talked about the person that called in to ABC Radio to discuss their reaction to receiving a robocall. Senator Smith outlined that ACMA issued a formal warning, in that case to the South Australian division of the Liberal Party, for making robocalls during prohibited calling times, in the early hours of the morning, well before what is permitted in telemarketing standards.

The issues contained in this bill are of legitimate concern to the community, and Labor acknowledges the importance of Australians having better control over what unsolicited communications they receive and from whom. The proposals contained in Senator Griff's bill are worthy of more serious consideration and investigation, and I thank him, as others before me in their contributions have done, for bringing these issues to the attention of the Senate.

Senator PRATT (Western Australia) (12:06): Today I also make a brief contribution to the Telecommunications Legislation Amendment (Unsolicited Communications) Bill. I thank Senator Griff for his good intentions in bringing this legislation forward and for the fact that he seeks to act for the benefit of his constituents. I do completely understand the level of frustration that many Australians feel. It's acutely felt in my home state of Western Australia. I'm sure senators in this place will have received the same unrelenting phone calls that my
office has. Coinciding with the rollout of the NBN, my office receives multiple calls per day from providers asking us to join with them to adopt the NBN. Leaving aside the complexities of the fact that we don't even manage our own contracts, and that there's no-one in the office to sell that particular product to, my office has resorted to simply saying: 'We've got the NBN. This is an office. Thank you for your call.' I've taken these calls myself, and they are indeed unrelenting, if you spend the day at home. I no longer have a home phone at home; I rely on my mobile. Is it any wonder that more and more Australians find themselves in this situation as the only way of truly opting out of telemarketing phone calls! So I do understand the purpose of the bill in providing consumers with control over the receiving of unsolicited communications.

The inflow of illegal calls from overseas scammers is appalling and has been ever-present in the lives of Australians. We have some particular cohorts of Australians who could be vulnerable, spending a greater proportion of their time at home and perhaps not being as exposed to the sense of caution that many people now have when it comes to these kinds of phone calls. The accumulation of these different issues, combined with the intensity of the election campaign, has truly exhausted the patience of many Australians, who have had not only the day-to-day calls but also the polling robocalls and the phone calls during the campaign. We understand that, in a world where there are concerns about privacy and the sharing of personal information, this is supercharged by the proliferation of digital platforms and social media.

It is key that this parliament remain responsive to such developments and concerns. We know that the Do Not Call Register is relied on by many Australians to reduce the volume of unsolicited communications they receive. It is in effect a secure database where individuals register their Australian telephone number. Once registered, the number will stay on the register indefinitely. Telemarketers need to 'wash' their calling lists against this register to ensure those numbers aren't contacted. We understand that, since that register was established, religious organisations, political parties, educational institutions and charities have had an exemption, with callers permitted to bypass the register. However, they are still expected to comply with the Telecommunications (Telemarketing and Research Calls) Industry Standard, which stipulates when a telemarketer or researcher can call you, what information they have to give you at the start of the call, the information they have to give if you request it and that they must terminate the call if you ask.

As Senator Brown highlighted, charities also provide valuable services to the community and rely on having various options to conduct fundraising activities. Many such charities have my mobile phone number and use it, and I like to give, as often as I am able, to those that call. Nearly half of the major charities are members of the Fundraising Institute Australia. It has its own code of conduct and it claims to set a higher bar than the industry standard. I'm very keen to understand what the impacts of any proposal for change would be on such charities and on their capacity to serve the community.

I have to say, as a member of a political party and as a candidate, that I value incredibly the conversations that I have had with voters during election campaigns—and, indeed, outside of election campaigns—to engage with them about the issues that are important to them. I can tell you that a great many of those calls are valued and welcomed. And if they're not, what do I do? I get off the phone quickly. That's what you do. It is very common and appreciated to
spend half an hour on the phone talking through policy questions—be it climate change, be it tax, be it local education, infrastructure or pensions; you name it. It's incredibly valuable to many people to be able to have a conversation with their MP, with their local candidate, with someone who's simply interested in having a conversation with them about what they value and what they believe in.

As Senator Brown has also highlighted, it's important that we hear from the committee that's inquiring into the last election and that we hear what the committee's conclusions are about the nature of communication and the conduct of the election. I do note that electronic communication has been more and more dominant during election campaigns, and it is fair to say that, at times, it can be intrusive and disruptive—as the overall rough and tumble of democracy itself has proven to be. But many people find that electronic communication makes life easier and helps them stay in touch and stay informed.

In that context I welcome Senator Griff putting forward these proposals for attention and consideration. He has argued that these amendments strike a better balance between the needs of parties and charities while giving people more control to unsubscribe from updates that don't suit their interests. But I believe that it is important to get the balance right. We want quality information in the hands of Australians when it comes to election time. We don't want them subject to a vacuum of information or only information that suits their siloed, predetermined interests. That's not democratic debate. So it is indeed appropriate for the Parliamentary Joint Standing Committee on Electoral Matters to inquire into and report on this bill. I understand Labor is looking to move a second reading amendment to that effect.

The Minister for Finance asked the committee to inquire into and report on all aspects of the 2019 election and, as I understand it, it's scheduled to have its first public hearing in December this year. I would really like to encourage Australians, if they've got views about the conduct of the election—whether it be getting unsolicited text messages, whether it be polling at home, whether it be doorknocking or whether it be unsolicited phone calls or solicited phone calls—to please reach out to the committee and make sure that they get their voice heard.

We shouldn't be viewing debates on these issues out of the context of broader scam calls. We've seen incredible frustration, as I've highlighted already in my remarks. In April this year, the ACCC revealed the total combined losses reported to Scamwatch and other agencies exceeded $489 million for 2018, an increase of some $149 million since 2014. I've seen friends and family get sucked in by such calls, and it is a dire situation. So is it any wonder that people become more and more hesitant to answer the phone at home or that they simply let it ring out? All too often, it's not family calling, it's not someone calling to catch up, it's not something important—it's a scammer or it's someone trying to sell you something. There were 177,000 scams reported to Scamwatch in 2018, up from an incredible 91,000 in 2014. So it is no wonder that Australians don't believe that there's enough being done to protect them.

It is an assault on the integrity of our numbering system that there has been this massive growth in scams, that they are still getting through to households today and that scammers can even get hold of the telephone numbers of Australians to do this. It has been recognised around the world and in different jurisdictions that people are trying out ways to fix these issues. The US is implementing technical standards to verify caller ID integrity to improve safeguards against illegal number spoofing and, frankly, that would be fantastic. One of the
very annoying things that are relevant to these kinds of debates that's been raised with me recently in the electorate of Canning is the fact that the local florist is competing with people who advertise themselves as being a local florist—they advertise a local phone number and you ring that local phone number and get put through to what could be a local number, but, in fact, you know—

The DEPUTY PRESIDENT: Senator Pratt, the time for this debate has now expired. You'll be in continuation when the debate is resumed.

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

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

Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:19): I rise to speak on the two bills which implement the Indonesia-Australia Comprehensive Economic Partnership Agreement: the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. The agreements implemented in these bills touch on important aspects of the different roles I occupy in this place—firstly, as a senator for the Labor Party, the party representing working people; and, secondly, as shadow foreign minister, with an abiding interest in Australia's place in the world. First, I want to offer a simple proposition as a member of the Labor Party, the party of working people. The proposition is this: trade benefits working people. Trade benefits working people by contributing to economic growth. Trade benefits working people by improving productivity. It benefits working people by creating better pay and more rewarding and more secure jobs. And it benefits working people by delivering lower prices and greater choice for consumers.

It's important to note that Labor has deep roots in reformist trade policy. As Prime Minister in 1948, Ben Chifley took Australia into the new multilateral trading system negotiated as part of the Bretton Woods post-war international economic architecture. Chifley's vision for post-war economic reconstruction was to develop the manufacturing industry in new export markets, initially in America and over the long-term in Asia. He knew the value of trade from his life before entering parliament, when he worked as an engine driver. The trains he steered between Bathurst and Sydney carried goods from western New South Wales destined for export markets. On the return journeys, they brought back imported goods—everything from pianos and sewing machines to Irish whiskey and corned beef. Just as hundreds of thousands of train drivers and truck drivers today move exports and imports around Australia, Chifley's tradition lives on.

The next Labor government, led by Gough Whitlam, cut tariffs by 25 per cent in 1973. Gough said the short-term aim of the tariff cut was to reduce inflation, whilst its longer term aim was to improve efficiency. Certainly a more efficient economy was the primary motivation for the 1988 and 1991 tariff cuts by the Hawke and Keating governments. But Hawke and Keating also recognised that tariffs were pushing up the price of clothing,
whitegoods, cars and other basic consumer items. They recognised there was nothing progressive about a policy which meant working people struggled to afford decent school shoes for their children. It has been estimated that the Hawke and Keating tariff cuts have put nearly $4,000 a year into the pocket of the average Australian household.

Trade liberalisation was one of the economic reforms contributing to Australia enjoying more than a quarter of a century of uninterrupted economic growth, continued also by the Rudd and Gillard governments. More recent economic analysis has estimated that, over the period of 1986 to 2016—which spans governments of both political persuasions but certainly includes the Hawke and Keating governments and the Rudd and Gillard governments—Australia’s policies of trade liberalisation boosted Australian GDP by 5.4 per cent and increased the average income of family households by nearly $8,448 a year. So this was a benefit to our economy but also to households.

Today, exports and imports account for about 40 per cent of Australia's GDP. According to the Centre for International Economics, one in five Australian jobs depend on trade. That's 2½ million Australian workers. The highest percentage of export related jobs are in mining. Seventy-five per cent of mining jobs are export related. Forty-three per cent of agricultural jobs, 38 per cent of metal product manufacturing jobs, 28 per cent of jobs in food manufacturing and 31 per cent of jobs in transport and storage are all related to export trade. These are the people my party represents—mine workers, including the copper-mining and refining workers in South Australia, not to mention the people working in our wine industry, which has been a national export success story. Wine exports to China have grown substantially since the China-Australia Free Trade Agreement came into effect. There are also farm labourers, meat workers, manufacturing workers, truck drivers, wharfies, airline industry workers, shop assistants, storemen and packers. In addition, there are thousands of jobs in hospitality and transport that rely on tourism and, of course, higher education and vocational education rely on the rapid growth in the export of education services.

A study by economists at the Department of Industry, Innovation and Science has found that Australian businesses that export will hire, on average, 23 per cent more staff, pay 11 per cent higher wages and have labour productivity that is 13 per cent higher than nonexporters. Austrade research shows that, on average, exporters provide more secure jobs, are more likely to provide employees with training, are more likely to negotiate wages through enterprise bargaining and are more committed to safety in the workplace. What all of these studies indicate is that exporting doesn't only mean more jobs; it also means better jobs for working people. Australia can never rely solely upon our domestic economy to generate the growth we need to create jobs. Trade agreements open up world markets for Australian businesses, allowing them to find new sources of demand for the goods and services that Australian workers produce.

I know that there are some in our movement who believe that trade protectionism, such as tariffs on imports, supports local jobs. Jobs are Labor's priority. But, let's remember, tariffs raise prices. So there would be a cost to this approach, to workers, consumers, and to the broader economy. Tariffs lead to uncompetitive industries, an inefficient economy and, ultimately, jobs that are not sustainable—and Australians will not thank us for such outcomes. Equally, they will not thank us for sitting on the sidelines while other countries negotiate trade agreements to their advantage. Refusing to engage in trade agreements allows our competitors
to gain market share at Australia's expense, reducing export growth for our businesses and potentially leading to job losses for our workers, and certainly to the creation of fewer jobs.

But the reasons for supporting these bills are not just for the domestic benefits they bring to Australians; there are also strategic reasons for supporting trade that are of particular concern to me as shadow foreign minister at this time. Our region is the locus of strategic competition, including around who makes the rules that govern relations between nations. The nature of the region and its arrangements, including on trade, are fundamental to Australia's future prosperity and Australia's future security. Labor wants a region which retains a system of institutions, rules and norms to guide behaviour to enable collective action and to resolve disputes. We want a multipolar region in which those seeking to make or shape the rules do so through negotiation, not imposition; we want a region with an open trading system and investment transparency to maximise opportunity; and, obviously and ultimately, we want a region where outcomes are not determined only by power.

There is a strong nexus between international trade, economic growth, development and poverty reduction. We are also by now well aware of the benefits of development and poverty reduction when it comes to countering violent extremism. Protectionism and mercantilism foster tit-for-tat retaliation and hostility, which can put the wider system of international cooperation under pressure. History has shown us this. History has shown us that mercantilist approaches to trade have contributed to international tensions and rivalries. The protectionism of the 1930s exacerbated the Great Depression and contributed to the tensions that ultimately led to World War II. It is no coincidence that, in the aftermath of that dreadful conflict, countries sought to establish a multilateral rules based trading system.

In terms of Australia's own strategic interests, there are few countries more important than Indonesia. This economic partnership agreement between Australia and Indonesia will help it to address a relationship that is underdone. Indonesia has a population of some 260 million people and is one of our closest neighbours, but it accounts for only two per cent of our exports. In 2018, two-way trade in goods and services was worth $17.6 billion, making Indonesia only our 14th-biggest trading partner. Moreover, Indonesia is an emerging economic giant in our region and in the world. The Indonesian economy has expanded strongly over recent decades. It is the third-fastest growing economy in the G20, behind India and China. By 2030, Indonesia will move from the 16th-largest economy in the world to the ninth largest, and to the fourth largest, on current predictions, by 2050. It will have a consumer class of 135 million people by 2030. Indonesia's urban population could reach 63 per cent in 2030, up from 51 per cent in 2012. As Indonesia's economic clout grows and more of its people enter the consumer class, business opportunities in Indonesia will continue to grow. But, of course, we should not overlook its challenges. To realise its potential, Indonesia will need to continue the structural reform with the economy undertaken by President Widodo. It will have to improve its business and investment climate, cut red tape, and continue to tackle corruption.

Under IA-CEPA, Australia will eliminate all of its remaining tariffs on Indonesian goods imported and, in return, Indonesia will provide duty-free or prejudice residential access to 99.9 per cent of goods from Australia. It's an agreement which locks in fresh trade opportunities for Australian steel manufacturers as well as for our meat-growing, sugar, dairy and horticultural procedures. The Australian steel industry and steelmakers will benefit as
Indonesia reduces its existing tariff of 15 per cent on Australian steel to zero. It will also guarantee import permits for 250,000 tonnes of Australian steel per year—good news for Australian manufacturing, especially for companies like BlueScope and for its workers in Port Kembla.

Australian farmers will be able to export 500,000 tonnes of grain, wheat, barley and sorghum a year into Indonesia tariff free, with the quota increasing five per cent a year. Indonesia is already our largest wheat export market, but higher grain prices in Australia caused by the drought have hit our exports. The industry has said it wants to be in a position to rapidly recover market share in Indonesia when conditions in Australia improve, and it has said that the economic partnership agreement will be critical in this regard.

The five per cent tariff on Australian live cattle will be eliminated and a quota established for 575,000 head of cattle, growing four per cent annually over five years to 700,000. Northern Australia—Queensland, the NT and Western Australia—will be a great beneficiary of this.

Indonesia will progressively eliminate tariffs on a wide range of other products, including frozen beef, sheepmeat, dairy, honey, citrus fruit, vegetables, copper, plastics, automotive parts and machinery products. Australian vocational education and training providers will able to establish ventures in Indonesia with up to 67 per cent Australian ownership; and, under the agreement, Australian businesses will also be able to invest up to 67 per cent in international companies. So you can see how the strategic and economic benefits align in support of this agreement with Indonesia.

There are other components of this legislation, relating to our free trade agreements with Hong Kong and Peru. Hong Kong is our fifth-largest source of inward investment and an important entry point into China and the North Asian market as well. It is also an important recognition in support of 'one country, two systems' that we have an agreement with Hong Kong alongside our free trade agreement with China. Meanwhile, Peru is a growing market for Australian goods and service exports, with a GDP comparable to that of Vietnam. It has been one of the fastest growing economies in the world over the past decade. The Peru agreement will help Australian businesses deepen engagement with the dynamic markets of Latin America.

Whilst I support these agreements, I'm conscious that, along with the great benefits of increasing global economic integration, there are risks. Such integration can also unleash rapid, unpredictable and unsettling change. We must ensure Australians benefit from globalisation rather than being left behind. We must be committed to giving people the tools they need to participate in the global economy—tools like a quality education, mastery of workplace skills, an understanding of technology, and an ability to adapt to change and learn new skills. As the world becomes increasingly internationalised, these attributes are critical to people's ability to succeed in the workplace and to cope with economic change.

Trade agreements should not undermine domestic regulations that deliver legitimate public policy goals. Unlike the coalition, Labor understands that trade policy must be complemented by investment in education, skills, infrastructure, innovation and research, because trade, notwithstanding the broad benefits, can place uneven pressures on our society. So, because I do support more open trade, I also believe we must have proper social democratic institutions and complementary progressive policies. That means insisting on high-quality trade
agreements that maximise local employment; it means trade agreements that do not undermine public policy in health care, the environment or labour rights; and it means trade agreements supported by policies which have at their heart the expansion of opportunity—investments in education, innovation and infrastructure—to ensure people prosper in the globalised economy.

My colleague the shadow minister for trade, Madeleine King, won significant concessions from the government on Labor's behalf to ensure that the implementation of these agreements will safeguard Australian jobs and address the exploitation of foreign workers. These concessions would not have been won if not for Labor, and I commend Ms King for that work.

I also recognise and acknowledge there has been concern about investor-state dispute settlement provisions. I would note that the provisions in the agreement with Indonesia do have safeguards for public policy in areas like health, environment and government services. In fact, these provisions represent a step forward, because the new safeguards in these agreements increase Australia's sovereignty by replacing the regressive ISDS which was in place under the existing bilateral investment treaty with Indonesia. At Labor's insistence, the government has further committed to review older-style investment treaties to replace them with modern safeguards and to review the ISDS mechanisms in this agreement five years after it enters into force.

In another win for Labor, this is also the first FTA finalised by the coalition where they have conceded to Labor demands not to waive labour market testing for contractual service supplies. The labour mobility provisions in the IA-CEPA relate only to business visitors, intracorporate transfers of executives, and independent executives. These are amongst the narrowest movement-of-natural-persons provisions in any FTA under the coalition and are in line with provisions to which Labor has previously agreed in office. With these commitments, Labor believes it is in the national interest to support this legislation, for the reasons I've outlined.

In conclusion, Australia's economic welfare, Australia's strategic opportunity, our national security and our cultural dynamism will all depend on how deeply and how well we integrate with fast-growing economies like Indonesia's, not only in traditional goods trade but also in investment, tourism, services supply chains and people-to-people links. So we need to continue the Labor mission of trade liberalisation to ensure Australia can take advantage of the changes that will unfold in years to come. Australia cannot afford to withdraw. Australia cannot afford to mimic the 'America first' approach, which, paradoxically, risks America's leadership in the world. We are a trading nation, and our wellbeing depends on the quality and depth of our engagement with the world. We are a substantial power, but we are not a superpower. We can't throw our weight around. The Prime Minister may seek to mimic 'America first' with his tactic of criticising what he calls 'negative globalism', but, ultimately, Australia's interests in trade and in climate change, for example, are in constructive international cooperation. Labor does not pursue reform on trade and trade liberalisation out of blind adherence to abstract theories. We pursue trade liberalisation because it has demonstrated that it delivers concrete benefits for the people we represent. Trade raises our living standards. So I support trade not despite being a progressive but because I am a progressive.
Senator STEELE-JOHN (Western Australia) (12:36): I am very proud to have rolled in here this afternoon as the representative of a movement which is listening to the community when it comes to trade, and particularly listening to the union movement and concerns that have been expressed by that movement in relation to the legislation brought before the chamber—the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. I will, in good time, outline in detail our concerns with each of the proposed agreements to which this legislation gives force, and I will foreshadow in detail our second reading amendments and the amendments which we will seek to bring forward during the committee stage.

But before I go into that explicit detail I want to just bring us back to some sense of accessible reality in order to facilitate an understanding for the broader Australian community of exactly what is happening in their Senate here this afternoon. Global cooperation is a wonderful thing. Peaceful global cooperation is vitally needed in the world today. Whether it be on issues like addressing climate change or tackling global wealth inequality or the many other key challenges which we as a human species face together, we will solve them only if we are able to come together and take coordinated global action, and trade can be a part of that. Through the agreements that we make with other countries, we can make sure that environmental laws protect precious places; that labour market provisions support workers and promote high wages and good working conditions; and that we promote and advance human rights. These are the possibilities put on the table when we have the opportunity to sit down with other countries and work out the terms and conditions upon which we will trade goods and services with each other.

Unfortunately, what we have seen over the last 20 or 30 years is the major parties allowing these processes to be turned into mechanisms by which corporations write rules to benefit themselves and maximise their ability to make profit and avoid the regulatory mechanisms and laws that the community puts in place to protect the environment, labour standards and human rights and to promote them globally. These dodgy trade deals championed by both sides of politics have seen the destruction of entire industries here in Australia. They have seen our precious places continue to be put at risk and have even opened up doors for corporations to sue the Australian people if government regulates in the public interest in a way which a corporation perceives might damage its assets, interests or ability to make money here. There is an urgent need to take the power back from these vested corporations and create trade agreements that enable us to put human rights, workers' rights and environmental protections at the heart of how we negotiate these agreements. And, while we are at it, we need to enable the community to independently scrutinise the content of these agreements to make sure that they work for the community, not just for big corporations. Unlike the major parties, the Greens care about people and the planet. We do not take corporate donations and will never sell the community out. We are willing to confront corporate vested interests and do the work that is needed to create a future for every single one of us.

On the implementing legislation that we are considering here today—and I want to go into it in quite specific detail—we are dealing with legislation that facilitates the implementation of three individual trade agreements: an agreement between Australia and Hong Kong, an
agreement between Australia and Indonesia, and an agreement between Australia and Peru. Each of these agreements contains extremely concerning aspects, and I want to go through them in detail. Firstly and primarily with Hong Kong, the Greens have listened to the request of democracy activists in Hong Kong right now who have been saying to the Australian parliament that they need breathing space in order to continue their fight for democratic justice in that community. They have asked us to put a pause on these negotiated processes so that they can have that breathing space, and that is a position that we support.

In addition to the concerns around human rights, within the body of the agreements which this legislation seeks to facilitate the implementation of, we have ISDS clauses. For anyone following along at home, an ISDS clause is a complicated way of saying ‘a pathway that enables a corporation to sue the Australian public for regulating in a way which they perceive to pose a threat or have a detrimental impact on their ability to make profit in this country’. The tribunals set up as part of ISDS processes sit totally outside of usual judicial procedural justice here in Australia in two particularly alarming ways: they sit outside of the process in relation to their transparency and independence as they are often conducted behind closed doors; in addition, the tribunal composition, which usually comprises a representative on behalf of the corporate actor and on behalf of the state party to the proceeding, is then added by a so-called independent third member. Members of these tribunals are in no way prohibited from having previously represented or subsequently representing a corporate entity in a future tribunal process. This ISDS clause sits within the Hong Kong agreement, and, while it does contain a carve-out explicitly recognising the right of the Australian government to legislate in relation to tobacco, it does not extend those explicit carve-outs to areas such as environment and labour standards here in Australia.

The concerns with the Indonesian agreement—the flaws in that agreement—are different once again. Within chapter 12 of the Indonesia agreement, there is a permit given to that country to utilise between four and 5,000 work permits, which sit outside of the previous 457 process. Enabling the import of that number of workers poses two particular challenges. One is that it may well undermine or depress the Australian labour market and wages. But it also creates another category of vulnerable workers, another bunch of folks, who are in a terrible situation where, if they speak up, if they say that something is not right in their workplace, they are under threat of being deported. That is not right.

Additionally, within the Indonesia agreement there is an ISDS clause, once again. Yet with this ISDS clause there is no carve-out for tobacco, enabling this ISDS agreement clause to be used to relitigate issues around tobacco regulation. And we all here know that our community fought a pitched battle to implement plain packaging of cigarettes, against corporations like Philip Morris. This potentially opens us up to relitigating that incredibly expensive and vital public health policy defence process. There is also a concern that this may well be the loophole through which any tobacco giant seeks to temper any potential legislation in relation to vaping which may be developed down the track. There is no doubt about the power of tobacco corporates in Indonesia, and the concern on behalf of civil society and other groups is very, very valid in relation to this issue. Peru, once again, contains that same ISDS process. That may, again, serve as a launching pad for those particular litigation processes.

There's been a lot of talk in the lead-up to this debate on what is or is not the position of many of the major parties and other players in this space, so I want to make it very clear as to
the choices which the Australian Greens are going to give this chamber this afternoon or whenever we manage to get ourselves to a vote on these pieces of legislation. First of all, we will be moving a second reading amendment that puts in writing the concerns that I have outlined to the chamber this morning. Every single one of you in here will have the opportunity to vote for our amendments—to back the community concerns and the union concerns in relation to the aspects of this bill. We will then proceed to move three amendments during the Committee of the Whole process which make the implementation of these trade agreements contingent upon addressing the concerns that I have outlined. We will make the implementation contingent upon the removal of ISDS clauses for all three agreements and upon stringent market-testing processes for all three agreements, and we propose to put a pause upon the Hong Kong agreement to enable the situation to develop and to be in line with what democracy activists have asked us to do. Every single party in this chamber will have the opportunity to vote with the Greens and the community on those amendments.

As was foreshadowed in the contribution before mine, there is a profound level of disappointment in our community when it comes to what seems to be shaping up to be the Labor position in relation to these implementing bills. Let's make no mistake; let's be absolutely clear: these agreements have been written by large corporations to facilitate them making a profit. That's what they wanted to do—and their hollow shells in the LNP have been more than happy to facilitate them doing that. That has been the role of the Liberal Party in relation to trade since time immemorial. Corporates say, 'jump', and the Liberal Party not only say, 'how high?'; they ask them whether they would be like a complimentary backflip at the end. That's the role of the LNP. The community expect better from the so-called opposition in this place.

The union movement particularly has expected better from Labor in relation to this issue. The Electrical Trades Union has been very clear, and has branded this—and I believe rightly so—a lack of leadership on behalf of the federal opposition. Let's be clear: if you guys decided to find a spine on these issues, we could have a real debate about what trade should look like here in Australia. But you've decided to cave before you've even had the argument. That is so disappointing to so many of your members. The ACTU has rightly pointed out the presence of ISDS clauses within all three of these agreements, and that, regardless of any aesthetic changes that might be painted on top of a couple of them, these clauses represent a risk to Australia's sovereignty; they represent an unacceptable undermining of the ability of the government to legislate in the public interest; and they should be opposed. That is the clear message that the ALP have been sent, and yet it looks as though they are getting ready to jump into bed with corporates and with the government and get these deals through. It is incredibly disappointing to see. I note also that the Electrical Trades Union has said that it is basically done with the ALP, and that it will no longer donate nor provide logistical assistance to the ALP—based on the spinelessness that you have shown during the debate. They are right to be disappointed. I am no longer surprised at such tactics from the so-called opposition, but they expected better of you guys.

I would say to the ALP once again: the Greens amendments offer you the opportunity, at this late hour, to take the position that is in line with the union movement, that is in line with community expectations, and that is based in evidence and fact. Nobody here is talking about
a return to 1930s-era protectionism. Nobody here is questioning that there is value in global, peaceful cooperation and in the facilitation of the development of mutually beneficial industries—nobody is arguing against that. The conversation which is being had is purely and simply about what the nature of these agreements is. What is the nature of these agreements? What kind of a trade environment is Australia trying to promote and support? The Greens, the community and the union movement are taking the very simple view that we here should use these opportunities to promote human rights, to promote environmental protections, and to promote the raising of labour standards at home and across the world. That is our simple contention. Our request is simply that the parties in this place join with us to force those contingencies to be placed on the implementation of this legislation.

It's not a big ask. It's not a radical ask. It's not complicated, convoluted or particularly controversial to say that a corporation should not be granted the powers to sue a government for regulating in the public interest—powers and rights that are not granted, I should say, to domestic investors. You are creating an internationally uneven playing field for the benefit of global multinational corporations, and there is no need for it. These clauses are inserted by these corporations because they do the simple calculation that no major party is willing to resist them.

We have the opportunity, this afternoon, to prove them wrong. I ask the ALP to reconsider their position—as in vain as I'm sure that request is—and to simply go back, hit the phones, talk to the ACTU, talk to the Electrical Trades Union, talk to AFTINET and talk to the folks who've done such good work in this space. Reconsider your position. Do you really want to end the year in this depressing way, doing multiple backflips for corporate Australia at the behest of the Liberal government? It makes absolutely no sense to me. The Greens will stay strong in our position: we will continue to listen to the community, we will fight for these amendments on the floor and we will continue to be the voice of people and planet and put them first—never corporate interests.

I move the second reading amendment standing in my name:

At the end of the motion, add:

"but the Senate is of the opinion that:

(a) the current process for negotiating trade agreements needs to be amended to increase transparency around the negotiations and final text of agreements;

(b) all trade agreements should be subject to independent national interest assessments;

(c) investor-state dispute settlement (ISDS) provisions need to be excluded from all trade agreements; and

(d) human rights, labour, and environmental protection provisions must be included in all trade agreements."

Senator McMAHON (Northern Territory) (12:56): The growth of our country has, for a very long time, been inextricably tied to our ability to produce a broad variety of products, to export and transport those products and to compete in the global marketplace. After all, it was once said that Australia rode on the sheep's back, in reference to our wool industry.

The government is committed to continuing to pursue our ambitious export growth agenda and to develop further export opportunities for our producers. Presently, Australian export businesses hire about 23 per cent more staff, pay 11 per cent higher wages and have 13 per
cent higher labour productivity than non-exporters. These numbers are very significant for a number of reasons. Chief among them is the higher employment rate. Australians want jobs, and the export industry delivers more than any other. Australians want to earn more money, and export industry jobs deliver this. The unions should be very supportive of the industry, for their members. These numbers highlight the importance of our export industry and the way in which trade contributes to our economy: more jobs and higher-paying jobs, which in turn add to our capacity to pay for the essential services Australians rely upon.

Driving our ambitious trade agenda has already delivered results. These are tangible results that only come about from sensible and responsible fiscal management strategies. We have already seen growth to more than 53,000 businesses exporting products in 2017-18. That's 18.5 per cent more since 2013-14—not insignificant. With that growth came more jobs. In fact, one in five Australians are now employed in trade related industry. In round numbers, there have been about 240,000 trade related jobs created in the last five years. These are real jobs, permanent jobs, because developing industry develops real jobs for today and for the future. And here's the best part, the part that I really like being able to tell you: Australian household incomes are estimated to be around $8,500 higher as a result of opening new markets through trade. This is how we build prosperity. This is how we build nations. With 21 consecutive months of trade surpluses, with record levels of exports and with every month of 2019 recording a trade surplus, we know we are on track. This is what happens when you apply sensible, responsible fiscal management. This is what this government does.

But the news gets better, as those of us on this side of the chamber knew it would. Our free trade agreements also continue to help Australian businesses. Our free trade agreement partner countries have the largest average export value per merchandise exporter. Japan led the way, with $13.7 million, and China was right behind them, with $13.6 million. That's Aussie products making real impacts on world markets. Almost all our bilateral free trade agreement partners saw an increase in export.

We will continue to help our Australian exporters to become even more competitive for more international customers by working to ensure that around 90 per cent of Australia's trade is covered by free trade agreements by 2022. To do so, we will implement export agreements such as the recently signed, although yet to be ratified, deals with Indonesia, Peru and Hong Kong. We will pursue strong export agreements with the European Union and the Pacific Alliance of Mexico, Chile, Peru and Colombia. The Regional Comprehensive Economic Partnership is also in our sights and, when they are ready, we will work with the UK on similar agreements.

As part of our commitment to deliver 1.25 million jobs over the next five years, we'll be aiming to boost the number of Australians employed in trade related areas by a further 240,000. This legislation is needed in order to ratify our recently signed trade agreements with Indonesia, Peru and Hong Kong. These agreements are predicted to bring additional export opportunities for Australian businesses, farmers and investors, which will ultimately mean more jobs for Australians and a further boost to our economy.

There are a number of key market access gains under the Indonesia-Australia Comprehensive Economic Partnership Agreement that serve to illustrate what is possible under similar agreements. Frozen beef and sheepmeat exports will have their tariff halved from five per cent to 2½ per cent immediately and eliminated altogether by 2023. This should
go a long way to improving our exports of these products and decreasing our reliance on live export of Australian cattle.

This will also remove all remaining tariffs on dairy exports, further strengthening Australia's dairy export markets. We've all heard recently how our dairy industry is suffering. Exports to Indonesia have the capacity to increase our production. Products such as cheese, yoghurt and cream are all increasingly desired by Indonesia's burgeoning middle-class population. In fact, Indonesia's predicted to have 141 million middle-class citizens by next year. That's a huge number of people sitting on our doorstep, desiring access to the types of products that we have. Improved market access outcomes on services and investment will also give Australian businesses increased certainty in the Indonesian market, including in vocational education and mining and related services, as well as in tourism.

The Australia-Hong Kong Free Trade Agreement delivers a different set of unique opportunities. This comprehensive and ambitious agreement provides the ability to govern the trade and investment relationship, including modern e-commerce rules governing free data-flows across borders and guaranteed access for service suppliers in key sectors, including financial services, education, transport, tourism and professional services.

Our Peru-Australia Free Trade Agreement will ultimately eliminate over 99 per cent of tariffs on Australian goods to Peru. This represents incredible opportunities for our exporters, who know Peru to be one of the fastest-growing economies in Latin America. In fact, 44 per cent of the Peruvian population are in the middle-class bracket, and this is expected to increase in coming years. The benefits of this agreement include elimination of tariffs on beef after five years. This will give us the same market access as the US currently has. There will be instant elimination of tariffs for sheepmeat and wheat, and instant duty-free access on 7,000 tonnes of dairy products—again, supporting our dairy industry—and immediate elimination of tariffs on pharmaceutical products.

The Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 will amend the Customs Act 1901 to provide key changes in support of growing Australia's export and trade capabilities. These changes will provide new rules for origin for goods imported into Australia from one of the respective parties, to determine if those goods are eligible to claim preferential treatment under the free trade agreements for Indonesia, Hong Kong and Peru. Furthermore, these changes will enable regulations to impose record-keeping requirements on Australian exporters seeking to access preferential tariff treatment when exporting to Peru, Indonesia or Hong Kong, and on people who produce such goods, where consistent with the commitments to individual agreements. Such measures are vital to ensuring confidence in our trading partners.

The Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 will amend the Customs Tariff Act 1995 to provide preferential rates of customs duty on entry into force of our free trade agreements with Peru, Indonesia and Hong Kong for all goods, excluding excise equivalent goods.

From across our trade sector come many voices speaking in support of our government pursuing our agreement for more growth in export. Recently, in October, CEO for the Australian Food and Grocery Council Tanya Barden said that food and grocery manufacturers will greatly benefit from ratification of the deal and that any opportunity to help
manufacturers to export their goods to the world is a great support to Australia’s biggest manufacturing sector. In fact, she said:
The food and grocery manufacturing sector provides over 324,000 jobs and nearly 40 percent of those jobs are in rural and regional Australia …
And she said:
Providing access to export markets with improved trading arrangements enables favourable conditions to expand the business, thereby giving confidence to invest domestically, leading to increased employment and economy contribution.
She said that they hoped to see ‘a fast ratification in the parliament before the end of the year’, and that they welcome the bipartisan support from all Australian political parties on these deals.

AUSVEG is the industry representative for Australia’s vegetable and potato growers. Their CEO commented in October on the agreement with Indonesia, stating that:
The agreement to increase import quotas and decrease tariffs for carrot and potato exports—two of the Australian vegetable industry’s key export crops—will lead to an immediate increase in the trade of these commodities to Indonesia and must be ratified now …
He also commented that the trade agreement ‘aligns closely with our industry’s increased activities in market development’ and said:
… given Indonesia is predicted to have the world's fifth largest economy by 2030, it will help ensure that Australia, and its horticulture producers, will be able to benefit from the country's expected economic growth.
The CEO of the Australian Chamber of Commerce and Industry, James Pearson, also spoke in support of ratification of the free trade agreement with Indonesia. He sees this as necessary to improve market access for Australian small and medium enterprises, and it needs to be completed as soon as possible. He also notes that the Hong Kong trade deal has made real inroads for the Australian services sector to gain greater market access for insurance, banking and financial technology products, as well as reducing red tape.
The list of key supporters goes on, with the Business Council of Australia chief executive, Jennifer Westacott, stating:
Trade delivers Australians more choices and greater opportunities. Better access to markets will give Australian businesses the chance to grow, invest and create new jobs.
The Business SA chief executive predicted that South Australia’s exports to Indonesia will grow towards $1 billion over the next decade, given that it is on track to be the world’s fourth- or fifth-largest economy. The chair of the Red Meat Advisory Council, which includes the Australian Meat Industry Council and Meat & Livestock Australia, Don Mackay, said:
Indonesia is a vitally important trading partner for the Australian live cattle and beef industry – along with a steady requirement for sheepmeat. Combined, the existing trade was worth over … $1 billion in 2018.
A fairly significant portion of that trade comes from northern Australia and my home of the Northern Territory, where the red meat industry and live export are vital, and Indonesia is one of our most significant trading partners.

My list goes on and on, with support from the Australian Livestock Exporters Council, the National Farmers Federation, CANEGROWERS, Australian Dairy Farmers, GrainGrowers,
the Group of Eight universities, Australian Grape and Wine, the Minerals Council of Australia, Rio Tinto and many more. Ratification of our free trade agreements is dependent upon this amendment being passed. Continued growth and expansion of our trade industry is also dependent upon the passing of this bill. Our farmers, producers and exporters—along with rural, regional and even urban Australians—need these agreements and this amendment, and I commend this legislation to the Senate.

Senator SHELDON (New South Wales) (13:12): When Scott Morrison went to Bangkok earlier this month—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senator Sheldon, remember you need to refer to members in the other place by their correct title.

Senator SHELDON: Thank you, Mr Acting Deputy President. When the Prime Minister, Scott Morrison, went to Bangkok earlier this month for the East Asia Summit, he came bearing gifts for the Thai Prime Minister. It wasn't a stuffed koala or a bottle of Grange; it was a gift of jobs, but not to Australian citizens. The Prime Minister brought with him the pledge to expand the number of places for Thai citizens under Australia's working holiday visa program from 500 to 2,000. This doesn't sound like a big number in the context of the whole working holiday visa program, which currently allows many thousands of people from countries around the world to come to Australia every year and work. It certainly is small when you contemplate the 900,000 or 1.4 million people—depending on how you calculate—who are here in Australia on all types of temporary visas with working rights. But I raise this story to highlight how temporary work visas are expanded in this country and how we are increasingly embedding more rights for temporary workers in trade agreements, which by their very nature cannot be vetted by the parliament.

In the United States, the elected representatives in congress get to debate trade agreements and enshrine conditions, including labour rights, and environmental and other protections to ensure that their local workforce is not made worse off by the deal. In the European Union, trade deals are negotiated far more openly, with stakeholders consulted and engaged, and governments held more accountable for deals they sign. In Australia, the trade negotiations are a black box. We don't see the details until the deal is done. The parliament, if it's lucky, gets an up or down vote on some enabling legislation, not the substance of the trade agreements. In fact, it is the case that Australia's civil society—unions, churches, public health advocates and environmental activists—often have to rely on information from other countries that is in the public domain to find out what is being negotiated in our own country for our own citizens.

There is no doubt that the Australian people as a whole benefit enormously from the trade we conduct with countries in our region and beyond, and we should never apologise for asking the tough questions about the detail of the trade agreements that we sign up to on behalf of the Australian people. I believe that the Australian people want a more transparent system of trade negotiations. I believe that more sunshine will allow us to make better deals and to enhance the confidence that all Australians have in our trade system. I know that at a time when our youth unemployment is above 11.5 per cent, and above 20 per cent in some regional areas, there's a real concern about the way this government is adding to an already large and often exploited pool of temporary workers.
I say all this at a time that I acknowledge that Australia has an incredibly successful and open trading economy, and our standard of living in large measure comes from the trade generated from our mining, education, agriculture, tourism and manufacturing industries, as well as the professional and other services we sell overseas. These industries support workers and their families both directly and indirectly. Australia's commitment to our open trading system has also delivered benefits to ordinary Australians via the lower prices paid for clothing, furniture, building materials, appliances, cars and other imported goods. As well as growing jobs and lowering prices in our economy, there are also important strategic benefits. But we must not allow our trade agreements to dilute the rights and job opportunities of the Australian people.

Today the Senate is considering enabling legislation for these trade agreements. Labor is supporting the passage of this enabling legislation—the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. We do it whilst making it very clear that, if we'd been in government, the trade agreements this legislation enables would look very different, and we do so having asked for a series of amendments that we think do the minimum to make these agreements at least somewhat improved.

As is the case with all trade agreements negotiated by Australia with other countries, the potential upsides and downsides of these deals never get the real consent of the Australian people via their representatives in parliament. They are never ventilated in public until after their secret negotiations are concluded. As well as being negotiated in secret, these trade agreements are never subjected to economic testing to judge the full impact on our labour market and wider economy. It is scandalously easy for the government to just assert that there will be jobs created, without any independent analysis on the real cost as well as benefits. Even the Productivity Commission has advised that trade deals that Australia is negotiating should be subject to higher scrutiny. The government, however, has chosen to present them as a job lot to be voted up or down. If trade agreements are worth signing, they are worth the proper attention of our legislature.

I want to highlight just a few of the issues raised by these deals which I believe should be subject to more scrutiny and debate. I do this because there are more trade deals on the horizon, and these deserve proper scrutiny by the public and their elected representatives. Take the trade deal agreement with Hong Kong. Australia and Australians are heavily invested in the success of Hong Kong both as an important economy and in terms of its status as a unique democracy under the 'one country, two systems' status. Some half a million Australians live and work there. It's currently facing the most important test of its democratic and independent legal institutions since its handover to China from British rule in 1997. Pro-democracy activists have recently told Australian lawmakers that they have called on us to hold off on ratifying this deal until the authorities agree to an independent investigation into the actions of the police during ongoing demonstrations. The bipartisan Joint Standing Committee on Treaties considered the Hong Kong agreement, as it did the other two, but this committee will always ultimately have a majority of government members and, therefore, is not more than just an opportunity to review and air concerns.
Let's take the trade agreement with Indonesia. This undoubtedly has important strategic benefits for Australia. Indonesia is a rising regional power and is a critically important neighbour. The agreement also has important economic benefits. Under the Indonesia-Australia Comprehensive Economic Partnership Agreement, signed in March this year, the Australian steel industry may be able to sell hundreds of millions of dollars worth of steel into the Indonesian market, which may create jobs in our steel industry as Indonesia steps up its ambitious public works program, including building its new capital city.

But as legislators it is our duty to not just look at the potential benefits of any trade deal but also look at the potential detriments. There remain some real concerns in the Labor caucus about some of the provisions in this agreement, particularly those related to the increased number of temporary workers that will be added to the growing pool of over 900,000 to 1.4 million workers, depending on how you measure it. The Indonesian trade deal alone will allow for 4,100 more working holiday visas once the agreement comes into effect until the cap rises to 5,000 a year in the sixth year of this agreement.

The findings of the Migrant Workers' Taskforce, released earlier this year, found that as many as half of the migrant workers employed in Australia were being underpaid. The exploitation sees these workers being systematically paid under the legal minimum, as well as being forced to overpay their employers for accommodation or other expenses. Language barriers, a lack of education about their working rights in Australia, the lack of union right of entry and the right to inspect the books of those companies engaging these exploited workers, the fear of speaking out against employers who will sponsor their visas and the fear of being deported are among the reasons that wage theft and other forms of exploitation of migrant workers go unreported and are never prosecuted. Employers who are caught out underpaying their workers often try to pay off some workers quietly, with the hope they will be grateful for the money they get before they return home. The degree of exploitation is substantial.

We also know that we have a growing underclass of vulnerable workers, with little policing of wage theft and illegal working conditions. We are systematically undermining the pay and working conditions of the wider workforce. The government is dragging its heels on the 22 recommendations addressing the exploitation of workers that arose from the Migrant Workers' Taskforce. At the same time, it is happy to bring more temporary workers into Australia to add to this group of the potentially exploited.

Because of the concerns about some of the provisions of these trade agreements and the way in which they have been negotiated, Labor asked the government to make a series of guarantees to improve them. The government has agreed to these, and we intend to hold them to these promises. We asked for additional measures designed to ensure that holders of working holiday visas are not exploited. We have also asked, and they have agreed, to make sure that these workers are, in fact, qualified for the work they are performing in Australia. We have also asked, and the government has agreed, to make changes to the flawed investor-state dispute settlement mechanism that is in the Indonesia agreement. The government has also agreed to terminate the old 1993 bilateral investment treaty with Indonesia, which contained an investor-state dispute settlement—ISDS—mechanism that allows global corporations to sue governments over laws to protect public health, the rights of Indigenous people and labour and environmental rights. There will be an ISDS mechanism in this new agreement, with some carve-out for public health. It is better than the old ISDS, but there are
still concerns about the power this gives to unelected global companies. It is an improvement that the government has also agreed to improve the new investor-state dispute settlement mechanism after five years. We have also asked them, and they have agreed, to ensure there is nothing in this agreement that would require the privatisation of government services, nor any provisions that would put any limits on any future decisions to acquire public assets.

Finally, the government has agreed that the Joint Standing Committee on Treaties conduct an inquiry into all aspects of Australia's treaty-making process with the aim of improving transparency, in consultation with the wider public. I welcome this initiative but I say again: this is not a substitute for a real debate about the merits of treaties. Our system currently excludes this, and trade agreements remain, effectively, in the gift of the executive in Australia. For this reason, the promises extracted from the government about how these trade agreements will be improved and implemented are just that—promises. They are not written into the trade agreements, because the agreements have already been signed. Such is the 'black box' system of treaty making that we have in Australia.

I'm not saying the government is inherently untrustworthy on these particular promises. I welcome the fact that they have recognised that some of the aspects of these treaties are potentially—and are—deeply unpopular with hardworking Australians, who are facing flattening wages, cuts to penalty rates and no sign of wage growth on the horizon. I do, however, make this important point. Our policy is critical, as trade and visa rights are given as part of these agreements. The only way for elected representatives and the public as a whole to have their concerns addressed is for promises to be backed up, not as an afterthought. Of course, we are currently replaying the black box of trade negotiations with the ongoing deliberations around the RCEP, the Regional Comprehensive Economic Partnership. India has not agreed to sign up, but 15 countries have—China, Japan, Australia, New Zealand, South Korea and 10 ASEAN countries. But, as with these trade agreements, this parliament will be once again presented with an up or down vote on the RCEP, with very little room to consult with those affected or to scrutinise the agreement and make it better for ordinary working Australians.

We are a nation built on the notion of fairness, but we cannot have fairness when the deliberations about important international agreements are so opaque and the ability to reform them is so limited. If we maintain support for open trading systems, then we have to make sure that agreements like these get some sunlight and debate. They need to come out of the black box.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (13:27): I rise to speak to the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019, which implement trade agreements with Hong Kong, Indonesia and Peru. Let me say from the outset that the Greens unequivocally oppose these bills as they stand. In ratifying these free trade agreements with Hong Kong, this government—and, it must be said, with the full support of the Labor Party—is selling out Australian workers, selling out support for public health and selling out support for a clean environment. It's undermining our ability to make social and environmental policy, and it's sending a very clear message to people who are fighting for democracy and human rights in places like Hong Kong and West Papua. This is an agreement that says: 'We might mouth the
words of concern around the abuses that are taking place in places like Hong Kong and West Papua but, when it comes down to it, we do not care about your basic human rights.

The Greens are very proud that we don't say one thing before an election and another thing afterwards, and that we don't resile from our principles. We have been steadfast in our opposition to free trade agreements that contain investor-state dispute settlement provisions. Let's be very clear about what these are: these are provisions within the agreements that give power to big multinational corporations to sue governments if governments decide to regulate in the public interest. If a government decides to introduce laws to protect public health that might impact on the profits of a multinational corporation, the corporation can sue the government. If a government passes laws that protect labour standards—again, multinational corporations can sue the government. If a government passes laws that protect the environment and that will curb the activities of a corporation because they are having a detrimental impact on the environment—well, guess what? The multinational corporation can sue the government.

We are handing over, in this agreement, inordinate power to multinational corporations and basically saying that we value their rights ahead of the rights of governments to protect people and act in the national interest. These clauses favour profits of multinationals over everyday Australians and our environment. Don't take our word for it; listen to the numerous stakeholders who have participated in this debate. Listen to the voice of the union movement, who say explicitly that the provisions in these free trade agreements will be harmful to working people. That applies specifically to the Indonesia-Australia agreement, which is going to waive labour market testing requirements and allow thousands of additional working holiday-makers each year.

The timing of this deal is appalling. Just take the proposed free trade agreement with Hong Kong. Last month we had the Chinese president, President Xi, saying of the Hong Kong protesters:

Anyone attempting to split China in any part of the country will end in crushed bodies and shattered bones.

And we know that President Xi will make good on those threats. We've seen months of brutal crackdown on dissent in Hong Kong. What are the people of Hong Kong calling for? Things that we take for granted here in Australia—universal suffrage and an independent police force that's subject to oversight. We've seen anti-democracy emergency powers to ban face masks. We've seen rivers of tear gas flow. We've seen live bullets from police, and people being killed and injured. Five thousand people have been arrested since June. People as young as 12 have been convicted. In the last week we saw a siege on the Hong Kong Polytechnic University, with protesters still trapped on campus as of yesterday and roughly a thousand people arrested.

In spite of this people are taking to the streets, expressing their democratic rights. And what is our response? As far as the Australian government is concerned it's business as usual. Worse still, here we are rushing legislation through this parliament to ratify a free trade agreement with Hong Kong—and, it must be said, with the full support of the Australian Labor Party. What are the pro-democracy activists in Hong Kong saying? They've been listening to our debate here in Australia, and they've been asking us to do something very, very straightforward. They're asking us not to proceed with the free trade agreement at this
time, while they are being violently attacked. Hong Kong pro-democracy leader Bonnie Leung has further urged Australian MPs not to ratify the deal unless specific human rights guarantees are inserted into that agreement. Surely that's something that Australia should listen to.

Here in Australia, the ACTU have said of this free trade agreement:

We feel it's important that we show solidarity with the protesters, and our support for human rights, civil society and the rule of law in Hong Kong, before we decide on how to proceed with a free trade agreement.

We simply do not buy the argument that was advanced by the coalition and the ALP during the JSCOT inquiry that this agreement will strengthen Hong Kong's status under 'one country, two systems'. This is the perfect opportunity for the Australian government to send a message to the Chinese government and the Hong Kong authorities. Let's back up words of concern with real action to demonstrate that we will not tolerate pro-democracy activists having fundamental rights being crushed.

We're going to move an amendment to do something very straightforward, and that is to delay the implementation of the agreement with Hong Kong by one year. We don't think we should be ratifying this agreement at all—not while it contains ISDS provisions and a range of other problematic issues—but if this government is determined to press on then we urge the government and, indeed, the ALP to vote against these bills or to at least support the delay by at least a year. Support this amendment, which comes at the request of the pro-democracy movement in Hong Kong—people who have been putting their lives on the line.

Of course, it's not just appalling timing when it comes to what's going on in Hong Kong. Let me move on to the Indonesia-Australia free trade agreement. Again, we have grave concerns about investor-state dispute clauses and labour market access, as I mentioned earlier. These alone are reason enough not to support this legislation, but there's also the issue of the appalling human rights abuses currently going on in West Papua. We've seen shocking bloodshed in West Papua in recent months. Scores of people have been killed—probably more than we know, because journalists are prevented from covering what's going on there and human rights observers have been forbidden access to the region. We know that, in just one example, Indonesian security forces opened fire on an anti-racism rally of high school students in Wamena just a few months ago. What were they protesting about? The students there were responding to being called 'monkeys' by the Indonesian authorities. Rather than entering into a free trade agreement with Indonesia, we should be condemning the actions of the Indonesian government and its security forces; we should stop training Indonesian authorities, empowering them to commit these terrible abuses; and, of course, we should not be ratifying a shoddy free trade agreement that's opposed by the people in that region and by the unions, and where our neighbours are being subject to a ruthless and violent occupation.

We know that the Liberals have little respect for human rights and they will do everything they can to hand over power to big multinational corporations because, for them, ensuring that multinationals have the power to sue governments and to prevent the improvement of public health and labour standards and the protection of the environment is absolutely bread-and-butter politics. But I want to say to the Labor Party: oppose these bills. Why on earth would you be giving more rights to big corporations than are given to ordinary working people? Why on earth would you support a free trade agreement that allows a multinational
corporation to trample over labour standards, the protection of public health and the regulation of a healthy environment? Show a bit of courage, recognise that people want you to behave like an opposition, stand up to this rotten government and ensure that that legislation that passes this parliament is legislation that protects people rather than handing over power to multinational corporations.

Senator AYRES (New South Wales) (13:38): I'm pleased to have the opportunity to speak on the bills that are in front of the Senate today—the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. The Indonesia-Australia Comprehensive Economic Partnership Agreement and the Australia-Hong Kong Free Trade Agreement are already in force. The bills before the parliament simply put into effect the consequential amendments to customs and tariff arrangements that flow from the executive entering into the treaties.

I want to use this opportunity to speak on the bills to make a few comments more broadly about the bilateral treaty process, the commitments given by the government in order to secure Labor's support for the Indonesia agreement in particular, and the future of the debate within Australia about these agreements and future agreements that the Commonwealth enters into. I want to begin by stating the obvious—that a trading nation like Australia needs to have a more detailed, constructive and preferably bipartisan conversation about trade than has occurred in the past. The debate should genuinely include civil society, unions, industry organisations and human rights and environment groups. It's a debate that shouldn't be the preserve of big business and the current DFAT orthodoxy that any agreement is better than no agreement—the orthodoxy that Australia's interest lies only in increasing GDP regardless of whether the exports are in up-the-value-chain industries and regardless of the impact on jobs, particularly in regional Australia.

A better debate first requires reaching a consensus about the elemental purpose of trade policy and economic statecraft around trade in economic, geopolitical and social terms. National objectives around trade should be set around establishing export markets that support good jobs in the country, particularly, as I said, in regional Australia. That means establishing a clear-sighted and tough-minded approach to privileging market access for Australian goods that are up the value chain, having a much tougher approach to ensuring temporary guest workers work only in areas of short-term genuine skills shortage and are not exploited and that there is an honest and independent accounting of the geopolitical as well as economic interest that drives regional agreement-making and bilateral agreement-making.

In the context of the geopolitical shifts underway globally, particularly in our region, trade is a vital tool. But the debate in this country must rise above the superficial. That means that proponents of agreement should be explicit about the strategic and geopolitical value of trade agreements rather than hide behind bald and often indefensible assertions of the unchallengeable economic benefit of these agreements. Recent experience has been that trade policy has been not much more than an ideological megaphone for any trade agreement that happens to come along—a shouting-down of opposing voices rather than a tough-minded approach that puts the national interest and the interest of Australian workers and firms at the heart of the national approach to trade. Too much of the debate is unaccountable, with
perfunctory scrutiny and without acknowledgment of the real costs of jobs in favour of wild assertions about the benefits to consumers.

Trade agreements, particularly bilateral trade agreements, can or should deliver economic benefits that are in the national interest. But those benefits can be spread unevenly, and, in a developed, high-wage country like Australia, they can cost jobs. Of course, Australia has gone much further, in shedding blue-collar jobs, than our trade agreements have pushed us into. I note in particular the deliberate offshoring, by the Abbott government, of the Australian automotive industry—40,000 jobs in suburban and regional Australia.

The period of trade liberalisation is associated not just with an unequivocal economic benefit but also with a loss of Australian industrial, engineering and manufacturing capability, skills and employment. In 1993, 13.6 per cent of the Australian workforce was employed in Australian manufacturing, and manufacturing accounted for 12.9 per cent of GDP. In 2018-19, seven per cent of the workforce is in manufacturing, and manufacturing is 5.6 per cent of GDP. In 1993, just over a million people were employed in manufacturing, which has fallen to 871,000 today. The first two decades of the decline in these jobs and the hollowing-out of regional and suburban blue-collar work occurred against a backdrop of tariff reduction and globalisation attributable to Australia's aggressive approach to trade liberalisation, with no countervailing effort by government in terms of industry policy to make sure that good Australian manufacturers and good Australian industry had the capacity to export and create good jobs.

The precipitous decline in Australia's export complexity since the GFC and the consequent collapse in the manufacturing share of national product should be a source of real concern for every Australian. Since the global financial crisis, Australia has dropped 24 places in Harvard University's Export Complexity Index rankings. That's one of the reasons for wage stagnation and it's one of the reasons for the collapse in good jobs in the Australian economy.

Export complexity—that is, the mix of products and services that countries export—has been found to be a good predictor of income distribution and a good predictor of equality in the economy. The more complex a country's products—not just their diversity but the expertise and technological infrastructure required to produce them—the greater equality it enjoys relative to similar-size economies in similar-size countries. Achieving a higher level of export complexity is critical to generating good jobs across the community on a scale that minimises inequality. Australia's current preponderance of commodities is 79 per cent as a percentage of our total exports, but the production of commodities doesn't employ people at a level proportionate to its footprint as a percentage of GDP. These industries taken together employ less than five per cent of Australian workers. They are base load for national income. But Australia in the 21st century, in hopefully a multipolar, growing Asian regional economy, will need economic diversity to push its exports up the global value chain.

To the extent that the efficacy of trade agreements is measurable, proponents usually assert an association with rising gross national income. However, GDP aggregates conceal more than they reveal. In Australia, exports compose just under 22 per cent of GDP, and, as I said, 79 per cent of that is commodities. There are some sectors that contribute significantly to export related national income that are high value and labour intensive—for example, higher education—but too many of Australia's exports are too low down the value chain to sustain future prosperity and equality.
The Harvard Atlas of Economic Complexity found that Australia ranks as the 93rd most complex economy in the Economic Complexity Index ranking. Compared to a decade prior, Australia's economy has become less complex, worsening 22 positions in the ranking. It found that Australia's worsening export complexity has been driven by a lack of diversification of exports. That should provoke a sense of shock and urgency amongst Australian policymakers and it should be of deep concern to Australians in government who care about jobs—good jobs—and future national self-reliance.

Export related firms are where good jobs are located, and a continued shift of Australia's exports down the value chain to fewer skills-intensive commodities spells mortal danger for the long-term sustainability and growth of the Australian economy. It is not possible to deliver growth or deal with inequality in an environment of declining export value, which is one of the key factors underlying wage stagnation in the economy. Failure to act condemns Australia to a future of intensifying precarious work, lower wages and shrinking government revenues, with consequences for public sector employment and social dislocation.

Trade agreements, of course, aren't the only factor in determining whether or not Australia can shift its exports up the value chain. Government action in industry policy, skills and vocational education and institutional cooperation in the labour market are all critical here, but trade policy and agreements do matter if they prioritise access to markets for higher value exports rather than a complacent focus on commodities. It's that effect of trade agreements that's partially responsible for the discontent in adversely affected communities that manifests itself in the rise of populists, right-wing populists and other political undesirables in Australia and in nations overseas. It's a discontent that, unless addressed in the way that we approach these matters, will lead to more dislocation and more social disadvantage. That's a matter of fact.

A World Bank commissioned analysis of the TPP showed that the TPP would cost 38,000 full-time jobs in Australia while adding something like half a per cent to GDP over the course of a decade. One of the major shortcomings with our approach to trade at present is that we have no way of assessing on an independent basis the likely outcomes of agreements that we settle. We don't commission independent analysis of an agreement in prospect, and we can't, therefore, assess whether its outcomes match our expectations in the short, medium or long term. I'm glad that the Joint Standing Committee on Treaties, of which I'm a member, has again with these agreements—as we did on a number of occasions in the 45th Parliament—recommended that the government institute the practice of commissioning such independent economic analysis.

It's also a matter of fact that contemporary trade and investment agreements involve matters that are well beyond the scope of core trade related matters such as tariff reduction and increased access quotas. They include arrangements in relation to the power of multinational companies to challenge government policy through questionable international tribunals. As we saw with the Philip Morris action, these challenges are costly, time-consuming and reform-delaying and have a potential chilling effect on government action in the public interest. They include, in Australia's case, arrangements that shape our approach to temporary foreign labour. In the past, these have been lopsided concessions on Australia's part. We've allowed access to temporary workplace visas without any matching benefit for Australia and without adequate safeguards against worker exploitation. What is more serious
about this is that we've done it in an environment of abandoning the principles of labour market testing and actual skills testing in key trades like electrical and plumbing. These matters are of concern to the Australian public. There's a strong argument in relation to these issues that they are not in the national interest. At the very least, we need to have that conversation and we need to be able to have that argument.

In relation to the Hong Kong agreement, it essentially formalises the existing arrangements and does terminate, critically, the old bilateral treaty that Philip Morris used when they sued the Australian government. In relation to the Indonesia agreement, there are non-trade aspects that deserve scrutiny. While we recognise the benefits that may come with the agreement, there are legitimate concerns about both the substance of the trade deals and the process by which, more broadly, they have been settled.

In the main, I think it is fair to say that most Australians wouldn't know a lot about ISDS arrangements but, when they come to know more about them, they are more concerned. If, in the Prime Minister's weird formulation of it, you were concerned about negative globalism, whatever that is, and protecting Australia's sovereignty and our capacity to make laws in the national interest, you would have a big concern about ISDS arrangements. The government has added to the unholy mess of ISDS mechanisms, the 'noodle bowl' of arrangements, by putting new arrangements in place with countries like Japan for the first time and making additional or replacement arrangements with numerous countries. Many are inconsistent with one another. Some explicitly protect tobacco control, and some explicitly protect measures like the PBS. Others don't. Some mention health and the environment. Others don't. Why? How can we claim we’re putting in place the best ISDS mechanisms when every mechanism we sign up to is different from the last?

In chapter 12 of the Indonesian agreement, there is a provision for future agreements on labour market access. We know that the government, which is making a big noise about reducing permanent migration, is at the same time looking to expand temporary migration in order to meet its own budget forecasts. It is critical to note that the expansion of temporary work visas is not just a function of the trade agreements that the country has reached. They are a result of deliberate government action, well beyond what is required in trade agreements. The consequences are stagnant real wages, falling standards of living, record underemployment, stalled productivity, stagnant economic growth and further damage to our skills and innovation systems. The government, now in its seventh year asleep at the wheel, has deliberately created this situation and is continuing to make it worse.

In order to secure Labor's support for the Indonesia agreement, Senator Birmingham wrote to the Labor shadow minister for trade and made a number of commitments, including to seek the termination of the existing bilateral investment treaty with Indonesia; to do a review of older style ISDS provisions, to replace them with modern safeguards; to do an assessment of the operation of the investor-state dispute settlement mechanism in a review of the Indonesia agreement, which is mandated five years after its entry into force; to not use the provisions of the Indonesia agreement to extend any labour market testing waivers for Indonesian contract service providers; to ensure working holiday-makers are not exploited, by implementing the government's response to the recommendations of the Migrant Workers Taskforce, including new criminal penalties; to ensure that working holiday-makers are qualified for work undertaken in Australia, including for electrical and plumbing work; and to confirm that the
agreements neither create an obligation to privatise any government services nor restrict any future decision to acquire public assets.

During supplementary estimates, I asked the minister about the process and timing for the government to implement the commitments he gave to the shadow minister. In relation to the termination of the 1993 investment agreement between Indonesia and Australia, the minister said that, having reflected on the JSCOT report and the commitment he gave to seek termination of that agreement, it would have been preferable to seek termination of the bilateral treaty as part of the overall negotiations for the agreement being enabled by these bills. However, I welcome the statement from the minister in estimates that he has authorised the department to commence exploratory discussions with Indonesia toward the goal of terminating the 1993 bilateral treaty. The department in turn indicated that they have reached out to Indonesia and proposed a text, which will be finalised in due course, given that Indonesia is also of a mind that the 1993 bilateral investment treaty should be terminated.

In relation to article 12.9, which the minister described as a 'soft commitment' that the government may enter negotiations on waiving labour market testing following a review at some future point, the minister indicated that a first threshold test is whether we agree to even have a review after three years; and then, if we have that review, what it finds and how it's run. Then there is a further threshold of whether we agree to do anything out of the review. Most importantly, in response to questions, the minister told the hearing that the government had made it clear that it would not entertain, propose or bring forward anything that involves labour market testing waivers and, were the review provision to be exercised and any changes recommended, would bring those forward to JSCOT for consideration.

In relation to the exploitation of temporary foreign workers, the minister indicated that he has had discussions with Ministers Porter and Coleman about implementation of the recommendations of the Migrant Workers Taskforce. It has been indicated in answers to questions taken on notice that the opposition will be provided with a timetable for the implementation of those provisions. In relation to trades licensing and safeguards, the minister confirmed that somebody who is going to work as an electrician in any state or territory of Australia needs to be able to prove and demonstrate their skills and meet local licensing provisions, regardless of what visa or residency status they have.

I will always support, and Labor will always support, fair and free trade, especially where it can be advanced cooperatively on an even, bilateral or multinational basis, and on the basis that it is actually in the national interest, in the interest of Australian firms and in the interest of Australian workers.

Debate interrupted.

MINISTERIAL STATEMENTS

Australian Bushfires

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:59): by leave—Over recent weeks, Australians have been responding to bushfires across the continent. I would like to update the Senate on the fires, as well as our response in dealing with them.
In relation to New South Wales, dangerous fires continue to burn across New South Wales. More than 1.4 million hectares have been burned, and, as of this morning, there are more than 60 fires burning. More than 1,900 firefighters and support personnel, along with 95 aircraft, have been battling these fires. Tragically, four people have lost their lives and dozens more have been injured, including firefighters. Over the past two weeks, more than 555 houses and nearly 1,000 more outbuildings have been destroyed.

In relation to Queensland, fires are continuing to burn in South-East Queensland. They have burnt through 183,000 hectares since September. Fifty-five fires are still burning across the state as we speak. Twenty homes have been confirmed lost. More than 3,600 firefighters have been on the frontline for more than two weeks, along with aircraft. Nearly 50 firefighters have sustained injuries, including the pilot of a water-bombing helicopter that crashed near Toowoomba. The situation is ever-changing, and a state of fire emergency has been declared across 42 local government areas.

In Victoria, we have seen an easing in recent days, following the catastrophic fire conditions of last Thursday. This easing should assist firefighters in the coming days to battle the fires that continue to burn. Last week, parts of South Australia experienced catastrophic fire conditions. Sixteen houses had been destroyed, along with 21 other structures, and four firefighters were injured. While conditions have eased, fires continue to burn across southern parts of the state. In relation to Western Australia, we are continuing to watch Western Australia closely as severe fire dangers are forecast today for the west Pilbara coast, Ashburton inland and Gascoyne inland districts.

The government, through Emergency Management Australia, continues to work very closely with its state and territory counterparts. We acknowledge the tremendous national effort taking place, with firefighters travelling from every state and from New Zealand, as well as the United States and Canada, to go where help is needed most. The firebombing aircraft have been in action against these fires. These are national assets and ensure that the best possible aerial firefighting equipment is available to help Australians.

The RAAF have transported firefighters and equipment to and from centres across the country as well. Disaster recovery assistance is being provided under the jointly funded Commonwealth government-state Disaster Recovery Funding Arrangements. In New South Wales, on-the-ground assistance is coming from the state government. We are also providing extra financial assistance through the Australian government’s disaster recovery payment, which is a non-means-tested payment of $1,000 for eligible adults and $400 for children. There is also the disaster recovery loan, which is a short-term income support payment to help those who have experienced a loss of income as a direct result of the bushfires. The disaster recovery payment has been activated in 14 local government areas in New South Wales, and the disaster recovery allowance has been activated in 32 areas in New South Wales. Both of these payments are administered by the Department of Human Services.

Yesterday in New South Wales, working with the state government, we announced a $48.25 million bushfire recovery package for the North Coast, Mid-North Coast and Northern Tablelands. This package includes $15,000 worth of recovery grants for small businesses and primary producers and a $18.25 million Community Recovery Fund to fund community projects to stimulate the economy, build resilience and provide needed mental health support.
In Queensland, we are providing disaster recovery assistance under the DRFA in seven local government areas. These include support for people suffering personal hardship to help with their immediate emergency needs, as well as things like concessional interest rate loans and freight subsidies for primary producers. We have also activated the disaster recovery payment and the disaster recovery allowance for people affected by the Queensland fires. This support is administered by the Queensland government. We continue to work very closely with the Queensland government.

I can report that every agency of the Commonwealth continues to be ready to help when and where they can. Across government, the necessary plans and responses have been activated. The ATO has activated their community disaster rapid response group to support impacted taxpayers and communities. The taxpayers affected by the fires do not need to worry about their tax affairs—first things first: get back on your feet. The Department of Health has been working with pharmacists regarding the supply of medicines to affected communities. The full resources of the Australian Defence Force have been available to assist when and where it has been requested. The Minister for Defence has directed and authorised all local base commanders to provide immediate assistance wherever it is required.

In a continent as big as ours, it's not a question of if a natural disaster will hit, but when, and that is particularly the case for fires. Since the aftermath of Black Saturday, Commonwealth, state and territory governments have actively maintained a level of national preparedness that should reassure all Australians. Our preparedness for natural disasters includes a $130.5 million investment by the Commonwealth over five years to reduce the risk and impact of disasters on Australians. As part of this work, $104 million is being distributed to states and territories under a new national partnership agreement on disaster risk reduction for investment in initiatives that reduce disaster risk at the state and local level. As well, we have developed closely, with state, territory and local governments, a national Disaster Preparedness Framework to ensure we're positioned to effectively prepare for and manage severe to catastrophic disasters. This framework is about developing a new national disaster capability so that people have access to the best information and guidance, needed to make risk-informed decisions.

Our support of the National Aerial Firefighting Centre, an annual $15 million investment, is providing highly specialised firefighting aircraft that are available to states and territories. In December last year, we added another $11 million on top of our annual investment. We have also invested in Emergency Alert, supporting the national telephone based warning system. As well, we are investing over $6 million in the next-generation Australian fire danger rating system to deliver more accurate and local risk messaging.

Our efforts are all about working in partnership with the states and territories, particularly their fire and emergency service professionals. As the providers of police and emergency services, the states and territories take the lead, and we back them with our own capabilities. All work in such dynamic environments can be improved, but we are proud of the progress of our national efforts, preparing for the worst, wherever and whenever it may be.

Times like these remind us all of what truly matters. To the families of those who have lost their lives and to those who are injured, we send the thoughts of everyone in this place. We are in awe of our countrymen and countrywomen, who have all stepped up—firefighters and volunteers, service men and women, community members and neighbours, as well as the
businesses who gave their staff leave passes to go and fight the fires. Everyone has played their part. We have prepared accordingly.

We know that, more broadly, there are debates and discussions about fires during droughts and times of climate change. This building is the place where these discussions, of course, should ultimately take place, but we do ask that, in these debates, we have the same generosity that the Australian people have shown through their actions over recent weeks.

There are still difficult days ahead, but we can draw strength from the way all of the people in our agencies are responding. Australians helping Australians—more than fires or floods, that's what defines our country, and we can all be proud of that.

Senator WATT (Queensland—Deputy Opposition Whip in the Senate) (14:07): by leave—Labor join with the government in extending our sincere sympathies to the hundreds of Australians who've lost loved ones, homes, farms and livestock in recent weeks due to the terrible bushfires we've seen around most of the country. I think all of us have been touched by the scenes that we've witnessed, and we send our very best wishes to those who are recovering. Last week I visited a number of areas that were badly affected by bushfires in Central Queensland and south-west of Brisbane, and I've seen for myself the long road to recover that many of our fellow Australians face. We also join with the government in thanking emergency personnel, volunteers, community groups and community leaders, who are doing a fabulous job to assist in that recovery effort.

Many have commented that these bushfires are unprecedented in nature, in their breadth, in their intensity and in their timing, starting earlier and going for longer than anything we've seen before. Indeed, the science is telling us that we are likely to see more extreme weather events, bushfires, floods and cyclones, in future, due to climate change. The government's own scientific advisers, CSIRO, the Bureau of Meteorology and emergency leaders are all telling us this.

As leaders, we have a responsibility to listen to this advice and to act, and it's in that spirit that the Labor leader, Mr Albanese, has written to the Prime Minister, seeking an urgent COAG meeting to discuss disaster preparedness. Whatever we think about climate change—and I recognise, in this chamber, there are very many different views about climate change—we owe it to Australians to prepare for a changing future. Labor believe this is a serious challenge facing our nation and that COAG is the appropriate forum to deal with it. We hope the government will take up our suggestion and bring federal, state, territory and local government leaders together to ensure that all Australians are fully protected from the risk that natural disasters will pose into the future.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:09): by leave—I rise on behalf of the Australian Greens to make a short statement. Just as we did in this chamber two weeks ago, we express our deep sadness and our grief at the lives, homes and habitat lost from these catastrophic bushfires. We again extend our deepest gratitude to the women and men who have been putting their lives on the line to contain these unprecedented fires from burning across multiple states. When you consider the level of containment of these fires in terms of damage to property and lives, it's remarkable given how extreme the fire and weather conditions have been. To put it simply, our volunteer and professional firefighters have behaved like heroes. We thank them very deeply for their wonderful efforts.
But thoughts are not enough. What our firefighters are telling us is that they're dreading the months ahead as we enter into what has traditionally been known as bushfire season. But that's a season that no longer exists in the age of our climate crisis, because our bushfire season now extends to an almost all-year-round threat. So let me be crystal clear: the Australian Greens will not stop talking about what is driving these fires. We will not be silenced, because we know that these disasters are happening with more intensity and greater frequency, and that's putting people's lives at risk. Let me be even clearer: what is driving these fires is the burning of coal, oil and gas, and we now know that Australia's greenhouse pollution from coal, oil and gas is the highest it has ever been. What Australian climate scientists who were working on bushfires said back in 2006 has now come to pass. Governments have had an opportunity to act and, at every stage, they have failed. If we don't face up to this fact, we will continue to put communities and, indeed, firefighters in harm's way.

So, again, of course we express our thoughts for the people who have suffered from these fires. We also know that government's highest priority should be keeping its citizens safe. That means no longer locking in behind the coal, oil and gas industry. What our communities desperately need now is a rapid transition to a renewable energy economy and to unlock the thousands of jobs that come with that investment. That requires a plan. Again, we reach out to the government and the opposition. We reach out to them and say we are prepared to work on a plan across party lines about how we can drive down pollution and create those jobs that will come with this planned transition and ensure that no person is left behind.

Since the last statements in the Senate on bushfires two weeks ago, we've seen more casualties, taking the total to four. We've seen insurance claims for destroyed property increase from 150 to 500. We have seen catastrophic code red warnings called in South Australia and Victoria. We know that conditions usually expected in January and February are occurring right now. Climate change is no longer something for future generations to be concerned about; it is happening right now, and we are experiencing the effects of the climate crisis.

So, again, let me say this: I know there are many politicians in this place, many people in the gallery and many journalists who want us to be silent. We won't be silenced. We'll continue to do everything within our power to keep the issue of the climate breakdown front and centre during these national disasters, because now's not the time for silence and now's not the time for appeasement. Now is the time to fight for those communities, for our firefighters and for all of the animals that live in habitat that's being destroyed. We will continue every day to remind the Australian community of this government's culpability and responsibility for these tragic events.

Senator HANSON (Queensland) (14:14): by leave—My Country by Dorothea Mackellar talks about 'a sunburnt country'. That really does explain what Australia is all about, from drought to flood and fires. We can expect it and have done since the country was first founded. I was sitting here listening to Senator Di Natale's comments blaming it on pollution and coal and fire. That is far from the truth. The fact is that we do live in a very dry nation, and it is because of government interference, and locking up our national parks, not burning off the waste and not protecting our lands—that is why we find ourselves in this predicament—and, with an ever-increasing population, not supplying the water resources we
need to fight the fires. Our national parks have grown; no-one can go in there, no-one can clean them up—even farmers are not allowed to allow animals in to graze on the lands. Debris is not allowed to be cleared or taken by Australians who may use it for some other purpose. It is drastic and devastating to all of us here in this place, because we all have electorates and people in our electorates that we are supposed to be representing and taking note of and caring about.

These fires have been absolutely devastating in Queensland. Up near Yeppoon, in Causeway Lake and Adelaide Park, around 20 structures were burned and countless families and bush businesses were evacuated. It wasn't because of climate change; it was because of the 16-year-old boy who lit the fire. We have another nine-year-old in New South Wales who lit a fire. We have many people out there—as young as nine—who want to cause havoc and trouble and do not care about the people around them. That causes the fires, not pollution. I feel for these people who have lost their structures, their homes, their belongings and their pets, and for the deaths that have been caused because of these fires. I do congratulate and honour the men and women, the firefighters and volunteers, who have risked their own lives to save properties.

But the Australian people and I are sometimes gobsmacked. We're going through devastation now with the bushfires, on top of the drought, and we see that the New South Wales government has earmarked $48 million for bushfire recovery. The community recovery package is a joint federal and state government initiative and includes grants of up to $15,000 to help the recovery of small businesses and farmers—and I'm sure they are very appreciative of that—and $18 million of the $48 million package has been earmarked for community projects—again, very good. But put it in comparison to what Australia has just announced: a $300 million loan for Papua New Guinea to help pay for economic reforms and government financing—to a country that we know is corrupt, and their members of parliament are corrupt. Or what about the fact that it follows the $500 million given to the Pacific Islands this year to deal with so-called climate change impacts? If Di Natale is saying that it's because of climate change, why are we not putting in as much money into this country? If it is so-called climate change, why do we give away half a billion dollars to other countries? This is what the people of Australia are fed up with. Australia is also paying $607 million in aid to Papua New Guinea in 2019-20. The whole fact is that we need to look after our own, first and foremost, and make sure the Australian people are given the aid and the assistance that they need, whether it's in drought, floods or fire. In our natural disasters here, let's look after our own first.

The PRESIDENT: I remind senators to refer to each other by their titles in the chamber, please.

QUESTIONS WITHOUT NOTICE

**Aged Care**

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:19): My question is to the Minister for Aged Care and Senior Australians, Senator Colbeck. When 16,000 older Australians died in one year waiting to receive the home care package for which they had already been approved, can the minister explain why the Prime Minister today
announced only 10,000 new home care places when more than 120,000 older Australians are currently waiting?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:19): Thanks, Senator Wong, for the question. As Senator Wong has indicated, today the government announced a significant package totalling $537 million to add additional capacity into the aged-care system as an immediate response to the royal commission's interim report. In that $537 million there was about $500 million for an additional 10,000 packages.

The reason that the government has made the response that we have is that we've taken notice of the royal commission's interim report, which talks about the growth of demand for home care packages as additional capacity is being put into the system. It talks about concerns about significant growth of home care packages and creating a circumstance like the Labor Party created when they put the pink batts program into place—there was so much capacity put into the market that it brought in shonky players and ended up leading to four deaths.

So the royal commission's report talks about doing a number of things. It talks about putting additional capacity into the system, which we've done. But it also talks about changing the way that home care is delivered, and so we are inclined to do that. The royal commission said in the report that it would be looking to provide some advice to the government on how the home care delivery system would be modified. We've said that we will take notice of that.

The Labor Party really should have a read of the report. We've done that. We're responding to it.

Opposition senators interjecting—

Senator COLBECK: I have read it. And we are responding to it in a proper and considered way. (Time expired)

Opposition senators interjecting—

The PRESIDENT: On my left, order. Senator Wong, a supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:21): The royal commission has said that Australia's aged-care system is a shocking tale of neglect which diminishes Australia as a nation. Will the minister explain why Mr Morrison today put back only half of the $1.2 billion his own budget papers confirm he has cut from aged care?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:22): I thank Senator Wong for the question, but I reject the premise of the question. The funding for aged care is increasing by an average of $1 billion a year, as it has done every year. When the deputy opposition leader came out last week, or two weeks ago, suggesting—as Senator Wong is doing at the moment—that we might have cut aged care, the RMIT ABC Fact Check put out a zombie alert in reference to a former senator, who talked about his whole party being zombies. That RMIT Fact Check said that the claim of the Labor Party was misleading.

We have continued to invest in aged care. When we came to government, funding for aged care was somewhere around $13 billion. It's now closer to $21 billion. (Time expired)

The PRESIDENT: A final supplementary question, Senator Wong?
Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:23): What is the minister's advice to a 95-year-old woman with a terminal illness who is on a waiting list for a level 4 package and has been told that, under this government, that package will not be available for 22 months? Minister, can you advise the chamber what this Australian should do while she is waiting for her approved package?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:23): Thanks, Senator Wong, for the question. What I'd say to that patient who's waiting is: as of today, that package is much closer, because we've just put 10,000 additional packages into the system. And can I say that I find it very difficult to take any criticism from the Labor Party with respect to the funding of home care packages, because at the last election they went to the Australian people with a $387 billion bill for additional taxes—$387 billion in additional taxes, including taxing older people—and they did not include one additional home care package. Not one additional home care package did the Labor Party put in their policy at the last election.

The PRESIDENT: Order, Senator Colbeck! I've got Senator Wong on a point of order.

Senator Wong: My point of order goes to direct relevance. The question is: what is this minister, who is responsible, saying to the 95-year-old woman about her 22-month wait? It is not directly relevant to the question to discuss what happened at an election which returned you for your seventh year in government. This is your responsibility.

The PRESIDENT: I think it is fair to say that the minister was straying a touch from the terms of direct relevance, but as you rose I note that he was talking about home care packages, which I do consider to be directly relevant. But, Senator Colbeck, the point Senator Wong raises on direct relevance is valid with respect to the issue immediately preceding that.

Senator COLBECK: My very first words were that the home care package for that person is much closer as of today's announcement. Clearly, the Labor Party are still very sensitive about the fact that they had $387 billion in new taxes and not a single home care package. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:25): I draw to the attention of honourable senators the presence in the chamber of members of a parliamentary delegation from ASEAN. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate and to question time.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Aged Care

Senator BROCKMAN (Western Australia—Deputy Government Whip in the Senate) (14:25): My question is also to the Minister for Aged Care and Senior Australians, Senator Colbeck. Can the minister please further update the Senate on the progress of the government's response to the Royal Commission into Aged Care Quality and Safety's interim report?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:26): Improving the quality and safety of our aged-care
system is a top priority for the Morrison government. Today I was pleased to stand with the Prime Minister to announce significant investments which form part of our continuing reforms to the aged-care system. Today we announced that we will deliver a $537 million funding package as an immediate response to the interim report across the three identified priority areas that the royal commission called us to act on. This includes: a $496.4 million package for an additional 10,000 home care packages to be rolled out from 1 December 2019; $25.5 million to improve medical management programs to reduce the use of medication as a chemical restraint on aged-care residents at home; and new restrictions and education for prescribers on the use of medication as a chemical restraint. We're also delivering a $10 million package for additional dementia training and support for aged-care workers and providers, including to reduce the use of chemical restraint, and investing $4.7 million to help meet new targets to remove younger people with disabilities from residential aged care.

The royal commission's interim report is very clear: as a country, a government, an aged-care sector and an entire community, we can and must do better in providing improved support for our older Australians. These measures will complement the major reforms the Morrison government have been undertaking to improve standards, oversight, funding and transparency of the care of older Australians. We will unify the Home Care Packages Program and the Commonwealth Home Support Program in line with the royal commission's direction to deliver a seamless system of care, tailoring services to the needs of the individual. These changes will be guided by the final recommendations of the commission and will give the goal of improving care and ending the wait for home care packages.

The PRESIDENT: Order, Senator Colbeck. Senator Brockman, a supplementary question?

Senator BROCKMAN (Western Australia—Deputy Government Whip in the Senate) (14:28): Minister, how does today's announcement build on the government's recent investments to support aged-care services in Australia?

Senator Watt: Not very much!

Senator Polley interjecting—

The PRESIDENT: Order! Let the minister commence before the disorderly interjections start, please.

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:28): The Morrison government continues to take strong and immediate action to respond to the three priorities identified in the aged-care royal commission's interim report. In relation to home care packages, since the 2018-19 budget the government have now invested $2.7 billion in 44,000 new home care packages, and we have more than doubled the number of packages available since Labor left office. These additional 10,000 packages announced today will be focused on the royal commission's identified areas of need and are strongly weighted towards high levels of care.

Our better medication management and dementia training commitment builds on the action we've taken to deliver new restraint regulations. These regulations put explicit obligations on residential aged-care providers in respect of the use of restraints, and the royal commission identified an overreliance on chemical restraints in aged care. Therefore, from 1 January 2020 we will also establish stronger safeguards and restrictions when prescribing—
The PRESIDENT: Order, Senator Colbeck. Senator Brockman, a final supplementary question?

Senator BROCKMAN (Western Australia—Deputy Government Whip in the Senate) (14:29): Minister, in addition to these investments, how is a strong economy supporting the government to deliver targeted programs to support senior Australians as they transition to aged care?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:30): Our track record in improving aged care since the royal commission was called is extensive. As I have already outlined, we have done the following. We have released 14,275 new residential care places. We have, obviously, established the new Aged Care Quality and Safety Commission. We've implemented new customer-focused aged-care quality standards. We've put in place a new single charter of rights for senior Australians in residential care, covering 14 fundamental protections for all aged-care programs, from safe quality care to independence, information, personal privacy, control, fairness and choice. We've expanded the Aboriginal and Torres Strait Islander Flexible Aged Care Program by approximately $50 million over four years. We've provided $4 million to increase aged-care services to people mainly in rural and remote areas through the Multi-Purpose Services Program. We've provided an ongoing 30 per cent increase in the viability supplement, and—(Time expired)

Banking and Financial Services

Senator FARRELL (South Australia) (14:31): My question is to the Minister representing the Minister for Industrial Relations, Senator Payne. Last week it was reported that an organisation had broken anti-money-laundering laws 23 million times. Was it a union or a bank?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:31): I'm sure that Senator Farrell is aware that it is a financial institution: it's Westpac.

The PRESIDENT: Senator Farrell, a supplementary question?

Senator FARRELL (South Australia) (14:31): Why does the Prime Minister say the leadership of the bank is 'up to the board' after it has broken the law 23 million times, potentially contributing to the spread of child sexual exploitation material, but the government wants the power to expel union leaders and even shut down entire unions for minor paperwork breaches? Why is there one rule for banking executives and another for working Australians?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:32): If I recall correctly, what the Prime Minister said was that he was 'absolutely appalled' in relation to these actions. AUSTRAC has initiated civil penalty proceedings, in the Federal Court, against Westpac. AUSTRAC will allege systemic, serious noncompliance with the Anti-Money Laundering and Counter-Terrorism Financing Act 2006. As you would expect, Mr President, this will be handled through the courts.

The PRESIDENT: Senator Farrell, a final supplementary question?

Senator FARRELL (South Australia) (14:32): When the government introduced the ensuring integrity bill, the minister claimed it was to establish corporate equivalence with
unions. How can there be corporate equivalence if 23 million breaches of the law is a matter for the board if you're a bank, but three breaches of paperwork can get you deregistered if you're a union?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:33): I made it quite clear—

Honourable senators interjecting—

The PRESIDENT: Order, across the chamber, left and right!

Senator PAYNE: Mr President—

Honourable senators interjecting—

The PRESIDENT: Order! I'll ask the minister to resume her seat and I'll call her when I can hear her. Senator Payne.

Senator PAYNE: As I said to Senator Farrell and to the chamber, AUSTRAC has initiated civil penalty proceedings in the Federal Court against Westpac. You would expect this matter to be dealt with through the court, as the provisions, frankly, of the ensuring integrity bill will implement—

Opposition senators interjecting—

The PRESIDENT: Order, on my left!

Senator PAYNE: through the courts. AUSTRAC will allege serious systemic noncompliance—

The PRESIDENT: Order! Senator Payne, please resume your seat. Senator Payne is blessed with a very loud voice, and I'm struggling to hear her because of the noise from my left.

Senator O'Neill: It's nonsense. You shouldn't listen to her anyway!

The PRESIDENT: I assume that's not a reference to me, Senator O'Neill.

Senator O'Neill: No, no—generally.

The PRESIDENT: I'll ask the minister to continue.

Senator PAYNE: As I indicated in my previous answer, this matter will be dealt with, as it should be, through the courts. The provisions of the ensuring integrity bill similarly reflect that process.

International Day for the Elimination of Violence against Women

Senator ASKEW (Tasmania) (14:34): My question is to the Minister for Women, Senator Payne. Today is the International Day for the Elimination of Violence against Women. Can the minister inform the Senate of the government's programs and work to address violence against women across Australia?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:34): I thank Senator Askew very much for her question. Stopping violence against women and their families in Australia is a significant priority for this government. Rates of domestic, family and sexual violence remain unacceptably high. Violence against women is a gross violation of their human rights, profoundly impacting victims, their communities and society as a whole. That is why as a government we have committed over
$850 million to address domestic, family and sexual violence since 2013, including most recently $340 million committed in the 2019-20 budget to support the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022.

Last week, the government began the next iteration of the Stop it at the Start campaign, encouraging adults to reflect on their attitudes and to talk to young people about these matters: respectful relationships, and behaviours that contribute to violence. Lifeline Australia are continuing to deliver domestic violence alert workshops which will train about 18,500 allied health, education, childcare and community support frontline workers over the next three years to recognise, respond and refer appropriately when working with people experiencing domestic and family violence. We've also held a number of open grant rounds to fund community-led prevention activities and a new sexual violence accredited training program. In the next week, we'll open a grant round to provide $60 million to expand emergency housing to help more women and children experiencing domestic violence find a safe place to stay. The engagement between the Commonwealth and the states and territories is a very important part of our initiatives as well.

The PRESIDENT: Senator Askew, a supplementary question?

Senator ASKEW (Tasmania) (14:36): Could the minister also update the Senate on the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:37): Today, with Senator Ruston and with our colleagues in the states and territories, we released the national implementation plan of the fourth action plan, which clearly demonstrates how the government is working with states and territories to reduce violence against women. I want to acknowledge Minister Ruston and also the states' and territories' women's safety ministers and the council, with whom we have been working and collaborating on this over recent months. The Australian government is responsible for 34 of the initiatives, representing our $340 million investment. The national implementation plan itself provides details of over 160 initiatives delivered under the fourth action plan. It's the first time under the national plan that we have seen the Australian government's activities together with those of state and territory governments. The plan sets out details for each of the initiatives, including funding, key milestones, intended outcomes and how it is linked to the 20 actions and the five national priorities of the fourth action plan.

The PRESIDENT: Senator Askew, a final supplementary question?

Senator ASKEW (Tasmania) (14:38): Could the minister update the Senate on projects in our region that the government is funding that focus on eliminating violence against women and girls?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:38): I appreciate Senator Askew's question because ending gender based violence is a key pillar of Australia's foreign policies in overseas programs in the Indo-Pacific. For example, through the Nabilan Program in Timor-Leste, we've provided more than 32,000 services to survivors of violence, including legal assistance, medical examinations, counselling and crisis accommodation. As well, we have worked with the national government on policies to prevent violence. Australia is also making a contribution to the
Pacific Partnership to End Violence Against Women and Girls, which will focus on promoting change at a community level to prevent violence. The Pacific partnership builds on Australia's long-term support to expand services, including support for women's crisis centres in the Cook Islands, Fiji, Kiribati, Papua New Guinea, the Solomon Islands, the Marshall Islands, Vanuatu and Tonga. I try, whenever I am able on my visits, to meet with the women's crisis centres in those locations.

Climate Change

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:39): My question is to the Leader of the Government in the Senate, Senator Cormann. Minister, last week the Prime Minister tried to mislead the Australian people by claiming there's no direct link between Australia's record high emissions and our increasing fire risk. Minister, we're the third-biggest exporter of emissions from coal, oil and gas in the world, and ABC's Fact Check showed Australia's contribution at 4.4 per cent of the world's pollution, which is almost three times the figure cited by the Prime Minister. That's despite the fact that we're only 0.3 per cent of the population, by the way. Minister, will the Prime Minister apologise for misleading the Australian community and admit that Australia's pollution, both here and overseas, has a direct impact on the climate crisis and the increasing risk of bushfires?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:40): I reject the premise of the question.

The PRESIDENT: Senator Di Natale, a supplementary question?

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:40): Well, there you go—that sounds like someone's running scared.

Government senators interjecting—

The PRESIDENT: Order! Senator Di Natale, you knew the reaction you'd get. We do not need editorialising during questions. There's an opportunity for debate after question time.

Senator DI NATALE: Former Prime Minister Malcolm Turnbull dismissed the Prime Minister's assertion that Australia has no real impact on climate change because of our emissions profile. He said, 'By that logic, an individual Australian shouldn't pay any tax because it makes no difference to the bottom line.' Minister, Malcolm Turnbull is right, isn't he? Will Mr Morrison finally accept that we need to start pulling our weight when it comes to the climate crisis?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:41): We are 'pulling our weight', to use the senator's form of words. Our government is committed to effective action on climate change. But we're pursuing effective action on climate change in a way that is economically responsible, which is precisely what the Australian people expect us to do.

As I'm on my feet, let me reflect on the fact that we are approaching the 10-year anniversary of the temporary coalition between the Liberal and National parties and the Greens. It's the 10-year anniversary of the Greens having joined with us to ensure that Labor's disastrous Carbon Pollution Reduction Scheme, which would have harmed our economy while leaving the environment worse off, was defeated. So the Greens have a proud track
record in defeating government efforts along the lines that they now seem to be advocating for. We don't need to take any lectures from the Australian Greens. They're just playing politics— (Time expired)

The PRESIDENT: Senator Di Natale, a final supplementary question?

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:42): Minister, Mr Turnbull also said that subsidising coal 'is as crazy as it gets'. Given the link between coal and our climate crisis and bushfires, Minister, will you rule out any further subsidies for coal-fired power?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:42): We live in a great democracy, and every individual Australian is entitled to express his or her view. In relation to climate change, let me make the point again: our government is committed to effective action on climate change in a way that is economically responsible. Let me also make clear that Australian coal will continue to play an important role when it comes to the supply of energy here in Australia.

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

Senator Di Natale: It's on relevance. The question was very, very tight: will you rule out any further subsidies for coal?

The PRESIDENT: That was the second part of your question. It had a preamble, Senator Di Natale. I consider the minister as being directly relevant to part of the question asked.

Senator CORMANN: I reject the premise of the question. Let me again say that our government is committed to effective action on climate change in a way that is economically responsible. But let me also reassure Senator Di Natale, in case he is concerned, that we on this side of the chamber recognise that coal will continue to play an important role when it comes to the supply of reliable and affordable energy across Australia and other parts of the world.

Workplace Relations

Senator WALSH (Victoria) (14:43): My question is to the Minister representing the Minister for Industrial Relations, Senator Payne. A report by PwC has found one in five employees in the construction, healthcare, retail, accommodation and food service industries have been victims of wage theft. Why, after six years in power, has the government done nothing to address rampant wage theft?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:44): I thank the senator for her question. Let me be very clear that this government has zero tolerance for any exploitation of workers. That includes the underpayment of wages and entitlements by any employer. In fact, we have taken significant action to date to protect vulnerable workers. We've included over $60 million in additional resources and given more powers to the regulator, the Fair Work Ombudsman, as well as increasing penalties against lawbreaking employers by up to tenfold. The increased funding means the Fair Work Ombudsman is better resourced to continue its very important work, recovering 64 per cent more money for workers in 2018-19 compared with those opposite's last full year in office, in 2012-13, and securing more than double the amount of court ordered penalties against employers.
We have also introduced higher penalties, as I said, which are having an impact. The first decision taking into account our new protecting vulnerable workers legislation was handed down by the court in late August. Penalties of over $125,000 against operators of two food outlets in Queensland were imposed.

The Fair Work Ombudsman’s firmer stance is also starting to deliver results. The latest data confirms that we’ve seen double the number of litigations filed and, as I said, a 60 per cent increase in the amount of money recovered for workers by the Fair Work Ombudsman this calendar year to date compared with the last, with almost 20 per cent more employees benefiting from Fair Work Ombudsman recovery action.

Notwithstanding those changes, while we recognise that the majority of employers try to do the right thing by their workers, there are those that do not. There have been some who’ve been asleep at the wheel and who haven’t paid enough attention to ensuring that they’re meeting their obligations that they owe their employees, because it seems they tend to prefer—

The PRESIDENT: Order, Senator Payne. Senator Walsh, a supplementary question?

Senator WALSH (Victoria) (14:46): The PwC report found that wage theft costs working Australians $1.35 billion every year. Can the minister confirm that this government is happy to allow companies who have committed wage theft to continue operating?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:46): I’ve been through a number of the steps that the government has taken, including the protecting vulnerable workers legislation and including the support for the Fair Work Ombudsman, but we are also in the process of drafting legislation to introduce criminal penalties, for the first time, for the worst forms of worker exploitation. That is one of the key recommendations, for example, of the Migrant Workers’ Taskforce.

We have also released a discussion paper focused on identifying further improvements to protections of employees’ wages and entitlements, which includes stronger civil penalties, greater deterrence for sham contracting and closely examining the suitability of employers’ liability where entities in their supply network flout employment laws. We will release a further discussion paper seeking feedback on the compliance and enforcement framework in the coming weeks. That paper will canvass topics which include faster, more efficient remedies for workers to recover unpaid wages and empowering the Fair Work Ombudsman to pursue banning and disqualification order applications against directors of— (Time expired)

The PRESIDENT: Senator Walsh, a final supplementary question?

Senator WALSH (Victoria) (14:48): Minister, why is it one rule for companies committing wage theft and another rule for unions who seek to protect working Australians against it?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:48): Just because those oppose say it doesn’t make it true. I have been very clear about the initiatives and the legislation which we will produce from the recommendations of the Migrant Workers’ Taskforce about the protecting vulnerable workers initiatives, about the efforts of the Fair Work Ombudsman and about the funding and powers that we have provided in that context. What that says is that we take this issue seriously, and
we also take seriously the poor behaviour of some organisations that those opposite would apparently seek to defend.

DISTINGUISHED VISITORS

The President (14:48): Order! I'd like to draw to the attention of honourable senators the presence in the gallery of a delegation from the Czech Republic led by the Deputy Speaker of the Chamber of Deputies of the Parliament of the Czech Republic, Mr Vojtech Pikal. On behalf of all senators, I wish you a warm welcome to Australia and in particular to the Senate and to question time.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Dairy Industry

Senator Hanson (Queensland) (14:49): My question is for the Minister for Agriculture, Senator McKenzie. Minister, your own department was worried about a mandatory dairy code driving down farmgate milk prices. As a consequence, they recommended further analysis be done in the form of an impact analysis before drafting instructions were prepared for the mandatory code you issued in late October. Was this additional analysis done, and what did it say?

Senator McKenzie (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:49): Thank you very much, Senator Hanson. As you know, our government is absolutely committed to taking strong action to support our 5,200 Australian dairy farmers. On 28 October 2019, the mandatory dairy code of conduct exposure draft was released for its third round of consultations. Those consultations ended last Friday, on 22 November, and right now my department is considering those consultations and will be making appropriate adjustments to the exposure draft based on the feedback from our eight very, very distinct dairying regions around the country. As you know, Senator Hanson, your home state of Queensland has very unique challenges, as opposed to those dairy farmers in Western Australia or, indeed, to those dairy farmers suffering from excessively high water prices in my own home state of Victoria. Feedback has been sought from each and every one of those dairy industries. We also consulted with individual dairy farmers through online mechanisms, including a tele-town hall over the last two weeks. I've personally been speaking with dairy farmers from across the country to make sure that we get a mandatory code of conduct that actually delivers for our dairy farmers and ensures that the unconscionable conduct that dairy processors have been inflictng on our dairy farmers for way too long is regulated in a mandatory way. That is the promise that we took to the federal election, and it is what we are delivering on. Make no mistake: we will not be bringing in a mandatory code of conduct that the dairy industry in Australia does not support.

The President: Senator Hanson, a supplementary question?

Senator Hanson (Queensland) (14:51): Well, four and half years later and we're still trying to get this dairy code of conduct. I can't believe it—another 400 dairy farmers gone! I'm sure the last time that I asked you the question, it was—

The President: Order! I did make the observation earlier, Senator Hanson, that questions don't need to be editorialised.
Senator HANSON: Minister, in view of the criticism, by farmers, of your department's exposure draft of the dairy code of conduct, why are you and your department forcing tomorrow's attendees of a mandatory dairy code of conduct stakeholders forum to sign a confidentiality agreement?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:52): Thank you, Senator Hanson. My department is undertaking to sift through and analyse the submissions that they got on Friday. They are working very, very hard to get this done because we want this code in place as soon as possible. We know that farmers across the country are right now looking to sign contracts for up to five years and locking in relationships with processors that could be better regulated through a mandatory code of conduct, so we want to get this done as soon as possible. We want to make sure that the conversations that we are having tomorrow with the department and representatives of the dairy industry from right across the country are confidential conversations so that they can be had in good faith. What results from those conversations will actually be put into a final draft of the code, which we will be taking to regulate as soon as possible and give our farmers a fair go. (Time expired)

The PRESIDENT: Senator Hanson, a final supplementary question?

Senator HANSON (Queensland) (14:53): Minister, I have personally been contacted by farmers and representatives from the dairy industry—the Queensland Dairyfarmers, who represent 78 per cent of the dairy farms in Queensland, and New South Wales dairy farmers as well—supporting me on a farmgate floor milk price. If the mandatory dairy code does not lead to an improvement in farmgate prices, what will the government do, given that it will not support my proposal for a farmgate floor milk price or in fact any regulation? (Time expired)

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:54): you might have missed it, Senator Hanson, but on Thursday we were able to deliver on another election commitment from our government to the Australian dairy farmers, to Dairy Australia, to provide for legal and financial literacy support for our dairy farmers as they negotiate contracts. We've got $10 million on the table to help them get their energy costs down. We've got a $22 million package we took to the election, outside of the mandatory code of conduct, to support our dairy farmers. Our dairy farmers are doing it tough right across the country and for a variety of reasons, despite a historically high dairy price. It's because of the input costs. Their water has gone up 300 per cent, their fodder prices have gone up 50 per cent, and, in states like your own home state, where the state government games the system on electricity prices, with a perishable product like dairy, that too is increasing the input cost and making it incredibly challenging. We stand with our dairy farmers and will continue to support them.

Infrastructure

Senator McDONALD (Queensland) (14:55): My question is to the Minister representing the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, Senator Canavan. Can the minister update the Senate on the Liberal-National government's record investments in infrastructure and how those investments will better connect our cities and regions and build a stronger economy?
Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:55): I thank Senator McDonald for her question. I know how passionate she is about building better infrastructure in Queensland, her home state, in particular, but right across the country. That's exactly what the government is getting on with doing. We have a record investment in infrastructure rolling out around our country right now—about $100 billion over the next 10 years. Never before has an Australian government funded more infrastructure at one point in time: 130 major projects are funded and under construction at the moment. They are supporting 85,000 jobs around Australia. That's enough jobs to fill up ANZ Stadium in Sydney. Enough jobs to fill up a football stadium are being created by this government's infrastructure package.

In the short space of time of this question I don't have time to go through all those 130 projects, of course, but I will just quickly go around the country to give a flavour. For example, in Victoria, in Senator Henderson's area, we have $2 billion being invested in fast rail from Melbourne to Geelong—a project she has fought for, I know, for a long time. We have $4 billion going to the Urban Congestion Fund, helping to cut travel times in our major cities around the country. There is $4½ billion being invested in the Roads of Strategic Importance program. That program is all about increasing productivity in our mining, agriculture and tourism sectors to create more jobs, not just through construction. That's why we have upgrades like Tennant Creek to Townsville, which will help unlock that mineral corridor there, and the mango roads in the Northern Territory. We're just going into mango season. You all know that we'll have better mangoes coming soon, because, on smoother roads just near Darwin, where they are grown, there will be less bruising of the mangoes. Karratha to Mount Tom Price will help open up whole new mining opportunities—particularly in rare earths, lithium and mineral sands—that exist in Western Australia. There is a lot more that I'm not going to have time to get through, but it's great to have such good news for Australians and to get them into a job.

The PRESIDENT: Senator McDonald, a supplementary question?

Senator McDONALD (Queensland) (14:57): Can the minister outline the benefits of bringing forward funding for major projects across the nation?

Senator Watt interjecting—

The PRESIDENT: Senator Watt!

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:57): He's on thin ice, I think. I can outline some further exciting announcements in regard to infrastructure. Last week the Deputy Prime Minister and minister for infrastructure, Mr Michael McCormack, announced we would bring forward some further investments from that record investment we're already doing. Just under $4 billion of investments will be brought forward right across the country. This will bring those jobs forward. Some of those 85,000 jobs will be brought forward to help our economy and get people moving. It will be projects like the Newell Highway in New South Wales. Two hundred million dollars will be brought forward there, particularly to help drought affected areas. That area of the country is one of the worst affected by droughts. That project being brought forward will create jobs in an area of the country doing it really tough at the moment. All of these projects will help support our economy and then build a better economy for the
long term, because they will increase productivity, cut travel times and allow more jobs to be built outside the infrastructure space.

The PRESIDENT: Senator McDonald, a final supplementary question?

Senator McDONALD (Queensland) (14:58): How will these investments deliver stability and certainty in my home state of Queensland?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:59): There's a lot going on in Queensland under our record investment program, but, in particular, 20 projects will have funding brought forward under the announcements last week. They include upgrades: the M1, south of Brisbane; the Bruce Highway, which runs all the way up to Cairns; the Warrego and Cunningham highways, which go out west; and the North Coast rail line as well.

We've also, very excitingly, finally had the Queensland government agree on the Inland Rail investment package. That unlocks $9 billion of funding right across the country to build our first proper inland rail line from Melbourne to Brisbane. That project is going to create 7,000 jobs alone—another small football stadium of jobs created just on that program. It's very, very exciting.

One of the programs being brought forward is in my part of the world and in Senator McDonald's part of the world, in Central Queensland, where we'll upgrade the Rocky ring-road, which will help more than 70,000 vehicles a day cut travel times and go through fewer traffic lights. It's very exciting for our country.

Pensions and Benefits

Senator O'NEILL (New South Wales) (15:00): My question is to the Minister representing the Minister for Government Services, Senator Ruston. In the face of two Federal Court actions and a national class action, the government last week announced that it was no longer pursuing robodebt where the only information relied upon is the department's own averaging of ATO income data. Can the minister confirm the number of people affected by this backdown?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:00): Thank you very much, Senator O'Neill, for your question. Obviously the government has a responsibility to continuously improve the protection and integrity of our welfare system.

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Senator RUSTON: In providing some context to the question that's just been asked by Senator O'Neill, I would just like to say that the federal government spends in excess of $110 billion a year on our welfare system, and obviously there's the absolutely essential—

The PRESIDENT: Senator O'Neill, on a point of order?

Senator O'NEILL: On a matter of relevance: there are hundreds of thousands of Australians who are hanging on the minister's answer. They very much understand the context. I draw her attention to answering the question on the number of Australians affected by the government's backdown with regard to robodebt last week.
The PRESIDENT: On the point of order, if I may provide some advice to the chamber, the term 'direct relevance' has narrowed the meaning that was previously allowed, where broad context was allowed in response to an answer. My interpretation of the term 'direct relevance' adopted by the Senate is that that has been narrowed. However, Senator O'Neill, you did restate the last part of the question. I do consider it to be directly relevant for the minister to be talking about the first part of your question, which was the change in government policy, as well. I do consider that to be directly relevant. That answer can be debated after question time if appropriate. Senator Ruston.

Senator RUSTON: In direct response to your question, Services Australia is currently in the process of identifying those people who may be impacted by this particular change in measure for ensuring the integrity of our social welfare system. I see there is no value whatsoever in pre-empting that process. But it is very important for people to understand that income averaging does not occur in all debt determinations. In past cases where we identified the debts or part-debts involved were solely the case of income averaging, we are in the process of identifying those people and giving them the opportunity to have a review of their particular cases.

It is also very important to note that, generally, the people that we're referring to here are people who have chosen—actively chosen—not to engage in the process of the Australian government seeking to recover debts that have been incurred by Australians. I think the average Australian would be very concerned to think that the Australian government was not meeting its responsibility for reducing debt and making sure that, when people receive payments to which they are not entitled, we continue to recover those debts. (Time expired)

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

Senator O'NEILL (New South Wales) (15:03): I thank the minister for her answer. The minister responsible, Minister Robert, has insisted this fundamental revision would only affect 'a small cohort'. The Department of Human Services staff believe about 600,000 robodebt cases that have been raised using income averaging will need to be reassessed. Does the minister agree that 600,000 robodebts represents a 'small cohort'?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:04): I don't know where you got the number of 600,000 from, but, obviously, the process under which Services Australia will undertake the review to identify those people who may be eligible for a review of how a debt has been determined will be a matter for them. Once we do that, we'll be in a better position to understand how many people may well be impacted on by this particular measure. But I would once again draw to the attention of this chamber that, right now, as of 31 October 2019, over 950,000 Australians currently have 1.6 million debts with the government, and those social welfare debts total $5.3 billion—$5.3 billion of money that the Australian government currently has outstanding, to people who have been identified as not being eligible to have it.

The PRESIDENT: Order, Senator Ruston. Senator O'Neill, a final supplementary question?

Senator O'NEILL (New South Wales) (15:05): Minister, how many innocent Australians have had a debt raised against them that will now be withdrawn? And how many have already repaid faulty debts?
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:05): Thank you very much, Senator O'Neill. Can I just absolutely be clear here: if anybody receives a letter from Centrelink that alleges that there possibly could be a discrepancy between the amount of money that they have notified to the Australian tax office and Centrelink, they should contact Centrelink to determine whether that debt even exists. In the majority of cases when people actually contact Centrelink, and there is no debt, it is very easy for that to be determined. The problem we have here with the cohort of people that you're talking about is that they refuse to engage with Centrelink—they refuse to come forward so that the matter can be dealt with. So I think the Australian public has every reasonable expectation that people who may have a debt owing to the Commonwealth should come forward and have that assessed or reviewed, which is something that this government is quite happy to do and has offered to do with anybody who believes they don't have a debt. We will review it.

The PRESIDENT: Order, Senator Ruston.

Association of Southeast Asian Nations

The PRESIDENT (15:06): Senator Molan.

Honourable senators: Hear, hear!

Senator MOLAN (New South Wales) (15:06): Thank you. Thank you very much, Mr President. My question is to the Minister for Defence, Senator Reynolds. Can the minister update the Senate on the benefits of Defence engagement with the Association of Southeast Asian Nations, ASEAN?

Senator REYNOLDS (Western Australia—Minister for Defence) (15:07): I thank Senator Molan for that question and, like the general acclamation in the chamber just then, I also welcome you back and look forward to working with you again on defence and national security issues. In relation to the question, the Indo-Pacific region is clearly facing an increasingly complex and dynamic strategic environment. Major power rivalries, North Korean nuclear activities, challenges to international law in the South China Sea and asymmetric threats such as terrorism and cyberwarfare all have the potential to undermine security in our region.

South-East Asia is at the centre of these shifting dynamics, making regional forums that facilitate dialogue between us all and cooperation more important than ever. Since its establishment in 1967, ASEAN has been a central pillar of regional peace, stability and also cooperation. Australia became ASEAN's first dialogue partner 45 years ago and has since maintained a very strong commitment to engagement with ASEAN and also participation in ASEAN-centred institutions.

Australia remains steadfastly committed to ASEAN's centrality, which is why, last week, I was delighted to represent Australia at the 6th ASEAN Defence Ministers' Meeting Plus in Bangkok in Thailand, and I congratulate the Kingdom of Thailand for conducting and delivering such an important forum. The ADMM-Plus is the premier forum for engagement between regional defence ministers. It seeks to foster practical military cooperation between the 10 ASEAN countries and eight Plus countries: Australia, China, India, Japan, New Zealand, the Republic of Korea, Russia and also the United States. In Bangkok I had the opportunity to meet all ASEAN defence ministers, and I reiterated Australia's strong
commitment to cooperation and to cooperating with ASEAN Plus to reinforce promotion of openness, trust and practical cooperation.

The PRESIDENT: Order, Senator Ruston. Senator Molan, a supplementary question?

Senator MOLAN (New South Wales) (15:09): Minister, you mentioned the defence ministers’ meeting in Bangkok. Can you update the Senate, please, on the specific outcomes of the ASEAN Defence Ministers’ Meeting?

Senator REYNOLDS (Western Australia—Minister for Defence) (15:09): This year's ADMM-Plus meeting was productive and it also unanimously adopted the joint statement on advancing partnership for sustainable security. Australia's input helped to reinforce commitment to the peaceful resolution of disputes in accordance with international law and to respect for freedom of navigation and overflight. The forum reviewed the progress of cooperation through the working groups on HADR, maritime security, military medicine, counterterrorism, peacekeeping, humanitarian mine action and cybersecurity. Australia announced it will co-chair the expert working group on military medicine with Brunei from next year. I was also delighted to announce, with the Philippines' Secretary of National Defense, Lorenzana, that Australia will transition its support under Operation Augury in the Philippines to an enhanced defence cooperation program from the end of this year. This will enable the ADF to continue its highly valued support for countering regional terrorism. *(Time expired)*

The PRESIDENT: Senator Molan, a final supplementary question?

Senator MOLAN (New South Wales) (15:10): Minister, can you please outline to the Senate how the Australian government is strengthening its military relationships with key allies and partners to promote and enhance security in our region?

Senator REYNOLDS (Western Australia—Minister for Defence) (15:10): Yes, I can. As I've just said, Australia is facing challenges in our region that are increasing in number and also complexity. Australia cannot deal with these challenges in isolation, and strengthening defence relationships with regional partners is crucially important. In South-East Asia alone, the ADF is busier than ever, conducting around 50 bilateral and multilateral exercises each and every year with some of our closest partners and friends, including Malaysia, the Philippines, Singapore, Thailand and Vietnam. The ADF is also working with regional allies such as the United States and Japan, including through the United States Force Posture Initiatives and Exercise Talisman Sabre, to increase our interoperability and to maximise our defence engagement in our region. This government will continue to work with our partners in support of the security and stability of our region.

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:11): My question is to the Minister representing the Minister for Government Services, the Minister for Families and Social Services, Senator Ruston: Minister, now that the government has finally agreed with recommendation 3 of the 2017 Senate inquiry into the robodebt debacle, which dealt with suspending the use of the income-averaging process, will the government now implement recommendation 1 of that inquiry, which is to put on hold the robodebt scheme until all the procedural fairness aspects of this program are dealt with?
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:12): Thank you very much, Senator Siewert. I acknowledge Senator Siewert's ongoing interest in this particular matter. As I mentioned in my response to Senator O'Neill when she asked me a similar question in relation to the recent improvements that we are proposing to implement in ensuring the fairness with which we approach making sure that the Australian social welfare system is sustainable, and as Senator Siewert would be well aware, one of the very fundamental tenets of our social welfare system is its ability to be sustainable. We have one of the most broad-ranging and comprehensive social welfare systems in the world, and part of that is to ensure that, of the over $110 billion that is spent annually on social welfare, people receive only that which they are entitled to—no more and no less.

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

Senator Siewert: I was pretty tight with my preamble and asked a very specific question: will the government now implement recommendation 1 of the 2017 Senate inquiry, which was to put this process on hold?

The PRESIDENT: You've restated what was a tightly worded question. At this point, Senator Siewert, I actually believe Senator Ruston was being relevant—if making a point that you disagreed with. The minister is allowed to provide reasons for an answer, so I'll call the minister to continue, but I am listening very carefully.

Senator RUSTON: As I said, recovering overpayments is absolutely fundamental to our welfare system. What we have continued to do, through the process of listening to the responses that we receive through Senate inquiries such as the one to which Senator Siewert refers and listening to the general public, is make sure that we constantly refine what we are doing to ensure that we have a balance between ensuring that we recover debts that are owed—money that is owed to the taxpayers of Australia—and making sure that the system of collection is fair and equitable but, equally, robust. That is something that I believe that the Australian public expect of their government. So the processing of debts has been a feature of our system—

Senator O'Neill interjecting—

Senator RUSTON: I'll take the interjection from Senator O'Neill. I'd just like to quote this to Senator O'Neill: 'We want to make sure that people aren't receiving welfare to which they are not entitled, and no-one gets a leave pass on that.' I wonder who said that? I think it may have been your previous opposition leader, Mr Shorten.

The PRESIDENT: Senator Siewert, a supplementary question?

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:15): Does the minister think it's fair that thousands of people over the last 2½ years that robodebt has been operating, since the Senate inquiry, have been traumatised, demonised and received debts under this process? Is that fair?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:15): What is fair is that people receive the kind of support that they need and which they are entitled to. The fairness of our system is on the basis that people do receive that to which they are entitled. If people are receiving debt notices or receiving communications from Centrelink or from the department that allege there
is a possibility that a debt is owed, I would suggest to them that they need to engage with the department to establish whether that debt actually exists. In many cases, a simple piece of information can actually reveal that that debt doesn't occur.

As I said, the people that we are generally talking about here are people who refuse to engage with the system. What other possible explanation can you have? People need to contact the department and put forward their case. As I said, in the majority of cases, if there is no debt, it's easy to identify and then the debt no longer exists. (Time expired)

The PRESIDENT: Senator Siewert, final supplementary question?

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:16): Will the government apologise to and compensate those who have had false debt notices because the process used income averaging?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:16): Senator Siewert would be well aware that anybody who can identify that a debt is not owed will have that debt waived. We provide people with every opportunity to come forward and provide additional information to determine whether a notice of matching exists or doesn't exist. So to come in here and suggest that every single person who has received a letter seeking additional information in relation to whether a debt is owed or not—

The PRESIDENT: Senator Siewert, a point of order?

Senator Siewert: I asked a question about those who had received a debt notice in error. I asked: would the government apologise and compensate them?

The PRESIDENT: I think, with respect, Senator Siewert, on a broadly worded question like that, the minister is entitled to some discretion in answering, and I think the minister is being directly relevant.

Senator Siewert: It was not broad. I asked about where there'd been an error.

The PRESIDENT: I think the minister is being directly relevant.

Senator RUSTON: As I have been trying to explain to this chamber, and to Senator Siewert, if somebody believes that they have received a letter suggesting that they have a debt which they do not have, they should contact Centrelink so that that can be established. If it is established by additional information that the debt does not exist, then the debt is removed. Senator Siewert, there is a very adequate system in place to deal with the issue you're talking about. (Time expired)

Pensions and Benefits

Senator KITCHING (Victoria) (15:18): My question is to the Minister representing the Minister for Government Services, Senator Ruston. In 2017, the Senate Community Affairs References Committee found that robodebt was 'so flawed that it was set up to fail' and recommended it be suspended immediately. That was in 2017. The then Minister for Social Services, Christian Porter, refused to apologise for the trauma, stress and shame inflicted by robodebt on Australia's most vulnerable. Now the scheme is suspended, will the current minister apologise for the trauma, stress and shame inflicted by the government's deeply flawed and unfair scheme?
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:19): Thank you, Senator Kitching, for another question on the same subject. Recovering overpayment, as I've said, is an absolutely fundamental part of our welfare system. When somebody has a debt, the government is legally obliged to pursue that debt. As I said, if it's identified that that debt doesn't exist because they've provided additional information or they've engaged with the department, then of course there is an appropriate process through which that debt doesn't actually exist. We simply ask that people, if they receive a letter asking for additional information, engage with the Department of Human Services so that we can establish whether the debt does exist or not. If the debt does not exist, then of course there is never a debt raised. But, before the election, the government and the Labor opposition used to be on a unity ticket over this. As I said, it was actually your previous opposition leader who came out and said that this is a legitimate part of welfare. He actually said, 'No-one gets a leave pass.' Why is it that, all of a sudden—

The PRESIDENT: Senator Kitching on a point of order?

Senator Kitching: My point of order is on direct relevance, Mr President. I asked if the minister would apologise for the trauma, stress and shame inflicted by the government's deeply flawed and unfair scheme, especially given that only 1,000 people have ever been aided by Centrelink with their paperwork.

The PRESIDENT: Order, Senator Kitching. You're now stretching a bit further beyond a point of direct relevance. The question contained a number of terms, and, with respect, the minister is allowed to not specifically answer the question you would prefer—which is, 'Will the minister apologise?'—and is entitled to be directly relevant to the other terms used in the question. I think the minister is, in this case, being directly relevant to the other parts of the question.

Senator RUSTON: I refer to a press release that was released by the Minister for Human Services on 29 June 2011. I quote from that:

Beginning … this year, Centrelink and the ATO will automatically match data on a daily basis as a way of cross-checking former welfare recipients who have a debt with the Commonwealth.

…… …

Those … identified as having debts and who haven't made repayment arrangements …

I underline my last point: 'those who haven't made repayment arrangements'. If you make a repayment arrangement or you engage with Centrelink, often the debts are not raised. The other thing I note is that Ms Plibersek made the following comment:
The Government prefers to work with people and provide them with flexible debt repayment options, rather than having to garnishee their tax refunds … But if people …

(Time expired)

Senator KITCHING (Victoria) (15:22): The government's faulty robodebt program was projected to meet a $2.1 billion budget savings target. With 600,000 potentially false debts no longer at the government's disposal, when will the government announce its revised budget position?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:22): As I said in answer to a previous
question on the very same thing, I actually do not accept the premise on which your question—

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

Senator Kitching: My point of order goes to direct relevance. My first question was in relation to whether the minister would apologise. The second question is about the budget projection of the department. It's relying on $2.1 billion to make the budget target.

The PRESIDENT: Order! Senator Kitching, please do not use the 'direct relevance' point of order to make an argument. In this case, the minister was speaking for six seconds. The minister is allowed to challenge or to reject a presumption outlined in the question. I didn't hear the minister finish that sentence, so I cannot rule on a point of direct relevance at this point at all. Senator Ruston, please continue.

Senator RUSTON: Thank you very much, Mr President. As I said, I reject the premise of the question, because you're quoting a figure of 600,000 and I have seen no evidence whatsoever that it's actually an accurate figure. However, the thing that I find quite extraordinary is that, until you lost the election on 18 May this year, we were on a unity ticket about the importance of being able to collect debts to make sure that our welfare system is sustainable.

The PRESIDENT: Senator Wong on a point of order?

Senator Wong: The point of order goes to direct relevance. The question goes to a budget savings target—$2.1 billion—and the question is about whether there is a revision to that. I know she's been given press releases and has been asked to use them in defence—by her staff or someone else—but the reality is that talking about unity tickets is not directly relevant to a question about the revision of budget figures.

The PRESIDENT: Senator Cormann on the point of order?

Senator Cormann: On the point of order: Senator Wong did not actually completely relate the question that was asked. There was a particular aspect to that question which meant that the minister was quite right to say that she did not accept the premise of the question. The assumption in the question was that, just because a particular methodology was used, no debt was actually incurred, and that is wrong. And, in any event, Senator Kitching should know that any updates are always provided at the relevant budget update.

Senator Wong: She's the relevant minister!

The PRESIDENT: I will take the interjection. I have allowed some discretion with points of order on my left. On the point of order, my notes reflect the question went to a projected saving, a claim about a number of debts and then seeking an announcement about a position from the government. To be directly relevant to that question, I do not consider the position of the opposition to be directly relevant, because that was quite a specific question. I call the minister to continue.

Senator RUSTON: To absolutely clarify that position, I said that I rejected the premise of the 600,000 people on whom Senator Kitching was basing her question. As I said, it seems really interesting that, at one stage, we had the opposition saying, 'No-one gets a leave pass,' and now, post the election, when they have been unsuccessful in victory, we somehow seem
to have a completely different thing—‘everybody gets a leave pass.’ It's like all debts are waived and we don't have to pursue the sustainability of our welfare system.

Senator Wong interjecting—

The PRESIDENT: I am going to do something I have not done yet but which my colleague in the other place has done. I would ask ministers to listen to my rulings, because I just made a point that I did not think the position of the opposition was directly relevant to the terms of that question. Senator Kitching, a final supplementary question?

Senator KITCHING (Victoria) (15:26): In the other place, when asked about the belated decision to suspend robodebt, the minister, Stuart Robert, began his response by declaring, 'The government does not apologise.' Is this the government's position and is the minister correct?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:26): I have been so intently listening to the proceedings of this question time, I have absolutely no idea what was said in the other place during question time—and I have no intention of trying to channel the Minister for Government Services.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Pensions and Benefits

Senator GALLACHER (South Australia) (15:27): I move:

That the Senate take note of the answer given by the Minister for Families and Social Services (Senator Ruston) to a question without notice asked by Senator Kitching today relating to the Income Compliance Programme.

I just want to say at the outset that Senator Ruston said that we were on a unity ticket with this government in this space. That is not entirely correct. I suppose she is correct in that no working Australian, no taxpayer, wants anybody to be availing themselves of the welfare system incorrectly or inappropriately. But what has happened in this space is really instructive. There have been two Senate inquiries that have made recommendations in this space: one that Senator Siewert alluded to and one that Senator Kitching alluded to. But I am going to put on the record what the Commonwealth Ombudsman said. The Commonwealth Ombudsman said, 'In the first iteration of the income compliance program, deliberate emphasis was placed on customers providing information, not the department seeking information from employers.' So the system changed.

The system was quite simple. If there was an aberration in the figures, people would be asked to provide information. If they did not provide the information, their employer would be asked to provide the information, and that information would come back to the department. The department would look at the two sets of information, decide whether there was a debt to be raised or not, and, if there was, they would action it. What has happened, clearly, is that a new system has come into place.

The new system started with an interim rollout of a new compliance approach from 1 July 2015. DHS identified 100,000 discrepancy cases for manual assessment. However, this process differed from the previous process in several ways. The first is that it placed greater
emphasis on the obligation of customers to provide DHS with current and accurate information about their circumstances, including changes to earnings, and DHS staff would no longer seek this information from employers for the purpose of calculating a debt. So it put all the emphasis on the customer.

I'm sure that there are people on Newstart or welfare payments who keep impeccable records, but I'm also very sure that there are some people in unfortunate circumstances and getting a Newstart payment or a welfare payment who have no records—who have no idea—and who, when confronted with a formal notice from a government department, go into panic mode. They have no idea what to do and, in a lot of cases, they do nothing at all, so the debt is then automatically generated.

This system has been challenged by two Senate committees, and the Commonwealth Ombudsman has made relevant and pertinent observations. Placing the onus on people right down the system, recipients of welfare payments, to prove they don't have a debt could well be not the legal way that this country should operate, and it may be that there are legal moves—outside the parliament, clearly—which have changed the minister's mind. The government will make no apology for it. It was driven off a desire to build their surplus from wherever they could. They just did a robodebt calculation and sent it out.

The intriguing thing for me is: if this robodebt system is so good, why don't they use it to collect superannuation from recalcitrant employers? Why don't they use it to prevent wage theft? The taxation department is getting its 32c, its 18c or its 47c. They know what wages should be paid or what isn't being paid. Why is this robodebt collection model designed to focus on the least able to pay and the most vulnerable people in our community? The answer is: it's what's they do. That's what makes that lot over there different from this lot over here.

We on this side don't set out to have a punitive regime, going down to the most vulnerable in the community, ticking over debt and sending them a notice, knowing full well that they'd have no records. There wouldn't be too many people who've been on Newstart or a welfare payment who would keep seven years of payroll records just on the off chance that Centrelink is going to ask them for a bit of evidence about how much they got. They rely on the system working. The ATO feeds the information to DHS. DHS saw an opportunity to up their revenue collection by—what was it?—two-point-something billion dollars. They are extremely harsh against people who are vulnerable. (Time expired)

Senator ABETZ (Tasmania) (15:32): Let's be very clear: welfare payments are not payments by the government. These are payments by Australians from their taxes to their fellow Australians who are experiencing tough times. It is, if you like, an expression of those tax-paying Australians to those who are experiencing hard times that they are willing to assist and provide them support in their time of need. With the tax system, we do have situations where people seek to minimise their tax and take advantage. Therefore, we quite rightly pursue those who don't pay enough tax. Similarly, in the welfare system, regrettably, there are those people who seek to manipulate the system and gain moneys to which they are not entitled. There are others who simply make honest mistakes, as occurs with the tax system.

So, we have on the one hand the Australian Taxation Office, which genuinely seeks to recoup taxes that should have been paid, and, on the other hand, welfare agencies that seek to recoup moneys that should not have been paid. That is the motivation behind the so-called robodebts. Once that is understood, the sorts of ugly motives that the Labor Party seek to
impute in relation to this are completely unacceptable, without foundation and without fact. This is just an attempt to besmirch the government and besmirch the agencies. Why? Because they don't have a positive agenda of their own to submit to the Australian people.

It makes good sense that we as a government, as the stewards of Australian taxpayers' money, seek to ensure that welfare recipients get that which they deserve and no more. Similarly, as good stewards we seek to ensure that people pay the tax that they are required to pay and no less. This is the balancing act of any good government that seeks to manage the economy for the wellbeing and welfare of all Australians, and so the Australian Labor Party, in coming into this debate as they have, show again how devoid they are of understanding of the way that our system works and seeks to support our fellow Australians.

Has the robodebt system had its faults? Yes, and I've been on the public record, in my home state of Tasmania, indicating some of those faults quite some time ago and assisting people who fell afoul of it. It would be fair to say that it was suboptimal. It could have been done better, but to impute the sorts of motives that the Australian Labor Party have tried to does them no credit and besmirches all those people that put the system together—with some faults. As those faults have come to light, the government quite rightly has reacted and responded to ensure that this system is as fine-tuned and good as possible and is fair to all concerned.

Within this debate you never hear the Australian Labor Party remind our fellow Australians that every single dollar of welfare payments doesn't just materialise out of the sky; it is actually taken by the Australian government out of the pockets of our fellow Australians. That is where the money comes from; therefore it is right and proper that as a government we seek to ensure that only those that are entitled receive welfare payments and that those that accidentally or deliberately are paid too much make the repayment not to the government but to their fellow Australians, because it is actually their money, not the government's money.

We then heard from Senator Gallacher about wage theft. There was a question by one Labor senator about closing down the companies that engage in wage theft. Wouldn't that be a good idea for the ABC, which accidentally underpaid over 2,000 of their workers? The reason I raise this is that people sometimes do make honest mistakes, and you have to take that into account but then ensure that the repayments are made. That is what this is all about, and I support the government's moves.

Senator O’NEILL (New South Wales) (15:37): I put on the record, in response to the tonally very reasonable argument from Senator Abetz on behalf of the government, that he mischaracterises what happens when we get funding for times when we might be unemployed and need some support. There are people who have paid tax all their lives, like Debra, who gave evidence to the committee in Tasmania around very significant issues with the Newstart program. She has worked for 35 years. She has paid her taxes for 35 years. The company went bust. She and many others lost their jobs. Now, after expending all of her life savings, she's on Newstart, but she said that this government is making her feel that she is a burden to this country. A woman who has worked and paid taxes for 35 years is being made to feel, by this government, that she is a burden on society. A young man, Patrick, sitting next to her, said he feels that the Prime Minister has made him feel so unworthy that the only thing that's preventing him from taking desperate action is that he wants to continue for his eight-year-old
That's the state we've got to in Australia because of this government and the kind of rhetoric that's embedded in this conversation.

What is robodebt? Hopefully, you don't know what it is, but the people who know what it is know what it is in a pretty bad way. It is exactly what Senator Gallacher said. About three years ago this government figured out that it could ramp up a whole lot more income into the coffers of the government if it started sending out notices to people based on information straight out of the ATO. Australians who have a period on Newstart have to fill in forms down to the level of each hour to account for the money they receive. They put in very specific documentation about how much they've worked and how much they're eligible for.

What this government decided to do was change the way things had been done, where reasonable claims like that could be judged against the evidence and information at the ATO and then a government employee, a public servant, would do due diligence. They would go and have a look at the ATO information, have a careful look at the information that was held at Centrelink, make an inquiry of an employer, make an inquiry of a bank and have a look at the whole thing and say: 'No, this person has done a pretty good job of keeping things square. They deserve every cent they've got to keep their family clothed, fed and sheltered, and that's an appropriate spend.' What those opposite said was: 'Oh, well we can get rid of that bit of the process. We can take the public servant out, and what we'll do is we'll make it robotic.' That's where the 'robo' comes from in 'robodebt'. So, if the ATO, which averages everything out, decides that the average doesn't fit with your very specific week-by-week figures—which can amount to two very different numbers—out go the letters.

For the last three years there have been three schemes that have been sending letters out to Australians without any of those checks and balances. It is a disgrace. It disgusts me. At estimates, in a room just up here in another part of the building, I asked, 'How many people have you helped get the records that they need to prove that they don't have this debt?' Because that's what happens now—you've got to prove there is no debt. They say: 'You're a 24-year-old. Get your figures and your paperwork from seven years ago and prove to me, prove to the Australian government, that you don't owe the debt.'

Since the middle of 2016, 600,000 people have got robodebt notices—900,000 for the whole scheme. How many people do you think the public servants have helped to get those documents? One thousand. One thousand Australians out of 900,000 Australians got a little bit of help from this government to get their paperwork together to prove that they didn't have a debt, and that's why we are outraged at this third iteration of this failed system in three years. The government need to be held to account for the shame that they have inflicted on people and the terror that they've put into people's livelihoods and people trying to manage their finances. They are just wrong and have failed. *(Time expired)*

**Senator VAN** (Victoria) (15:42): I rise to take note of the answer given in question time. As I said in my first speech earlier this year, we are the party of good government. Of that, there can be no doubt. Good government means good governance. Good governance—

*Senator O'Neill interjecting*

**Senator VAN**: I know it's a rare thing for those on the other side, so please continue to have a laugh!

*Senator O'Neill interjecting*
Senator VAN: Please continue to have a laugh, Senator O'Neill! Just drink your water, please, Senator O'Neill—it would be better for you! Good government means good governance, and that means good stewardship of public moneys—something those on the other side know little about.

Senator O'Neill: Taxpayers' money.

Senator VAN: Yes, taxpayers' money, and taxpayers foot the bill for $111 billion in social security payments.

Senator O'Neill interjecting—

Senator VAN: Is this a debating time, Madam Deputy President, or am I allowed to have the call?

The DEPUTY PRESIDENT: Order! Senator Van has the right to be heard in silence. I would ask senators to respect that right. Please continue, Senator Van.

Senator VAN: Thank you, Madam Deputy President. As I said, good stewardship of public moneys is the hallmark of good government, and, as was just raised, Australian taxpayers foot the bill for around $111 billion in social security payments each year. The citizens of Australia, those taxpayers who contribute all that money, deserve nothing less than to have that money looked after in the best way that this government can. I remind those senators here and those listening that the social security component of the budget is the largest by an enormous amount. We spend more on that than anything else. We spend more on that than anything else.

Just to correct something that was said opposite, welfare beneficiaries are not a burden to Australia. They are not a burden to Australia. When Australians need it, Australians deserve a hand up, as has been said many times by our Prime Minister. And that's what social security is for. It remains there for Australians who need it to get a hand up, to help them in times of need, to help them through those difficult periods that any Australian can have at some point in their life. We need to reflect on that and why it's there, why we collect so much in taxpayers' funds—to be there as a safety net, and that safety net is there to help them back onto their feet, to help them back into work or to help them get the rest and recuperation they need. It's there to help people. It's not a handout. It's not a wage replacement. So, when there are times—and there are—when there is a miscalculation, the government has a responsibility to collect back any of those overpayments. Compliance activity will continue for past and future welfare payment recipients where there is a reasonable belief—and I reiterate a 'reasonable belief'—that they have been overpaid.

Refinements have been made a number of times to the income compliance program, and the government has an ongoing commitment to refine the program. We remain responsive to community feedback and have listened to the concerns around the current system. That much has been made clear in question time many, many times. We will continue to use income averaging as part of the range of options to ask a welfare recipient to engage with DHS if there is a discrepancy. That's all we're asking them to do here—to engage with the department if there is a discrepancy. This is central to having community trust in the administration of the safety net. I think you will all agree that good government means that government must maintain a concerted focus on returning overpayment to taxpayers. We balance this with fairness and transparency in our compliance activities. People can ask the department to
review decisions or to provide new information at any stage of the process, which the government ombudsman reflects as a reassessment process functioning as it should.

Senator McCarthy (Northern Territory—Deputy Opposition Whip in the Senate) (15:47): The government's robodebt scheme has been an absolute disaster. For years they've been pretending there is nothing wrong with a scheme that has proven to be inaccurate, unfair and incredibly damaging to some of our most vulnerable citizens. The robodebt scheme is a perfect example of this government's heartless approach to governing. Known as 'online compliance intervention', the automated debt recovery system was anticipated to recover up to $4.5 million in welfare debt every single day. It sounds good when you put it that way, if what you're looking at is the budget bottom line. The trouble is, of course, that we're talking about a system that impacts on our most vulnerable citizens—a computer-generated system that delivers automated debt letters to welfare recipients without being checked first by an officer.

The human toll of this robodebt scheme has been enormous. It's a mess. There have been so many terrible stories of the mental and emotional toll the robodebt scheme is having on Australians. It is only after immense and sustained pressure from Labor that the minister has hit the emergency brakes on this scheme—too little, too late and with major questions still remaining. What happens to all those people who've already been victims of robodebt? And what happens to all that money improperly obtained by the government? What happens to that?

The Department of Human Services reportedly believes about 600,000 robodebts have been raised using income averaging and will need to be reassessed. The Northern Territory provides a case in point of the shortcomings of this heartless approach to recovering debt from the most vulnerable. In the Northern Territory, as of December 2018 there were 15,196 residents receiving Newstart payments, 2,255 receiving youth allowance and 9,557 on the age pension. The NT's population of 254,854 is geographically dispersed and has very low population density. Over 50,000 people in the Northern Territory live in remote areas outside of the main urban centres of Darwin, Alice Springs, Tennant Creek, Katherine and Nhulunbuy. There are over 600 homelands and 96 Aboriginal communities right across.

Aboriginal Territorians make up 33.3 per cent of the population, and 49 per cent of Aboriginal Territorians live in rural or remote areas, so the nature of our population in the Territory impacts Centrelink's compliance program as well as the delivery of the agency's services. Remoteness gives rise to challenges regarding access to services, internet, telecommunications and online banking and access to translators or services and resources in language. The reality of robodebt means that, if recipients are cut from payments, connecting back to the correct income support is not straightforward. Delays in accessing payments mean that women and children go without material basics. This means food, with kids going hungry. This means housing, as people are unable to pay their rent.

The government's own data shows that thousands of debts have been generated in error, with approximately one in five debts having been incorrect or waived. How many of these incorrect debts apply to vulnerable people in the Northern Territory? How many debts have simply been paid because people have been unable to provide all the supporting documentation and evidence that's required retrospectively by Centrelink?
The submission from Financial Counselling Australia to the Senate inquiry into Centrelink's compliance program highlights the fact that the government's failure to take extra care with vulnerability makes the debt collection process unsafe and unfair. The FCA recommends that all debt collection processes must be fair and must meet best practice standards, that binding standards are needed to ensure that Centrelink complies with best practice at all times and that there must be a reasonable basis for collecting the debt. It's astounding to consider that this hasn't necessarily been the case. (Time expired)

Question agreed to.

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:53): I move:

That the Senate take note of the answer given by the Minister for Families and Social Services (Senator Ruston) to a question without notice asked by Senator Siewert today relating to the Income Compliance Programme.

My question was about robodebt and whether the government would now implement recommendation 1 of the 2017 Senate inquiry into the robodebt debacle, which basically said that robodebt should be put on hold until the procedural unfairness issues have been addressed. You would think, from listening to not only the answers from Senator Ruston but also some of the points made during take note, that there is nothing to look at here: 'Don't you worry about that. It was Labor's fault. They were doing something a while ago. But don't forget: there's a whole lot of money spent on welfare'—or what they say is welfare.

I'll just remind the chamber that, when the government talk about 'all of that money spent on welfare', they're talking about assistance to the aged—in other words, the age pension. They're talking about veterans and their dependents. They're talking about people with disabilities, and the NDIS. They're talking about the family tax benefit. The government imply that there are a whole lot of people cheating out there and we're spending a lot of money. But we are rightfully spending money on the people in our community that need it.

The government would have you think that there's no problem with robodebt. 'We've just made a slight change.' Well, they've actually fundamentally agreed now with recommendation 3 of the Senate inquiry, which specifically dealt with income averaging. Recommendation 3 said:

The committee recommends that all people who have had a debt amount determined through the use of income averaging should have their debt amounts re-assessed immediately …

Well, it's 2½ years later—2½ years of more and more Australians, thousands of Australians, who have had debts generated by income-averaging, because that, and reversing the onus of proof, is at the heart of robodebt. This system is fundamentally flawed. Would the government have told us, I wonder, and would Minister Robert have come out and done that short media conference last week, if there had not been leaked emails saying that the process had changed? Perhaps not. Perhaps we would not have found that out for some time. Fortunately, we did.

The government have a lot of unanswered questions. They said there are only a few affected. Well, that's nonsense. We know that income-averaging is at the heart of the robodebt fiasco. Instead of trying to change the name that we were using—that is, 'robodebt'—perhaps the government should have focused on making sure this system was fair and didn't hurt all
those Australians who have been hurt. I have sat across the table from a large number of people who have been deeply distressed and traumatised. They felt stigmatised and humiliated that they had been accused of cheating. People were in tears because of the stress of robodebt. I have listened on the phone to people in tears because of the stress of robodebt. I have had innumerable phone calls into my office, because of robodebt, that my staff have handled.

But not only were the government not satisfied that for 2½ years they've been running this program when they must have known that its legality was questioned and that they were hurting people; they have continued to perpetrate this debacle on people. When I asked, 'Would the government apologise?' I did not get an answer. Will they apologise for the hurt and trauma that people are suffering? On top of their issuing of these hundreds of thousands of letters on robodebt, they have now started garnisheeing people's tax returns and family tax benefits for debts that people did not owe. The fact is that the government do not know how many people have been affected by income-averaging.

Will they compensate people for the trauma, distress and hurt they have caused? Will they repay all the money that people have already paid? How many supposed debts have people simply agreed to repay that they do not accept they owe but have just given up fighting with the government about, because Centrelink is so hard to deal with? They've managed to get the debt, perhaps, reduced a little bit, and they've just lost any ability to fight any further. This is a debacle, and it should stop.

Question agreed to.

PETITIONS

The Clerk: A petition has been lodged for presentation as follows:

Community Television

To the Honorable President and Members of the Senate assembled:

The petition of the residents of Victoria draws to the attention of the Senate, the unique benefits of community TV, and in particular, Channel 31's significant contribution to promoting harmony, diversity, cross-cultural understanding and community participation in Victoria.

Channel 31 Melbourne and Geelong (C31) is Victoria's self-funding, not-for-profit community television service, watched by over one million people every month.

The station provides access and representation to Victoria's diverse communities, special interest groups and independent producers, and is a vital training vehicle for industry newcomers and tertiary students. Uncertainty and has impacted C31's ability to generate income, mainly from its primary revenue source, advertising.

The petitioners, therefore, request the Senate call on the Morrison Government and the Federal Minister for Communications to authorise a minimum five-year extension to C31's transmitter licence and enable a period of stability for the station to return to financial health and to continue to develop modernised broadcasting and business models.

It also provides Victoria's multicultural communities, which represent 28.4% of the state's population, with a platform to express themselves and to share their views, cultures and lifestyles.

In 2014 community TV stations were required to vacate spectrum to enable an industry transition to more efficient broadcast technologies. Five years on, the transition has not occurred and remains a distant proposition.
Since the 2014 announcement, C31 has been fighting to secure its access to free-to-air TV and to remain financially viable. The station has secured a number of short-term transmitter licence renewals, but this has created an environment of uncertainty and has impacted C31’s ability to generate income, mainly from its primary revenue source, advertising.

The petitioners, therefore, request the Senate call on the Morrison Government and the Federal Minister for Communications to authorise a minimum five-year extension to C31’s transmitter licence and enable a period of stability for the station to return to financial health and to continue to develop modernised broadcasting and business models.

by Senator Van (from 933 citizens)

Petition received.

Senator VAN (Victoria) (15:58): I seek leave to make a short statement in relation to the petition I lodged.

Leave not granted.

NOTICES

Presentation

Senator Bilyk to move on the next day of sitting:

(1) That the Senate—

(a) notes that:

(i) the Select Committee on Charity Fundraising in the 21st Century tabled its report on 14 February 2019,

(ii) the unanimous report of Labor, Liberal, Australian Greens and United Australia Party senators called on the Australian Government to work with state and territory governments to harmonise Australia’s charity fundraising law within two years, (iii) while government responses to committee reports are due within three months, the government’s response to the charity fundraising inquiry has not been forthcoming nine months after the report was tabled,

(iv) the Morrison Government’s failure to progress this important issue was highlighted when charity fundraising law reform was absent from the agenda of the Legislative and Governance Forum on Consumer Affairs – key meeting of Commonwealth, state, territory and New Zealand consumer affairs ministers – in Queenstown, New Zealand, on 30 August 2019,

(v) without fundraising law reform, charities raising funds online are required to register and comply with seven state and territory fundraising regulatory regimes,

(vi) the charity and not-for-profit sector has been calling for reform of Australia’s charity fundraising laws for several years,

(vii) the Department of the Treasury’s 5 year review of the Australian Charities and Not-for-profits Commission (ACNC), delivered on 31 May 2018, identified fundraising law as the major reporting burden on charities, and recommended that fundraising law be harmonised across the country, and

(viii) the failure of the Morrison Government to act on reform to charity fundraising law is costing charities $15 million a year; and

(b) calls on the Morrison Government to:

(i) deliver its overdue response to the report of the Select Committee on Charity Fundraising in the 21st Century,

(ii) stand up for Australia’s charities, not-for-profits and their donors, whose donations and fundraising efforts are being needlessly eroded by unnecessary regulatory costs, and
(iii) provide national leadership and – as a matter of urgency – work with the states and territories to harmonise Australia’s complex and outdated charity fundraising laws

(2) That the Senate requires on Thursday, 28 November 2019, at 9.30 am, before government business is called on, the Assistant Minister for Finance, Charities and Electoral Matters to:

(a) table the Government’s overdue response to the report of the Select Committee on Charity Fundraising in the 21st Century; and

(b) attend the Senate to provide an explanation, of no more than 20 minutes, of the government’s response and for the delay in responding to the committee’s report.

(3) At the conclusion of the explanation, any senator may move to take note of the explanation.

(4) Any motion under paragraph (3) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes.

Senators Marielle Smith and Ciccone to move on the next day of sitting:

That the Senate—

(a) notes that 11 to 15 November 2019 was Perinatal Anxiety and Depression (PANDA) Week;

(b) recognises that:

(i) perinatal anxiety and depression is common and serious,

(ii) one in five expecting or new mums will experience perinatal anxiety or depression,

(iii) one in ten expecting or new dads will experience perinatal anxiety or depression,

(iv) 100,000 families across Australia are affected by perinatal anxiety or depression every year, and

(v) postnatal psychosis affects one or two new mums in every 1000 and that, if left untreated, the consequences of perinatal anxiety and depression can be devastating; and

(c) calls on the Federal Government to take action to raise awareness about the signs and symptoms of perinatal anxiety and depression, and encourage open and honest conversations about the mental health of expecting and new parents in communities and workplaces.

Senator Ruston to move on the next day of sitting:

That—

(a) if the notices of motion proposing the disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019, standing in the names of the Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells) and Senator McKim, on behalf of the Parliamentary Joint Committee on Human Rights, for three sitting days after today (28 November 2019), have not been resolved by 12.45 pm on 28 November 2019, the notices of motion be called on and considered together at 3.30 pm on 28 November 2019; and

(b) if consideration of the motions listed in paragraph (a) is not concluded by 4 pm, the question on the unresolved motions shall then be put.

Senator Dean Smith to move on the next day of sitting:

That the Senate—

(a) notes that the 2019 Grandparent of The Year Award was announced on 1 November 2019;

(b) congratulates the following 2019 Grandparent of The Year Award recipients: Maxine and Geoff Bolland of Willaston, South Australia, in recognition of their tireless advocacy on behalf of a growing number of grandparents working from ‘outside the system’, to keep children out of foster care and give them the opportunity to thrive;
(c) congratulates the 2019 Community Service Grandparent of The Year Award recipient Michelle Cooper of Nubeena, Tasmania; and

(d) recognises Grandparents Day Magazine for its promotion of important issues to grandparents, and for establishing the Grandparent of The Year Award to acknowledge and celebrate the contributions grandparents make to our community.

Senator Gallagher to move on the next day of sitting:
That the Senate notes that—

(a) the work of the Australian Public Service (APS) is incredibly important to the lives of Australians;

(b) federal public servants work in a wide range of roles, from regulating the quality of life-saving medicines to providing support during times of tragedy or natural disasters;

(c) nearly two-thirds of the public service work outside of Canberra, and 70% work in implementation or service delivery; and

(d) the enduring and apolitical nature of the APS means that it plays an essential role in maintaining public trust in democratic institutions.

Senators Watt, Green and Chisholm to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) the Department of Home Affairs employs over 130 dedicated and hardworking Queenslanders to process visa applications,

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) the Federal Government’s plan to privatise Australia’s visa system threatens the livelihoods of over 130 Queenslanders and their families; and

(iv) privatising Australia’s visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;

(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation’s sovereignty; and

(c) calls on the Federal Government to guarantee the protection of these 135 jobs in Queensland, and the 2,000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatise Australia’s visa system.

Senator Farrell to move on the next day of sitting:
That the following bill be introduced:
A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes.

Senator Rice to move on the next day of sitting:
That there be laid on the table by the Minister representing the Attorney-General, by no later than 5 pm on 2 December 2019, a list of consultation meetings held by the Attorney-General, or his office or the Attorney-General’s Department, in relation to the Religious Discrimination Bill 2019 (and associated legislation), including the dates and the stakeholders in attendance.

Senator Faruqi to move on the next day of sitting:
That the Senate—

(a) notes with deep concern the findings of the:

(i) Charles Sturt University’s report Islamophobia in Australia 2019, which show:
(A) between 2016 and 2017, 349 incidents of anti-Muslim racism reported to the Islamophobia register,
(B) severe attacks requiring hospitalisation more than doubled from 2% to 5%,
(C) most incidents of racism towards Muslims involve the targeting of women – 72% of the victims of Islamophobia were women, and almost all were wearing a hijab or scarf at the time of the incident,
(D) attacks in public areas have become more common, with harassment of Muslims in public areas in the presence of security officers and CCTV jumping by 30%,
(E) the second most common place for harassment was schools and universities, with incident reports outlining racist slurs from other students, teachers, principals and sports coaches, and
(F) insults targeting Muslims’ religious appearance and religion were the highest at 67% of all reported incidents, and
(ii) All Together Now 2019 study which analysed 281 media pieces from the most popular newspapers and television shows over a 12-month period, which show:
(A) racialised identities most often discussed negatively in media included Muslim Australians, Aboriginal and Torres Strait Islanders and African Australians,
(B) Muslim Australians were the most frequently targeted, with 63 of the 281 pieces discussing Muslims specifically,
(C) Muslim women are most often targeted by negatively racialized social commentary, with perpetrators primarily being mainstream newspapers, and
(D) social commentators expressed racist views in both overt and covert ways, such as dog-whistling, decontextualisation and irony;
(b) denounces Islamophobia in all its forms;
(c) condemns Islamophobia in public debate and in the media; and
(d) calls on the Federal Government to show leadership at the national level to stop the spread of Islamophobia.

Senators Griff and McKim to move on the next day of sitting:
That the Senate—
(a) acknowledges that author, journalist and filmmaker, Mr Behrouz Boochani, will be appearing at the WORD Christchurch literary event on 29 November 2019;
(b) notes that Mr Boochani is also a Kurdish refugee who fled persecution in Iran, sought asylum in Australia and spent 2269 days held by Australia’s offshore processing regime;
(c) further notes that Mr Boochani’s internment in offshore detention included being jailed for eight days for reporting on a hunger strike in the centre, and twice tortured for several days in the notorious Chauka solitary confinement block for reporting on the conditions in the now-demolished Manus detention centre to the outside world; and
(d) pays tribute to all those involved, including Amnesty International and the United Nations High Commissioner for Refugees, in securing a visa for Mr Boochani to travel to New Zealand to attend the Christchurch literary event.

Senator Griff to move on the next day of sitting:
That the Senate—
(a) acknowledges that anti-Semitic attacks involving face-to-face interactions surged 30% in the year to September, according to the Executive Council of Australian Jewry’s annual report on anti-Semitism;
(b) notes that incidents involving direct verbal anti-Semitic abuse, harassment and intimidation increased from 88 to 114, and graffiti attacks more than doubled from 46 to 95;
(c) further notes that, according to the report, anti-Semitic attacks have included physical assaults to abuse, harassment, vandalism and graffiti, threats via emails, letters, phone calls, posters, stickers and leaflets;
(d) repudiates all anti-Semitic attacks in Australia; and
(e) calls for increased Holocaust education in all Australian schools.

Senator Whish-Wilson to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) recent bushfires have resulted in thousands of insurance claims being filed by affected residents,
(ii) the General Insurance Code of Practice is a voluntary code that is not enforceable by regulators,
(iii) insurance contracts are not currently subject to laws protecting consumers against unfair contract terms, and
(iv) the handling and settling of insurance claims is not considered a financial service and, as such, licensees are not subject to the general obligations to do all things necessary to ensure the service is provided efficiently, honestly and fairly; and
(b) calls upon insurance companies to act with integrity, and to be as sympathetic and as prompt as is possible, when assessing and settling claims made by people affected by the recent bushfires.

Senator Siewert to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) robodebt has caused extreme distress, trauma and hardship in the Australian community,
(ii) the Federal Government’s recent changes to the averaging process is an acknowledgement that the process is flawed,
(iii) the Federal Government failed to implement the key recommendation contained in the report by the Community Affairs References Committee, Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative, tabled on 21 June 2017, which was to suspend the program and instead ramped up the program, relentlessly pursuing people on low incomes, and
(iv) there are questions regarding the legality of income averaging, and placing the burden of proof on the income support recipient; and
(b) calls on the Federal Government to immediately abandon automated debt recovery, complete the review of all existing and past alleged debts in a timely manner, and to repay and compensate those who have already paid or commenced paying a robodebt which is found to be an error.

Senator McAllister to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) 5 November 2019, was the International Day for the Elimination of Violence Against Women,
(ii) it marked the beginning of 16 Days of Activism against Gender-Based Violence,
(iii) the 16 Days of Activism against Gender-Based Violence concludes on 10 December 2019, which is Human Rights Day,
(iv) on average, one woman a week is murdered by her current or former partner, and
(v) eight women a day are hospitalised after being assaulted by their spouse or partner;
(b) acknowledges that:
   (i) violence against women exists in many forms, including physical, psychological, sexual,
       emotional, social and financial,
   (ii) the effort to end violence against women requires unwavering genuine commitment, national
       leadership and fundamental cultural and attitudinal change,
   (iii) the responsibility to end violence against women rests with us all – from communities to
       individuals, governments, civil society and business, and
   (iv) the government and business can make it easier for women to leave abusive and violent
       relationships;
(c) recognises that the workplace represents a significant aspect of the prevention of family violence
   and violence against women, and notes that:
   (i) financial security and independence is vital to a woman leaving a violent relationship,
   (ii) in leaving a violent relationship, women will need to search for new and safe accommodation,
       and access health, legal and other support services,
   (iii) according to the ACTU, leaving an abusive relationship and finding new and safe
       accommodation costs on average $18,280 and takes an estimated 141 hours, and
   (iv) many employers already provide paid family violence leave; and
(d) calls on the Federal Government to introduce 10 days paid domestic violence leave in the
   National Employment Standards.

Senator Hanson-Young to move on the next day of sitting:
That the Senate—
(a) notes that:
   (i) Norwegian oil giant, Equinor, plans to drill for oil in the pristine ocean environment of the
       Great Australian Bight,
   (ii) the majority of Australians oppose the plan, recognising that there is no safe way to drill for oil
       in the remote, rough seas of the Bight and it is not worth the environmental or economic risks, and
       three out of four South Australians stated in an Advertiser survey, released on 22 November 2019,
       they would not support it even if it would drive down their fuel prices,
   (iii) on 23 November 2019, a National Day of Action was held to Fight for the Bight, which saw
       more than 10,000 people attend more than 50 events across the country from Exmouth, Western
       Australia, to Townsville, Queensland, and on some of Australia’s most iconic beaches, including
       Bondi, Manly, Bells Beach, Byron Bay, Margaret River and Currumbin, and
   (iv) according to the most recent polling from The Australian Institute, Australians want to see the
       Great Australian Bight protected, and more than four in five South Australians (84%) support World
       Heritage protection for the Bight; and
(b) calls on the Federal Government to:
   (i) back the calls of the majority of Australians and tell Equinor that they are not welcome here,
   and
   (ii) protect the Great Australian Bight by listing it as a World Heritage site
Senator Siewert to move on the next day of sitting:
(1) That the Senate notes that legal professional privilege is not a recognised ground for refusing to provide information to the Senate.

(2) That there be laid on the table by the Minister representing the Minister for Government Services, by 10 am on 27 November 2019, any legal advice received by the Government, or Services Australia (Department of Human Services), relating to the decision to stop relying solely on income-averaging processes to raise debts under the Income Compliance Programme.

Senator Di Natale to move on the next day of sitting:

That the Senate—

(a) notes with deep concern that:

(i) the 2019 report on anti-Semitism in Australia, published by the Executive Council of Australian Jewry, found a 30% year-on-year increase in reported incidents of anti-Semitic verbal abuse, harassment and intimidation,

(ii) the rise in anti-Semitic and Nazi sentiment is seen even more clearly online, especially on sites used by the far-right, white supremacists, Nazis and other racists, and

(iii) racism, more broadly, is on the rise in Australia, being fed by irresponsible sections of the media and extremist politics; and

(b) urges the Australian Government to introduce an Australian Charter of Rights, recognising that we are the only western democracy that does not protect the basic rights and freedoms of its people in either legislation or the Constitution.

CONDOLENCES

Humphreys, Hon. Benjamin Charles, AM

The DEPUTY PRESIDENT (15:59): It is with deep regret that I inform the Senate of the death on 17 November 2019 of the Hon. Benjamin Charles Humphreys AM, a former minister and member of the House of Representatives for the division of Griffith, Queensland, from 1977 to 1996.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:59): by leave—I move:

That the Senate records its deep regret at the death, on 17 November 2019, of Benjamin Charles Humphreys AM, former Member of the House of Representatives, Minister for Veterans' Affairs and Minister assisting the Minister for Northern Australia in the Hawke and Keating governments, places on record its appreciation for his service to the Parliament and the nation, and tenders its sympathy to his family in their bereavement.

When Ben Humphreys was first elected to represent the people of the Queensland seat of Griffith in 1977, I'm advised that he thought he would only last for one term. That he retired from parliament almost 20 years later, in 1996, was testament to his hard work, dedication and commitment to the people of his electorate and, indeed, Australia. In that time, the Labor Party member for Griffith served as a cabinet minister in the Hawke and Keating governments. He was Minister for Veterans' Affairs for six years and also spent 10 months as Minister Assisting the Prime Minister for Northern Australia.

Ben Humphreys was born in Brisbane in 1934. He grew up in the riverside suburb of Bulimba in the thirties and forties. After marrying Beryl, they settled in the Brisbane suburb of Hawthorne, where they raised five children. He worked as a mechanic and also travelled.
and worked extensively across rural Queensland and the Northern Territory as a salesman, where he became affectionately known as 'the bushman's friend'.

Ben Humphreys' path to the Australian Labor Party, and ultimately parliament, started with his involvement in the union movement. He was a member of the Amalgamated Metal Workers and Shipwrights Union and from 1965 to 1966 was the branch secretary of the Amalgamated Engineering Union. In his famous speech to parliament, Ben Humphreys told the House, when he was elected to parliament in 1977, that he had never been to Canberra before and had never been to Parliament House, and he thought all would be rosy with all the great members of the Labor Party being 'as one'. I quoted him there and I continue to quote. He said: 'My baptism of fire was my first caucus meeting.'

Following Gough Whitlam's resignation as Labor leader after the 1977 election, Ben Humphreys backed Lionel Bowen in the ballot against Bill Hayden, which he freely admitted did not go down well in Queensland at the time. After Bowen's loss to Hayden, Ben was recruited to the New South Wales Right faction by Doug McClelland and John Johnston. Ben said that, while there was a lot of hard work done behind the scenes to get him into the New South Wales Right, it was not hard for him to stay, because 'I found them to be a very decent group of people, even though we hear some stories from time to time.' He went on to say, 'But you do not want to believe all the stories you hear around Parliament House,' which I suggest to colleagues is very sage advice indeed!

Apart from his ministerial positions, Ben Humphreys was the Deputy Opposition Whip in the House of Representatives from 1980 to 1983 and Government Whip from 1983 to 1987. He worked hard during his six years as Minister for Veterans' Affairs, seeing it as his duty to do his very best for our veteran community. His connection to and understanding of veterans came partly through his own military service. As a 19-year-old he completed National Service in the Navy from 1953 to 1954 with the Fleet Air Arm. He was also in the Navy Reserves from 1954 to 1961.

His eldest sister married an American soldier after World War II, and his nephew was a medic in the United States Army during the Vietnam War. Ben Humphreys told parliament that his nephew had told him stories of the realities of treating wounded soldiers on the battlefield. As the second-longest-serving Minister for Veterans' Affairs he was a particularly strong advocate for Vietnam veterans, encouraging all Australians to honour and commemorate their service. He acknowledged that there were mixed feelings in Australia during the Vietnam war, but was adamant that Vietnam veterans were entitled to the respect and admiration of their fellow Australians for the way they did their duty and the sacrifices they made for their country. Ben Humphreys strongly supported the 1987 national 'Welcome Home' parade of Vietnam veterans of Australia and urged all Australians to support the event.

In 1990, he travelled with a group of World War I veterans to Gallipoli for the 75th anniversary of Anzac Day and was deeply moved by the anniversary event. Speaking in parliament on his return, he said:

… having travelled the full distance with those Gallipoli and World War I veterans, I will never know another 10 such days. I can say that by observing and getting close to those men I have broadened my understanding of my own character and what it means to be an Australian.

After leaving parliament, Ben Humphreys maintained close contact with Australia's South Pacific neighbours, and in August 2001 he was part of a Commonwealth observer group sent
to oversee the 2001 election in Fiji. He also served on the board of the Australian Stockman's Hall of Fame.

Tributes have flowed since Benjamin Humphreys's passing. Invariably he's been described as a people's politician with strong values and as someone who possessed a sense of decency and authenticity. Former Prime Minister Kevin Rudd, who replaced Ben Humphreys as Labor's candidate for Griffith after his retirement, said he was a mentor for how to be a good local MP. Former Prime Minister Kevin Rudd said:

… Ben was a kind, gentle and good man. He began life as a local mechanic and saw every person he met as his equal. He would go out of his way to help people in need.

Further:

Without Ben, I could never have later become Prime Minister of Australia.

On behalf of the Australian government, I offer our sincere condolences to Ben Humphreys's family: to his wife, Beryl, and their children, Sharon, Jude, Brenda, Ben and Jason, as well as their grandchildren, Beth, Hannah, Amy, Claire, Hunter and Lola. May Ben Humphreys rest in peace.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:06): I rise on behalf of the opposition to express our condolences following the passing of a former member of the House of Representatives and a minister, Benjamin Charles Humphreys AM, at the age of 85, and commence by conveying the Labor Party's condolences to his family and friends and, in particular, our sympathies to Beryl, his wife, and to their children and grandchildren. In addition—and I note my colleague Senator Watt will make some remarks after me—our thoughts are with our comrades in the Queensland branch of the Australian Labor Party.

Ben Humphreys was a decent man, an authentic figure who rose from being a mechanic on Brisbane's south side to being a member of the federal cabinet—someone who saw all he met as his equal. He served with both humility and dedication for nearly 20 years in the House of Representatives, including six as a minister. One of his successors as the member for Griffith, my colleague in the other place Ms Butler, said:

Ben was an amazing and loyal servant of our community and the Labor cause, and he will be missed by all.

His love for Queensland and northern Australia extended well beyond his period of parliamentary service.

Ben Humphreys was one of that generation born in the midst of the Depression and growing up during World War II. Born in Brisbane in 1934, he commenced a year of national service in 1953 with the Fleet Air Arm of the RAN and would remain in the Navy Reserve until 1961. He was a member of the Amalgamated Metal Workers and Shipwrights Union and became branch secretary from '65 to '66. He was also an auto engineer and a small business man. As Senator Cormann has pointed out, he earned the nickname 'the Bushman's Friend' as a result of his extensive travels throughout Queensland and also his amiable nature. On the advice of Lionel Bowen, he maintained ownership of his business after entering parliament, both of them apparently concerned his parliamentary career might be short lived. Obviously that was not to be the case—in fact, he was re-elected six times after first being elected to the House of Representatives in the division of Griffith in 1977.
His parliamentary service began at the beginning of the Fraser government's second term. If you read his first speech, you see that he took up the argument against the Fraser government and what he described as the coalition's administrative heartlessness. Also battling the corrupt Bjelke-Petersen regime in his home state of Queensland, he described his electorate as 'one of the first to feel the chill of a government which puts social justice at the tail end of its priorities'. He lamented the way in which the coalition fomented social disorder by throwing compassion and decency to the wind in its implementation of welfare policies. One wonders what he might have thought of robodebt.

Appealing to those on the government benches to awaken their social consciences, he identified the challenges faced by young people, families and pensioners alike in his inner suburban electorate, which at the time included a large industrial area. He spoke of facilities being built to assist people with disability and noted the impetus that the Whitlam government had provided for their construction. He noted that the development of rehabilitation centres was not limited to Brisbane, with another facility being built in Townsville. He would continue to look beyond the banks of the Brisbane River throughout his career.

In the late seventies, unemployment was a scourge in the inner suburbs. Griffith contained one-third of all unemployed in Brisbane. Mr Humphreys noted the devastating human effects of this fact, including family breakdown, mental and physical illness, alcoholism and crime. In keeping with his attitude, which saw him maintain throughout his career a perspective of those who suffer disadvantage, he invoked Ben Chifley's words, recalling:

… the duty and responsibility of the community … to see that our less fortunate fellow citizens are protected from those shafts of fate which leave them helpless and without hope.

That was, and remains, at the core of the Labor mission. In fact, just as the Fisher Labor government introduced invalid pensions for incapacitated and blind Australians, the age pension for women at 60 and a means-test-free maternity allowance, 100 years later the Rudd Labor government would raise the age pension and lift a million Australians out of poverty.

Mr Humphreys chronicled the failures of conservative governments and did not limit his withering attack to social and economic policy. He also criticised the inertia of the coalition when it came to building and maintaining infrastructure required adequately to service Far North Queensland and the NT. At the same time as conservatives were squandering the chance to foster opportunity for the people of Brisbane, so too they were turning their backs on the needs of those in remote Australia, including Indigenous Australians, who confronted multiple challenges including impassable roads and inadequate communications infrastructure. Mr Humphreys gave the Fraser government no quarter and continued a tradition of strong and vocal representation by Labor members and senators from Queensland.

However, as I think the parliamentary entry shows, he didn't remain completely loyal to his home state and found a factional home in the New South Wales Right. That's an unusual experience for a Queenslander. It is fair to say that the politics of the FPLP was an eye-opening experience for Mr Humphreys, who recounted his experience of his first caucus and a stoush between Labor senators Doug McClelland and Diamond Jim McClelland, saying, 'God, I thought all these blokes were mates down here.' He was a member of caucus through both the Hayden-Hawke and the Hawke-Keating leadership challenges, backing Hawke against fellow Queensland Hayden and, despite Hawke's best persuasive efforts, eventually Paul Keating the second time round.
Ben Humphreys became Minister for Veterans' Affairs in 1987 in Bob Hawke's government and continued to hold this role until 1993 under Paul Keating. He was the second-longest-serving minister in this portfolio and had great affinity for the work and responsibility of being the representative of veterans. Northern Australia was added to his responsibilities in 1992, and he also entered cabinet. In his final speech in the House of Representatives, he reflected on the fine colleagues he'd been fortunate to serve with, who included Paul Keating, Brian Howe, Kim Beazley and Michael Duffy. He also noted the importance of a highly skilled and professional Public Service. As a minister, he remarked that he was fortunate to have worked with some secretaries of a high standard, and we are reminded today that the work of the APS is so important to the lives of Australians, and the enduring and apolitical nature of the Public Service means that it can play an essential role in maintaining public trust in democratic institutions.

This was especially important in Veterans' Affairs. It was a portfolio that held special significance for Mr Humphreys, given his own military service, and a particular feature of his work was to build acknowledgement and recognition for the efforts of Australians who had served in the Vietnam War. This, as we all know, was a divisive conflict in Australia. Ben Humphreys went about supporting commemorations and initiatives that built respect and admiration for the people who did the duty that was asked of them but who did not receive adequate appreciation and support on their return. He moved a motion in the House in 1987 to acknowledge the national welcome home parade of Vietnam veterans and expressing the appreciation of the House and the Australian people for their individual and collective commitment, effort and sacrifice. He also directed policies to remedy deficiencies in the repatriation system, which included extending full medical and hospital treatment entitlement to World War II returned servicewomen in 1988 and a counselling service for Vietnam veterans. He oversaw the 75th anniversary pilgrimage to Gallipoli in 1990, ensuring World War I veterans and widows, as well as junior legatees, could attend the Anzac Cove dawn service. Ben Humphreys reflected on the personal impact the pilgrimage had, saying he returned a humbler person and even more determined as to what he could do as the responsible minister to support veterans and their families.

Ben Humphreys retired from parliament at the 1996 election. He was a mentor and supporter of the Labor candidate who succeeded him in that seat, Kevin Rudd. In a difficult election for Labor, Mr Rudd failed to win Griffith on the first attempt, but he persevered and returned in 1998 before going on to become a Labor prime minister. Of course, you have to be an MP before you can be a PM, and Kevin described Mr Humphreys as a mentor for how to be a good MP.

Mr Humphreys had the opportunity to represent Australia overseas in 2001. He was appointed as a member of the UN electoral observer mission to Fiji to oversee the elections in 2001. Closer to home, he was a board member of the Stockman's Hall of Fame in Longreach, which wasn't a bad feat for a Labor politician from the inner suburbs of Brisbane, an indication of the esteem in which he was held throughout his home state. Of course, on Australia Day 2000, he was appointed as a Member of the Order of Australia. The following year, he was also awarded the Centenary Medal.

Kevin Rudd also described Ben Humphreys as a kind, gentle, good man who would go out of his way to help people in need. As a parliamentarian, from the outset Mr Humphreys
forcefully advocated for those less fortunate than himself. Never did he blame those in situations of despair for their predicament. He took up the cause in the same way that so many have done within Labor and sought out ways to improve opportunities in their lives. He was a minister under two great Labor prime ministers. He brought about reforms that benefited veterans and ensured they were appropriately honoured and respected for their service. So too, today, we should acknowledge the service of Ben Humphreys to our parliament and to our country. In closing, I express again Labor's deepest sympathy to his family and friends.

Senator WATT (Queensland—Deputy Opposition Whip in the Senate) (16:17): I rise on behalf of particularly my Queensland colleagues to express our condolences on the passing of former member for Griffith and Minister for Veterans' Affairs and Minister Assisting the Prime Minister for Northern Australia Benjamin 'Ben' Charles Humphreys. I wish to pay tribute to Ben's significant contribution to our party, our state and the country. I also wish to echo the comments of both Senator Wong and Senator Cormann in extending our sympathies to Ben's family and friends.

I must admit I didn't really know Ben personally, but I do count his daughter Sharon, his son Jason and his granddaughter Claire as friends, and I trust that their pain in losing their father and grandfather is balanced with loving memories and pride in his achievements. Ben was a lifetime member of our party and a Labor man through and through. From starting out as a mechanic on Brisbane's south side to being a minister in the Hawke and Keating governments, Ben's passion for and commitment to social justice remained constant. A member of the great Australian Labor movement, Ben was a member of the Amalgamated Metal Workers and Shipwrights Union as well as branch secretary of the Amalgamated Engineering Union in 1965.

Ben was a strong advocate for workers' rights and, indeed, dedicated much of his first speech to parliament to highlighting the achievements of Labor governments in this space. When you think about it, he was quite ahead of his time in arguing in his first speech for things like age pensions for women at 60, means tested free maternity allowances, vocational training for those with disabilities and the need for government to continue striving to make improvements for workers and those who are disadvantaged within our community.

Ben served the people of Griffith diligently for almost 20 years. Listening to Senator Wong and hearing those statistics about unemployment, I was reflecting on the fact that, in Ben's time as the member for Griffith, that was a very working-class part of Brisbane. I remembered that that area of Brisbane, not far from where I grew up, used to be a very working-class part of Brisbane, populated by wharfies, painters, dockers and all sorts of other characters. Of course, that area, being an inner-city area, has changed markedly in recent years. But in the time that Ben served as the member for Griffith, as I say, it was a very working-class area and particularly in need of a Labor representative of the quality of Ben.

To quote former Prime Minister and member for Griffith Mr Kevin Rudd: 'Ben was a kind, gentle, and good man who saw every person he met as his equal. He would go out of his way to help people in need, making him a much-loved member to his constituents.' He may have been the member for Griffith, but that didn't stop him railing against what he described as the harsh policies of the Bjelke-Petersen state government in Queensland at the time.

As Minister for Veterans' Affairs in the Hawke and Keating governments, Ben fought hard for the rights and recognition of our veterans and, most notably, for the recognition of
Vietnam veterans—that they should receive medical treatment and counselling, and have the right to participate in Anzac Day ceremonies. Ben later added to his responsibilities with the portfolio for northern Australia, a privilege which I now share, although he managed to do it in government. He travelled far and wide across Queensland and the Northern Territory—something I've also come to experience—earning him the moniker of 'the bushman's friend' and, later, even having the honour of being appointed to the board of the Stockman's Hall of Fame in Longreach.

In 1996, Ben retired from parliament, but that didn't mean that he slowed down. In his tribute, Kevin Rudd described Ben as a mentor and thanked Ben for all the support he gave during his election campaigns, and to him and his family. And I know that the now member for Griffith, Terri Butler, has also paid tribute to Ben's efforts as a strong community representative. In 2000, on Australia Day, Ben was appointed a Member of the Order of Australia and, the following year, awarded a Centenary Medal for his service to parliament. In 2001 he was appointed to represent Australia as a member of the United Nations Fijian Electoral Observer Mission which oversaw the elections in Fiji that year.

In Ben's final speech to parliament, he used much of it to thank those around him—his family, his staff, his colleagues, the opposition and the Public Service. Today is our chance to remember Ben and to thank him for never giving up on those who were less fortunate, on the rights of working people and our veterans, and on social justice more broadly. The labour movement, the Labor Party, Queensland and indeed the country are better for the service of Ben Humphreys. He will be missed.

Question agreed to, honourable senators standing in their places.

NOTICES

Postponement

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

Business of the Senate notice of motion no. 1 standing in the name of Senator Patrick for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, postponed till 27 November 2019.

General business notice of motion no. 72 standing in the name of Senator Kitching for today, proposing the establishment of a Select Committee on Integrity, postponed till 2 December 2019.

General business notice of motion no. 249 standing in the names of Senators Sheldon and Gallacher for today, relating to the road transport industry, postponed till 3 December 2019.

COMMITTEES

Environment and Communications References Committee

Environment and Communications Legislation Committee

Reporting Date

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

Environment and Communications References Committee—Australia's faunal extinction crisis extended to 7 September 2020.

MOTIONS

Domestic and Family Violence

Senator Waters (Queensland) (16:23): I seek leave to amend general business notice of motion No. 226 standing in my name for today, relating to violence against women—given that today is International Day for the Elimination of Violence Against Women—by changing the number of women killed from 47 to 50.

Leave granted.

Senator Waters: Before moving the motion, I ask that the name of Senator McAllister be added to the motion. I, and also on behalf of Senator McAllister, move the motion as amended:

That the Senate—
(a) notes that:
   (i) the overall national toll for women killed by violence, since the start of 2019, now stands at 50, as reported by Counting Dead Women Australia from Destroy The Joint,
   (ii) there is no national government reporting program to record the ongoing toll of women killed by violence in real-time,
   (iii) on average, one woman is murdered every week by her current or former partner,
   (iv) according to the Australian Bureau of Statistics Personal Safety Survey 2016:
      (A) more than 370,000 Australian women are subjected to violence from men each year,
      (B) 1 in 3 Australian women has experienced physical violence,
      (C) 1 in 5 Australian women has experienced sexual violence,
      (D) 1 in 6 Australian women has experienced physical or sexual violence by a current or former partner,
      (E) 1 in 4 Australian women has experienced emotional abuse by a current or former partner,
      (F) Australian women are nearly three times more likely than men to experience violence from an intimate partner, and
      (G) Australian women are 2.5 times more likely to be hospitalised for assault injuries arising from family and domestic violence than men, with hospitalisation rates rising by 23% since 2014-15,
   (v) in 2017, young women aged between 15-34 accounted for more than half of reported sexual assaults,
   (vi) there is growing evidence that women with disabilities are more likely to experience violence,
   (vii) Aboriginal and Torres Strait Islander women report experiencing violence at 3.1 times the rate of non-Indigenous women,
   (viii) in 2016-17, Indigenous women were 32 times as likely to be hospitalised due to family violence as non-Indigenous women,
   (ix) the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022, states that the overall prevalence of violence against women will only start to decrease in the very long term as gender roles change, and
(x) the Fourth Action Plan recognises that demand for domestic and family violence services has increased, and will continue to increase; and
(b) calls on the Federal Government to:
   (i) recognise domestic violence against women as a national security crisis,
   (ii) adequately fund frontline domestic, family and sexual violence and crisis housing services to ensure that all women seeking safety can access these services when and where they need them,
   (iii) legislate for 10 days paid domestic and family violence leave so that women do not have to choose between paying the bills and seeking safety,
   (iv) ensure that all government-funded counselling services for domestic and family violence are delivered by expert family violence service providers, in accordance with the National Outcome Standards for Perpetrator Interventions,
   (v) implement all 25 recommendations contained in the report of the Finance and Public Administration References Committee on domestic violence in Australia, tabled on 20 August 2015, and
   (vi) maintain and publish an official real-time national toll of women killed by violence in Australia.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:23): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Morrison government is committed to preventing, addressing and, ultimately, ending family, domestic and sexual violence in Australia. Violence against women and children is an issue this government is responding to with the largest ever Commonwealth investment of $340 million to support the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children. Delivery of frontline family and domestic violence services is a matter for state and territory governments.

Question agreed to.

Newstart and Youth Allowance

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:24): I move

That the Senate—
(a) notes that:
   (i) as of October 2019, there are 289,489 people of a total of 686,000 people on Newstart who are categorised as having a ‘partial capacity to work’ meaning 42% of Newstart recipients now have an illness or disability,
   (ii) 128,820 people (44%) of those with a ‘partial capacity to work’, have a psychological or psychiatric impairment,
   (iii) poverty is a well-established social determinant of health, including psychological health, and persistent poverty plays a demonstrable role in increasing levels of psychological distress, and
   (iv) the Minister for Health (Mr Hunt) stated on World Mental Health Day 2019 that ‘supporting mental health and suicide prevention is the Government’s highest health priority, and is a central feature of our Long Term National Health Plan. It is also a personal priority for the Prime Minister, Scott Morrison, and myself’;
(b) expresses concern that so many Australians with mental ill health are being forced to live in poverty on Newstart and Youth Allowance; and
(c) calls on the Federal Government to recognise the impact poverty has on mental health, and immediately increase Newstart and Youth Allowance to enable people in our community to have dignified standard of living.

Question agreed to.

**Australian Bushfires**

**Senator URQUHART** (Tasmania—Opposition Whip in the Senate) (16:25): Before moving general business notice of motion No. 264, I inform the chamber that Senators Wong, Kitching, Marielle Smith, Walsh, Davies, Scarr and O'Sullivan will sponsor the motion. I seek leave to amend the motion.

Leave granted.

**Senator URQUHART:** At the request of Senator Watt and also on behalf of Senators Green, Chisholm, Ayres, Keneally, McAllister, O'Neil, Sheldon, Pratt, Sterle, Lines, Dodson, Wong, Kitching, Marielle Smith, Walsh, Davey, Scarr and O'Sullivan I move the motion as amended in the terms circulated in the chamber:

That the Senate—

(a) notes that:

(i) states across Australia are currently in the midst of devastating bushfires,

(ii) these fires have led to four people tragically losing their lives, dozens of people injured and more than 500 homes destroyed,

(iii) around 1.5 million hectares has now been burnt through, with well over 130 fires still burning across Australia, and

(iv) severe fire dangers are expected to continue with no significant rainfall forecast over the coming days;

(b) offers its condolences to the Australians who have lost their loved ones, and the Australians who have lost their homes;

(c) expresses its gratitude to the brave firefighters, both paid and voluntary, and emergency services personnel who are working through the day and night to keep communities safe; and

(d) urges those Australians in affected areas to listen to warnings and stay safe.

Question agreed to.

**Visas**

**Senator URQUHART** (Tasmania—Opposition Whip in the Senate) (16:26): Before moving general business notice of motion no. 265, I wish to inform the chamber that Senators Bilyk, Lambie, McKim, Polley, Whish-Wilson and I will also sponsor the motion. I also seek leave to amend the motion.

Leave granted.

**Senator URQUHART:** I, and also on behalf of Senators Brown, Bilyk, Lambie, McKim, Polley and Whish-Wilson, move the motion as amended in the terms circulated in the chamber:

That the Senate—

(a) notes that:

(i) the Department of Home Affairs employs over 100 dedicated and hardworking Tasmanians to process visa applications,
(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) privatisation of Australia's visa system would threaten the livelihoods of over 100 Tasmanians and their families, and

(iv) privatising Australia's visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;

(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation's sovereignty; and

(c) calls on the Federal Government to guarantee the protection of these 104 jobs in Tasmania, and the 2000 jobs across Australia, which will be lost under the Morrison Government if Australia's visa system is privatised.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:27): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government is not privatising visa decision-making. The Department of Home Affairs is conducting a tender process for a new workflow tool that will support digital visa applications and decision-making. This modernisation process is necessary due to the continued exponential growth in visa applications. These reforms are needed to reduce processing times and support high-quality visa decision-making. This will ensure we can effectively manage national security threats at the border and support key export industries like tourism. The provider of the workflow tool will have no role whatsoever in visa decision-making. This process is not being driven by a desire to reduce departmental staffing or cut costs. Claims that this process will lead to wholesale job losses and office closures are simply false.

Question agreed to.

Australia's Family Law System Joint Select Committee

Senator WATERS (Queensland) (16:28): I seek leave to amend general business notice of motion No. 266 standing in my name for today.

Leave granted.

Senator WATERS: I also add the name of Senator Polley to the motion. I, and also on behalf of Senator Polley, move the motion as amended in the terms circulated in the chamber:

That the Senate—

(a) notes that:

(i) the parliamentary inquiry into Australia's Family Law System is going ahead,

(ii) specialist services across the women's safety sector have been contacted by survivors who are concerned that the inquiry is going ahead, and concerned they will not be believed when they speak of family violence,

(iii) concerns continue to be raised by the women's safety sector, including from the Australian Women Against Violence Alliance, that:

(A) many victims and survivors of family violence will not feel safe to give evidence, and

(B) those victims, survivors and other persons who do wish to give evidence should be supported to do so, having regard to mental and physical health risks,
(iv) specialist domestic and family violence services expect an increase in demand while the inquiry remains under way, and
(v) the Joint Select Committee on Australia's Family Law System has been informed about the essential safeguards that are needed to mitigate these concerns, but no commitments have yet been made; and

(b) calls on the Federal Government to take action to ensure that witnesses who choose to give evidence to the inquiry can do so safely, and that evidence given to the inquiry is treated respectfully, by:

(i) putting in place the essential safeguards being called for by women's safety experts to protect witnesses during the conduct of the inquiry, including rules about giving evidence in confidence or remotely, ensuring safe access to hearing venues, and media protocols,
(ii) not holding hearings until such safeguards and support for survivors of violence are implemented, and
(iii) ensuring adequate specialist and domestic and family violence services are available to respond to additional demand resulting from the inquiry.

Question agreed to.

DOCUMENTS

Australia's Emissions Projections
Order for the Production of Documents

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:29): I move:

(1) That there be laid on the table by the Minister representing the Minister for the Environment, by not later than the last sitting day of each year, the report detailing Australia's estimated future greenhouse gas emissions, Australia's Emissions Projections.
(2) This order is of continuing effect.

Question agreed to.

MOTIONS

Newstart Allowance

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:30): I move:

That the Senate—

(a) notes that:

(i) Newstart has not had an increase in real terms for 25 years, and
(ii) Newstart is a poverty trap; and

(b) calls on the Federal Government to raise the rate of Newstart immediately.

Question agreed to.

Science

Senator ROBERTS (Queensland) (16:30): I move:

That the Senate notes that:

(a) valid scientific data proving cause-and-effect is vital as the only credible justification for policies claimed to be based on science; and

(b) the ultimate arbiter of science is empirical scientific evidence, being:
(i) objectively verified hard data as physical measurements and/or physical observations, and
(ii) presented in a logical framework proving cause and effect.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:30): I seek leave to make a very short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: There are currently robust systems in place to ensure the integrity of Australia's scientific data. Complex scientific data often requires interpretation to provide meaningful application.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 260, standing in the name of Senator Roberts, be agreed to.

The Senate divided. [16:35]

(The Deputy President—Senator Lines)

Ayes ...................... 4
Noes ...................... 48
Majority ............... 44

AYES
Bernardi, C
Lambie, J
Hanson, P
Roberts, M (teller)

NOES
Antic, A
Ayres, T
Brockman, S
Chandler, C
Colbeck, R
Di Natale, R
Farrell, D
Fierravanti-Wells, C
Gallagher, KR
Griff, S
Henderson, SM
Hume, J
McCarthy, M
McMahon, S
O’Neill, D
Paterson, J
Rennick, G
Scarr, P
Siewert, R
Smith, M
Sterle, G
Urquhart, AE (teller)
Walsh, J
Watt, M
Askew, W
Bragg, AJ
Carr, KJ
Ciccone, R
Davey, P
Duniam, J
Faruqi, M
Gallacher, AM
Green, N
Hanson-Young, SC
Hughes, H
McAllister, J
McDonald, S
Molan, AJ
O’Sullivan, MA
Pratt, LC
Rice, J
Sheldon, A
Smith, DA
Steele-John, J
Stoker, AJ
Van, D
Waters, LJ
Whish-Wilson, PS
Exports

The DEPUTY PRESIDENT (16:38): I will now move to a deferred motion. On Thursday 14 November, after 4.30 pm, a division was called for on a motion moved by Senator Patrick relating to export policy. I understand that it suits the convenience of the Senate for that division to be held now. The question is that the deferred motion be agreed to:

That the Senate—
(a) notes that:
   (i) Australia has a propensity to simply export its raw materials and commodities to countries that then profit by doing the value add and selling it back to us, and
   (ii) this approach denies Australia economic activity and job opportunities; and
(b) calls on the Australian Government to adjust policy and support settings to ensure we value add before exporting.

Question negatived.

NOTICES

Presentation

Senator WATERS (Queensland) (16:39): by leave—I give notice that, on the next day of sitting, I, and also on behalf of Senators Keneally, McCarthy, Rice, Bilyk, Siewert and Polley, will move:

That the Senate—
(a) notes that:
   (i) more than 2000 children are stillborn in Australia each year,
   (ii) the Select Committee on Stillbirth Research and Education identified the need for more support to be provided to bereaved parents and families affected by stillbirth,
   (iii) under current laws:
     (A) parents are not eligible for a bereavement payment for a stillborn child, but will be eligible for a bereavement payment for a child who dies shortly after birth,
     (B) parents of a stillborn child are eligible for a stillborn baby payment, and
     (C) the amount of the stillborn baby payment is reduced by half for second or subsequent stillborn children,
   (iv) support payments to affected families can relieve financial pressure at a time of high stress by assisting with autopsy expenses, funeral or memorial costs, and access to counselling and health services,
   (v) the grief and stress experienced by parents and families in response to a stillbirth is no less than that experienced in response to the death of a child, and
   (vi) the grief and stress experienced by parents and families in response to a stillbirth is not lessened by having previously experienced a stillbirth, and the cumulative impact of subsequent stillbirths may increase the physical and mental health impacts on bereaved parents; and
(b) calls on the Federal Government to:
   (i) take action to implement all 16 recommendations of the Select Committee on Stillbirth Research and Education, and
(ii) ensure equitable financial support is available to all parents and families experiencing the death of a child prior to, at, or near the time of birth by:

(A) extending eligibility for bereavement payments to parents of stillborn children, and

(B) increasing stillborn baby payments for second and subsequent stillbirths to be commensurate with the entitlements for a first stillbirth.

MATTERS OF PUBLIC IMPORTANCE

Violence Against Women

The DEPUTY PRESIDENT (16:40): The President has received the following letter from Senator Wong:

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

Preventing and eliminating violence against women, which continues to be an obstacle to achieving equality, development, peace as well as to the fulfilment of women and girls' human rights.

Is the proposal supported?

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

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

Senator McALLISTER (New South Wales) (16:40): It's a national crisis and a national shame that one Australian woman is murdered each week by her current or her former partner, and the responsibility to end violence rests with all of us. Earlier this month we recognised the International Day for the Elimination of Violence against Women. Today we begin 16 Days of Activism Against Gender-Based Violence.

While domestic and family violence affects everyone, we know that women are disproportionately impacted. Violence and abuse against women exist in many forms: physical abuse, emotional abuse and financial abuse. In Australia, one in three women have experienced physical violence since the age of 15. There's a complex relationship going on here, and it is a relationship between attitudes towards women, people's economic circumstances, substance abuse and violence that we have to tackle. Today, I want to talk in particular about the relationship between financial security, female independence and the ability to leave a violent relationship, because it's a complex relationship.

If a woman is experiencing violence in a home, too many people still ask, 'Why doesn't she just leave?' Well, there are many barriers to leaving a violent relationship, and a key reason is your financial security. Leaving an abusive relationship and finding new and safe accommodation costs, on average, $18,000, and it takes an estimated 141 hours of time. Many women do not have access to a lazy $18,000 for a number of reasons, and it's partly to do with the structure of our economy, because women are more likely to work part time, work casually and have extended periods out of the workforce to care for children and family members. That means that the amount of savings, the amount of capital and the economic resources available to women are not the same as they are to their male counterparts.
Perpetrators of violence will often take control of household finances to restrict women from accessing money, and it leaves them little opportunity to flee. Fleeing the home means women need to search for new and safe accommodation at the same time as they may need to seek out health services, legal services and other support services. At the moment, too many women do this with too few resources. It is of deep concern that older women are the fastest-growing group facing homelessness in our community—women who have cared for others their whole lives are left with a choice to stay somewhere violent, to stay somewhere where they are deeply unhappy, or to live in poverty and, potentially, homelessness. It is unacceptable. It is hard not to conclude that the persistent unfairness faced by women at work—an unfairness that leaves women with lower status, less pay and less superannuation—is a contributor to the broader problem of violence.

In the short term, there are things we can do and we should do. Tackling violence is everyone’s responsibility. It is the responsibility of business, it is the responsibility of community groups, it is the responsibility of our neighbourhoods, it is the responsibility of individuals and it is the responsibility of government. There is a very practical proposal on the table right now that would help women who right now are seeking our support to move themselves and perhaps their children to a place of safety. The government should introduce 10 days paid domestic violence leave into the National Employment Standards. It would be a very good first step to support women economically to leave violent relationships. Many businesses already provide for this, and the ones I’ve spoken to are shocked by the numbers of their staff who need to avail themselves of this leave. Last year the government introduced just five days unpaid domestic violence leave to the National Employment Standards. Self-evidently, this is not good enough. This does not provide the financial support and paid time that is truly needed to find safety and to exit violence. Government can and should just make it easier to leave.

Senator HENDERSON (Victoria) (16:45): Today is the International Day for the Elimination of Violence against Women, and the Morrison government recognises that family and domestic violence in Australia is a national emergency. It is unacceptable that we are still seeing so many women and children killed as a result of domestic violence. Over the last six and a bit years, the coalition government has demonstrated a profound commitment to preventing, addressing and ultimately ending this violence.

The statistics are unbearable. They are a national emergency, and I am very proud that as a government we are confronting the need to take extremely strong action. The statistics of one woman on average being killed every week are just abhorrent, but there are cases that stick in all of our minds. One case that has never left me is the case of Darcey Freeman, the young child thrown off the West Gate Bridge by her father. Every time I drive over the West Gate Bridge in Melbourne, it is very hard to control the emotion and the tears. That is just one of many hundreds of horrific cases that have occurred in our nation and that should never, ever occur.

Of course, our government has now made the single largest-ever Commonwealth investment, of $340 million, to support the fourth action plan, a plan which includes $82 million to improve and build frontline services to keep women and children safe and $78 million to provide safe places for people impacted by domestic and family violence. That is a very substantial investment.
I agree with the contribution we have just heard that one of the most difficult challenges for women and children when they are faced with family violence is the support and the resources that they need to leave a violent relationship. Our government recognises this and, as a result, we are providing very substantial support. Let us not forget that it is actually the Morrison Liberal government which has passed legislation to provide an entitlement to five days unpaid family and domestic violence leave for up to six million more employees covered by the Fair Work Act. This expands upon a decision of the Fair Work Commission made in March 2018, which provided five days of unpaid family and domestic violence leave for employees covered by a modern award. So in fact it is our government that is recognising the need for this leave and has taken that action.

As part of the fourth action plan and under the 2019-20 budget, as I mentioned, there's the $82 million to build on the frontline services. I just want to go through some of the other investments in more detail. There is $68.3 million for prevention strategies to help eradicate domestic and family violence in our homes, in our workplaces, in our communities and in our clubs. There is $35 million for support and prevention measures for Aboriginal and Torres Strait Islander communities funded under the Indigenous Advancement Strategy. There is $64 million for 1800RESPECT, the National Sexual Assault, Domestic and Family Counselling Service. That's been a great success, and that service has been significantly expanded. There is $7.8 million for dedicated men's support workers in family advocacy and support services locations to work with male victims and alleged perpetrators of family violence involved in family law matters. And there's $4.9 million to better support former partners of veterans who are impacted by domestic violence.

A number of years ago, when I was the member for Corangamite, I was very proud, as the chair of the House of Representatives Standing Committee on Social Policy and Legal Affairs, to lead an inquiry into family violence law reform. We made a number of very important recommendations, including in relation to substantial changes that should be made to the family law system. I am pleased that some of those changes have been implemented by our government, including a prohibition on perpetrators of family violence in relation to the cross-examination of their alleged victims in family law proceedings. That's a substantial step forward, and it is one of the very many measures that have been introduced recently by our government, recognising that even the family law system itself imposes enormous strains and difficulties on those who are confronted with family violence.

On 9 August 2019, the Council of Australian Governments endorsed the fourth action plan, agreeing on five national priorities to reduce family, domestic and sexual violence. The fourth action plan outlines priority areas for targeting action and investment across the Commonwealth, states and territories to address violence against women. That has been released today, and it sets out another very important, practical way as to how all governments working together are taking the important actions to address family violence. It has a very strong focus on implementation and on measuring outcomes, which is particularly important now that we are moving into the fourth and final action plan of the national plan. Importantly, also, the implementation plan gives greater accountability and transparency on how the Australian government and each of the states and territories are working to support women and children who experience violence.
There is nothing more debilitating than when a woman, in most cases, and her children face family violence in the home and the feeling of helplessness when someone can't escape that family violence. It is a national emergency, but I do want to stress this very important point: men, too, can suffer family violence. The government has taken a strong stand in relation to the measures that have been implemented, which are not gender specific. We recognise, of course, that the vast majority of incidents involve women as victims of family violence, but I do make that very important point that men also suffer from family violence.

There's no doubt that the economic restraints on people who want to leave a violent relationship are very, very significant. Even in the context of the family law system, when trying to escape the hideous situation in which they find themselves, trying to get some sort of economic justice, trying to access financial information and trying to give themselves some sort of economic freedom under these circumstances is very, very important.

On that note, I recognise the very substantial work that was done by the Victorian government—of course, much of it as a result of the Royal Commission into Family Violence. There is also a very substantial amount of investment occurring in Victoria. To those who are suffering family violence: there is help out there. There is support. There is very substantial investment. Obviously, for those who are facing that very difficult situation, the most important message is to seek that help early.

As I said, I am very proud to be part of a government which has made such an enormous and substantial investment in combating family violence in this nation, but there is no doubt that there is more work to be done, because this is a national emergency that must come to an end.

Senator WATERS (Queensland) (16:55): Today is International Day for the Elimination of Violence against Women. Sadly, this year we have already seen 50 women killed by violence. The statistic that I think we all know is that one woman a week is killed by violence each year, and yet we are not quite at the end of the year and we are already at 50, so those statistics are getting worse. We know that the reporting is increasing, but we also know that the incidence of violence itself is also increasing. This is a national emergency, and I am proud that this chamber has been discussing these issues for several years now. Much like what the previous speaker, Senator Henderson, said, while we have had inquiries in the House, we have also had inquiries here in the Senate. Those inquiries have led to powerful recommendations, but those recommendations have not been acted upon.

For the last 12 months, I have been moving a motion in each sitting chunk noting the number of women killed by violence. The motion has passed each time, which I am pleased about, but the motion has called for action from government, and that action has not happened. The motion that we have passed as a chamber each sitting chunk for the last year has called on the government to recognise that domestic violence and family violence is the true national security crisis, and it has called for adequate funding for frontline response services. Each time I raise this issue, the government trumpet their—what I consider to be—inadequate contribution to those frontline services. I remember that in the 2014 budget this government proposed cutting those frontline services. In concert with the women's sector and a few other people in this place, there was a campaign to stop that funding cut. We eventually succeeded. But this is the same government that wanted to cut frontline services. We had to
fight to simply keep that funding at the same level when what is needed is a massive increase in funding.

We are still seeing beds full, and women and children turned away or put up in hotels, where they do not have the support and folk around them who are trained to help them. We are still seeing phone calls go unanswered because those often not-for-profit services simply do not have the funds to put on the staff to deal with this increase in demand. It is nice that we are getting some lip-service, but it is not enough: $340 million is nowhere near enough. We need a $5 billion commitment so that no woman or child is turned away when they seek help, so that all of those services can actually provide the help that people fleeing violence need and, crucially, so that those prevention programs can be properly invested in.

I am off to an Our Watch launch shortly. They have been doing magnificent work on primary prevention—on cultural and attitudinal change. We know what needs to happen, but that is long, slow, very important and complex work. There is no long-term funding for them. There is no long-term funding for any of that primary prevention work. It is haphazard and it is a pittance. The government occasionally give lip-service to this issue, but they are still not doing what is necessary to tackle this absolute national security crisis.

We have called on them to implement all of those recommendations from that 2015 report. Likewise, there were some useful recommendations in the House's report. Again, much of those have not been touched. We have called on the government to have paid leave for workers when they are fleeing domestic violence. Women and children should not have to choose between paying the bills and being safe. They cannot afford to have five days of unpaid leave. We had a whole inquiry about that, but it, sadly, fell on deaf ears. We have these kinds of days, and it is about time the government took the action that is needed to keep women, children and other sufferers of domestic and family violence safe.

Senator POLLEY (Tasmania) (16:59): Today is an important day for combating violence against women and girls. 25 November marks the International Day for the Elimination of Violence against Women, a UN day designed to highlight the issues of violence against women and girls and to call for more action to combat it. The occurrence of violence against women and girls is not decreasing, and these statistics are sobering. One in three women and girls experience physical or sexual violence in their lifetime—most frequently, by an intimate partner. Worldwide, almost 750 million women and girls alive today were married before their 18th birthday, while 200 million women and girls have undergone female genital mutilation. One in two women killed worldwide were killed by their partners or family in 2012, while only one out of 20 men were killed under similar circumstances. Seventy-one per cent of all human trafficking victims worldwide are women and girls, and three out of four of these women and girls are sexually exploited.

The hashtags #MeToo, #TimesUp, #NotOneMore and others have put a spotlight on the issue of rape and sexual violence and the response to it in recent times. Campaigns like this are working to generate publicity on and attention to this issue which affects so many women in our community. Unfortunately, violence against women and girls is one of the most persistent and devastating human rights violations in the world today, and it remains largely unreported, due to the impunity, silence, stigma and shame surrounding it.

Only this morning I attended a roundtable talking about violence and sexual assault of older women in the aged-care residential homes in this country or in their own homes when
they are getting a home care package. These are unreported actions that we need to shine a spotlight on, and I'm hoping that the royal commission into the aged-care sector will shine that light on this very important issue.

On violence against women, we've heard from the previous speaker that 50 Australian women have died this year already. That's more than one a week. This is gaining more momentum. It's not decreasing. And we need some action against that.

Efforts to prevent and end violence against women at a global, regional and national level show that there is widespread impunity on sexual assault and rape. Starting on this year's International Day for the Elimination of Violence against Women, for the next two years the UN Secretary-General's UNiTE to End Violence against Women campaign—a multi-year effort aimed at preventing and eliminating violence against women and girls—will focus on the issue of rape as a specific form of harm committed against women and girls in times of peace or war. We all have obligations, as men and women, in this chamber and in the community, to fight violence, to fight abuse and to act to make sure that those perpetrators have the full force of the law brought down upon them. Our society is not a safe place when these acts are still being perpetrated against women and girls.

I recently met with the group of women at Laurel House in my home state of Tasmania. They are working so extremely hard, day in and day out, to fight against sexual assault and violence against women and girls, and the community recognises their work in trying to support women and girls. We, on this side of the chamber, have been calling on the government to have paid leave for women who are fleeing violence. It takes a lot of courage and a lot of organisation and it takes finances to be able to leave the family home and escape this violence, and we know that the effects of violence on women and children have lifelong implications for them. For Laurel House and those counsellors and support staff there and the time that they give, the demand is only increasing, and I want to put on the public record that we, in our community, thank them and honour them for what they're doing, because, without those women, we would have a huge hole within our community.

It's a long and painful journey when you've experienced family violence or sexual assault. For so many who have experienced sexual assault: my thoughts are with you today and every day going forward. We in this place, and those in the community who work with the people who have experienced abuse, will not stop fighting for people until this scourge is eradicated in our society and women and girls are provided with the unequivocal respect that they deserve.

**Senator CHANDLER** (Tasmania) (17:05): I'm pleased to speak today on this very important topic, particularly with today, 25 November, being the International Day for the Elimination of Violence against Women. I'd like to echo the final sentiments of the previous speaker in saying that today, and always, our thoughts are with those people, but particularly women and children, who have been subjected to violence within the home. I want to speak shortly about what we, the Morrison coalition government, are doing here in Australia to reduce and eliminate violence against women, because we all know that there is so much work to do to stop violence against women. As we heard earlier, the statistic of one woman a week dying as a result of family violence is one woman a week too many.

Given it is the International Day for the Elimination of Violence against Women—the international day—it's worthwhile focusing some attention on how this scourge presents itself
on a global basis. In 2019, there are still many countries around the world where women are not permitted to vote. They're not permitted to drive. They're not allowed to receive an education of any form, much less attend university, as I have. There are countries where it's illegal for women to go out in public without their husbands. And it's quite sickening to think that, as we approach the third decade of the 21st century, there are still places on this planet where women who've been raped are punished by authorities on the grounds of adultery; where girls as young as 10 or 12 are forced into arranged marriages—and I heard a number of speakers earlier today allude to those statistics as well; and where young girls are subjected to the horrific practice of female genital mutilation. While we have a lot of work to do in reducing family violence in Australia—and I will speak in just a moment about our efforts here—we shouldn't use that as an excuse to forget about some of the truly appalling violence perpetrated on women around the world. I did just want to put on record in the Senate today my consideration of those issues in other countries because, as I said, this is the International Day for the Elimination of Violence against Women.

The Morrison coalition government has zero tolerance for violence against women and their children. Women have the right to be safe in their homes, in their workplaces, online and in their local communities. Coming from a state like Tasmania, where we have a number of smaller, tight-knit, very regional and rural communities, I have seen just some of the work that these communities are putting in place because they understand the significant impact that family violence can have. Obviously, family violence has an impact wherever it occurs, but we know in these regional and rural areas, in these smaller communities where everyone knows each other and perhaps everyone's business is a little bit more known by others, that people who are subjected to family violence feel even more constrained in their ability to talk about what they're going through, to report what they're going through, because in these smaller communities they fear the impact that it might have more broadly on those people that they know.

I've visited and spoken with a number of people in some of my local communities in Tasmania that run support services not just to support people who have been subjected to family violence but also to help the broader community recognise the warning signs of when domestic violence might occur or might be at risk of occurring. I think it's really important that we consider today all of the hard work of these groups, which do try and do everything that they can to stop violence occurring in the first place. It's very important work, and we need to be constantly vigilant of all of the signs and signals around us that someone we know might be experiencing family violence. As we've heard today, this is a widely occurring issue, and therefore we all need to be aware of the warning signs of when this could be occurring to someone that we know.

Today, 25 November, is also a very important day in terms of the government's efforts to prevent family violence, because today we have launched the national implementation plan of the fourth action plan into family, domestic and sexual violence. The national implementation plan shows the collective efforts across all levels of government that will contribute to a safer Australia for women and their children, and it sets out in a practical way how the Commonwealth, state and territory governments will move forward in implementing their actions under the fourth action plan. In a few minutes I, too, will be heading along to the
event run by Our Watch, which is highlighting that organisation's own efforts in this space, and we will be discussing the national implementation plan there.

I do want to speak just briefly about the work that Our Watch does. It's an organisation which was established to drive a nationwide change in the culture, the behaviours and the power imbalances that lead to violence against women and children. It goes back to what I was saying previously: that we need to be constantly vigilant to ensure that we're doing everything that we can to heed the warning signs and, hopefully, detect the potential of domestic violence occurring and prevent it occurring if at all possible. The vision of Our Watch is an Australia where women and children are free from all forms of violence. I'm sure that everybody in this chamber can agree that that is a truly noble goal and a goal that we would all like to see come to fruition. That's why the national implementation plan is so important.

The plan that the Morrison coalition government have released today has a strong focus on implementing and measuring outcomes, which I think is particularly important given that we are coming to the final stage of the fourth action plan. The implementation plan gives greater accountability and transparency in terms of how the Australian government and each of the states and territories are working to support women and children who experience violence. It sets out the details for each initiative, including funding, key milestones and intended outcomes and how they're linked to the 20 actions and five national priorities of the fourth action plan. I think it's very exciting that we're seeing such collaborative efforts across federal, state and territory governments to tackle this issue. As many of the speakers today have alluded to, preventing domestic and family violence is everyone's responsibility. It's a responsibility that we as the Commonwealth government certainly take seriously. But we understand the role that our state counterparts will play in assisting us in that prevention and that treatment, and having the implementation plan will ensure that those accountabilities and responsibilities are very well defined.

As I said, the Morrison coalition government have a zero-tolerance policy to violence against women. In the 2019-20 budget, we had a number of initiatives within the action plan to combat violence against women and children. Those included $82.2 million to improve and build on frontline services to keep women and children safe; $68.3 million for prevention strategies to help eradicate domestic and family violence in our homes, workplaces and communities; $78.4 million to provide safe places for people impacted by domestic and family violence; and $64 million for 1800RESPECT, the national sexual assault, domestic and family violence counselling service. I think that that's a really important one to just pause and reflect on for a moment, not just because of the great work that that hotline does but also, I hope, to promote that hotline to those people out in the community who feel that they can't report domestic or family violence to their friends or other family members: there is a hotline out there that you can contact to share that information.

In summary, the Morrison coalition government take this issue very seriously, for the reasons that I've outlined today, and, of course, for the many other reasons that other speakers, particularly Senator Henderson, have alluded to today. I only hope that our efforts will see a reduction in that statistic of one woman dying each week, and will eradicate violence against women and children.
Senator SIEWERT (Western Australia—Australian Greens Whip) (17:15): I too stand to join the debate on preventing and eliminating violence against women, which continues to be an obstacle to achieving equality, development, peace and the fulfilment of women's and girls' human rights. On this day, the International Day for the Elimination of Violence against Women, I want to address the issue of sexual assault of older women in aged care and in their homes. Today, we held a round table on preventing the sexual assault of older women, and we heard from Dr Catherine Barrett and Professor Joseph Ibrahim on this issue—both people with deep expertise in the area.

Sexual assault occurs in older women's own homes. It is perpetrated by intimate partners and other family members and also by service providers. Unfortunately, the prevalence of these incidents is not known. Last year, there were 547 reports of unlawful sexual contact in residential aged care. It is likely that the number of incidents of sexual assault is much higher in residential facilities. There is evidence that perpetrators are not being held to account—for example, staff may be moved, or strategies for managing sexual assault by other residents are not well established. The government is not using the data collected on sexual contact in aged care to identify patterns or to shape education. Unfortunately, to date, the Royal Commission into Aged Care Quality and Safety has not really addressed this issue. We think it does need to address the issue around sexual assault of older women. There have been six submissions on this issue, and I suspect there may be more.

At the moment, there is a lack of education for both home care workers and residential aged-care facilities around preventing sexual assault of older women. Aged-care workers don't know what to do when they are faced with someone reporting sexual assault, and providers don't understand their responsibility. There is also a clear gap for families and advocates, who don't know who they can turn to for help. Many older women are simply not believed when they report sexual assault, and if an assault is perpetrated by someone who has a cognitive impairment, it doesn't have to be reported, so we know this is happening on a much larger scale than is actually being reported. We need to address this issue urgently.

Senator McCARTHY (Northern Territory—Deputy Opposition Whip in the Senate) (17:17): I rise to speak on this very important matter that concerns all Australians. Nearly 10 years ago, in the Northern Territory Legislative Assembly, we debated quite extensively the importance of protecting our women and children across the Northern Territory. I was families minister at the time, and one of the things that we wanted to see across the Northern Territory was a change in culture. And by 'culture', I mean the attitudes—that it was not okay to stand by and witness a woman getting hit, getting flogged or getting smashed up in any of our communities across the Northern Territory, or in the city of Darwin, or in Palmerston, Alice Springs, Katherine, Tennant Creek or Nhulunbuy.

We knew that we had a serious duty as legislators to enable change and to create an environment of safety for all people—in particular, our children, who were witnessing this at horrible rates across our regional areas and communities. So we introduced the mandatory reporting of domestic violence, and we were questioned and scrutinised, quite clearly and intently, across Australia as to why we wanted to embark on that. But the seriousness of the
situation was such that, if we did nothing to change the culture, we knew that we would only continue to see the rise in the hospitalisation rates of our women, who were getting beaten up and having to lie in a coma for weeks or months on end. We knew that our children again would be witnessing this and seeing it as something that was normal. But it isn't normal, and none of our children in Australia should be witnessing that or part of a situation where they feel so unsafe—in particular, when it's happening in the home.

Each week I am dealing on a very personal level with members of my family in some circumstances that are always related to violence. I'm at the Royal Darwin Hospital, visiting and sitting beside the bed of either my cousin-sister or my aunty, who was in a coma for nearly six months because she was so badly beaten. We have to work with our women so that they can recover. The recovery stage is so critical because, as we have heard from previous senators here, of the constant cycle of that violence. Some of our women go back to that very situation and, unless they have the tools to escape that situation—to be financially able to leave that environment, to sustain themselves and their children, but also to be emotionally, mentally and physically able to heal and move on and to create a future for themselves beyond the violence—I know I will continue to sit beside these beds in the hospitals and in the women's shelters.

Not a weekend goes by when I do not get a phone call from someone needing assistance in the women's shelters, and so I go and take out a cousin, my aunty or my sister, and this becomes a regular path. I am so grateful to our women's shelters—the Darwin Aboriginal and Islander Women's Shelter in Darwin City, the Katherine Women's Crisis Centre, the Tennant Creek Women's Refuge, the Alice Springs Women's Shelter—and to all of those women in our regional communities who work on providing a safe environment for what are still, unfortunately, recurring cases of violence.

The inability to financially move out of these situations is the next thing that legislators have to address. I raise that because I am deeply disturbed by the fact that this government, which can do so much more, has taken away the emergency funding for our women's shelters. From places like the Darwin Aboriginal and Islander Women's Shelter, $38,000 has been removed. Thinking about the billions of dollars that can go into any kind of large-scale national program, when you take away $38,000 from the Darwin Aboriginal and Islander Women's Shelter, that means they cannot take in a family; they cannot put them up at Daisy Y, which is one of the Aboriginal hostels; and they cannot provide taxi fares to get them from, for example, the hospital to the shelter. These are small things but they mean so much.

The Darwin Aboriginal and Islander Women's Shelter is an appropriate service for First Nations women who are escaping domestic and family violence and sexual abuse or who are homeless. It has been operating for the past 33 years. It's governed by a board of Indigenous women, and 95 per cent of its staff are Indigenous. It also provides 24-hour domestic violence crisis accommodation for women and children escaping domestic and family violence and sexual abuse and assault. It provides eight transitional housing units, domestic violence outreach programs for women and children, and the Darwin Indigenous Men's Service, because we have to work with our men. Men are very much part of the problem, but they are incredibly so much part of the solution, and so DAIWS works with the men. It makes sure that the program is there to assist men to come through and holistically works at giving them hope for the kind of future they need to have—a future that doesn't involve violence.
The removal of the $38,000 has created a great gap for DAIWS. But it's not only them; it's also about the women's refuges in Tennant Creek and Katherine, which have also seen their funding cut. They've been told to move clients to mainstream services. You might think that that's okay, but let me tell you: it is not okay. It is not okay, because these services are culturally appropriate, and they work. How do I know? Because I go there so often and assist with trying to help a lot of these families move from the circumstances that they're in. Much of the time it's repetitive. As many people would know, leaving a domestic violence situation can take decades. People still go back to that situation for different reasons.

These services in Katherine, Tennant Creek and Alice Springs are critical. Again, we are talking about $38,000 in the emergency relief fund. My colleague Senator Jenny McAllister was with me as we went and sat with the women in Katherine. Having that appropriate service means so much for these families. I would call on the government and on the minister: don't hide behind the excuse that you are giving that money to a mainstream service and that's okay. It is not okay. Put the money where it belongs and where it has been adequately and appropriately spent over the last 10 or 11 years. This removal isn't good enough. I would urge you to reconsider that decision. You can reconsider that decision, and you can make a difference to these services, especially before we come to this Christmas season. We know that, unfortunately, the violence rate increases at these times. We want Christmas to bring happiness, but, let me tell you, it also brings some really serious situations that can result, unfortunately, in the death of loved ones.

So I'd urge the government to reconsider its position on these emergency relief funds, in particular for the First Nations services in this country. Give them the Christmas present that they deserve so that they can look after the families who most desperately need the Christmas present that we all would like to give our families. That is one of love, that is one of decency and dignity and respect—knowing that every individual in this country deserves to have a future without violence.

Senator FARUQI (New South Wales) (17:27): 'We are mothers, wives and daughters, and we deserve to feel safe wherever we go.' Those are Rana Elasmar's words. Last week she was with friends in a cafe in Sydney when a man approached their table. He shouted racist vitriol at her, punched her and then stomped on her head. She was the target of racist violence, as so many other Muslim women have been. The footage of the attack is absolutely sickening. Even those who do not know what it is to live life in constant, lingering fear of racist violence and abuse could not be unmoved by the brutal inhumanity of the attacker's hate. I do thank the bystanders who had the courage to intervene.

Just last week, research found that the percentage of Islamophobic attacks requiring hospitalisations has jumped from two per cent to five per cent since 2017. The *Islamophobia in Australia* report from Charles Sturt University found most incidents of racism towards Muslims involved the targeting of women. We should be able to go about our lives free from violence, harassment and intimidation, but we can't, because attacks on women like Rana, and the pervasive hatred that fuels them, persist and are getting worse.

On this International Day for the Elimination of Violence against Women, we remember every woman whose life has been marred by violence. We say plainly that society remains bound by patriarchy and women remain subjected to the violence perpetrated by men. One in three women and girls experience physical or sexual violence in their lifetime. One in two
women killed worldwide are killed by their partners or family. All women, whether they have experienced violence or not, live under its threat. We have no choice but to feel the myriad ways in which our lives are forcibly shaped by it.

Today we mourn the 50 women in Australia, so far this year, who have died due to violence, and we acknowledge the Counting Dead Women Australia researchers of Destroy The Joint, who do this heartbreaking and difficult work. Too often their stories go untold. Too often their names are forgotten, lost in the media cycle and in an indifferent world numb to the lives behind the fleeting headlines. To end violence against women we must address its root structural causes. We must dismantle the systemic gender power imbalances and the social, emotional and economic inequalities that result. Otherwise, the untold heartache and sorrow of women being killed will continue. We have a right to be safe, we have a right to live and we have the right to be equal.

Senator GREEN (Queensland) (17:30): I'm very pleased that Senator Wong has put forward this matter of public importance. It's a real honour to speak but it's also an honour to have sat here and listened to the really extraordinary speeches from the senators who have contributed to this debate. While domestic and family violence affects everyone, we know that women are disproportionately impacted.

Today, on International Day for the Elimination of Violence against Women, it is appropriate for us to talk about how violence against women stops women from achieving equality, development and peace. As everyone in this chamber would know, family violence is a deeply personal issue for me and my family, but my family is one of so many that have experienced family violence and have had to navigate their way through the very many steps from the moment a woman decides to leave to the day she finally feels free. As Senator McCarthy said, that journey can often take decades. Today is the start of 16 days of activism against gender based violence. I want to talk about how the government can help make that passage, that journey, from deciding to leave to being fully free of violence and harassment easier.

This government can make it easier for women to escape violent and abusive relationships. First, it can begin by making the financial independence of women a crucial part of its plan to address violence against women. It can do more by improving access to social security and payments through the social security system. Women fleeing domestic violence are often faced with financial hardship if they formerly relied on their partner's income. A 2018 report by the National Social Security Rights Network found that some women trying to leave violent relationships were denied income support, forcing them to stay in the same home as the abuser. For those who are granted income support, they can expect to receive just $40 a day from Newstart. Starting a new life on just $40 a day is challenging for anyone, let alone highly vulnerable women. This government should genuinely start the discussion about raising Newstart, because it is a fundamental link to the financial independence of women.

The government can also provide more safe places for women and their children to stay and enough funding to ensure that they have the essential services that they need to start afresh. This includes providing adequate social housing. In Far North Queensland, remote and Indigenous communities are still waiting for $105 million, promised by the government before the last election. It is hard to leave if you haven't got a place to go. It is even harder in regional and remote areas. Although funding has been provided for various programs, the
question is: is it enough? In Cairns, an Indigenous women's shelter needs help to pay a fee to store furniture that it is gifted by the community. This generosity from the community is fantastic, but they don't have anywhere to put the donations. This is just an example of the bare-bones funding that they have to do such crucial work.

The government can also ensure that our National Employment Standards provide the flexibility and support for women to leave violent relationships, including a commitment to paid domestic violence leave. Currently women are entitled to five unpaid days leave through the National Employment Standards, and this is not enough. Paid domestic violence leave is important because financial security is crucial to women fleeing a violent partner. I know this firsthand because I worked with the Working Women's Legal Service in Queensland. It was a service that provided employment legal advice, but often the people that came and sought out that service were fleeing domestic violence relationships. That service was shut down by this government and Minister Cash.

In concluding, I want to say that I've been the kid packing up the boxes and sleeping in the caravan park, seeing her mum go off to her third job just to make ends meet. It's really bloody tough to leave, so we need to change the culture that creates family violence and turns a blind eye to family violence and we need to make it not just possible to leave and survive but possible to leave and thrive.

Senator WALSH (Victoria) (17:35): I rise to say a few words on this matter of public importance because today is the International Day for the Elimination of Violence against Women. Violence against women and their children is a persistent and shamefully prevalent issue that really needs national leadership from this parliament. While we know that domestic and family violence affects everyone, we also know that it's women who are disproportionately impacted. Family violence hurts, and its effects can be felt for generations.

In Australia today, one woman per week is murdered by a current or former partner. We know that one in three Australian women will experience physical violence in their lifetime. One in five women has experienced sexual violence, and one in four women has experienced emotional abuse by a current or former partner. Across the country, there is on average a police call-out every two minutes to a family or domestic violence incident. These statistics are shocking, they are outrageous and they are inexcusable. We should also recognise that this issue is even more prevalent for Indigenous women, who are 32 times more likely to be hospitalised due to family violence than non-Indigenous women. I join Senator Green in congratulating Senator McCarthy for speaking out on these issues in the Northern Territory and in Darwin in particular.

In 2019, it is absolutely unacceptable that this many women are the victims of violence at the hands of their current or former partners. It is important for us to know that this violence is not always physical. Men and women need to think about the ways in which aggressive, coercive and controlling behaviour can mount up and cause the physical violence that is so damaging today. These behaviours can have long-lasting impacts on women's economic independence, emotional wellbeing and psychological wellbeing as well. All of those impacts can add up to take a huge long-term and profound toll on the health of women and also of children. In fact, domestic and family violence is the largest driver of homelessness for women. It is so damaging for children as well. It affects their attitudes to relationships. It affects their emotional functioning. It affects the prospects for their own futures in a range of
ways. So there is so much more to do to make sure that women can live without fear and without violence.

There are many places that we as a parliament can work together and put our attention. More support for frontline services is absolutely critical, as is more support for emergency accommodation so women can leave and more support for safe and affordable housing for people escaping violence. As a country, we really need to confront domestic and family violence now. The effort to end violence against women rests with all of us in this place. The statistics that I mentioned really suggest a national crisis—at the very least, they are a national shame. All of us have to confront the underlying causes of family violence, and that is the persistent gender inequality in this country today—gender inequality that makes women vulnerable and also limits men to traditional roles and the damaging behaviours that can go with them.

We can tackle gender inequality by focusing on supporting respectful relationships—we can do that in schools, we can do it by supporting men to understand and change their own behaviours, and we can do it by having a positive national conversation about the cultural and attitudinal changes our society needs to make through much more focus on awareness and on education. Of course, if Labor had been elected at the last election, we would have legislated 10 days paid domestic violence leave as part of the National Employment Standards, because people who are experiencing family violence shouldn't have to choose between their job and their ability to leave a violent relationship.

The ACTING DEPUTY PRESIDENT (Senator Griff): Thank you, Senator Walsh. The time for discussion has expired.

DOCUMENTS
Consideration

The following documents were considered:

The following documents were tabled pursuant to standing order 61(1)(b):

[Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated]

Auditor-General's reports for 2019-20

1 No. 13—Performance audit—Implementation of the My Health Record system: Australian Digital Health Agency; Department of Health.

Documents in response to orders for the production of documents

2 Water allocation agreements—Order of 14 November 2019—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 21 November 2019, responding to the order, and attachments. [Received 21 November 2019]

Government documents

3 Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2018-19. [Received 19 November 2019]


Government responses to committee reports

5 Rural and Regional Affairs and Transport Legislation Committee—Report—Performance of the Australian Transport Safety Bureau, and in particular its report on the June 2017 crash of a flight
conducted on behalf of Angel Flight Australia—Government response, dated November 2019. [Received 19 November 2019]

Committee reports presented out of sitting

The following reports and documents were presented and authorised for publication on the dates indicated pursuant to standing order 38(7)(a):

References initiated by the Selection of Bills Committee


7 Legal and Constitutional Affairs Legislation Committee—Customs Amendment (Product Specific Rule Modernisation) Bill 2019 [Provisions]—Report, dated November 2019, and submissions. [Received 20 November 2019]

The Clerk tabled the following documents pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislation (FRL) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Aboriginal and Torres Strait Islander Heritage Protection Act 1984—Aboriginal and Torres Strait Islander Heritage Protection Amendment (Bellwood Sacred Site) Declaration 2019 [F2019L01139]—Supplementary explanatory statement.


Australian Research Council Act 2001—


Civil Aviation Act 1988—

Civil Aviation Order 48.1 Amendment Instrument 2019 (No. 1) [F2019L01473].

Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—Civil Aviation Order 82.6 Amendment Instrument 2019 (No. 1) [F2019L01452].

Commissioner of Taxation—Public Rulings—
Class Rulings—
Addendum—CR 2018/52.

Corporations Act 2001—

Defence Act 1903—
Defence Determination, Conditions of service Amendment (Employment categories salary non-reduction) Determination 2019 (No. 33) [F2019L01454].


Federal Financial Relations Act 2009—


Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 27 of 2019 [F2019L00830]—Replacement explanatory statement.

Health Insurance Act 1973—Health Insurance (Section 3C Pathology Services— Cystic fibrosis gene testing) Amendment Determination 2019 [F2019L01484].


Migration Act 1958—

Migration Regulations 1994—

Migration (LIN 19/211: Arrangements for Skilled Employer Sponsored Regional (Provisional) Visa Applications) Instrument 2019 [F2019L01449].


Migration (LIN 19/217: Regional Areas) Instrument 2019 [F2019L01446].

Migration (LIN 19/267: Regional Certifying Bodies and Regional Postcodes) Amendment Instrument 2019 [F2019L01447].

Migration (LIN 19/296: Arrangements for Applications for Bridging Visas) Amendment Instrument 2019 [F2019L01459].


Navigation Act 2012—

Marine Order 27 (Safety of navigation and radio equipment) Amendment Order 2019—AMSA MO 2019/7 [F2019L01464].

Marine Order 63 (Vessel reporting systems) 2019—AMSA MO 2019/6 [F2019L01463].


Public Governance, Performance and Accountability Act 2013—

Commonwealth acquired shares in Emesent Holding Pty Ltd—18 October 2019.

Commonwealth acquired shares in NextOre Pty Ltd—5 November 2019 [2].

Radiocommunications Act 1992—

Radiocommunications (Electromagnetic Radiation—Human Exposure) Amendment Standard 2019 (No. 1) [F2019L01477].

Radiocommunications Licence Conditions (Apparatus Licence) Amendment Determination 2019 (No. 1) [F2019L01478].

Regional Investment Corporation Act 2018—Regional Investment Corporation Operating Mandate Amendment (Drought Loans—Interest-free Period) Direction 2019 [F2019L01483].

Social Security Act 1991—

Social Security (Australian Victim of Terrorism Overseas Payment—Specified Class of Persons) Determination 2019 [F2019L01470].


Telecommunications (Interception and Access) Act 1979—


Therapeutic Goods Act 1989—

Poisons Standard December 2019 [F2019L01471].

Therapeutic Goods Amendment (Approval of Advertisements) Regulations 2019 [F2019L01465].

Therapeutic Goods (Permissible Indications) Determination (No. 2) 2019 [F2019L01455].

Therapeutic Goods (Permissible Ingredients) Determination (No. 3) 2019 [F2019L01472].

Torres Strait Fisheries Act 1984—Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018—Torres Strait Fisheries Tropical Rock Lobster (Total Allowable Catch) Determination 2019 [F2019L01490].

Water Act 2007—


Regional Jobs and Investment Packages

Dairy Industry

Franchising Taskforce

Order for the Production of Documents

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (17:41): I table documents relating to three orders for the production of documents concerning documents referred to in the Auditor-General’s report No. 12 relating to the award of funding under the Regional Jobs and Investment Packages, the draft dairy code of conduct and documents received by the Franchising Taskforce.

PARLIAMENTARY ZONE

Proposal for Works

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (17:42): In accordance with the provisions of the Parliament Act 1974, I present two proposals for works within the Parliamentary Zone relating to (a) the
National Gallery of Australia foreshore public domain upgrade and (b) the Sir John Gorton commemorative sculpture. I seek leave to give a notice of motion in relation to the proposals.

Leave granted.

Senator COLBECK: I give notice that, on Thursday 28 November 2019, I shall move:

That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the following proposals by the National Capital Authority for capital works within the Parliamentary Zone:

(a) the National Gallery of Australia Foreshore Public Domain upgrade; and

(b) the Sir John Gorton commemorative sculpture.

**BILLS**

**Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2019**

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendment made by the Senate to the bill.

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

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

Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

to which the following amendment was moved:

At the end of the motion, add:

", but the Senate is of the opinion that:

(a) the current process for negotiating trade agreements needs to be amended to increase transparency around the negotiations and final text of agreements;

(b) all trade agreements should be subject to independent national interest assessments;

(c) investor-state dispute settlement (ISDS) provisions need to be excluded from all trade agreements; and

(d) human rights, labour, and environmental protection provisions must be included in all trade agreements."

Senator McKIM (Tasmania) (17:44): I want to start my contribution on this legislation by reflecting on the context of this debate. Firstly, we're having this debate in a situation where the nature of our planet and the ecosystems that ultimately support all life on this earth are being trashed. Our climate is breaking down and workers in this country are being exploited in an ongoing way. Wages are stagnant and too many people cannot find a job or cannot find enough work to allow them to pay their bills and have a good life. We have a situation where we're living in an unsustainable way environmentally and in an unsustainable way socially. The reasons for those circumstances include the ongoing influence of big corporates in our body politic—the ongoing influence of large corporate donations in our political system. It is
in that context that we now approach debate on legislation that gives effect to parts of certain free trade agreements.

We should be debating how we are going to better look after nature, how we are going to better protect our climate, how we are going to better protect human rights in this country and overseas, and how we are going to better protect workers. Unfortunately, we're not having that debate; we are actually having a debate around legislation that gives effect to parts of various free trade agreements that will do just the opposite. Of course, we have opportunities to trade with other countries, but being a trading partner with other countries does not mean that we should simply lie down, roll over and let those other countries tickle our collective tummies. What we should be doing instead is using our trading opportunities with other countries to promote the values that we hold dear in this country and the values that we should be using our trading opportunities to promote, including the protection and enhancement of human rights. That includes rights for working people and the protection and enhancement of nature and this planet's climate. But, instead of using our trading opportunities to promote those values, the major parties in this place are—as is so often, tragically, the case—about to collude to pass legislation which will impact on working people and on the environment. The major parties are going to continue to sign and endorse dodgy trade deals that give more power to their big corporate mates to trash our planet and exploit and undermine Australian workers. In some circumstances, they even sue our governments here in Australia in order to protect corporate profits.

We've already seen trade deals that have significant negative impacts here in Australia. We've already seen them lead to the downturn in certain Australian industries, we've already seen them drive down wages and we've already seen them threatening to stop our governments from properly regulating reckless corporate behaviour. So what should we do? Well, there's quite a lot we actually can do, but I have no confidence in either of the major parties in this place that they understand the challenges well enough, let alone understand what some of the solutions might be. What we need to do is place human rights—including, obviously, the rights of people to a safe workplace and a fair day's pay for a fair day's work—and environmental protection and climate protection at the centre of how we trade with other countries, and we need to ensure that the Australian people are able to scrutinise free trade agreements and understand their potential impact before they are signed into law.

That's the view of the Greens in regard to these free trade agreements. We care about human rights. We care about workers' rights. We care about nature. We care about the climate of this planet and, unlike the majors, we don't take dirty corporate donations and we will never sell out the rights that we care about. Yet here we are debating legislation that does just that. It sells out the rights that we in the Australian Greens really care about.

I'm not surprised that a Liberal-National government, recently re-elected, is wandering haphazardly down this path. It's what they do. Their icons are the markets. Their gods are values like greed. But, despite bitter experience, I do often wish and hope for better from the Australian Labor Party. But that's not what we're going to get from the Australian Labor Party in regard to this legislation, because the Australian Labor Party, as they so often do, are about to collude with the government to pass this legislation. Labor are going to do that because they've done a deal which boils down to a series of unenforceable and intangible assurances
from the government, in exchange for Labor’s support for the implementing legislation. Now, we’ve reviewed the deal, we’ve done extensive analysis on what this deal actually does, and we are very confident in saying that this deal does not improve the legislation or the free trade agreements in any meaningful way.

It’s important that people understand the context of Labor’s deal with the Liberal and National parties. Firstly, this deal has been done in the face of—and it’s a departure from—the policy platform that Labor took to the recent federal election. Secondly, it has been done in the face of significant opposition from the union movement in this country. We’ve seen the Electrical Trades Union resolve that it is appalled by the actions of the Labor shadow cabinet in supporting recent trade deals. We’ve seen the ETU say that the lack of leadership shown by Mr Albanese and the lack of direct communication by caucus members is ‘a disgrace’. We’ve seen the ETU make it clear that they intend to no longer provide donations or logistical support to the federal Labor Party and we’ve seen them criticise the Leader of the Opposition, Mr Albanese, for a lack of leadership. We’ve seen ETU National Secretary Mr Alan Hicks say the Labor Party has completely sold out working people on trade policy.

Now, you’ve got to ask yourself from time to time, and, unfortunately, on an ever more regular basis in this place: what is the point of the Australian Labor Party? If they’re just going to do over their mates in the unions; if they’re going to abandon the workers that they claim to represent in this place; if they’re going to continue to run a corporatist, anti-worker, anti-environment agenda, what actually is the point of the Australian Labor Party? The one thing I can offer workers is that you do have a voice in this place, and that voice—your voice—is the Australian Greens. We won’t be supporting this legislation. We’re not backing in the dirty deal done between the Liberal and National parties and ALP to do over workers, trash nature, destroy our climate and run the agenda of their big corporate donors. No, we’re going to stand up and we’re going to fight for working people in this place. We’re going to fight to protect nature. We’re going to fight against those policies which are causing the breakdown of our climate, which is leading us and has led us into a climate crisis and a climate emergency.

Mr Hicks, the ETU national secretary, said this:

We worked hard and in good faith to give Labor a decent policy which was passed at the national conference—yet it’s all been swept aside.

Working people rightly expect the party they founded to represent their economic interests. It’s unfathomable that Labor would expose them to low-wage competition at a time when incomes are already flatlining.

He concluded by saying:

Labor’s support for these free-trade deals is more than a betrayal of its own platform; it’s a betrayal of hardworking men and women, their safety, job security and our national sovereignty.

Hear, hear, Mr Hicks! I just wish there were some in the Labor Party in this place who were listening more closely to you. But it’s not just the Electrical Trades Union from the union movement that’s been critical of the Australian Labor Party. We’ve seen the president of the Australian Council of Trade Unions, Ms Michele O’Neil, say this:

The decision by the ALP to side with the government is an abandonment both of their own platform, and of their responsibility to stand up for fair trade deals which deliver jobs for local workers, that protect Australia’s public services, sovereignty and visa workers from exploitation and that ensure
international labor standards in the countries we trade with … They've made a mistake that will not be forgotten by Australian workers.

That's the president of the Australian Council of Trade Unions, Ms O'Neil. Now, that's robust criticism of the Labor Party, to say the very least, but it is extremely well deserved criticism.

Just as we've seen in the bipartisanship on national security matters the ongoing erosion of fundamental rights and freedoms in this country—more than 200 pieces of legislation passed in the last two decades that take away the rights and freedoms that our fathers and grandfathers used to go to war to fight to defend and enhance—and just as we've seen in the bipartisanship on offshore detention and the torturing of innocent refugees on Manus Island and Nauru, many of whom, I might add, have now been there for nearly seven years—indefinitely for nearly seven years under the banner of bipartisanship—here we see again, under the banner of bipartisanship, the Labor and Liberal parties charging off down a pathway to environmental destruction, down a pathway to corporatism and down a pathway to the exploitation of workers. I say to Australian workers: next time you hear the Labor Party having a good old whinge—as they should, I might add—about stagnating wages in this country, think back to this day. Labor, think back to this day when you actually lost an opportunity to do something about the stagnation of wages in this country. There are many Australian workers who, as Ms O'Neil said, will not forget the mistake that the Labor Party is making today.

We need to get the corporate money out of politics. That wouldn't fix every problem that exists in our political conversation in this country, but, my goodness, it would be a fair old start, getting that dirty corporate money out of the extremely deep, extremely full pockets of the major parties. Get that out, and end the revolving door that sees major party MPs and senators—far too many of them—rolling straight out of a job in this place and straight into the boardrooms of the corporate polluters, straight into the boardrooms of the big corporate exploiters of workers and straight into the lobbying firms that represent those big corporations. End the revolving door between this place and the corporates and end corporate political donations in this country, and you would see a cleaning up of politics and, as a result, significantly better outcomes for our environment and for working people in this country.

So I'm proud to be a representative of the Australian Greens, a party that won't compromise on these matters in the same way that the Australian Labor Party and the Liberal and National parties are doing—a party that refuses to have any truck whatsoever with the dirty deals and this banner of bipartisanship that has led Australia down a dark and dangerous path. It's that banner of bipartisanship and the corporatisation of our politics that are cruelling action on climate change in this country. It is that banner of bipartisanship and the corporatisation of politics that are cruelling decent outcomes for working people and unemployed people in this country. And these free trade agreements that this legislation is in part giving effect to are another living, breathing example of the influence of corporates in this place, the influence of corporate donations on the major parties in this place, and the influence that future career prospects have on far too many senators and MPs in this building.

So I urge the Senate to stand up against these kinds of free trade agreements—which cede our sovereignty, fail to respect our planet, our climate and the beautiful nature that so many of us claim to love, and fail to respect working people—and actually stand up for a trading
system in this world that respects human rights, that respects workers' rights, that respects nature and that respects the climate, which is breaking down around us as we speak.

Senator MARIELLE SMITH (South Australia) (18:02): I rise to speak on these two bills, the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019, and I do so with a particular interest, given my role on both the Joint Standing Committee on Treaties and the Joint Standing Committee on Trade and Investment Growth. These bills implement tariff cuts agreed to by the government as a signatory to the Australia-Hong Kong Free Trade Agreement, the Indonesia-Australia Comprehensive Economic Partnership Agreement and the Peru-Australia Free Trade Agreement. I note that this enabling legislation is only able to deal with tariffs; it has no impact on the terms of the treaty signed by the government, because, as we know, only the government can enter into or alter all other terms on an international treaty.

We, in this place, all know that the international trading system is currently in a period of extraordinary instability. China and the US are engaged in retaliatory trade actions which have become nothing short of a trade war. Meanwhile, Japan and South Korea are also openly engaging in trade disputes. Now, more than ever, it is important that Australia affirms its commitment to free trade, and I am proud of the role Labor has played and will continue to play in supporting free trade, because trade ultimately benefits working people. It does so through its positive impacts on growth, on productivity and on jobs. As my colleague Senator Wong outlined in her contribution to this debate, from Chifley to today, Labor has been on the side of free trade. Opening our markets has been supported, in some form or another, by Whitlam, by Hawke, by Keating, by Rudd and by Gillard. Labor governments have supported opening our markets because they understood that, fundamentally, in trade there are economic opportunities for working people, and Labor always has been and always will be on the side of working people. It was Hawke and Keating who broke down Australia's tariff wall and brought Australia closer to the Asia-Pacific through the establishment of APEC. Given Australia's small population by global standards, it is important that we continue to push for greater access for our exporters into the world's growing markets.

It was the former Rudd Labor government that began negotiations for IA-CEPA back in 2013 after Prime Minister Rudd initiated a joint feasibility study with Indonesia in 2007. The treaty action was signed in Jakarta on 4 March 2019 and tabled in the parliament on 21 March 2019. These negotiations commenced under Labor because Labor understands and values the importance of our relationship with Indonesia. Indonesia is the world's third-largest democracy, with the world's largest Muslim population, and it's also our closest neighbour. Fostering this relationship is of significant importance to our future prosperity as a nation. Indonesia is a powerhouse developing economy in our region, with gross domestic product of US$1.02 trillion as of 2018. The nation continues to grow at a rate of over five per cent. In 2018 total two-way trade in goods and services with Indonesia was worth $17.6 billion, making Indonesia our 14th-largest trading partner. Based on current trends, Indonesia will move from the 16th-largest economy in the world to the ninth largest by 2030 and the fourth largest by 2050. Crucially, given how the growth in Chinese middle-class consumption has fuelled Australia's recent export success, Indonesia will have a consumer class of 135 million
people by 2030. This domestic consumption rate represents the largest growth in consumers aside from China and India in recent times.

IA-CEPA aims to consolidate the economic partnership between our two nations. Currently Indonesia represents just two per cent of Australia's trade, with no growth trends over the past 10 years. There is clearly a need for improvement in this area. I am particularly focused on seeing the benefits realised by South Australian exporters in education, agriculture and resources. All of these industries will be granted greater access through this negotiated agreement. In education, IA-CEPA guarantees that Australian suppliers of certain technical and vocational education and training can provide services through majority Australian owned businesses in Indonesia. Australian VET providers can establish ventures in Indonesia with up to 67 per cent Australian ownership; previously the rate was 49 per cent. Australian universities will also be allowed to open campuses in Indonesia.

Other than the opportunities this provides for our educational exporters, these developments have the potential to assist Indonesia to meet its own workforce skilling as well as deepening broader ties between our two countries. Deepening people-to-people ties through education exchanges also presents opportunities to market Australia as a destination for Indonesian students, particularly in my home state of South Australia. In 2018 Australia received more students from Malaysia than from Indonesia, despite Indonesia's population being nearly 10 times larger. If Australia were to receive the same proportion of students from Indonesia as from Malaysia, this would add around 150,000 students to our national intake. Education is South Australia's largest service export. Through this agreement there'll be significant opportunities in this sector for my state.

There are also opportunities in agriculture. A significant proportion of Australian grain is exported to Indonesia but is currently uncompetitive, due to the high grain prices in Australia caused by drought conditions on the east coast. IA-CEPA seeks to cement the relationship in grain trade so that, despite current conditions, Australian farmers will be in a position to export to Indonesia when prices again become competitive. The Australian grain industry expects Australian wheat exports to be up to 25 per cent lower this year. It has stressed the need to be in a position to recover market share in Indonesia quickly when Australia's stocks improve and believes IA-CEPA will be crucial in this regard. Indonesia has no other bilateral agreement with a major agricultural exporter capable of providing the same quantities as Australia. South Australian grain growers already export around $200 million of wheat to Indonesia each year, and I am hopeful that these numbers will skyrocket with the guaranteed access built into this agreement.

IA-CEPA eliminates and reduces tariffs and locks in progressive tariff rate quota increases for major Australian exports into Indonesia. Indonesia will progressively eliminate tariffs on products including frozen beef and sheepmeat. South Australian exports in frozen meat products total $4.3 million. Whilst this number is modest, I'm hopeful that the greater opportunities provided in this agreement will see the number grow exponentially. The same goes for dairy, where tariffs will be progressively removed by Indonesia. In South Australia, dairy exports into Asia, particularly China, have been highly sought after. South Australian dairy companies will now have greater opportunities to export into an Indonesian market where dairy products are forming a greater part of the average Indonesian's diet. With respect
to steel, Indonesia has agreed to reduce its existing tariff of 15 per cent to zero. Indonesia will also guarantee import permits for 250,000 tonnes of Australian steel per year.

Australia's agreement with Hong Kong is slightly different in nature, given that the two nations have been established trading partners for a number of years. In 2018 Australia's total goods and services exports to Hong Kong were valued at $13.4 billion. Australia's largest commercial presence in Asia is in Hong Kong across a wide range of industry sectors, including banking and finance, construction and engineering, food and beverage, education, consumer and retail, transport and professional services. Australian exporters have enjoyed tariff-free access into Hong Kong for a number of years. However, the government has advised that the Hong Kong agreement is necessary to ensure that these rates are locked in and legally enforceable.

Peru is also a growing market for Australian goods and services, with a gross domestic product around US$215 million. It has been one of the fastest-growing economies in Latin America and the world over the last 10 years. As of 2017, Australia's trade with Peru was worth $640 million. A number of Australia's competitors, including the US, Canada, the EU and Singapore, have FTAs with Peru. Australia's Peru agreement has been negotiated to ensure the elimination of tariffs on beef within five years; increased sugar market access; immediate duty-free access for Australian exports, such as wine, sheepmeat, horticultural products and wheat; and elimination of tariffs on iron ore, copper, nickel and coal. There will now also be the recognition of Australian degrees by Peru and the removal of barriers in services and trade for mining and the financial and telecommunications industries.

The Joint Standing Committee on Treaties tabled its final report on the Peru agreement in November 2018 and the Hong Kong agreement and the IA-CEPA report on 9 October 2019. JSCOT has reviewed the agreements and has ultimately recommended that the government ratify all three agreements. I want to make it clear that we did so following rigorous debate. Together with Labor's shadow minister for trade, Ms Madeleine King, my Labor colleagues and I sought various assurances through JSCOT's report on Indonesia and Hong Kong, which were reflected in its recommendations and general commentary. The issues raised included the termination of the existing Indonesia-Australia bilateral investment treaty, or BIT; the implementation of a process of economic modelling for future agreements; the need to ensure that the requirement for labour market testing is included in all trade agreements; and recognition of the very troubling political situation in Hong Kong.

The Indonesia, Hong Kong and Peru agreements all include modernised and improved ISDS provisions compared to the existing BITs. The modernised ISDS clauses in these agreements include safeguards on public health, environment and prudential regulations. It is therefore assumed that Australia will be protected from action against important policy reforms we may undertake in areas such as public health. These are protections that history tells us we most definitely need—protections that would protect our policy measures from companies like Philip Morris, who sought to sue the Australian government for Labor's plain packaging legislation.

Honourable senators interjecting—

**Senator Watt:** Madam Acting Deputy President, there is quite a bit of interruption coming from that end of the chamber. Maybe something could be done about that, respectfully.
The ACTING DEPUTY PRESIDENT (Senator Kitching): Thank you, Senator Watt. If you could refrain, please, from interjecting on Senator Smith speaking, I'm sure that the courtesy would be returned.

Senator Steele-John: Absolutely. Thank you, Madam Acting Deputy President.

The ACTING DEPUTY PRESIDENT: Thank you, Senator Steele-John; there's no need to add to anything.

Senator MARIELLE SMITH: While the proposed ISDS provisions may not be perfect, if these agreements are not ratified, Australia will be objectively worse off with regard to ISDS given the status of the current BITs. Upon entering into the Peru and Hong Kong agreements, the outdated BITs with those countries will be terminated. However, IA-CEPA has no such clause. This means that the IA-CEPA will initially co-exist alongside the BIT for the two sets of investment and ISDS provisions in force.

Why the BIT with Indonesia was not negotiated out is unknown, as negotiations remain confidential. But I am hopeful that further agreement can be found by Australia and Indonesia to terminate the existing BIT, and I expect that this will be advanced by the government as a priority. Labor's shadow minister has recently written to the minister, requesting the cancellation of the existing BIT upon entry into force of IA-CEPA.

The government is yet to produce economic modelling for free trade agreements considered by the parliament. Following the efforts of Labor members, JSCOT has also recommended the use of independent economic modelling to inform the drafting, negotiation and consultation processes for future FTAs. We'll continue to pressure the government to produce this economic modelling for future FTAs, because we know how important it is and how long it has been called for. While successive coalition governments have ignored previous recommendations of this nature, it is in good faith that we accept that this will change and that this issue will now have ongoing bipartisan support.

On an issue that was of significant concern to the trade union movement, IA-CEPA foreshadows a future resolution within three years of an agreement with Indonesia on the movement of natural persons, including contractual services supplies. I want to acknowledge the genuine concerns raised during JSCOT hearings by the union movement and put on the record that Labor members of JSCOT did try to amend the additional comments of the report in acknowledgement of these issues. Regrettably, this didn't get the committee's support. But I assure those concerned that Labor will continue to maintain pressure on the government to ensure that future agreements meet these requirements.

On the issue of market testing, Labor asserts that labour market testing should be applied within all trade agreements negotiated by Australia. Currently, IA-CEPA only waives labour market testing for intracorporate transferees. This is already an obligation under WTO rules, of which both Indonesia and Australia are signatories. There has been a lack of clarity provided in the IA-CEPA text about future agreements on the movement of people for work related reasons in other industries, and we believe that it is necessary that further clarity is provided in this regard, as it has been a key concern raised by the trade union movement and other elements of civil society. The government must ensure now that it will not undermine labour market testing and skills assessments by making side agreements with Indonesia that would not need to be formalised through the treaty-making process.
Another matter raised during JSCOT's consideration of the Hong Kong agreement was the continuing political uncertainty and instability in Hong Kong. This instability is, of course, of great concern to me and to many in this chamber because we agree that people have a right to protest peacefully. Labor has urged all parties to find a peaceful resolution that is consistent with the 'one country, two systems' arrangement currently in place with the People's Republic of China. My Labor colleagues and I ensured that JSCOT's report acknowledged concerns about the political situation in Hong Kong, and that was the right thing to do. The concerns raised throughout JSCOT's consideration of these agreements and the concerns raised by the union movement and some of my Labor colleagues are genuine. I acknowledge them in my remarks today, and I acknowledge that they come from a position of putting the interests of working people first.

Yet ultimately, on the whole, these agreements provide opportunities for Australia. They provide opportunities for growth, for productivity and for jobs. These are opportunities that are so greatly needed in my home state of South Australia, and they are opportunities that I support. Australia is an export nation. On average, Australian businesses that export hire 23 per cent more staff, pay 11 per cent higher wages and have labour productivity 13 per cent higher than nonexporters. One in five Australians is employed in trade related employment. Australian household incomes are estimated to be on average around $8,500 higher as a result of opening up new markets through trade. China is our largest economic partner, with trade worth $183 billion, including a third of Australia's total exports. However, we cannot rely on this market alone. It is imperative that we start to diversify towards other growing Asian markets.

This is particularly crucial from a South Australian perspective with regard to our education and goods exports. The three agreements that are the subject of these bills present particular opportunities for South Australia, and they come at a most critical time. According to a Business SA William Buck survey of business expectations, business confidence hit record lows in South Australia in the three months to the end of September. Business SA chief executive Martin Haese blames South Australia's high unemployment, interest rate cuts, land tax uncertainty, geopolitical tensions and ongoing high utility costs for the fall. Mr Haese has called on the state government to double down on exports growth to negate the current trend South Australia finds itself in. South Australian exports have declined 18 per cent over the last 12 months. With our population continuing to decline by national standards, greater access to international markets will be needed to ensure my state's continued prosperity. SA's exports to Indonesia are forecast to skyrocket to more than $1 billion as a result of IA-CEPA. South Australians here in this chamber will know that exports had crashed to just $290 million in 2018, down from $718 million in 2011. As I have already canvassed in my remarks, wheat, beef, sheep and citrus farmers will benefit, along with dairy producers.

More than anything, the opportunities provided by IA-CEPA in education will simply build on the great work South Australian universities are already undertaking in Indonesia. For example, the University of South Australia has already developed collaborative partnerships with a number of their Indonesian counterparts. In 2015-16, UniSA's School of Information Technology and Mathematical Sciences delivered a customised version of the Graduate Certificate in Data Science to senior public servants from Indonesia as part of the Australian government's international development program. UniSA, along with the University of
Adelaide and Flinders University, as well as South Australian VET providers, will now be provided with greater opportunities to own and to operate educational facilities in Indonesia. The economic and social benefits of this to South Australia cannot be overstated. As I have already said today, education is South Australia's greatest service export. I want to see my state continue to reap the economic benefits of its growth.

I will be supporting this bill. I'm supporting it, because I'm on the side of jobs. I'm on the side of economic growth and opportunity for my home state of South Australia. There are jobs across our wine, transport, education, agriculture and service industries in trade. Trade agreements open up markets. They open up opportunities—opportunities that wouldn't and couldn't exist under protectionism and that wouldn't exist if we stood by and let other countries benefit from trade agreements whilst we stood on the sidelines and watched opportunity go by. Yes, there is room for improvement, certainly, in how these agreements are drafted and consulted upon, and there have been genuine concerns raised about some of the content of these agreements. But ultimately what is within these agreements stands to benefit working people. These agreements stand to benefit South Australia, and my state cannot afford to sit on the sidelines. We cannot afford to sit idle. We can never let opportunities for growth and for jobs to pass us by. All three of these agreements present significant opportunities—significant jobs—to my state. These are opportunities which I thoroughly and wholly support.

Senator WHISH-WILSON (Tasmania) (18:22): This chamber has seen some debates over the last 10 years—especially in the last seven years—on free-trade deals. After Mr Tony Abbott got elected as Prime Minister, we had a flurry of free-trade deals at the same time that his government started their austerity, zombie budget cuts. While we've had some pretty big biffs over the years with the Labor Party, and big differences on free trade, I never in all my years thought I'd hear a Labor senator get up and give a speech on jobs and growth in this chamber without any consideration for Labor's previous policies—not, for example, including ISDS in their free trade negotiations. I'll come back to that a little later, but I want to read a quote from Nobel Laureate Paul Krugman. He summed up a lot of my concerns around today's legislation. He said:

The first thing you need to know about trade deals ... is that they aren't what they used to be. Rather than old fashioned trade in goods and services—listening to Senator Smith's contribution, that's absolutely what you might think they are—current negotiations in trade deals are aimed at standardising domestic regulations between countries, through investments and other chapters that have ramifications for important aspects of economy and society that go way beyond international trade. These free trade deals are negotiated entirely in secret, outside the remit of parliaments. We don't get to see the scripts of these trade deals until they come to the JSCOT and we're told to rubberstamp them. We, as elected representatives in this country, have absolutely no democratic input to the contents of these trade deals. Considering that they touch nearly every aspect of our society, why is that and how is that acceptable in this day and age?

The Greens initiated a large inquiry into the treaty-making process. While everybody agreed—and I heard this in Senator Smith's contribution—that they are deficient and they are not acceptable, nothing has changed. I urge senators to go read that Senate inquiry report into the treaty-making process and how the process has failed us—how it was written for an 18th
century government in England who was conducting treaties around war and the conquest of countries. Here it is well over a century later and we have this same division in power between the executive and the parliament, where the executive get to negotiate free trade deals under the treaty-making process with no input from the Australian parliament, no input from elected representatives and no input from the Australian people. These deals are negotiated behind closed doors, and the majority of the content that is negotiated—and we have seen this in all previous trade deals in the last seven years, particularly the large multilateral trade deals like the TPP and the IA-CEPA, which is currently being negotiated—is being driven mostly by big transnational corporations. It is no coincidence that they happen to have operations in all these countries around the world that are suddenly adopting all these new trade deals, because they are trying to standardise laws and regulations between countries. Issues of significant matters of public interest, like the role of government in our lives and like government procurement, are out the door. That has been totally ripped to shreds by this decade of free trade deals.

I have often commented to people when I see the hundreds of billions of dollars being spent on our defence industry: why is it that the government is so active in spending money on defence procurement? It is probably the last area that has not been carved out by free trade deals. It is signed on by the Labor Party, joining the Liberal Party on a unity ticket, and reducing the role of government in our lives. What we have left is a military industrial complex and the government in bed together. It is the only area where we can actually have government procurement, because it has been precluded in just about every deal that we have signed in this place. From local government level all the way to federal government, we have sold out our role. The idea that the executive government can exclude parliament from the trade and treaty negotiation process is undemocratic and totally unacceptable.

Unlike some other senators in this chamber, I have sat on numerous JSCOT inquiries over the years. We initiated the world’s first inquiry into investor-state dispute settlement clauses. This was at the same time as the European Commission was looking into the issue of ISDS. It is interesting how we are talking about having a free trade deal with Europe but they do not want an ISDS. Why is that? Why is it that the Europeans are not too keen on ISDS? It is because at least they are progressive and they understand that it has eroded our democracy. Why are we giving corporations a right to second-guess decisions made by parliament that are in the public interest simply because it may not be in their self-interest, in the interest of their profits and their shareholders? You can forget all this rubbish about carve-outs and exceptions. They have been thoroughly debunked. They were written entirely for corporations.

Did you know, senators, that these shady ISDS tribunals that often occur in other countries and that involve issues in places like Australia—like we saw with the Philip Morris case—have absolutely no transparency around who is selected to be on these tribunals? There is absolutely no transparency! I am talking zero transparency around the decision-making process. And you cannot appeal the decisions, yet they are binding, which raises another significant moral dilemma with these trade deals. It is okay to have binding agreements in here for matters that affect businesses and their profits, but where are the binding agreements for human rights issues? Where are the binding agreements?

Sitting suspended from 18:30 to 19:30
Senator WHISH-WILSON: I accept that there are winners and losers in so-called free trade deals. There is absolutely no doubt that there will be businesses who either will start exporting or are currently exporting that are going to benefit from opening up markets internationally. Isn't it interesting that you never hear from this government any rhetoric around the flip side of this? That is that we open up our market to foreign businesses—that foreign businesses sell their products and their services into our markets. The input-output models that are an attempt to model the so-called benefits of free trade deals have been widely debunked as being inaccurate in the assumptions in their 15-, 20- or 30-year forecasts of the benefits that are going to be reaped for Australia's gross state product or gross domestic product. Most economists will tell you that this is a zero-sum game in terms of international trade. If you sign a bilateral deal with one country, you end up potentially excluding what your potential windfall gains could have been to another country.

As we get into multilateral trade deals, this kind of web becomes even more intricate, even more complex and even more difficult to understand. I have consistently raised in this chamber that this rush, this stampede, by the Liberal government starting in 2013—starting with the Korean free trade deal through to the Chinese free trade deal, the Japanese free trade deal, the Trans-Pacific Partnership and so on and so forth—was a really good distraction from the economic problems that we have in this country. They were used par excellence to sell the government's 'jobs and growth' message, which is exactly what we are hearing tonight. Sadly, it is also coming from the Labor Party.

This is serious stuff. This is the premier chamber of the land, where we get to interrogate legislation before it is passed into law. Why is it that we accept a process where we only get one decision? We vote either for or against the enabling legislation of a free trade deal, but we never get to amend it. There is no chance that I could amend this if I tried. If you amend a free trade deal which, let me remind senators, has already been signed by the countries under consideration—in this case, it may well be Hong Kong, Indonesia or Peru—it has already been signed! It has already been agreed to before parliament has even seen it, before civil society has even seen it and before unions and workers' groups have even seen it. However, I am sure businesses have seen it. In fact, we know with certainty that, in large deals like the Trans-Pacific Partnership, businesses have been in there negotiating when everyone else has been excluded. How can that possibly be?

Yet here we are, elected by the Australian people to legislate on their behalf, and we have no say in the construction of this trade deal. Sure, we can vote against it or we can vote for it, but how do we have a treaty-making process in this country after over 100 years that is so deficient?

The only attempt to amend the treaty-making process was the introduction of JSCOT, where at least parliament got to look at a trade deal. But JSCOT, as we all know, is chaired by the government, and anyone who's been on JSCOT—I've probably been on too many JSCOT committees in my time in this place—knows that it is a rubber stamp. It makes recommendations, but hands up anyone in here who can give one example of a JSCOT recommendation to any trade deal that has ever been implemented. Name just one recommendation from the Joint Standing Committee on Treaties that's ever been incorporated into a trade deal.
It's entirely undemocratic. It's not representative of our political parties and the people we represent. And these deals are becoming more and more sinister by the year, as we have pretty much traded away everything we've had, as we've opened up our economy. What is there left to trade in these deals? Well, we've got whole new areas being included in trade deals—temporary work visa programs, the right of government to regulate in the public interest, new rules around government procurement. I'm hoping that we can fix the recycling crisis in Australia by getting government to buy recycled content and to invest in solving this externality. Government used to be able to buy cardboard and paper, but it can't anymore, because of free trade deals. I want government to buy Australian recycled glass for the tens of billions of dollars worth of road projects around this country. Oh, that would be discriminating against a country we've signed a deal with. That would be giving preferential treatment to a 'foreign company'. We've sign these away, willy-nilly, and sadly I have been here to witness most of this. In the last seven years there have been a whole lot of deals.

I want to talk about that preferential treatment for a second, because I remember all the fanfare around signing the Chinese free trade deal. Senators may be aware that, in recent weeks, a Chinese company has bought a Tasmanian company called Bellamy's. I've been very outspoken in my concerns about this takeover. This is a Chinese government partly owned subsidiary that was competing against Bellamy's. They came in and bought Bellamy's. Bellamy's was languishing on the share market. Its shares dropped from $24 back to $8 when it was announced they couldn't get market access to China to sell their milk powder. The Chinese government were issuing 300 new licences for milk powder after a contamination scare. That's absolutely fine—I accept why they would do that. But why was it that a company like Bellamy's, out of 300 licences, was one of the last 27 to receive their approval, when they had nothing to do with the contamination scare? That was just straight-up market manipulation, in my books. But how do you hold a foreign government to account if they manipulate an asset on the Australian stock market? They shouldn't have been able to buy one of their competitors. I don't think that's fair, and I'm going to continue to raise this issue.

But the reason I raise it in the context of what we're signing here today is that the Chinese free trade deal was signed with great fanfare. Chapter 2 of ChAFTA sets out the rules of the agreement for trading goods, and it's very similar for these free trade deals. Article 2.7 sets out the rules for non-tariff measures and clearly states:

... neither Party—
as in neither the Chinese government nor the Australian government—
shall adopt or maintain any prohibition or restriction or measure having equivalent effect, including quantitative restrictions, on the importation of a good originating in the territory of the other Party ...

In other words, the whole reason we supposedly signed ChAFTA was to establish fair and equal market access unless otherwise agreed to. The Chinese government withheld import approvals for Bellamy's—as they did for other companies, by the way—and since then we've had translated Chinese government media statements saying, 'Bellamy's shareholders should take this; this is their last lifeline.' Another one said, 'As soon as the deal goes through, their approvals will come through for their licences to sell milk powder to China.' They're not trying to hide this. Indeed, they even had a government-driven policy recommending that Chinese government owned companies buy foreign milk powder operators. Today it was announced that the same Chinese government owned subsidiary is buying Lion Dairy &
Drinks in Australia. They access about eight to nine per cent of the raw milk supply in Australia, and the Chinese company that bought them, Mengniu Dairy, said today in their media release that they want to develop value-added markets. They're going to take the raw supply that they're going to access now through this acquisition and they're going to open up new markets, including in their home market in China.

Now, it might sound like that's an opportunity, and potentially it is if you're working in the milk powder industry, but if you're going to take, let's say, eight or nine per cent of all of Australia's raw milk supply and divert it to a new product in another country, where are the Australian producers, the manufacturers and the dairy operators making yoghurt and other products going to access their raw supply from? At the moment, most of the raw supply for milk powder comes from Europe and New Zealand—well, this Chinese company today said that they're going to now access that from Australia.

These kinds of things need to be considered, and I'm hoping that FIRB will have a good, hard look at any potential repercussions on competition, consumer and market prices, and, of course, market concentration. In terms of ChAFTA, where's this government's outrage? Where is this government's inquiry into whether these milk powder companies have been discriminated against under ChAFTA—under the deal that we signed with them? Well, there haven't been any. I've met with FIRB. I've met with the Treasurer's office. I've raised my concerns. I admit they've been taken seriously, but there's been no information put out into the public domain around this issue.

We need a proper inquiry into this. We need a proper inquiry into these kinds of investments and how FIRB interacts with our free trade deals and how the national interest test interacts with our free trade deals. What other kinds of manipulation are we seeing in markets by foreign governments? This is a whole new paradigm. But you'd expect from the rhetoric that I've heard from both the Labor Party tonight and from the government that everyone's a winner if we sign a free trade deal. Well, the Greens believe in fair trade, and that is the governments of any nation firmly setting criteria around fairness. It means we look at a whole range of issues around compliance with human rights, labour rights and environmental standards.

I can't say it in the language that's acceptable in this chamber, but it really annoys the hell out of me that we have these binding agreements on matters that relate to corporations and profits, like ISDS and shady international tribunals, but we don't have any binding agreements on the importation of foreign workers, labour rights in foreign countries or environmental standards. It's all lip-service; it's all greenwash in these deals. We need to rewrite the treaty process. We need to actually take back control of this from the executive as a parliament and have a treaty system for the 21st century. *(Time expired)*

**Senator HANSON** (Queensland) (19:43): I totally agree with Senator Whish-Wilson and his comments here. Thank you very much for expressing those in the chamber—I think it needs to be done. We talk about a free trade agreement. This is not about a free trade agreement; this is about doing over the Australian people with all these free trade agreements that have been agreed upon over the years.

The bill, the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill, helps to give effect to three free trade agreements: the Peru-Australia Free Trade Agreement, the Indonesia-Australia Comprehensive Economic Partnership Agreement
and the Australia-Hong Kong Free Trade Agreement. Well, we've seen it in the past with America, and there's been free trade agreements with China, Japan and Korea—you name it. There are all these free trade agreements—nothing's free. Let's make that quite clear. These trade agreements have seen the demise of so many industries and so much manufacturing in Australia. If you actually think that we can maintain our standard of living, pay the wages that we do in this country and do deals with countries that only pay a few dollars a day, you're absolutely kidding yourself. That's what's happened with our industries and manufacturing in this country. That's why we don't have a car industry, a clothing and footwear industry or a whitegoods industry. It keeps going on and on and on. We've flooded our market with products from overseas countries that have destroyed our own industries here. Why? Because they can't afford to pay the wages. They can't afford to keep up with countries that only pay a few dollars a day in wages, and you keep opening up the floodgates for it to continue. Shame on you—both of you! Who are you protecting? Your mates in there? The multinationals? The United Nations? Who? Because it's not the Australian people. What you have done is disgraceful to this nation.

I go back to the American free trade agreement. Oh, you're great negotiators—absolutely fantastic! Let me draw you to the conclusion of 2004 and the American free trade agreement. You got rid of our tariffs from day one and you allowed America to keep the tariffs on our beef, horticulture, cotton, wine and steel—all this for 11 to 18 years. And then they said, 'Hey, listen: if you still do damage in our country, we want a quota system and we won't take your product any longer,' but we signed it away. I don't know why we're here in this parliament discussing this, because we have no say in it. We are representatives of the Australian people, yet we have never been given the opportunity to debate this. We're only here rubber-stamping this. We've got no say in this parliament. You've done your deals behind closed doors. Do the people have any say in this? None whatsoever. I think it's disgraceful that you haven't done that.

We did the TPP-11. It has worried me since 1998. At that time they called it the Multilateral Agreement on Investment. It was exactly the same as the ISDS—the investor-state dispute settlement. That means that, if we bring in laws in this nation which cause foreign companies to lose profits from their businesses, they can then sue us for the profits. During the TPP-11 debate, I asked Senator Reynolds about this. She said, 'That's hypothetical.' There have been two cases of it in the tobacco industry, so it's not hypothetical. I'm sick of whitewashing and not telling the Australian people exactly what can happen. New Zealand, under their free trade agreement, have side agreements with the countries that they would not be involved in the ISDS, so they're protecting themselves. What have our representatives done? Nothing—absolutely nothing to protect us. I wonder: how many more of our ministers, once they leave this place, will get jobs along the way? I raise this because it needs to be raised. Too many times I've seen ministers who have done deals in this parliament and then ended up in jobs with high wages once they're out of here.

There is often very little opportunity for politicians, industry leaders and other Australians to examine the agreements before they are introduced. Free trade agreements sound good in practice but often have problems in hindsight. It's smoke and mirrors. They are feel-good agreements but are potentially damaging to Australia. Some countries' agreements say they're
going to get rid of half of the tariffs on fruit and exports, but it really is about jobs. All these free trade agreements are opening up the floodgates for them to bring workers into this nation.

That's why the workers of Australia are fed up with the Labor Party, who are supposed to protect their jobs and who are agreeing to this free trade agreement—as they have with all the other free trade agreements that we have signed with all the other countries. They are not protecting Australian jobs. We have the people here in Australia. They want work and they want training. They want the jobs. Why do we have to open up the floodgates for other nations to bring their workers into Australia? Can anyone answer me? Why?

Then we come to agriculture. We've lost our orange industry. We bring in fruit from overseas—for example, mangoes. Now we are looking at bringing in bananas and apples from overseas. And what about our sugar industry? So here we are, a country that produces so much produce here, opening up the floodgates for this free trade agreement to bring produce here, which could eventually, through biosecurity or another reason, damage our industries here.

It beggars belief why there is no resistance in this parliament and very few people standing up for the people of Australia. I shake my head when I see members of this parliament going along like sheep to the slaughter. You have sold us out—you really have. There are very few people in this parliament who are fighting for the Australian people. Do you really understand what is happening to our country? We hear today about Bellamy's being sold, and now the same company, the Chinese company, is wanting to buy up Lion's, which is a multinational. It will probably be rubberstamped because that's what FIRB does. FIRB rubberstamps everything. It doesn't knock anything back, because the government thinks, 'Oh, well, it's money coming into the country; they can't take it with them.' The attitude here stinks. You are all saying, 'Oh, well, they can't take it with them,' but you don't get it—you really don't get it. You don't understand that you are destroying industries and jobs here in Australia.

Why can't we be smart and actually produce the goods here and sell those goods overseas? They will buy the product, because we have quality. But, when they come here and they buy up our land, our farms and our industries, they are actually using our land, our resources and our water to produce the goods that they send back to their own countries—right from paddock to plate, decimating our industries. Then they write off everything in their taxes—and a lot of these companies don't even pay taxes here. It is a short-term sugar hit. That's exactly what we have done. It's short-term sugar hit. For what? It's because you only see yourselves here for the short term. I don't see any long-term vision for this country coming from our current politicians. You are too gutless to understand. All you are concerned about are your own positions and making sure that you get endorsed at the next election, so you go along like sheep and agree with who is telling you what to say and do.

The people will judge me and what I say. I am prepared to stand up and be accountable to the people who elected me to this place. They will judge me at the next election. At the end of the day, when I am finished in this place, I will sit back and know that I can judge myself honourably and know that I have stood up for what I believed in, said what needed to be said and was out there fighting for the Australian people and this country. There are probably a lot of people in here who truly want to but haven't got the guts to stand up and vote against it or to say what is wrong. Until we get people with intestinal fortitude in this place, nothing will change.
There are some positives here with these free trade agreements, as Senator Whish-Wilson said. Yes, there are positives, but, overall, do I support this? No, I don't. I don't support it, and do you know why? I don't support it because we haven't been given the opportunity to really debate this. You have brought this legislation here to be rubberstamped. It was the same with the TPP-11. It was ratified here in the parliament, but you haven't got any say in it. The Liberal-National government and the Labor Party have agreed to allow this deal to happen, but they have never given the people of Australia a voice. That's because they are not interested in the people of Australia having a say. Maybe I haven't always got it right, but at least I do believe in what the people have to say.

Free trade agreements can result in the import of cheap items that are manufactured in conditions that are much worse than the workplace conditions of Australia; therefore Australian manufacturers struggle to compete. They can include import into Australia of substandard fruits, potentially impacting on biosecurity. They increase threats from imports. It is already difficult to check containers coming into Australia. Some of the regulations they've put in here are going to call on the country to make a list of who imports and exports to and from their country. We can't even check our own imports into Australia with the containers that come in. We are lucky to check one in 100 containers. How will we police, if we buy from Peru or Indonesia, that the product is actually from that country? How do we know that it's not coming from somewhere else? We don't. Free trade has destroyed our clothing, car manufacturing, pork and fruit industries. As I said, the US free trade agreement is very one-sided.

Let's go to Indonesia. That's part of it as well. The Australian government is focusing its Indonesian aid to unaccountable bodies. The benefits to Australia from the Indonesian agreement will not pay back the considerable foreign aid paid to Indonesia. In 2019-20 Indonesia will receive $255.7 million for education, infrastructure, agriculture and governance programs. That's what we're paying to Indonesia. Australia is the fourth-largest aid donor to Indonesia. The Department of Foreign Affairs said that Indonesia has been a top recipient of Australian aid, receiving $359 million in 2017-18 and $540.1 million in 2012-13. This is what the taxpayers are giving to Indonesia and to other countries in that whole area. That is what frustrates me. Here we have Australian farmers, families and communities struggling, crying out for help from our Australian government. They're going through drought, floods, fire or whatever, and we give them an absolute pittance. Yet we give hundreds of millions of dollars to other countries surrounding us. How do you think taxpayers feel about that? It's their taxes.

I have never seen so much wasted money, from this government, business organisations and departments, as I have since I've been back in this parliament. The waste of money is disgraceful. You're buying your way into these other countries. The Prime Minister is hardly ever in the country addressing the real concerns of the Australian people; he's always overseas. He doesn't get it. The government doesn't get the struggles of people out there at all, and it gives them a pittance compared to the hundreds of millions of dollars given to other countries.

I've spoken about this many times before. I just feel devastated by what the government has done. I think they are pathetic in how they have governed. The people expected more from the coalition government after the election, and a lot of Australians are starting to wake up to the
fact that they are not really addressing the concerns and needs of the Australian people. The drought that has hit Australia has been a test for them. People will wake up to the fact that these free trade agreements we are continually signing are not in our best interest. We are a small fish in a big pond and we seem to be swinging to the tune of these other countries around the world. We are not looking after our own, first and foremost, and that's what we're here for. We were elected members of parliament to represent the people of Australia, and that's what we should be doing. Our concern should be about them, and I just don't see it. I feel very sorry for the people out there who are crying out for that helping hand—someone to understand and listen to them.

I'm sure the members of this parliament will not cross the floor, will not follow their conscience and will not stand up for what they truly believe in. They'll think: 'Let's follow the party line. Let's vote the way the party tells us to vote, and we'll keep going along those lines.' If you don't, you won't get pre-selected next time around. You look after your jobs, you look after your futures, because you're not doing it for the people out there who are relying on you to look after their lives, their futures and, most importantly, future generations.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (20:00): I rise to speak on both the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the accompanying Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. This legislation gives effect to a number of free trade agreements, including the Peru-Australia Free Trade Agreement, the Indonesia-Australia Comprehensive Economic Partnership Agreement and the Free Trade Agreement between Australia and Hong Kong, China. Specifically, the bills amend the Customs Act 1901 to introduce new rules of origin to determine preferential rates of duty for certain goods originating from Peru, Indonesia and Hong Kong in accordance with the applicable agreement.

From the outset, I want to say that free trade should be fair trade. The Labor Party always has been and always will be the party that is about secure jobs, good wages and a fair opportunity for Australians. The reduction of barriers to trade, such as preferential tariff rates, will level the playing field for Australian businesses, enabling Australian exporters to compete on an equal level with exporters from other countries. Given global instability in the international trading system, it is in Australia's best interest to seek to diversify the access it has to markets around the world. By implementing trade agreements, Australia can generate jobs, boost economic growth and improve living standards both at home and in our region. Ensuring the economic productivity and social progress of the Asia-Pacific region is good for Australia's economic interests and our national security.

One in five Australians have a job in trade related employment. As such, the livelihoods of 2.5 million Australian workers depend on open trade. They are our farmers, our miners and our small business owners. Australian businesses that export their goods on average hire 23 per cent more staff, pay 11 per cent higher wages and have 13 per cent higher labour productivity than non-exporters. These advantages are beneficial to families across Australia and our broader economy. Household incomes are around $8,500 higher as a result of opening up new markets through trade reform, much of it thanks to the legacy of the Hawke and Keating governments.
We should always remember the positives that trade provides for the wider Australian population. But these benefits do not give the government of the day a blank cheque when signing free trade agreements. At every turn, this parliament should be working in Australia's best interests when it comes to free trade agreements. Only the executive of government can enter into or alter the terms of an international treaty. As such, this legislation before the Senate has no impact on the terms of the treaties already signed by the government.

Each of the agreements that this enabling legislation implements has already been scrutinised by the Joint Standing Committee on Treaties, also known as JSCOT, which recommended that the government ratify all three agreements. I will, however, make clear that these agreements are not the deals Labor would have done if we were in government. JSCOT also raised a number of concerns with these agreements and proposed a series of recommendations to improve them. I will shortly address Labor's concerns and the steps that we have taken through negotiation with the Minister for Trade, Tourism and Investment to ensure these deals can and do protect Australian jobs.

I'll begin with the Indonesia-Australia Comprehensive Economic Partnership Agreement. For one of our closest neighbours, and a country with a population of 260 million people, Indonesia only accounts for around two per cent of Australia's exports. To put it frankly, Australia's economic relationship with Indonesia is underdone. By 2030, Indonesia will move from being the 16th-largest economy in the world into the top 10. Seventy per cent of the population will be working age and there will be a consuming class of around 135 million people. By 2050, Indonesia will be the fourth-largest economy in the world. Based on these statistics alone, this is an opportunity for growth with an economic giant in our region, and one we must capitalise upon. The economic partnership agreement between Australia and Indonesia will help us do this. This is why the former Labor government began negotiations in 2013, following a joint feasibility study with Indonesia in 2007. Some six years later, following long negotiations, coupled with stalling by the Abbott-Turnbull-Morrison government, the treaty action was signed in Jakarta on 4 March 2019.

This agreement builds on Australia and Indonesia's pre-existing shared interests, which include safeguarding our open sea lanes; cooperating to fight terrorism and deter transnational crime, particularly when it comes to people smuggling; and deep cultural ties between the two countries including growing tourism. This relationship is set to be strengthened with this trade agreement. Under this agreement, international education opportunities between the two countries will be expanded. It guarantees that Australian suppliers of certain technical and vocational education and training can provide services through majority-Australian-owned businesses in Indonesia. Under the agreement, Australian companies will now be able to own up to 67 per cent of mining services companies based in Indonesia, up from 49 per cent. Indonesia has agreed to reduce its existing tariff for Australian steel of 15 per cent to zero. I should note this will be a great benefit to steelworkers in my state of New South Wales. Indonesia will also guarantee import permits for 250,000 tonnes of Australian steel per year. That is the equivalent of five Sydney Harbour Bridges. This will begin to balance the scales between our two countries when it comes to this essential metal used in roads, railways and other nation-building infrastructure.

Australian farmers are also set to benefit from the agreement. Indonesia has no other bilateral agreement with a major agricultural exporter capable of supplying the same
quantities as Australia. However, with the devastating drought throughout New South Wales, Queensland and the rest of the country, Australian grain prices have become uncompetitive for Indonesia to import. This agreement will ensure that Australian farmers will be in a position to export to Indonesia competitively, once Australia's grain stocks improve. I stress that these are just the beginnings of the benefits when it comes to Australia's agreement with Indonesia. As Indonesia grows over the next 10, 20 and 30 years, the benefits of this agreement will continue to drive our own economic development in a wide range of sectors and industries.

I now turn to Hong Kong. You only have to look to Hong Kong to see how Australia's relationships in our region can develop rapidly over short periods of time. It was a little over 22 years ago that the handover of Hong Kong occurred, on 1 July 1997, and since then Hong Kong has become Australia's leading business base in Asia. It is a gateway to Asia and, indeed, the world. Our involvement in Hong Kong is a showcase for the very best that Australian businesses and exports can offer. Hong Kong is Australia's fifth-largest source of inward investment, totalling close to $120 billion. In 2017-18, our total of goods and services exported to Hong Kong was $14.5 billion, close to 3.6 per cent of Australia's total goods and services exports. The agreement with Hong Kong will ensure that Australian exporters will continue to receive zero-tariff treatment for their goods, ensuring our country's competitiveness in Hong Kong in its own right, as well as its role as a gateway for mainland China.

Now to Peru: across the Pacific, the Peru-Australia Free Trade Agreement will allow for better relationships with one of the fastest-growing economies in Latin America. A number of our competitors, including the United States, Canada, the European Union and Singapore, already have free trade agreements with Peru. Any additional barriers, including tariffs and restrictions on the sale of Australian goods and services, is a significant disadvantage to us, and this agreement will bring us into line with our competitors. Currently our trade with Peru is valued at $640 million annually, and it has the potential to grow, delivering for Australian workers, families and businesses. The measures being implemented by this agreement include: the elimination of tariffs on beef within five years; increased sugar market access; immediate duty-free access for Australian exports such as wine, sheepmeat, horticultural products and wheat; and the immediate elimination of tariffs on base metals, including iron ore, copper and nickel, mineral fuels and oils.

As I said earlier, the benefits of these agreements should not come without scrutiny, and that's where the Labor opposition has played an integral role. The Morrison government likes to talk in binary terms when it comes to free trade agreements. You're either for trade or you're against trade. It's black and white. It's yes or no. Just like the Prime Minister's inability to answer simple questions, dismissing them as gossip or 'in the Canberra bubble', this third-term Liberal-National government avoids scrutiny at every turn, and this is simply not the case for free trade agreements or for any legislation. We, here in the Senate, and particularly in the opposition and on the crossbench, serve this specific purpose in this place: to scrutinise government legislation. And the Prime Minister and the executive are foolish to think that they can sign agreements and the parliament will just wave them through without any oversight.
I want to thank the Joint Standing Committee on Treaties, particularly its Labor members, for their work in applying appropriate scrutiny to these three agreements. The committee recommended that the government:

... pursue the termination of the Agreement between the Government of Australia and the Government of the Republic of Indonesia concerning the Promotion and Protection of Investments, and seeks to terminate the 'survival clause' in this agreement.

This is essential because, without termination, two sets of investment or ISDS provisions would be in force.

As the party of working people, Labor understands the concerns raised by the trade union movement, and, as the shadow minister for home affairs, I understand these concerns are inherently tied to Australia's visa system. It is a system which, under this Liberal-National government, is under significant pressure primarily because of maladministration and mismanagement by the Minister for Home Affairs. Previous agreements signed by the government have raised concerns about waiving labour market testing when employers bring temporary skilled migrants to Australia. Labour market testing ensures there are no qualified local workers who could benefit from this employment first. There are no new labour market testing waivers in any of these three agreements that go beyond the commitments Australia has already made to those countries.

There have been concerns raised about the increase in the number of working holiday-maker visas, or backpacker visas, under the agreements with Indonesia and Peru. The agreement with Indonesia will increase the number of visas available annually from 1,000 to 4,100 in the first year, and this will eventually grow to 5,000 annually over six years. It is worth noting that, if all 5,000 working holiday-maker visas are taken up by Indonesians, that will only equate to 2.3 per cent of all backpacker visas. Meanwhile, the number of backpacker visas available for Peru will increase from 100 annually to 1,500 annually. These visas are short-stay visas for one year and allow people aged 18 to 30 to have a cultural experience in Australia while having the option of working. While I can understand some of the concerns about the increase in the number of visas available, I note these new numbers are a cap and not a target. By comparison as well, as of 31 December 2018 there were 25,000 people from the United Kingdom on backpacker visas in Australia.

My most significant concern about backpacker visas isn't about the numbers; it's about the third-term Liberal-National government's attitude toward backpacker visas and the potential for exploitation. The Morrison government is trying to claim that backpacker visas are a solution to the horticultural labour shortage that our farmers and fruit growers are facing across Australia. These are shortages that the member for Mallee, Dr Anne Webster, has described as a crisis. Backpacker visas are effectively meant to be extended tourist visas with the option of working in Australia. By comparison, the government are now relying on these visas to ensure fruit across Australia is being picked and farms are being tended to.

As recently as August, when asked about the expansion of backpacker visas broadly, Victorian Farmers Federation vice-president Emma Germano said:

... there's been problems with the ... visas in the past so the definition of insanity is doing the same thing over and over and expecting a different result, and yet here we are again.

Ms Germano also said that the horticultural sector needs something more sustainable than backpacker visas, and I agree with her. It is one of the key concerns that I, along with
Senators Ciccone and Sheldon, have heard at the roundtables we've held which were aimed at addressing these concerns as well as the record-breaking number of people arriving by aeroplane and seeking asylum on the Minister for Home Affairs' watch. And let's be clear: there has been a rapid increase in the number of people arriving by plane from Malaysia and from China seeking asylum. It is being used as a way to access the Australian labour market.

Both people arriving by aeroplane and people on backpacker visas are at risk of serious exploitation in the labour market in Australia. The stories of people on backpacker visas being exploited in various ways—from underpayment to sexual servitude—are abhorrent. The exploitation of migrant workers is bad for all Australian workers. This is one of the reasons why the shadow minister for trade, Madeleine King, wrote to the trade minister, Senator Birmingham, seeking firm commitments from the government to ensure measures are implemented to stamp out any exploitation of foreign workers.

Senator Birmingham made firm commitments on behalf of the government that they would ensure that working holiday-makers are not exploited, by implementing the government's response to the recommendations of the Migrant Workers' Taskforce. These recommendations must be implemented sooner rather than later to stop exploitation before it can occur. Senator Birmingham has also committed to seek the termination of the existing bilateral investment treaty with Indonesia, addressing the recommendation by JSCOT that I cited earlier. The government also committed to review older style investor dispute settlement systems to ensure they contain modern safeguards; to not use provisions in the Indonesia agreement to extend any labour market testing waivers in the future; and to an inquiry by the parliament's Joint Standing Committee on Treaties into Australia's treaty-making process, which will aim to improve transparency and consultation. I thank the Minister for Trade, Tourism and Investment, Senator Birmingham, for his commitment to negotiating with Labor and our shadow minister for trade in the other place.

In conclusion, in the spirit of Hawke and Keating, I say again that free trade should be fair trade.

Senator PATRICK (South Australia) (20:20): The Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 is to give effect to Australia's obligation under the three free trade agreements signed by the coalition government over the past two years. We have the Peru-Australia Free Trade Agreement, the Indonesia-Australia Comprehensive Economic Partnership Agreement and the free trade agreement between Australia and Hong Kong and China. Various FTAs have individually come before the parliament over the past decade. Towards the end of the previous parliament, many of you would remember, we had already dealt with the Trans-Pacific Partnership, TPP-11, legislation. Such is the industriousness of our free trade negotiators that we now get to deal with three more FTAs as a job lot.

At the outset, I would underline that Centre Alliance supports free and fair trade. I need to state that upfront. We want to see the maximum opportunities for our exporters. We are a trading nation. Our future lies in engagement with the world. However, we are also mindful that our trade agreements must support our broad national interests, especially Australian manufacturing and our ability to value-add to our raw materials, and energy exports. Our FTA must also protect Australian jobs and living standards, our health and welfare safety nets and
environmental standards. Our trade agreements must also preserve and not erode Australia's sovereign decision-making capacity in relation to key economic and social objectives.

We are pro trade, but each FTA should be looked at on its individual merits with independent analysis of the costs and the benefits. All too often these agreements have been negotiated in secret with inadequate transparency. They have been signed and sealed by the Australian government with insufficient analysis and consultation. And the benefits of these agreements are contested. As I and my predecessor, Senator Xenophon, have pointed out, in its last major study of FTA impacts in 2010, the Productivity Commission found the predictions on growth and jobs for FTAs had been exaggerated or not demonstrated and that the opportunities, costs and negative impacts on employment had not been properly considered. Each time an FTA is presented to the parliament, the government of the day froths with enthusiasm about the claimed benefits but then fails to commission and present to the parliament an independent rigorous analysis or any economic modelling. Nor is there any rigorous independent examination of the performance of FTAs after they have been ratified and put into operation.

In previous debates on FTAs, Centre Alliance has expressed a longstanding concern about investor-state dispute settlement, ISDS, arrangements, which have become standard features of free trade agreements. Australia has already had a negative experience with ISDS when Philip Morris, having failed to overturn legislation in relation to plain tobacco packaging in our highest court, in the High Court, went to Hong Kong and initiated action against the Australian government under our 1993 trade agreement with that territory. I supported the Australian government in defending the matter, but nonetheless that particular ISDS litigation cost the Australian taxpayer at least $39 million. The government wasn't upfront in providing the parliament and the people of Australia with those particular details. Former Senator Xenophon and I fought for a couple of years to get access to how much had been spent, through the FOI process, and the parliament officials refused to answer questions, such was the government's embarrassment about the numbers. It went all the way to the Administrative Appeals Tribunal. Finally the government realised they were going to lose the exemption case, and the number was revealed—$39 million.

We need to understand that the ISDS provisions entitle large corporations to sue governments, should they be affected by changes in public policy. We need to understand that we have a situation—and I accept that ISDS will protect Australian businesses overseas from changes in foreign policies of foreign countries, but it is the Australian taxpayer that picks up the premium. We get to pay in circumstances where the Australian government is sued such that our companies are not subject to that risk. So it's large corporations that the Australian taxpayer is underwriting. We are shifting the sovereign risk from those companies to individual taxpayers. Interestingly enough, Australian companies can't use these provisions here in Australia, so in some sense they even discriminate against Aussie companies that may wish to invest here rather than overseas. They have no recourse other than through our court system.

The government says, 'Well, ISDS—that was a single case in litigation, and Australia won.' But there's no shortage of examples internationally in which very large companies have used ISDS in efforts to bludgeon governments and pursue changes to policies that such corporations perceive as adverse to their commercial interests. One notable example is the
international arbitration claim brought by a Swedish energy company, Vattenfall, against Germany in relation to that country's decision to phase out nuclear power. Vattenfall is seeking 4.7 billion euros—that's A$7.63 billion—in damages from the German government for the closure of two nuclear reactors. That case began in 2014 and still has a long way to run.

I move to the second problem area with the current arrangements, and that is labour market testing. This has already been a significant problem in free trade agreements that have previously come before the parliament, and we've already created a situation in which foreign companies can bring in workers and don't have to test the local market to see if there's an Australian here that can do the job. The failure to include labour market testing requirements has unquestionably opened the door to an erosion of employment opportunities, job security, wages and conditions for Australian workers.

Those problems have been highlighted by Centre Alliance, by the Australian Greens and, indeed, by the Labor Party, which in opposition in the past has expressed considerable reservation about free trade agreements the government has presented to the parliament. Just over a year ago, in the 2018 debates on implementing legislation for the TPP agreement, Labor expressed significant concerns. A number of Labor senators did not vote for the bill; they abstained. There were signs then, however, that Labor was shifting position. At the time, Centre Alliance moved an amendment that required that the provisions of that bill not commence unless the Australian government exchange bilateral side letters with the other parties to the treaty, agreeing that the ISDS provisions would not apply in relation to an investment in Australia by an investor of the other party, as well as side letters agreeing labour market testing must occur in relation to contractual services suppliers entering or proposing to enter Australia from the other party. That proposed amendment was not supported by the coalition, but it was also not supported by Labor.

Today it is clear that Labor's position has moved much closer to the coalition. Indeed, the parliament's consideration of these three FTAs confirm the new bipartisanship between Labor and the coalition on trade policy. As senators will be aware, JSCOT has recommended ratification of the three new FTAs. Coalition and Labor members of that committee were in broad agreement. Labor's JSCOT members further recommended that:

… the Australian government negotiate with the Peruvian Government to withdraw the proposed ISDS arrangements … as there is no clear benefit to such mechanisms, they bring well-established and serious risks …

In its report on the agreements with Indonesia and Hong Kong, JSCOT as a whole recommended that:

… the Australian Government gives due consideration to implementing … independent modelling and analysis of a proposed trade agreement … by the Productivity Commission … provided to the Committee alongside the National Interest Analysis (NIA) to improve assessment of the agreement.

Labor JSCOT members further recommended that:

… the movement of natural persons, as referenced in Chapter 12 of IA-CEPA, only occur on the basis that any temporary foreign labour arrangements include the application of labour market testing and actual skills testing in relevant areas like electrical trades, and notes that this should in any case be a treaty-level agreement.
Note the last part of that recommendation: labour market testing should be locked in by a treaty-level agreement. That's what they said at JSCOT.

Behind the JSCOT process, however, the Labor opposition had been negotiating with the government. On 21 October, Labor leader Mr Anthony Albanese announced that Labor would support this bill on the basis of undertakings given to the opposition by the trade minister, Simon Birmingham. These undertakings include a commitment that there will be no new labour market testing waivers and that future FDAs will not change Australia's workplace laws here. The government will, apparently, bring forward new legislation to introduce criminal penalties for the worst forms of worker exploitation. New measures will be introduced to ensure working holiday-makers are not exploited and are qualified for the work they undertake. The ISDS mechanism in the new agreement with Indonesia will be reviewed as part of the five-year review of that agreement. Existing ISDS mechanisms in other FTAs will be updated, where possible, to include what are described as 'modern, stronger safeguards'. JSCOT will also conduct another inquiry into all aspects of Australia's treaty-making process.

These undertakings from the government are welcome; however, they don't adequately address the concerns held by Centre Alliance, nor, for that matter, concerns previously expressed by Labor and still held by the trade union movement. The ISDS arrangements remain, subject only to some form of review at a future date. Labour market testing is not locked in through any treaty agreement. You're working on trust here, Labor. We saw what happened with the encryption bill when you worked on trust. In this regard the reaction of the Australian Council of Trade Unions, after Mr Albanese announced Labor's new position, is worth noting. The ACTU observed:

The agreements were negotiated in secret and have never been subjected to any form of independent assessment of their economic benefit or to determine whether they are likely to deliver or support jobs for Australian workers.

They will increase the number of workers on temporary visas in this country at a time when the 1.4 million already working here are routinely exposed to exploitation.

They do not guarantee that jobs will even be advertised locally before they are filled by workers on working holiday or training visas.

The agreements contain Investor-State Dispute Settlement (ISDS) clauses …

… … …

The ALP has extracted some concessions from the Government not contained in the agreements but has still voted to support agreements which do not meet the standards set out in the party platform.

… … …

The ALP is in breach of its own platform, which represents the commitment it has given to its members and Australian workers. To vote in favour of agreements which do not have labour clauses and include clauses which compromise Australia's sovereignty is deeply disappointing.

That is from your own ACTU.

To give Labor the opportunity to clearly register its new position on free trade agreements, Centre Alliance has circulated an amendment which is in the same terms as that moved by the Australian Greens in the House of Representatives, which in turn adopted the approach taken by Centre Alliance's proposed amendments to the TPP legislation last year. That amendment provides that the provisions of the bill should not take effect without Australia and other FTA
parties agreeing on side letters providing that ISDS provisions do not apply in relation to an investment in Australia by an investor of the other party in Australia, and similarly that side letters must provide that labour market testing must occur in relation to contractual service suppliers, working holiday visa holders and training visa holders entering or proposing to enter Australia from the other party. This is a much more robust approach to these key issues than Labor's reliance on the government's non-binding undertakings in regard to labour market testing and some eventual review of ISDS provisions.

Because the Greens have moved an amendment in identical terms, I can advise the chamber that I don't intend to move the first of Centre Alliance's amendments, but we will be supporting the Greens amendment. That leaves one set of amendments that Centre Alliance will in fact move, which will insert a schedule into the bill to amend the Productivity Commission Act 1988 to require the Productivity Commission to inquire into the contribution of Australia's bilateral and regional trade agreements to reducing trade and investment barriers; and the impact of trade agreements on trade flows, investment returns and productivity growth, employment and labour markets, and the development of manufacturing and value-added export industries.

The need for rigorous and independent review of Australia's free trade agreements is clear. The last Productivity Commission inquiry was nearly a decade ago. At that time Australia had signed and ratified six FTAs. Since then, we have signed and ratified six more, including the TPP. We have three more FTAs before the parliament today, and the Department of Foreign Affairs and Trade lists another seven agreements under negotiation. There's also the prospective post-Brexit negotiation of the Australia-United Kingdom FTA.

JSCTOT has recommended that individual new agreements be subject to review by the Productivity Commission. However, we clearly need a broad inquiry, independent and informed by the full range of expertise, to look at the big picture of our existing FTAs and their impacts and what the future holds in an uncertain international trading environment. Centre Alliance's amendment will set such an inquiry in train.

In closing, and moving to an important issue again relating back to the amendment that was circulated by both Centre Alliance and the Greens, one of these free trade agreements relates to the troubled Chinese territory of Hong Kong. Hong Kong is an important trading partner, as suggested by Senator Keneally. It's also in the midst of great turmoil, and the territory's political future hangs in the balance. The very strong showing of pro-democracy campaigners in Hong Kong's district council elections is a very welcome development and should encourage the Hong Kong administration and the Chinese government in Beijing to respect the territory's special status. But the situation remains fraught with danger. In these circumstances, ratification of the Australia-Hong Kong Free Trade Agreement would be imprudent and ill advised until such time as Hong Kong's political situation is settled in ways that are consistent with a respect for human rights, the rule of law and the letter and spirit of the 'one country, two systems' principle agreed in the 1984 Sino-British Joint Declaration on Hong Kong. I'm personally saddened by the events that are taking place there, having been in Hong Kong on the day of the handover.

Both Houses of the US Congress have now passed a bill that would require the US Secretary of State to annually certify whether Hong Kong is sufficiently autonomous to justify being treated differently from China on matters like trade. In the event that this
parliament does pass this bill, the government would still be well advised to put Australia's agreement with Hong Kong on the shelf until the current turmoil is resolved in a satisfactory way. To do otherwise would be foolish and send the wrong political signal to Beijing.

Senator KITCHING (Victoria) (20:39): I rise to speak on the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. I begin by noting why the Labor Party has given our support to the recently negotiated free trade agreements with Indonesia, Hong Kong and Peru. While many sensitivities and valid concerns were raised throughout the process of negotiating these trade agreements, we have decided on the whole to support them because more than 2.5 million Australian workers depend on trade for employment, and Labor will always be the party of protecting jobs and representing the worker. While we would not have done these deals in this way if we were in government, it is nevertheless incumbent upon us to do whatever we can to create and protect Australian jobs. Reducing barriers to trade, both tariff and non-tariff, results in more competitive industries whereby the benefits are felt by Australian consumers through lower prices and greater choice. It is important to stress here that it is for these reasons we fought hard to secure various concessions from the government on these agreements. The trade union movement provided invaluable consultation in order for us to push for and win significant concessions that ensure the fairness of these agreements, most notably the protection of Australian jobs and measures to stop the exploitation of workers.

Today I want to speak more to the Peru-Australia free trade agreement, as I was on the treaties committee that looked at this and also travelled to Peru as part of a parliamentary delegation. However, I first want to acknowledge the importance of the Australia-Indonesia free trade agreement. The economic partnership between our two countries is one that, historically, has been undervalued—'boats, beef and barley' is the adage often repeated when this relationship is brought up. This trade agreement goes some of the way to helping address this imbalance. From an economic imperative alone, we should be engaging more with our northern neighbour, a country of a quarter of a billion people and a fast-growing middle class and consumer base. Anyone who has been to the capital, Jakarta, in recent times will know just how quickly that country is growing. Currently Indonesia only accounts for about two per cent of Australian exports. There are also the diplomatic imperatives of developing closer links with Indonesia. But, because of the potential size of this future economic relationship, it is important that we get this deal correct now.

I'd also like to add that when I went as part of a delegation to visit Indonesia, the ASEAN delegation, we went to a number of cities within Indonesia. What was striking was the number of Indonesians who'd had some tertiary education in Australia—and yet we do so little trade with Indonesia. It really does not make sense that that relationship is so undervalued.

Going back to our potential future economic relationship with Indonesia, to this end, the shadow minister for trade, Madeleine King, wrote to trade minister Simon Birmingham seeking firm commitments from the government in relation to the agreements. The minister then made a number of commitments. These included: seeking to terminate the existing bilateral investment treaty with Indonesia; a review of older-style investment treaties to replace them with modern safeguards; an assessment of the operation of investor-state dispute
settlement mechanisms in a review of the Indonesia agreement that is mandated five years after entry into force; not to use the provisions of the Indonesia agreement to extend any labour market testing waivers for Indonesian contractual service suppliers; to ensure working holiday-makers are not exploited, by implementing the government’s response to the recommendations of the Migrant Workers’ Taskforce, including new criminal penalties; to ensure that working holiday-makers are qualified for work undertaken in Australia; and the confirmation that the agreements do not create an obligation to privatise any government services or to restrict any future decision to acquire public assets.

Moving on from Indonesia, another of the trade agreements that I was involved in during my time as a member of the Joint Standing Committee on Treaties in the last parliament is with Peru. This comprehensive agreement will create new trade and investment opportunities for Australia and Peru. It will act as an expansion on our existing agreement with Peru, whereby our trading relationship is currently governed under the World Trade Organization’s most-favoured-nation arrangements.

While the committee had previously agreed in August 2018 that the Peru-Australia Free Trade Agreement, or PAFTA, as it is commonly known, be ratified, there were key areas in which the Australian Labor Party sought further information for examination. These areas related, firstly, to the complexity created by the number of trade agreements—particularly multiple agreements with the same partner. This is often referred to as the noodle bowl effect. Secondly, we were also concerned with the specific inclusion and operation of the investor-state dispute settlement provisions.

However, before I outline the specifics of the agreement that have led to its bipartisan backing, I again acknowledge for the record the Labor Party’s long history of supporting trade. In this place, we have led in both advocating for and action on the removal of barriers, both tariff and non-tariff, in order to allow Australian products to compete and thrive in overseas markets. In fact, it was the Hawke-Keating economic reforms that paved the way for the now 26 years of uninterrupted economic growth we have seen in this country. It was their leadership during that period of Labor government that expanded our vision of ourselves as part of a greater region and allowed us to begin to do away with the cultural cringe that had been a persistent drag on our aspiration and on our achievement. The Australian Labor Party recognises that lower tariff rates promote jobs and investment and that open markets have helped to lift millions—if not billions—of people out of abject poverty around the world. It is with this progressive history in mind that we supported the Peru-Australia Free Trade Agreement.

Peru is our 54th largest trading partner, but this metric alone does not encompass the importance of this relationship nor what ‘open access’ means for our respective industries. Over the last decade, Peru has been one of the fastest growing economies in Latin America. Two-way trade between our countries was worth A$590 million in 2016, and this is only expected to grow under PAFTA as opportunities for business and investment expand.

Australia’s exports of beef, sheep meat, sugar, wine, canola, horticulture, rice, barley and wheat are effectively shut out of the Peruvian market due to high tariff barriers. Additionally, Peru’s price ban system had resulted in tariffs of up to 29 per cent on Australian dairy, rice and corn. Australia is the fourth largest investor in Peru’s mining and energy sector. On the
parliamentary delegation to Peru, we met many in the mining and energy sector. If they could have had more Australian engineers there yesterday, they would have done so.

During the course of the committee, the Minerals Council of Australia noted that specialised mining equipment, technology and materials are some of Australia's leading expert exports to Peru. On the parliamentary delegation to Peru, I was able to try Andean quinoa, which the producers told me they were keen to start exporting to Australia. This quinoa is grown in a specific region of the Andes mountains where there is very high soil quality and very pure water. I remember that the Greens had quinoa at their Christmas party or their end-of-year party a few years ago, so maybe one day they will be able to have Andean quinoa as well!

Many of our trade competitors already have agreements with Peru—the European Union, the United States, Canada and Singapore have all signed bilateral FTAs. This is why it was so important for us to also secure favourable conditions—so as not to be effectively barred from entry due to tariffs, bureaucratic red tape and other barriers.

One issue that was repeatedly raised during the committee hearings into PAFTA and, in fact, was one of the main reasons the ALP called for the second committee was the noodle bowl effect. This refers to the complexity that exists where multiple agreements overlap. PAFTA is the fourth trade agreement that Australia either has or currently has under negotiation with Peru. Prior to PAFTA, our trade relationship was administered under the rules set out by the World Trade Organization. Both our countries are also signatories to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, commonly known as the CPTPP, and the Pacific Alliance Free Trade Agreement.

Firstly, it is important to understand that PAFTA was being negotiated while the future of the original TPP was very unclear. So, in the potential absence of that, it was very much desired to preserve many of the benefits available in PAFTA. Secondly, we need to look at PAFTA as separate from the CPTPP. Despite both Australia and Peru being signatories to each agreement, PAFTA is a better reflection of the singular views of our nation. The CPTPP was negotiated by 11 nations, giving equal access to each. However, PAFTA offers broader but less specific and technical benefits. We will also start to see the results of PAFTA almost immediately, as its ratification by Peru is only subject to an executive process.

The next issue that the committee looked into was the investor-state dispute settlement mechanisms, commonly known as ISDS. Here an international arbitration procedure allows for conflict resolution between countries and foreign investors. While the committee acknowledged and was sympathetic to the ongoing concerns raised by many stakeholders, it is necessary to set straight some of the more outlandish scaremongering that has been present throughout the negotiation of recent trade agreements.

Firstly, ISDS provisions in the agreement equally benefit Australian companies. They give our companies an important assurance when operating in an environment that differs from the legal and ethical standards they may be privy to at home. Unfortunately the term 'ISDS' has also become synonymous with the plain-packaging lawsuit levelled against the Australian government by Philip Morris. Let me assure you that no-one is more aware of this than the Australian Labor Party. It was us, led by former Minister for Health and Ageing Nicola Roxon, who fought tooth and nail so that government policy to protect the health of citizens could not be undermined by corporations in this way. Additionally, compared to older ISDS
mechanisms, modern provisions in agreements like the CPTPP, PAFTA and the updated Singapore-Australia Free Trade Agreement include extensive safeguards and protections for public policies.

The leading negotiators on PAFTA from the Department of Foreign Affairs and Trade explained to the committee that it includes some of the more thorough safeguards and standards ever negotiated in a trade deal. This includes in the areas of labour market testing and public health, both of which were front-and-centre concerns for the Labor Party. As in all negotiations, we had to weigh the positives against the negatives. After a long and thorough process, the bipartisan committee acknowledged the gains in opportunities that PAFTA will provide for Australian businesses and exporters and noted the importance of early ratification.

As I have said, I was lucky enough to be part of a parliamentary delegation to Mexico and Peru. On the second leg of this trip, we went to the Peruvian capital of Lima and also to some nearby towns and manufacturing businesses. As explained in detail just now, this visit was especially important given the various mutual trade agreements we either had or had under negotiation.

From 2016 to 2017, Australia and Peru's total two-way merchandise trade was $435 million. In the same period, total trade in services was $211 million. This included the export of education related travel, valued at $45 million. In 2016, Australia's investment in Peru totalled $563 million, primarily in the mining sector. While two-way trade is relatively modest, under the recently signed free trade agreement with Peru, these figures are expected to grow, and there is a real appetite there for Australia's know-how, particularly in the mining sector. On 12 February 2018, our respective ministers signed the Peru-Australia Free Trade Agreement. This will eliminate tariffs on 99 per cent of Australian goods within five years of the agreement's entry into force. It is important to note that this was negotiated when it wasn't clear whether the original Trans-Pacific Partnership Agreement would go ahead, given the United States' U-turn.

Finally, I would like to add that, as both a Victorian senator and the deputy leader of the delegation, I encourage us to look at ways to promote more students from Latin-America to come to study in Australia. Victorian government statistics show that international education has been the state's largest export for more than a decade. From 2016 to 2017, it generated $9.1 billion in export revenue and supported almost 58,000 jobs. I will say that again: from 2016 to 2017, it generated $9.1 billion in export revenue and supported almost 58,000 jobs. That is a major industry, by any description. Further growth in this area could serve as a major economic boost to the state. One area that we can immediately look at in order to facilitate this is in the Peru-Australia Air Services Agreement. While this was signed in 2017, it is yet to come into force.

These are areas that will not only provide for economic growth but also strengthen our bilateral friendships. As a middle power in the Asia-Pacific, we should be looking at all of the ways in which we can improve our ties and grow our engagement in our region.

Senator SIEWERT (Western Australia—Australian Greens Whip) (20:57): I rise to join the debate on the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. In their contributions to this debate, many people have said that free trade should be fair trade. To my point of view, this is not free
trade. It is not free trade when big corporations are given more power than governments or Australian investors or workers—because that is what these bills, particularly through the ISDS provisions, do. You can't claim it's free trade when workers' rights are at risk. You can't call it free trade when big corporations can take governments to task. You can't justify it by saying, 'Well, Australian companies may be able to take the governments of other countries to task.' We don't support that either. And we don't support empowering Australian companies to try to ride roughshod over other countries' workers' rights and other countries' environmental rights—like Australian companies have done under other free trade agreements and the ISDS provisions. We don't think that's right either, and we call that out as well.

When we're looking at entering trade agreements, we should be ensuring we are protecting human rights, workers' rights and our environment. These need to be at the heart of how we engage, both in this region and in the rest of the world. We shouldn't be enabling multinational corporations to call the shots. No matter which way you cut it, that's what ISDS provisions do. I'll come to this in more detail later, but we don't buy the government's—or, for that matter, the ALP's—assurance that they've somehow improved the ISDS processes and they've carved some stuff out. You could drive a truck through the so-called carve-outs! The very nature of ISDS provisions means that they give others the power to try and attack, for example, our environmental protections or our workers' rights protections. It opens up the ability of corporations to take action if, for example, the government wants to improve our environmental protections—heaven forbid the government should want to!—and a company or a multinational thinks that this may stop them from making a motza.

We should be using our trade opportunities with other countries to promote values such as human rights, protecting our environment and workers' rights. But instead we see the government, now with the assistance of the ALP, sign up to what we think are dodgy trade deals which give more powers to big corporations and which could undermine Australian workers and undermine our provisions to protect the health of Australians and to protect the environment—powers for big corporations to sue our government to protect their profits. Here in Australia, these kinds of deals have already led to the collapse of Australian industries and the destruction of some of our precious places, have driven down wages and have threatened to stop our governments regulating against what we consider to be reckless corporate behaviour. We all know that big corporations wield their power for their own interests. We need to place human rights, workers' rights and environmental protection at the centre of how we trade with other countries and ensure that the community is able to scrutinise these agreements—because, once again, we still haven't had proper scrutiny of these agreements.

I've stood in this place before and raised this issue repeatedly, as has Senator Whish-Wilson when he held this portfolio, and as has Senator Steele-John. We have raised the fact that these agreements don't get proper scrutiny. They have significant potential for significant impact. The Greens care about people and the planet. We don't take corporate donations. And we do not sell out on these issues. These issues undermine Australia's sovereignty. These bills put in place the Peru-Australia Free Trade Agreement, the Indonesia-Australia Comprehensive Economic Partnership Agreement and the Australia-Hong Kong Free Trade Agreement—this at a time when the whole world can see the disruption that's going on in Hong Kong, the way that protesters are being treated and the disruptive nature of decision-
making. And yet we think it's okay to go ahead and make an agreement with Hong Kong at this time. I understand that the protesters over there and the people fighting for democracy in Hong Kong haven't said, 'Don't ever sign it', and they haven't said, 'Don't rip it up.' They haven't said, 'Sign it.' They've said, 'Just don't do anything at the moment, because of the unrest that's going on.' How can we contemplate signing such an agreement when there is such unrest in Hong Kong at this time?

The schedules of the bill amend the Customs Act to provide rules for determining whether goods are Peruvian or Indonesian or Hong Kong originating goods and therefore entitled to be imported into Australia at preferential rates of customs duty. The amendments also enable regulations to prescribe record-keeping obligations on exporters and producers of goods exported to Peru, Indonesia and Hong Kong, for which a preferential rate of customs duty is claimed. The customs tariff amendment bill will make complementary amendments to the Customs Tariff Act to give effect to the preferential rates of customs duty in accordance with the Peru–Australia Free Trade Agreement, the Indonesia–Australia Comprehensive Economic Partnership Agreement and the Australia–Hong Kong free trade agreement.

While the Greens are supportive of trade agreements, they need to be ones that promote and protect environmental sustainability, human rights, labour rights and the broader principles of fair trade. We believe very strongly that the provisions in these bills do not count as free trade. They undermine the very concept of free trade, because of the ISDS provisions. It is our view that support for these trade agreements is limited to the interests of specific sectors of the economy that stand to benefit directly. Civil society, unions and human rights groups have been strongly vocal in their opposition to these agreements.

We have serious concerns about the provisions within both the Indonesia–Australia Comprehensive Economic Partnership Agreement and the Hong Kong free trade agreement relating to the ISDS, or investor-state dispute settlement, provisions. We have concerns about e-commerce, the temporary work visa programs and limiting the regulatory capacity of our government. We wrote a comprehensive dissenting report to the Joint Standing Committee on Treaties to this effect. We have serious concerns about provisions within PAFTA which relate to ISDS, temporary worker visas and the lack of clarity around which agreement Australia and Peru will follow. Will it be TPP-11 or PAFTA? We are deeply concerned about the lack of provisions which ensure compliance with human rights, labour rights and environmental protections, and we are broadly concerned with the lack of transparency and risk analysis occurring in the making of these trade agreements.

On ISDS provisions: all three of these trade agreements contain provisions for ISDS. We strongly disagree with the inclusion and use of ISDS clauses in trade agreements, which we have fought in this place on a number of occasions. ISDS clauses expand the legal rights of multinational corporations and offer advantages not afforded to domestic investors. They also create a chilling effect, where governments either delay or reconsider regulation to avoid the risk of arbitration. This is unconscionable. Particular policy areas such as labour protections, environmental protections and health and safety protections can be affected by this chilling effect.

Many of us have fought for many years to get adequate protections—and I use 'adequate' advisedly, because we know that environmental protections in this country are not adequate and need strengthening—but the ones we've got have been very hard fought for, and we
should not be putting them at risk in this manner. What we have seen occur over the last few years is a so-called modernisation of the ISDS provisions, which include so-called enhanced safeguards, which are really broad, undefined and generalised protections for governments seeking to regulate for legitimate public welfare initiatives—for example, public health, safety and environmental protections. We do not think that these are an adequate modernisation of ISDS provisions, and they do not provide enhanced safeguards.

There have been controversial cases dealing with fair and equitable treatment, where tribunals have found in favour of corporations on the basis that government action has interfered with the company's own expectations of the treatment they should receive. This is an extremely worrying trend. The Peru-Australia Free Trade Agreement excludes ISDS cases against public health measures, specifically mentioning cases related to the PBS, Medicare, the Therapeutic Goods Administration and the Office of the Gene Technology Regulator. There is no specific mention of tobacco regulation, and it remains to be seen whether the general exclusion for public health measures will deter tobacco companies from taking cases if a future government should decide on changes to regulation.

The Australia-Hong Kong Free Trade Agreement also has provisions that we are nervous about. Whilst we welcome the inclusion of explicit limitations in the scope of ISDS provisions through the exclusion of the PBS, Medicare, the TGA and the Gene Technology Regulator, and in this case tobacco within the Hong Kong agreement, we do not believe there are sufficient protections for future government measures which seek to address health, the environment, essential services, industrial relations and other public interest issues.

In terms of the Indonesia-Australia CEPA, we reject the contention of the national interest analysis, the NIA, that ISDS provisions are a necessary inclusion within the IA-CEPA. We agree with the extensive analysis of ISDS provided by AFTINET in their submission to the JSCOT inquiry, and we contend that the demonstrated risks associated with these ISDS clauses—that they are costly, incompatible with human rights, procedurally opaque and lacking in impartiality—provided a strong case for their exclusion from this agreement.

As outlined by the ACTU in their submission to the JSCOT inquiry, the inclusion of ISDS provisions is a restriction on national sovereignty and the ability of governments to regulate in the public interest. The Greens agree with this position and do not believe that the proposed provisions sufficiently protect the public interest. Whilst DFAT's NIA promotes a modernised ISDS mechanism through the inclusion of carve-outs for the PBS, Medicare, the TGA and the Gene Technology Regulator, it does not prevent other ISDS claims being made where broader areas of public interest are implemented, such as environmental and, also importantly, industrial laws.

There are also inconsistencies between the Indonesia-Australia Comprehensive Economic Partnership Agreement, the Australia-Hong Kong Free Trade Agreement and the Peru-Australia Free Trade Agreement around ISDS provisions. PAFTA and the Indonesia-Australia agreement do not include a specific exclusion for tobacco regulation, which contrasts with the Australia-Hong Kong Free Trade Agreement, which contains detailed exclusions for tobacco products.

Given the Philip Morris ISDS case brought against Australia, Indonesia's involvement in the WTO dispute against Australia's plain-packaging laws and Indonesia's very prominent tobacco industry, we are concerned that this places Australia at risk of arbitration should any
regulations be made to tobacco products—for example, e-cigarettes in the future. We do not accept the assertion of the NIA, which makes the assumption that general public health exemptions to ISDS sufficiently cover this. We cannot take this risk. Australia has fought so hard and made such progress in this area, and yet this potentially opens it all up again.

We're also concerned about the effects to reduce the regulatory capacity of governments in the electronic commerce trade. It has been made very clear by the ACCC in their recent digital platforms inquiry, and indeed through an extensive and growing body of evidence, that big tech companies and multinational corporations can engage in anticompetitive practices, breach privacy, avoid tax and exploit workers.

Both the Indonesia-Australia agreement and the Australia-Hong Kong agreement contain chapters outlining frameworks for e-commerce which permit the free flow of data, including financial data, across borders. We are firmly committed to ensuring that digital rights and data privacy are strongly protected, and we do not believe that either of these agreements provide tangible or sufficient provisions to achieve this. The intention of the e-commerce chapters in these agreements is to reduce regulation of data flows. This is at odds with the responsibility that the government has to be able to adapt to meet future needs with privacy protection provisions.

We are also deeply concerned about the temporary work visa programs. I bet every single member of this chamber has heard of workers who have come into this country, have not had the protections of our industrial relation laws, have been underpaid or have been abused in their workplace. They do not have job security. What is the point of making sure? In fact, the next bill that comes into this place is about further undermining our industrial relations laws. We do not want to have workers put into a position where they have unsafe work conditions, poor pay conditions and are offered substandard accommodation when they come into this country. I have heard of many occasions when this has occurred.

There's also been a lack of independent evaluation and transparency. We continue to have deep concerns about the lack of transparency and public scrutiny involved with the current procedure for making trade agreements. Again, we have outlined these concerns many times in this chamber and the opaque process continues to happen. It is essential that any proposed agreement be tabled in parliament and be open for wide public consultation prior to signing, in order to ensure consistency with domestic, democratic policy-making principles and practice which do not enable big corporations to undermine and override laws and regulations that are made in Australia to protect our health, protect our workers' rights, protect our human rights and protect our environment. These provisions are opaque. It is all very well for the ALP to now cosy up to the government to try and ram these agreements through this parliament when they still have ISDS arrangements that are opposed by trade unions. You've heard what the ACTU said. You've heard what non-government organisations have said about these agreements. They do not meet the purpose; they are not fair trade. It should not be free trade at the cost of fair trade. We do not support these agreements and we specifically do not support ISDS—the process which overrides— (Time expired)

**Senator ROBERTS** (Queensland) (21:17): As a servant to the people of Queensland and Australia, I know that Australians value a fair go and being fair dinkum. Free trade sounds nice, yet we need fair trade in Australia. I want to make three points, and I will discuss the government's trap. Firstly, the Indonesia, Peru and Hong Kong free trade agreements are
bundled together as one job lot. My first comment is to criticise the government for bundling three free trade agreements into one piece of legislation. It is no wonder that we are being forced to vote for or against these agreements as some bizarre job lot, because the Indonesia-Australia Comprehensive Economic Partnership Agreement is rotten. It is bad for our country. The dishonesty from the government extends beyond bundling the agreements. It extends to the lies that the government is telling about the agreements.

Let me talk about the ISDS provisions, the investor-state dispute settlement provisions, in all three of these agreements before us today. These clauses allow private companies to sue the Australian government if our actions cost them money. I'll say it again: the clauses that the government has written into this legislation and which the Labor Party supports allow overseas private companies to sue the Australian government—sue us—if our actions cost them money. Let me give you some examples. When President Putin—who's no shrinking violet—came to power, he took on the corrupt oligarchs that exploited the end of communism to steal everything worth stealing and then paid no taxes on the wealth. Putin cleaned up the oligarchs. Many fled overseas. From there they used ISDS, investor-state dispute settlement, provisions to sue Putin for acting in Russia's best interests and for making them pay their fair share of tax. He wanted these foreign companies to pay their fair share of tax, and those foreign companies won. They beat Vladimir Putin. I know why Prime Minister Morrison loves ISDS, investor-state dispute settlement, provisions so much. Large companies not paying their fair share of tax in Australia is part of the Liberal-Labor duopoly's game.

**The ACTING DEPUTY PRESIDENT (Senator Fawcett):** Senator Roberts, you know that, under standing orders, the imputation of motives is disorderly. You will withdraw that and then continue.

**Senator ROBERTS:** Could you explain, please, Mr Acting Deputy President?

**The ACTING DEPUTY PRESIDENT:** You didn't just talk about the government, Senator Roberts; you named the Prime Minister and then named a motive. Under standing order 139, that is disorderly.

**Senator ROBERTS:** I will rephrase that. Now I know why Prime Minister Morrison's government loves ISDS provisions so much. Large corporates not paying their fair share of tax won't happen on this government's watch! Who controls Australia? Who governs Australia? It's not the elected Australian government.

We can also get sued for not doing something. Little old El Salvador decided to leave some of their gold in the ground, as is their right, so a Canadian-Australian company called Pac Rim sued El Salvador for not letting them mine. Pac Rim did not have approvals. They did not produce an environmental impact study. They just registered their mining claim and sued El Salvador—and Pac Rim won. El Salvador now has to pay $300 million or let Pac Rim mine. Who controls El Salvador? It's not the El Salvadorian government.

Will the same apply to our coal seam gas? Will all our farmers, who are already struggling with the worst drought in a hundred years and are mocked by a government that promises assistance they never actually get, have no choice but to let Indonesian mining companies unlock the gates, turn productive farms into gas fields and let bulldozers run riot over productive farmland? The environment gets it in the neck with these ISDS provisions as well—not the sky god of warming environmentalism, but real environmentalism. Renco
Group Inc is a company owned by one of the richest men in America. In Peru they invested in a metal smelter which is one of the 10 most polluted sites in the world. Peru took Renco to their local court to force Renco to install sulphur filters to make the air in neighbouring villages breathable. The local court found in the villages' favour, but then Renco moved the case to an ISDS panel and won. Who controls Peru? It's not the Peruvian government.

New Zealand doesn't fall for the nonsense of these ISDS provisions. They don't include them. They look after their sovereignty. Why can't the Australian government, under both Liberal and Labor parties, do that? ISDS is just one of One Nation's objections to these provisions. It takes justice away from everyday Australians and moves it into international courts where even a small case costs in the tens of millions of dollars. In these courts there is no national interest, no thought of common-law protections of our inalienable human rights and no consideration of the basic principles of justice. There is no justice, and the government wants to deliberately undermine sovereignty. National interest is being subverted to corporate profits, and to hell with the consequences for everyday Australians! Could this heartless Liberal-National government be summed up any better than that? Who controls Australia? Who governs Australia? It's not the elected Australian government.

Let me turn to another objection: the labour market provisions. This agreement that the government pushes, with Labor's full support, allows Indonesia to supply 4,100 new temporary visa holders into the Australian market, rising to 5,000 annually by 2024. In addition, this agreement requires Australia to send trainers to Indonesia to upskill their labour force to Australian standards so even more can come over. Why is government not asking if they are going to take jobs from everyday Australians? Why is government not asking what effect this will have on the lives, businesses and wages of tradies and construction workers in particular?

There are currently 1.4 million of these temporary work visa holders in Australia. Every new trade agreement brings more. Coincidentally, there are also 1.4 million Australians who are unemployed or underemployed. Yet all we hear from the government—and, oddly, today from the Labor Party—is that immigration leads to more jobs. If having more of these workers leads to more jobs, when is that going to happen? When are our 1.4 million unemployed and underemployed going to benefit from all these corporate trade agreements? The answer is that none will benefit. These agreements exist to bring in large numbers of foreign workers to drive down wages in Australia and maximise corporate profits. Australia is used to that from the Liberal and National parties and, increasingly in recent years, from the Labor Party. My question is: why is the Australian Labor Party voting for this killer? Aren't the Labor Party supposed to be the party of labour? Aren't the Labor Party supposed to protect Australian workers? Well, apparently not.

There is one aspect of these agreements that One Nation does support, and that is the expansion of Australia's farm exports—half a million tonnes of grain to Indonesia, along with a 1,300 per cent increase in cattle exports by the year 2050. Dairy gets another $6 million dollars in exports. Carrot and potato tariffs are eliminated. The Peruvian agreement will eliminate a 17 per cent tariff on beer and a nine per cent tariff on wine and will allow market access for Australian sugar, dairy, beef, lamb, cereals and nuts. In times of drought, these targets may at best be theoretical, but this drought will not last forever. It will rain again—we know that in Australia's cycles—and, when it does, these additional markets will be critical to
getting our farmers back on their feet. Our struggling manufacturing sector will benefit from another 250,000 tonnes of steel to Indonesia and from market access to Peru for pharmaceutical and minerals markets.

Ultimately, the absolute necessity of keeping our economy out of recession today by developing these new markets has decided our vote on this matter. But look at how the government have roped us into voting for their globalist, elitist mates—putting a gun to our farmers' heads. Tellingly, when Senator Pauline Hanson spoke in this chamber just an hour or so ago, Liberal and Labor heads were bowed in shame, and rightly so, because Australians value a fair go and Australians value being fair dinkum.

Senator RICE (Victoria) (21:27): I am rising to speak to the growing Australian export opportunities across the Asia-Pacific bills. What a title! Who, with their rose-coloured glasses, invented that title? Who was not paying attention to what the real impact of this legislation will be? In fact, I think a better title for this legislation would be the 'giving big business everything they want and screwing over ordinary people in the process bills'. The Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 empower corporations, not people, and we should oppose them.

The coalition has listened to its supporters—big business—and it has given them everything they want. This bill gives more power to attack workers, more power to undermine environment protections and more power to undermine the needs of ordinary, everyday people. This is all about taking power away from people, from the community, and handing it to the corporations. This bill will enable trade agreements that lock Australia into disastrous investor-state dispute settlement frameworks. I know we have heard a lot about these ISDS frameworks in the debate tonight, but I'd like to quote from Chief Justice French, who said:

Arbitral tribunals set up under ISDS provisions are not courts. Nor are they required to act like courts. Yet their decisions may include awards which significantly impact on national economies and on regulatory systems within nation states. Questions have been raised about the consistency, openness and impartiality of decisions made in ISDS arbitrations.

The Prime Minister has critiqued international organisations for negative globalism. But the truth is that the organisations that he critiques—the UN and others—are far more representative, consistent and beneficial to Australia than these ISDS clauses. ISDS clauses benefit corporations. They don't benefit Australia, and we should not be signing trade agreements that have ISDS clauses in them. This again is what Justice French had to say about them:

They have general implications for national sovereignty, democratic governance and the rule of law within domestic legal systems.

If the Prime Minister is genuine about addressing how Australia engages with its international commitments and about empowering our country and is genuinely committed to governing in the interest of his 'quiet Australians', the best place for him to start would be to examine these ISDS clauses in detail. Then he would genuinely understand how they benefit corporations rather than the Australian community.

Every single one of the agreements being implemented by these bills includes ISDS provisions. We've seen what happens with ISDS in the tobacco case. That was a case of
Australia leading the world in regulatory reform, taking steps that protected our citizens and helped reduce the damage that smoking causes. Tragically, tobacco companies were willing to use ISDS to try and block this groundbreaking legislation.

There are also inconsistencies around ISDS exclusions in the free trade agreements with Indonesia, Hong Kong and Peru that are being considered here. The Peru and Indonesia agreements don't include a specific exclusion for tobacco regulation, which contrasts with the Hong Kong agreement, which contains detailed exclusions for tobacco products. But given the Philip Morris ISDS case brought against Australia, Indonesia's involvement in the WTO dispute against Australia's plain-packaging laws and Indonesia's tobacco industry, we Greens are extremely concerned that this places Australia at risk of arbitration should any regulations be made on tobacco products, such as e-cigarettes, in the future.

We do not accept the assertions that the general health exception to the ISDS sufficiently covers this. These ISDS provisions are very broad-reaching. We may see coal companies trying to use ISDS provisions to stop action on climate change. We know that at the moment the government here has its head buried in the sand on taking serious action about getting out of coal, gas and oil. But in the future, when the penny drops and the realisation is made that we need to have that serious action, that we need to have genuine action, that we need to be rapidly getting out of coal, gas and oil mining and export, we know that these fossil fuel corporations are going to try to fight it. The likelihood that they will try to use ISDS provisions to fight it is absolutely very real. The coalition government, by allowing this to occur, along with its position on not taking enough action on climate, is desperate to keep Australia trapped in the past.

Then we've got the fact that the government is trying to ram through an agreement with Hong Kong, despite the events unfolding there. We've seen what's going on in Hong Kong. It's tragic. We've seen the attacks on democracy. We've seen the tragic events as protesters have been standing up for their rights. We've seen the struggles that they've faced. Surely that should be enough to actually make the government take a step back and say, 'Now is not the time to be signing a trade agreement on Hong Kong'? But apparently not. Apparently what's happening in Hong Kong is not enough to get in the way of a trade deal. Apparently it's not enough to pause and think about what it could be doing.

And then the Labor Party, once again, are carrying out their strategy of whinge and fold. That phrase—or a less polite version of it!—was coined by some in the press gallery watching their behaviour in this parliament. Sadly, it is all too familiar. We know why Labor have to do the whingeing—because so much of their support base is absolutely against these free trade agreements. The Australian Council of Trade Unions doesn't support ISDS provisions. Labor say that they are the party that's based on trade unionism, and that they are standing up for the rights of workers and trade unions—and yet their key stakeholders are saying to them: 'Do not agree with this legislation which has these ISDS provisions in it and the trade agreements that implement them.' But here we are again, with Labor having reached a cosy deal with the government and this bill set to sail through the parliament.

The Greens support labour market testing, and I always thought the Labor Party did, too. The Labor Party say that they do, but these agreements undermine the ability to undertake that very basic activity of labour market testing, and the end outcome is worse for everyone. It makes those workers that are brought here on particular working visas very vulnerable to their
employers. They suffer from worse conditions. They suffer from wage theft, and that's on top of the wage theft that's already being perpetuated in our system. And yet, rather than trying to take action on it, the Indonesian trade agreement is allowing for an extra 4,000 to 5,000 working-holiday work permits outside the 457 visa system.

I think of the union members that I met this morning, who were in parliament to protest against the government's union-busting legislation. There was Sally McManus and Michele O'Neil, along with a room full of nurses, hospitality workers and health service workers. Labor MPs were there, in number, having their photos taken and saying how proud they were of standing up for these workers and standing up for unions. But every one of these workers is under threat from these trade agreements—under threat of having to work beside or having their jobs replaced by exploited workers who are too scared to stand up for their rights because they would be at risk of having their visas revoked if they did. We know that is going on in Australia now. We know that is the reality—that workers are being exploited on temporary work visas.

I understand Labor and the government have been having their cosy chats and they've worked out that they 'will use all necessary mechanisms to ensure that any Indonesian national utilising the additional working holiday visas is treated equally under Australian workplace law, is free from exploitation and is qualified for any work they undertake in country'. I say to the government and the Labor Party: why don't you get that happening to those exploited temporary work-visa holders who are working here in Australia now? Get the system working here now for all of those exploited workers. And, once you've got that in place, well, then you can consider expanding that system. We know we have got a massive problem with the exploitation of foreign workers on temporary work visas—workers who are absolutely petrified that if they do anything that involves standing up for their rights they are going to be shipped back home, because they are there only at the whim of their employer. Get that sorted out first, and then we could consider expanding that system. Once you start opening up categories of people like contractual service suppliers and giving them the fast track around Australia's labour laws, they end up being exploited on below local wages and conditions.

It's for these reasons that we have heard civil society, unions and human rights groups, who have been vocal in their opposition to these agreements. The Greens are supportive of trade agreements, and it is possible to have trade agreements which promote and protect environmental sustainability, human rights, labour rights and the broader principles of fair trade. That is what we should be going into these negotiations with. We should be saying that these things are not negotiable—that we are not going to negotiate away our environmental protections and that we are not going to negotiate away our workers' rights. And, if we went into those negotiations and said, 'This is the bottom line,' then we could be negotiating trade agreements that are fair. But that's not what is on the table for us today. We as Greens believe that there is a better way. The Greens believe in a world where social justice and grassroots democracy empower people. We believe in a world where the government stands up for the rights of workers and for the rights of the environment, rather than undermining those rights. We believe in a world where the government funds the infrastructure that needs building and helps us transition to green, sustainable energy rather than relying on decrepit fossil-fuel
plants. We have a vision of a better future—one where we empower communities and workers, not corporations.

I think of the weekend that I have just spent travelling through regional Victoria. I met a whole range of community members who were doing their best to work to support their communities. I met with members of local councils. I met with farmers. I met with members of LGBTIQ community organisations and others. It was exciting to see what they were doing. They were engaging in their community. They were working in sustainable agriculture on farms. They were building communities together. We need to be encouraging more of that—a world where people are empowered to build communities together, rather than a world where we have corporations riding roughshod over their rights and the rights and protections of our environment.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (21:40): On behalf of Australia’s farmers and exporters and those who seek to ensure that we can continue to grow our trade, I thank senators for their contributions and commend these bills to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): The question is that Greens amendment on sheet 8822 be agreed to.

The Senate divided. [21:45]

(The Acting Deputy President—Senator Fawcett)

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

AYES

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

NOES

Antic, A
Ayres, T
Bilyk, CL
Bragg, AJ
Carr, KJ
Ciccone, R
Cormann, M
Fawcett, DJ
Gallacher, AM
Henderson, SM
Hume, J
Kitching, K
McAllister, J
McDonald, S

Faruqi, M
Hanson-Young, SC
McKim, NJ
Rice, J
Siewert, R (teller)
Waters, LJ
Askew, W
Bernardi, C
Birmingham, SJ
Brockman, S
Chandler, C
Colbeck, R
Davey, P
Fierravanti-Wells, C
Gallagher, KR
Hughes, H
Keneally, KK
Lines, S
McCarthy, M
McGrath, J
The ACTING DEPUTY PRESIDENT (Senator Fawcett) (21:49): The question is that the bill be read a second time.

The Senate divided. [21:49]

(The Acting Deputy President—Senator Fawcett)

Ayes .................... 51
Noes .................... 9
Majority ................. 42

AYES

Antic, A
Ayres, T
Bilyk, CL
Bragg, A J
Carr, KJ
Ciccone, R
Cormann, M
Duniam, J
Fierravanti-Wells, C
Gallagher, KR
Henderson, SM
Hume, J
Kitching, K
Lines, S
McCarthy, M
McGrath, J
Molan, AJ
O'Sullivan, MA
Patrick, RL
Rennick, G
Scarr, P
Smith, DA (teller)
Sterle, G
Urquhart, AE
Walsh, J
Wong, P

NOES

Di Natale, R
Faruqi, M
ADJOURNMENT
The ACTING DEPUTY PRESIDENT (Senator Fawcett) (21:52): It being 9.50, I propose the question:
That the Senate do now adjourn.

Queensland: Economy
Senator STOKER (Queensland) (21:53): I rise to speak tonight about the parlous state of the Queensland economy and the way that it is directly related to the Queensland government's failure to plan. There's a cheesy old saying: 'If you fail to plan, you plan to fail.' As cheesy as it is, it's pretty apt when it comes to government planning. A government that doesn't plan, doesn't keep an eye on the projects currently underway and doesn't look to the future for the next project to take off a shelf will fail to keep the economy moving.

Last week the Morrison government announced $1.9 billion of investments in road and rail projects in the south-east corner of Queensland. I have to commend the work of the member for Forde, Bert van Manen, and his hardworking wife, Judy, for their lobbying for these projects in his electorate. They are absolutely relentless in working for this stuff. It's great news for South-East Queensland. But Queenslanders learn to be a bit sceptical, and I've lived in Queensland long enough to know that for now it's just an announcement. Now we've got to rely on the state government for implementation, but they have a tendency to stare at their own navels rather than getting on with delivering projects.

The Queensland government are absolutely atrocious when it comes to planning, and I've got to say it's hard to know sometimes whether that's their active political strategy or just ineptitude. We know that, when it came to the case of the Adani mine, it was their active strategy. They could say one thing in the regions and another when they were in the cities, by delaying and stalling and putting off getting on with the project.

Part of me wants to see the good in people, and I want to see some humanity in the Palaszczuk government. Maybe it was just a series of unfortunate events that created the need to release 105,000 megalitres of water from the Paradise Dam in the Burnett region. It doesn't seem all that likely, but let's test it out; let's hope for the best. But how disheartening that would have been for the people, say, of Stanthorpe, who have no water at the moment and who will lose fruit orchards and a few seasons worth of wine grapes shortly because the government didn't secure water for their region. How disheartening it would be to see that water being flushed away, after Labor axed $50 million in subsidies for water cartage and fodder. What a phenomenal waste.
The Paradise Dam was built in 2005 by the then Bligh Labor government. And—here's an acronym—ANCOLD, the Australian National Committee on Large Dams Inc., wrote in their *Physical and computational scour modelling system analysis—case study for Paradise Dam, Queensland* in 2015 that the damage that had been done to the dam was caused by the intense velocity and movement of water through the Burnett River in the 2010-11 and the 2012-13 floods. ANCOLD is full of very serious scientists and engineers who really know their stuff when it comes to water. They did a full analysis and used a water simulation tank in Sydney, building the dam to a 1:70 scale and fully testing everything. Their report came out in 2015 and it helped inform Building Queensland, in 2016, of the need for the repair work. Despite Building Queensland's recommendation, back then, that those repair works start, the Palaszczuk government, as usual, did nothing about it. So at this point Queenslanders have a right to know if the minister for natural resources, Dr Lynham, will allow Sunwater to fix the dam to a standard that means it can withstand the type of river flow that the Burnett is famous for.

Remember, the Palaszczuk government fail to plan. One of the more frustrating aspects of a government which fails to plan is not just that they don't do the important things, like making sure the Paradise Dam can continue to operate at its current height; it's also that, instead, they are wasting money on things that are not important. While they're not investing in dams and while they're not repairing infrastructure, they're blowing $250 million cheques on bonuses for public servants. For a state with a $70 billion debt to throw another $250 million at our already oversized public service is insane. And, to do this, the Palaszczuk government politicked on infrastructure spending and blamed the Morrison government for failing to give them more money for Queensland infrastructure—but they can always find money for their other pet projects.

Last week, Prime Minister Morrison announced that the Commonwealth would increase funding for the Gold Coast light rail project by $157 million, up to $269 million. The Premier herself acknowledged that this project would create 760 construction jobs, but she's holding out for more funding from the Commonwealth—while budgeting for bonuses. It is a clear sign that growing the public service is more important to Queensland Labor than construction jobs, and it is so frustrating to watch. So all credit to the PM and to the member for Forde for keeping a straight face when the Premier said, 'I've always said we work best when we work together.' I wish she would work with the federal government.

This lack of infrastructure spending, combined with two new land taxes from the Queensland government this year—an increase in land tax and a foreign land owner levy—has really squashed the confidence that the Queensland property market might have been boosted with following the election. After the stultifying impact of federal Labor's capital gains tax policy on the national property market and the lack of enthusiasm for it from voters, you would think that Treasurer Jackie Trad would have worked out how jittery the market is and how fragile the environment in our economy is in Queensland. You would think the Queensland government would do all it could to encourage the market into action. But, yet again, Labor fail to plan. They fail to look to the horizon, and they fail to look out for unintended consequences.

The Property Council of Australia released their annual survey results in October, which stated:
The confidence levels of Queensland's property industry have fallen over the last quarter, following the State Government's announcement of land tax increases and a new foreign land tax surcharge.

The Property Council goes on to point out what many economists know, and it's simple: that disincentivising investment costs local jobs. Taxing investment ultimately hurts Queenslanders, because investors just go and find another place to invest their money. The Property Council finished off with this:

The Queensland Government was rated in the survey as the lowest performing state government across the country.

I will repeat that one: 'the lowest performing state government across the country'. So there you have it; the proof is there. Yet again Labor's failure to plan fails the people of Queensland.

Child Care

Senator MARIELLE SMITH (South Australia) (22:02): There are few matters more important to young Australian families than the quality, access and affordability of early childhood education and care. So it is with frustration that I rise to call out this Liberal government's complete and utter failure of families with children in child care.

The government recently released its quarterly data, which has shown that, despite their assurances, childcare costs are still going up around Australia. The data confirmed that fees have now increased by a staggering 30 per cent since the election of the Liberals. In the last year alone, we have seen out-of-pocket costs for child care increase by 4.9 per cent in roughly the same period that the consumer price index rose by 1.6 per cent.

In South Australia, the data shows us that in areas such as Campbelltown, in the electorate of Sturt, fees have increased by 8.5 per cent over the last year to March 2019—almost double the national increase of 4.9 per cent. Fee increases in other areas of South Australia are also well above the national average. For example, in Gawler, Playford and Port Adelaide, fees have increased 13.3 per cent, 13.9 per cent and 10.4 per cent respectively. At a time when the cost of living is increasing and wages are stagnating, South Australian families are struggling to meet ever-increasing childcare fees.

The government promised that investing additional funding into the new childcare package would provide more support for families, more choice and more opportunity. But instead it has only left families out of pocket. If that is not enough, now one in six families who use the childcare system, or around 90,000 families, have been accused of owing a childcare subsidy debt to the government. The government's new childcare system was introduced just over a year ago, and Australian families are already paying the price for the system's flaws. It's an overly complex and onerous system, with rigid and confusing income and activity tests. To top it all off, it's supported by a malfunctioning IT system. With no information on the debt notice to explain how the debt came about, families are forced to spend hours on the phone with Centrelink to get the details and explanation they need to verify the debt's legitimacy.

A South Australian mum, Ruby, was recently asked to pay back more than $6,000 even though she had overstated her income. Lucy, another Australian mother, received a letter from Centrelink telling her she had been overpaid for her childcare subsidy. Lucy had also overestimated her family's income, so of course this news came as a complete shock. A childcare system that does not work for all families is a failed system. And why does it
matter? It matters because child care is not just babysitting; it is a critical part of children's early learning.

The system should be designed with children at its heart, and it should be centred around families. It must accommodate flexibility and diversity in our communities, families and centres. It should support families to access vital, quality early education and care and make it easier for parents, particularly women, to return to the workforce. Instead, the government is chasing its tail on administrative bungles in a system that was hailed as the greatest childcare reform by this government just over one year ago. If the government really cared about Australian families and making significant reforms to our early childhood education system, then they would at the very least be committing to providing long-term funding certainty for four-year-old preschool.

I have said it before and I will say it again: the most meaningful way we can tackle generational disadvantage is through universal quality and free education during the early years, because in the early years critical brain connections are formed. If a child does not develop well during this period and is not exposed to the right mix of play-based learning, love, nutrition and nurture, then they cannot reach their full potential. On the other hand, children who are exposed to high-quality early education have everything to look forward to in their futures.

I see evidence of this every day in quality childcare centres across South Australia. Just recently I visited Margaret Ives Community Children's Centre in Norwood, where some of the three- and four-year-olds presented me with an incredible piece of artwork. Their artwork represented the children's learning about the UN's global goals and being good global citizens. As part of this learning, the children took a particular interest in goal No. 14, life on the land, and decided to inquire into minibeasts in their community. Using foam print blocks and ink transfer techniques, the children created a masterpiece of incredible bug art, which they presented to me for my Parliament House office. I invite all my colleagues to visit my office and admire the artwork and this spectacular display of early learning from a community based childcare centre in South Australia.

Of course, the best examples of early learning involve a high-quality early education backed up by learning shared with loved ones in the home. Reading books to our children is critical to their early development. It fosters bonds between children and their caregivers, and it cements the learning that takes place outside of the home. To this end, another South Australian organisation, Raising Literacy Australia, is doing tremendous work to support the early learning of children in my state. Through their Little Big Book Club, Raising Literacy brings the joy of books and early learning to every baby, toddler and preschooler in South Australia. Just this past weekend, my staff and I joined Raising Literacy Australia for their packing week of 2019, where book bags are stuffed full of age-appropriate books and early learning materials for little South Australians. We packed books for children from the APY Lands to Murray Bridge, books which I know will make a huge difference in the lives of the children they reach. I want to take this opportunity to put on the record my thanks to Belinda, Janet and the team at Raising Literacy Australia for everything they do to support the early learning of South Australian kids.

Every child in Australia deserves access to a fantastic early education. We can deliver that to them, but not whilst this government continues to sit on its hands and waste the opportunity
of a generation in early learning. Ninety per cent of a child's brain development occurs in the first five years of life, meaning an investment in early education is one of the smartest investments our country can make. Labor's universal access to preschool scheme for four-year-olds was a critical first step in this investment. Since the first agreement was signed by Labor in 2008, preschool enrolment for four-year-olds has increased from 77 per cent to between 93 and 97 per cent. Universal access to preschool is a critical part of ensuring all children can access world-leading early education and care, regardless of what their parents do, how much their parents earn or where they live. But, instead of backing in these investments and backing in universal access, the Liberal government is refusing to commit to preschool funding for four-year-olds beyond the next school year. This presents unacceptable uncertainty for the sector and for families. Labor took to the last election a policy to extend preschool for three-year-olds, and that's where I believe we should be heading. But, at the very least, the government should provide funding certainty to ensure universal access to preschool for four-year-olds is here to stay.

We know that properly funding early education is good for our children, good for parents and good for the economy. Indeed, a recent study from the EU showed that, for every dollar spent on early education for three-year-olds, $4 was returned to the economy. This evidence shows us that we must do more and we must do better. Just today the State of early learning in Australia 2019 report was released, and it paints a grim picture of the direction early learning is taking under this government. The report highlights that Australia ranks 11 out of 21 surveyed OECD countries for investment in early learning. It also highlights that federal government investment per child fell between 2016 and 2019—a shocking indictment of this government's record.

This week early education advocates are presenting a report to the parliament which urges this third-term government to extend preschool funding to three-year-olds. I have introduced two motions in this chamber calling on the government to do exactly this, and the government have voted against this call every time. They've done this because they see education as a cost. It's why they've cut $14 billion from public schools and left preschool funding in limbo. But Labor see early education as an investment in our collective future. We see it as a right of children and their families. This government must act to ensure affordable, accessible and high-quality early education and care is available and accessible to all families in Australia who need it. They can start by fixing their bungled childcare system and by extending the promise of preschool. That is what families expect of this government, and I won't rest until it is delivered.

South Australia: Steel Industry

Senator PATRICK (South Australia) (22:11): I rise tonight to speak about a most important issue for my home state of South Australia. On Thursday 14 November—that is, the last sitting day—I rose at question time and asked a question of the Minister representing the Minister for Industry, Science and Technology, who on that day was Senator Cash. I asked the minister, noting the strategic and economic importance to Australia of steel production in Whyalla, whether the government would provide support to GFG in their plans to modernise and expand Whyalla's steelworks operations. Minister Cash responded by saying that no formal request for assistance had been submitted by GFG Alliance but that the
government was engaging in good faith and would not comment further in order to not prejudice discussions when a formal proposal was received.

Tonight, I caution the government that, when a proposal is put, it will be a proposal not for the transformation of the steelworks at Whyalla but for a transformation of both the city of Whyalla and South Australia as a state. It will be a proposal that will take a city with a 22,000 population and 12 per cent unemployment and turn it into a city of, in Mr Gupta's assessment, 80,000 people.

Last week, I was in Whyalla and I sat down and talked to the Mayor of Whyalla, Mayor McLaughlin, about what a city of 80,000 looks like. We discussed what it would mean for South Australia. I'm going to share that with you tonight. It will be the largest regional township outside of Adelaide. It will be like Mandurah in Western Australia. It will like Mackay or Bundaberg in Queensland. It will be bigger than Armidale and bigger than Maitland. It will be a thriving regional city like nothing South Australia has ever seen. It will be a city producing 20 million tonnes of steel per annum, and there'll be a multitude of other businesses, related and unrelated, spinning off that activity. It will see unemployment go from 12 per cent, as it currently is, down to zero. It will see an airport that will accommodate 250,000 passengers per annum. Currently Whyalla's airport has a throughput of 70,000 people. We will see flights directly from Whyalla to Sydney and from Whyalla to Melbourne. We'll see 737s with Virgin logos and Qantas logos flying regular services to the city. We'll see commercial property vacancies dropping from 45 per cent, as is the current situation, down to zero per cent. Property valuations will stabilise, and then will grow in a controlled manner. The boom-bust cycle of mining will disappear. Fly-in, fly-out operations will cease, and, of course, that will improve the productivity of the mines in the area. Everyone will be resident in a city with 300 days of sunshine and a ripper beach and a marina which comes fitted with dolphins that regularly swim and follow the boats as they come in from fishing, and the city will have a gigabit network feeding everyone in the town.

The city is currently configured to support 60,000 people, even though at the height of the steel boom it was about 33,000—and that's the time when I lived in Whyalla. So I do declare a bias here, being a Whyalla boy. It will have to upgrade, nonetheless. It'll have to deal with things like stormwater capture and reuse, wastewater treatment and reuse, and perhaps a solar-powered desalination plant to provide drinking water for all of the new arrivals. There will be a requirement for a second high school. For those that aren't aware, Whyalla is building a super-school, combining all of the high schools in the town into one, but that won't be enough. It will see an expansion of UniSA's campus and of TAFE SA's campus. The size of the hospital will double, and there'll be full services both for people in Whyalla and, importantly, for people in the region—people that would otherwise have to go to Adelaide to get services. It will be a catalyst for a dual carriageway between Adelaide and Whyalla. It will also be a catalyst for a new standard-gauge railway extension from Whyalla—which is currently connected to the ARTC network—down to a new deepwater port at Cape Hardy, which will be servicing all of the activity that will flow not just from Whyalla but also from around the region. Those 80,000 people and all of the people in the region will create a market that will sustain a cross-gulf ferry service.

I could go on but risk the flood of applications from workers and doctors and teachers and nurses and project managers and shop assistants and engineers, all heading to Whyalla. And I
can see the senators in the chamber tonight licking their lips, wishing that they were South Australian senators, because this is what Whyalla is going to be about, if indeed this proposal from Mr Gupta is accepted by government. And it's only going to take a little bit of support. With a little bit of support from government, I would imagine we will see a transformation of the City of Whyalla and, of course, the state of South Australia. So we need to make sure, when that proposal turns up and when all of the bureaucrats are looking at the steel plant and the business case for and against, that they do not exclude the unbelievable effect that this will have on my home state. This will not be a proposal about steel; it will be a proposal about South Australia and, in particular, about regional South Australia, and it will need to be considered most properly and most comprehensively by government as such.

Palaszczuk Government: Paradise Dam

**Senator McGrath** (Queensland—Deputy Government Whip in the Senate) (22:19): Today marks the 59th day since Annastacia Palaszczuk's state Labor government made the stupid decision to release 105,000 megalitres of precious water from the Paradise Dam in Queensland. There have been 59 days of Queensland Labor silence on how and why this liquid gold is being flushed down the Burnett River and out to sea.

In the last sitting week I spoke about the failure of Labor in Queensland. They've got a pretty poor track record in that not only are they not building dams in Queensland but also one of their existing dams is actually emptying. The Paradise Dam, for those who don't know, is in the Wide Bay-Burnett region—the closest big town is Bundaberg—and it's Queensland's newest dam. It was built about 14 years ago at a cost of a couple of hundred million dollars, and now it's about as useful as a chocolate teapot on Bourbong Street in the middle of summer. The decision has been made to release and waste this water when it could have been utilised by so many in the community, and this is undoubtedly the greatest infrastructure fail ever—I use 'greatest' in the broader sense of the word. This is possibly the worst infrastructure fail ever in Australia. What's even worse is that Queenslanders are still waiting for answers from the Palaszczuk Labor government.

The secret society that is the Queensland Labor government is hiding behind the bureaucracy and refusing to tell anyone what urgent repairs are needed to resolve this secret safety concern. The Labor minister responsible, Anthony Lynham, has only managed to say that this release of water is due to an unspecified safety issue. There is a real and likely scenario that Paradise Dam will be permanently reduced to 42 per cent of its original capacity, and Premier Palaszczuk has not committed to rebuilding the dam to its full capacity, once again neglecting regional Queensland. With no long-term commitment to water security in the region, the silence is deafening from the Brisbane based Queensland Labor government.

This blatant neglect in a region that's known for its produce is simply deplorable. The region is known for being the biggest producer of macadamia nuts. Many people in this building come into my office to crack a few nuts. It's also known for its fruit crops, sugarcane and, of course, Bundaberg Rum—which also happens to be in my office occasionally. It's the same region that has been plagued by dry spells and by drought, and just a few weeks ago we were fighting bushfires, like so many other regions across Australia. This precious water being flushed out to sea is so crucial, and you can see why the community's outraged that this mass release is happening, and about why—because of the silence from the state Labor government. No news is coming forward from the state Labor government as to why this
water is being wasted. For a government to simply float a suggestion of a safety issue with a dam amongst a community that endured significant flood events just a few years ago is irresponsible at best and ignorant at worst.

They won't say why they're reducing this dam's capacity to 42 per cent—a reduction that's going to undermine the region's agricultural and horticultural industries. They won't specify what safety issues they've identified with the dam that have led to the sudden release of water. They won't say whether they've explored any other options for use of the water that was released into the Burnett River. They won't say if the dam will ever be restored to its previous capacity. They won't say whether any flood modelling has been done in relation to the decision. They won't say anything. But Queenslanders want answers, and especially those Queenslanders who live in the Wide Bay-Burnett region. With the drought continuing, bushfires burning and summer around the corner, there simply cannot be any more secrets from this secretive state Labor government. The community deserves to know what is wrong with this dam. When will it be fixed? What is the dam plan in the meantime? These are basic questions that any government should be willing and able to answer.

In addition to the important questions surrounding community safety, questions must also be answered about any potential impacts this release could have on the local economy. Once again, I join with my federal and state colleagues in calling upon the state Labor government of Queensland to back Deb Frecklington and the LNP in their call for a full public inquiry. At the LNP state council on the weekend, a motion was moved by Keith Pitt, the member for Hinkler, and Colin Boyce, the state member for Callide. I'll read this motion out to you: 'That this state council of the Liberal National Party condemns the Palaszczuk government for failing to inform those residents, farmers and businesses of the risk to property and life from the Paradise Dam. We demand the veil of secrecy is lifted, transparency is provided and funding for repair and restoration to retain 300,000 megalitres of capacity of this dam is immediately provided.' That motion was passed unanimously by the state council of the Liberal National Party. It is time for Premier Palaszczuk to stop hiding behind the bureaucracy and release all of the information on the Paradise Dam and say why this precious water has been released. This is the largest and the worst infrastructure fail in the history of Australia.

If this were in Sydney or Melbourne or on the outskirts of Canberra, it would be on the front pages of the newspapers. But because it's in regional Queensland, because it's been hidden away by the state Labor government, it's been hidden under the carpet. I'm asking Premier Palaszczuk: stop hiding in the office on the top floor of your fancy high-rise there in Brisbane. Go to Bundaberg, go to the Paradise Dam and tell the locals what is wrong with this dam. It is time for Queenslanders to know the truth: sadly, when it comes to state Labor in Queensland, not only are they not building dams; the one dam that they did build 14 years ago wasn't built properly and now they're letting the water out of it.

Senate adjourned at 22:25