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SITTING DAYS—2016

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

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

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Liberal Party in the Senate—Senator Hon. Mathias Cormann
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Don Farrell
Leader of the Australian Greens—Senator Richard Di Natale
Co-deputy Leaders of the Australian Greens in the Senate—Senators Scott Ludlam and Larissa Joy Waters
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Dean Anthony Smith
The Nationals Whip—Senator Matthew James Canavan
Chief Opposition Whip—Senator Anne Elizabeth Urquhart
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Jennifer McAllister
Australian Greens Whip—Senator Rachel Siewert

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

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

Vacancy created by the resignation of Senator Bob Day on 01 November 2016.

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; DHJP—Derryn Hinch's Justice Party; FFP—Family First Party; IND—Independent; JLN—Jacqui Lambie Network; LDP—Liberal Democratic Party; LP—Liberal Party of Australia; LNP—Liberal National Party; NATS—The Nationals; NXT—Nick Xenophon Team; PHON—Pauline Hanson's One Nation

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing  
Clerk of the House of Representatives—D Elder  
Secretary, Department of Parliamentary Services—R Stefanic  
Parliamentary Budget Officer—P Bowen
## Turnbull Ministry

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<tr>
<td>Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
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<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
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<tr>
<td><em>Minister Assisting the Prime Minister for Counter-Terrorism</em></td>
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<td><em>Minister Assisting the Cabinet Secretary</em></td>
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<td><em>Minister Assisting the Prime Minister for Cyber Security</em></td>
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<tr>
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<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>Hon Angus Taylor MP</td>
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<tr>
<td><strong>Deputy Prime Minister and Minister for Agriculture and Water Resources</strong></td>
<td>Hon Barnaby Joyce MP</td>
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<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>Hon Luke Hartsuyker MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade, Tourism and Investment</strong></td>
<td>Hon Steve Ciobo MP</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<tr>
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<td>Hon Keith Pitt MP</td>
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<tr>
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<td>Hon Kelly O'Dwyer MP</td>
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<td>Minister for Small Business</td>
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<td><strong>Assistant Minister for Social Services and Disability Services</strong></td>
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<td>Hon Josh Frydenberg MP</td>
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Each box represents a portfolio except for (1) which is in the Education portfolio, (2) which is in Treasury portfolio and (3) which is in the Health portfolio. Shadow Cabinet Ministers are shown in bold type.
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The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 09:30, read prayers and made an acknowledgement of country.

DOCUMENTS
Tabling
The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.
Details of the documents also appear at the end of today's Hansard.

COMMITTEES
National Disability Insurance Scheme
Meeting
The Clerk: A proposal to meet has been lodged as follows:
Joint Standing Committee on the National Disability Insurance Scheme—private briefing during the sitting of the Senate today, from 10 am.
The PRESIDENT (09:31): Does any senator wish to have that motion put? There being none, we will now proceed.

BILLS
Counter-Terrorism Legislation Amendment Bill (No. 1) 2016
In Committee
Bill—by leave—taken as a whole.
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:32): I table a supplementary explanatory memorandum relating to the government amendment to be moved to the bill. I move the government amendment on sheet ZA417:

(1) Schedule 2, page 10 (after line 14), after item 32, insert:
32A At the end of section 104.28 of the Criminal Code
Add:
Young person's right to legal representation
(4) If an issuing court is satisfied, in proceedings relating to a control order, that:
(a) the person to whom the control order relates, or the person in relation to whom the control order is requested, is at least 14 but under 18; and
(b) the person does not have a lawyer acting in relation to the proceedings;
The court must appoint a lawyer to act for the person in relation to the proceedings.
(5) However, the issuing court is not required to appoint a lawyer if:
(a) the proceedings are ex parte proceedings relating to a request for an interim control order; or
(b) the person refused a lawyer previously appointed under subsection (4) during proceedings relating to:
(i) the control order; or

(ii) if the control order is a confirmed control order—the interim control order that was confirmed.

(6) The regulations may provide in relation to the appointing of lawyers under subsection (4) (including in relation to lawyers appointed under that subsection).

The government amendment on sheet ZA417 implements recommendation 2 of the Parliamentary Joint Committee on Intelligence and Security, relating to the legal representation of young persons in control order proceedings. Recommendation 2 of the PJCIS advisory report recommended that the bill be amended to expressly provide that a young person has the right to legal representation in control order proceedings. This was the 'enhanced protections' that I referred to in my remarks in closing the second reading debate last night. The amendment will require that the issuing court must appoint a lawyer to act for a person in relation to a control order proceeding if the court is satisfied that the person to whom the control order relates or the person in relation to whom the control order is requested is at least 14 years of age but under 18 and the person does not have a lawyer acting in relation to the control order proceedings. The court will not be required to appoint a lawyer where the proceedings are ex parte, relating to a request for an interim control order or the young person refused a lawyer previously appointed by the court during proceedings relating to a control order or, if the control order is a confirmed control order, the interim control order that was the subject of the confirmation proceedings.

The amendment will also include a regulation-making power to address any administrative matters relevant to the appointment of lawyers for young persons. The government will move swiftly to make these regulations in consultation with the states and territories. The amendment will further strengthen the safeguards for young persons who are subject to a control order and provides an additional mechanism for implementing PJCIS recommendation 2.

As I said to you last night, Senator McKim, at the moment in relation to 16- and 17-year-old people who are subject to the existing control order regime there is no special provision to guarantee the appointment of a lawyer. Now, as a result of these amendments, for people between the age range of 14 and 17 years there will be. So this is yet a further enhancement of the protections that does not exist already.

**Senator KIM CARR (Victoria) (09:35):** The Labor Party made it very clear in the second reading debate on these matters that our approach on this question is to ensure that we are able to secure an appropriate balance between ensuring the security of our people and national institutions and the questions of civil liberties. This is a commitment that we make to ensure that Australians are safe from any threat of terrorism, and that commitment extends to ensuring that we not only have the resources to fight acts of terrorism but insist that the government also ensure the protection of fundamental human rights in this matter. However, this support, bipartisan in many respects, does not go on the basis of a blank cheque for whatever the government proposes.

We have argued that, where appropriate, the Labor Party will seek improvements to legislation in line with our values, with our highest priority being to ensure that we are able to protect the safety of our community. In that manner, we have argued the case on this question and are pleased to acknowledge that the government have picked up the fundamental points
we have raised with regard to the very important principle of legal representation and that this amendment is designed to ensure that any young person subject to a control order has the right to be provided with a lawyer to advise and represent them. We regard that as a fundamental protection and, accordingly, we will be supporting the government's amendment as circulated on sheet ZA417.

Senator LEYONHJELM (New South Wales) (09:37): Before we proceed to consideration of individual amendments, I have a number of matters I would like to raise with the—

The CHAIR: Senator Leyonhjelm, we are proceeding with the amendments.

Senator LEYONHJELM: Yes, I know we are, but we are in committee stage and questioning the minister is part of the process of the committee stage. That is what I am proposing to do.

The CHAIR: Just so we are clear, the question before the chair right now is the government's first amendment.

Senator LEYONHJELM: All right. I am foreshadowing the fact that, once we have dealt with that, I want to ask the minister some questions.

Senator McKIM (Tasmania) (09:38): I just indicate, as I believe I did in my second reading contribution, that the Greens are very happy to support this amendment because we do think that it enhances the safeguards for children who would come within the provisions of this legislation by providing them with a right to legal assistance, although this improvement is certainly by no means enough to change our view that this is bad legislation. I also foreshadow, as Senator Leyonhjelm has, that we will have some further questions for the Attorney on the way that this bill is to be interpreted, once we have dealt with the amendments before the house.

The CHAIR: I alert people to the fact that I have a running sheet before me that indicates that Senator Hanson has an amendment, but she is not here. So I will put the question. The question is that the amendment on sheet ZA417 moved by Senator Brandis be agreed to.

Question agreed to.

Senator LEYONHJELM (New South Wales) (09:39): My understanding is, in procedural terms, that general questions are dealt with prior to individual amendments, so I was acting on that assumption. I have some questions I would like to ask the Attorney. Minister, yesterday you suggested I am a purist libertarian in opposing this bill. I would like you to now demonstrate that you are not being a purist authoritarian in putting forward the bill and others that have preceded it. I invite you to give the chamber an assurance regarding all the changes to national security legislation sought by national security agencies and your department in the lead-up to the introduction of this bill. I am not inviting you to divulge the nature of any of those sought after changes. Instead, I would like you to give an assurance that the government rejected at least one of the substantive changes sought by national security agencies and your department. Can you give that assurance?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:40): In relation to this particular bill, I would have to check, but I can certainly give you an assurance, because I recollect the many conversations that I have had over the more than three years now since I became the
Attorney-General, that on many occasions there have been proposals which have been raised and discussed and rejected by me. I was not kidding, Senator Leyonhjelm, last night when I said that I take very seriously the obligation to find the right balance between appropriate extension of the laws to the protection of community safety on the one hand and laws that impinge upon established liberties on the other. So, in relation to this particular bill, I do not recall that there were. There may have been—I will check. But, in relation to the various tranches of counterterrorism legislation starting in the latter half of 2014, I can absolutely give you that assurance, yes.

Senator LEYONHJELM (New South Wales) (09:42): Thank you, Attorney. I will move onto another point. The current law relating to preventive detention refers to a terrorist act that is imminent, and the bill changes the law relating to preventive detention in various ways, including by the removal of the reference to 'is imminent'. Do you accept that the bill will allow a preventive detention order to be made in instances where no terrorist act has occurred and no terrorist act is imminent?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:42): I wonder if you would be good enough to direct me to the clause of the bill to which you are referring.

Senator Kim Carr: It's an old trick, that one! That's an old one! It's an old trick to ask for the particular clause—that gives you time to think.

Senator BRANDIS: Well, I am being asked a question about a clause, so I would appreciate being directed to it—that is all. Are you referring to the amendment made by schedule 5 on page 14 of the bill?

Senator LEYONHJELM (New South Wales) (09:43): Yes, Minister, I think it is schedule 5. The notes that I have at hand are a bit broad, but I think you are right—schedule 5.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:43): Yes, I think you are referring to schedule 5. Schedule 5 amends, in two respects, the preventative detention order provisions. First of all, it repeals paragraph (a) of section 105.1 of the Criminal Code by removing from the code the words 'prevent an imminent terrorist act occurring' and substituting the words 'prevent a terrorist act that is capable of being carried out, and could occur, within the next 14 days from occurring'. There is an amendment to the same effect, or a complementary amendment, of subsection 5 of section 105.4 of the Criminal Code. The purpose of the amendment is because of the vagueness of the meaning of the term 'imminent', so some clearer definition of the circumstances in which preventative detention orders may be sought is offered. Rather than saying it has to be imminent, which is a term that is obviously not delimited by any particular length of time and might mean different things to different people, we are putting a maximum period of time on it—that is, 14 days. It could be, of course, a lot sooner.

Senator LEYONHJELM (New South Wales) (09:45): Thank you, Attorney. Nonetheless, I am inviting you to answer my question, which is: do you accept that changing the wording from 'is imminent' to 'could occur', notwithstanding the fact that 14 days remains...
as the time period, will allow preventive detention orders to be made in instances where no terrorist act has occurred and no terrorist act is imminent?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:46): With respect, Senator, you are wrong about the first part, because this does not operate after a terrorist act has occurred—in fact, the whole point is to anticipate and interdict a terrorist act that may be about to occur. So, with respect, you are quite wrong about the first of those two observations.

In relation to the second, I really cannot do better than my answer to your earlier question. 'Imminent' will mean different things to different people. This amendment imposes an outer limit on what might be thought to be imminent. It may be, of course, that the anticipated or feared terrorist act is feared to take effect a lot sooner than that, but one of the operational difficulties is that one can envisage a set of circumstances in which the authorities form a view to the appropriate level of satisfaction required by division 105 of the Criminal Code that a terrorist act is about to occur, and they want to use the control order powers. But they cannot say that it might be about to occur in an hour's time or in 24 hours time, or even within the next week. They are merely satisfied to the appropriate threshold of persuasion that a terrorist act is about to occur—and the problem with the word 'imminent' is that, as you rightly say, Senator, it does presume that the act is about to happen.

This amendment will deal with the circumstances in which the relevant authorities are satisfied to an appropriate level of satisfaction that a terrorist event is about to happen in the sense that it could happen in an instant but may not happen for a period of days—they just do not know. Community safety, I would respectfully suggest to you, demands that in that state of uncertainty the power should not merely be exercisable on the basis that the terrorist act is going to occur in the next hour or so if the investigatory authorities are not sure. But, equally, the whole point of a preventative detention order is to act urgently in urgent circumstances. So there has to be an outer limit put on the period during which, or as to which, the relevant authorities anticipate the event may occur, and the period of time that has been chosen is 14 days.

Senator LEYONHJELM (New South Wales) (09:49): Attorney, with great respect, the current law gives a time limit of 14 days. That is already in the law. I am not disagreeing with the essential point you are making. The point I am trying to make is that we are contemplating, via the bill, removing the word 'imminent' and replacing it with 'could occur'. While the 14 days will remain and so, by one interpretation of 'imminent', 'imminent' might be within the next 14 days, I suggest that removing the word 'imminent' and replacing it with 'could occur' is a substantive change. I am inviting you to consider whether my assessment is something you agree with.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:50): I do not, Senator, for a different reason. This is not about the threshold test. The threshold test remains unchanged. This, as it were, the jurisdictional requirement. Preventative detention orders under the pre-existing division 105 of the Criminal Code can only be sought where there is an imminent terrorist act, but they can also only be sought if the person applying for the preventative detention order is satisfied to the appropriate level of satisfaction that a preventative detention order is reasonably necessary to prevent a terrorist act from occurring and would substantially
assist in the prevention of a terrorist act. So we are talking about two different things. You are talking about the standard of satisfaction that has to be met before a preventative detention order issues, and that does not change as a result of this amendment. What we are talking about here, though, is the jurisdictional precondition of seeking a preventative detention order, and that is that the terrorist act, previously described as imminent, is now one that is capable of occurring and could occur within the next 14 days.

In other words, there is a double test here. It cannot be just a theoretical possibility, which I think is maybe what you are getting at. It cannot just be that there is a theoretical possibility that a terrorist act is capable of occurring and could occur within the next 14 days—of course there is. The national terrorism alert level is at 'probable' and has been for more than two years, so today it is the case in Australia that a terrorist act is capable of being carried out and could occur within the next 14 days. That is not the point. The point is you do not get a preventative detention order unless you are reasonably satisfied that it is reasonably necessary to obtain one and that obtaining one would substantially assist in preventing that act. In order to establish those thresholds of satisfaction, you would need to put facts before the relevant issuing authority.

I am sorry if I may be repeating myself, but what we are speaking of now is not the threshold but merely changing or giving more definition to the jurisdictional condition that is imminence.

**Senator LEYONHJELM** (New South Wales) (09:53): Attorney, I would have to question your assumption or your assertion there. We are talking about detaining people without trial. It is a very, very serious thing. The circumstance under which people could be detained without trial under preventative detention orders at the moment is that a terrorist act is considered to be imminent, and there is a 14-day period in the current law. What we are talking about here is amending the law so that, instead of it being imminent, it is reasonably likely and could occur, and the same 14 days are applied. I am not suggesting that under all circumstances that might not be appropriate, but it seems to me that this is a substantive change—that is, we are lowering the bar from 'is imminent', which is rather definite, to 'could occur'. Wouldn't you agree that is fairly substantive?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:54): I understand the point you are making, but let me respond by pointing out, as I said before, that this is not just a theoretical possibility. What those seeking the preventative detention order have to show the court is that there is a specific set of facts and circumstances of which they are aware. So this is not just a theoretical possibility of a terrorist act occurring; it is particular facts and circumstances which justify the issuance of the preventative detention order.

**Senator LEYONHJELM** (New South Wales) (09:55): I am going to move on, but I will just make the point before I do that the explanatory memorandum refers to this particular change as 'clarification of the law'. Quite frankly, I regard that as misleading. I think this is a substantive change in the law and the explanatory memorandum ought to say so. Nonetheless, I will move on.

You have previously referred to the right to be a bigot, and I entirely agree with you. People have every right to be a bigot. But do people also have the right to have genocidal
thoughts? This law seeks to address that. Let me give you an example of genocidal thoughts. Shakespeare once said, 'First, kill all the lawyers.' Isn't that a genocidal thought?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:56): Senator Leyonhjelm, I do not want to be flippant about such a grave topic, but I think under the genocide convention that lawyers would not be regarded as a population!

Might I take the opportunity to address the rationale for this crime. The existing law, as amended a year or so ago, introduced a new offence of advocacy of terrorism. My advice, by the way, from the Australian Federal Police is that that has been very effective in discouraging that kind of behaviour in certain communities. Terrorism, as you know, Senator, because you are very well schooled in this area of the Criminal Code, has a certain definition, and it is conceivable that certain conduct which could constitute genocide may not be caught within the definition of the advocacy of terrorism.

You referred to remarks that I made a couple of years ago. Where I draw the line, and I think—I hope—where you draw the line, Senator Leyonhjelm, is between the expression of an opinion, however unattractive, and the advocacy of harmful conduct. I think once we get into the territory of the advocacy of harmful conduct that is no longer merely the expression of an opinion. It is an encouragement or an incitement to do harm to a specified or unspecified person or group of persons. I think that should always be against the law.

Senator LEYONHJELM (New South Wales) (09:58): Thank you, Attorney. I certainly think I might disagree with you about lawyers, but anyway we will not debate that one.

What evidence do you have to suggest that playing a computer game or watching a video makes you more likely to act out in real life those things that you have played or watched?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:58): I am sorry, Senator Leyonhjelm, again you are going to have to direct me to that part of the bill or EM of which you speak. I assume this is an intended reference to something in the EM—is that right? Can you direct me to the paragraph, please?

Senator LEYONHJELM (New South Wales) (09:59): Bear with me one minute.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:59): While you are looking for the specific paragraph, can I perhaps respond to your question in the broad. There is certainly a large body now of evidence that people, particularly young people, may be encouraged or incited to terrorist crime by online radicalisation. There are many examples of that in Australia and overseas. In fact, this is a relatively new field of scholarship, at least in its application to terrorism. But there is now quite a large body of scholarly work about which there are plenty of journal articles, for example, and monographs available which do point to the threat of online radicalisation through computers and among the various forms of online advocacy. It is not unknown for violent computer games, for example, to be one of them.

Senator LEYONHJELM (New South Wales) (10:00): Attorney, the schedule I am referring to is schedule 13. It relates to the Classification (Publications, Films and Computer Games) Act—it is an amendment to that. Just for the sake of clarity, allow me to restate my reservations on the evidence that playing a computer game or watching a video makes you
more likely to act out in real life those things you played or watched. And can I add to that that there is actual evidence in relation to pornography and sexual behaviour that there is no link between those two. That is what the evidence would indicate. So I am wondering: in the case of terrorist acts, what evidence do you have that suggests that this is different from that pornographic and sexual behaviour matter?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:01): What I may do is simply read to you the notes prepared by those specialists in my department who are very familiar with this particular area. The classification act provides that a publication, film or computer game that advocates the doing of a terrorist act must be classified as refused classification, or RC. When this provision was inserted into the classification act the definition of 'advocates' in paragraph 102.1(1A)(a) of the Criminal Code was adopted. However, when the definition of 'advocates' was amended by the foreign fighters act in 2014 the definition in the classification act was not updated. Accordingly, it is still limited to directly or indirectly counsels or urging the doing of a terrorist act.

This amendment brings the meaning of 'advocates' in the classification act into line with the definition in the Criminal Code by also including directly or indirectly promoting or encouraging the doing of a terrorist act. The EM explains that while the terms 'promotes' and 'encourages' are not defined, their ordinary meaning should be used. While there may be some overlap with the terms 'counsels or urges' the doing of a terrorist act, the inclusion of additional terms is designed to ensure coverage of a broader range of conduct that may be considered as advocating the doing of a terrorist act.

That is a genesis, or rationale, of the amendment. The point I would make to you, Senator, is 'advocacy' can take many forms, just as online recruitment and radicalisation can take many forms. There are instances of which I am aware—not directly aware, of course, but about which I have read—of computer games being a device or a medium used by inciters or even recruiters to try and engage and then cultivate people for the purposes of radicalising them.

Senator LEYONHJELM (New South Wales) (10:04): That is the end of my general questions. I will cede the call to Senator Hanson if she wants to move her amendments, or to other people who have general questions.

Senator HANSON (Queensland) (10:04): I move the amendment on sheet 7965:

(1) Amendment (1), item 32A, at the end of subsection (5), add:

; or (c) there is evidence that at least one parent or guardian of the person has means to appoint a lawyer to act for the person.

The amendment proposed by the government is designed to give access to court-appointed legal aid to anyone aged between 14 and 17 years who is charged where they do not already have legal assistance. The view of Pauline Hanson's One Nation party is that this should only apply after their parents or guardians have been means tested, satisfying the courts that they do not have the means to provide the assistance themselves to their own children.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:05): Thank you very much, Senator Hanson, for bringing that issue up. Of course you are right. As a general principle of social justice, the provision of legal assistance should be concentrated on those who do not have the
means to pay for it themselves and not on those who do. So from a philosophical point of view, I agree with you and, if I may say so, that is the way in which we try to weight our entire legal assistance sector. In this particular case, though, we are dealing with a very unusual procedure—an application for a control order—and often a procedure that takes place in very urgent circumstances in which the practicalities of establishing whether or not the means of the parents of a person who is the subject of such an application would make it, I think, difficult if not impossible for the system to be workable.

I should also point out the context of this. There have been a very small number of control orders issued since these provisions came into operation in 2004, and I am not immediately aware—and I may be wrong about this—of any one of them that have been issued in relation to a person under the age of 18. We want to make sure that our coverage extends to everyone who may conceivably be at risk. So the number of occasions on which this is ever likely to arise is very, very few. In those circumstances, I do not want to build a complexity into the system which depends upon urgency in any event which is very, very seldom likely to be availed of. That having been said, I will heed carefully what you have to say.

I do not think you were in the chamber when I moved the amendment to which this amendment of yours is addressed. I should make you aware that there is a regulation-making power and if on closer inspection—and I am happy to talk with you privately about this or get you a briefing from my department—and having had the benefit of a fuller discussion of the matter it seems that there does need to be the kind of provision that this amendment would propose then that could be dealt with by regulation rather than amendment to the bill itself. Having regard to those considerations, the government will not be supporting this amendment.

The TEMPORARY CHAIR (Senator Marshall): Before I call other senators, I will just explain where we are at. This was originally circulated by Senator Hanson as an amendment to the government's amendment. That amendment has now been carried, so we are now dealing with it as an amendment to the bill as amended, if that clarifies it for senators.

Senator KIM CARR (Victoria) (10:09): The opposition will not be supporting this amendment. We take the view that the rights of minors subject to control orders must be safeguarded and that is why we insisted that young people subject to control order proceedings had the right to be provided with a lawyer to advise them and to represent them. We have strongly recommended the bill be amended and the government have accepted that in terms of ensuring that persons have access to a lawyer. That, of course, is consistent with the report of the Parliamentary Joint Committee on Intelligence and Security.

It was only a short while ago that most people would have expressed the view that having terrorist laws attached to minors would not be necessary, but the events in recent times have demonstrated that and, I think, reflected a change in attitude. We are opposing this amendment, however, because we do not want to water down the safeguard that is provided and we have pushed so hard for. There are, as the Attorney has indicated, suggestions that it is only a very small number of young people that would be subject to the measures in this bill, and they are entitled to refuse legal representation if they choose to. But we do not want to see the control order regime complicated by means that would take up significant amounts of the court's time. As a consequence, we think that the measures of the bill as amended are appropriate and we will not be supporting this amendment.
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:10): I said a moment ago to you, Senator Hanson, that there have been very few control orders issued since this scheme came into operation in 2004. I am advised that there have been six. Some states also have control order regimes. So these are control orders issued under Commonwealth law. In the last 12 years there have been only six, and I do not think any of them have been in relation to minors. We spend a lot of time in this chamber debating control orders and preventative detention orders, and we should because these are unusual orders, but I would not want any senator to have the impression that this is a routine procedure. It is far from it, and the fact that only six have been issued in 12 years tells you what an unusual procedure it is.

Senator XENOPHON (South Australia) (10:11): I indicate that we will not be supporting Senator Hanson’s amendment in relation to this. I understand the rationale for it. I accept the arguments of both the government and the opposition, but I think there is also a practical difficulty. There may be instances where a minor subject to this particular section has no relationship with their parents at all, where they have had their minds poisoned, have been radicalised, have absolutely nothing to do with their parents and are in the clutches of extremists—they have been, effectively, brainwashed, and their parents have absolutely no control over them. I do not think in those circumstances it would be reasonable or practical to impose what is suggested in this section. I understand Senator Hanson’s concerns in respect of taxpayer funds and the like, but I think that in those circumstances this amendment would not be practical.

Whilst we are in the committee stage—I did not get an opportunity earlier—this in a sense segues into a question I would like to ask. I am happy for the Attorney to perhaps answer it in the course of this debate—by the end of the debate, if he could give me that undertaking. It is not a trick question and it relates to the issue of counter-radicalisation measures. When Senator Fierravanti-Wells was the Parliamentary Secretary to the Attorney-General and Assistant Minister for Multicultural Affairs, she did a lot of work—very commendable work—dealing with counter-radicalisation measures. Obviously, in this case I would like to hear from the government given that there is going to be a much stricter regime dealing with these matters. What efforts are going to be made and what efforts will continue to be made to deal with counter-radicalisation measures? What resources are going into it to extend the very commendable work the government has done on this and the very commendable work that Senator Fierravanti-Wells did? I guess it is a case where prevention is better than the cure; I think prevention is better than a preventative detention order. That is the sort of thing for which I would appreciate the Attorney in the course of the committee stage outlining what is being done, because I see the two going in concert with each other. There are these measures for community safety but there is also ensuring that the poison of these extremists does not find its way into the minds of young people.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:14): Yes, Senator Xenophon, I am in a position to acquaint you with what Australia is doing in that space. Can I perhaps respectfully suggest we deal with Senator Hanson’s amendment first—and I think Senator Leyonhjelm has an amendment—and then we could perhaps return to it, because I would very
much welcome the opportunity, in fact, to acquaint the chamber with what Australia is doing in relation to CVE.

Senator McKIM (Tasmania) (10:15): The Australian Greens will not be supporting this amendment and, at the risk of damaging my political reputation and potentially that of the Attorney, I find myself in furious agreement with his reasons for the government also not supporting this amendment. As a courtesy, I will allow this amendment to go through before asking other questions which have arisen in my mind as a result of one of the Attorney’s answers, or contributions, in the debate to this amendment.

Senator HANSON (Queensland) (10:15): I understand Senator Brandis’s comments about how quickly the matters need to be dealt with in the courts. I quite understand that. My question goes back to the fact that if a child between the ages of 14 and 17 is brought before the courts on a terrorism charge, then I believe that the parents have to take some responsibility. I understand what Senator Xenophon said—that the parents may not have any control over the child—and I do believe that that is the case in a lot of cases in many areas. But, then again, someone has to start taking responsibility, and in many other areas parents are responsible for their children, so why not in this area?

I raise the issue too because, under the legal aid that you are able to apply for in Australia, it states that you do not have to be an Australian citizen to get legal aid in Australia—that is one point. We have seen legal aid funding decline in Australia from approximately just over $11 per person to just over $7 per person. We have many Australians in Australia who cannot get legal aid, especially in the family law courts. Because we do not have that funding, they do not have that access to legal aid, so they are self-represented and the courts are tied up with dealing with these people who do not know how to represent themselves on the floor of a court. In many cases, from the decisions that are made or through pure frustration, we see suicides at the rate of between four to five a day in Australia.

Under 'applying for legal aid' it states that, if a person is being supported by another, that person's support, whether it be a partner, comes after a means-test for their legal aid. I will go back to the point Senator Brandis said. It is a matter of urgency by all means, but what is stopping the government or the department from pursuing cost recovery of the persons, whether they be a guardian or a parent? We have to start being responsible to the Australian people. You cannot have one side where Australians cannot get legal aid because they are means-tested. We have lives at stake here, and we have to be responsible in the courts. Everyone has to be responsible for their own actions, and we are talking about terrorism. These are people who are going out there with the intention of doing harm to Australians, and I do not want to see my tax dollars wasted on these people. Bring them to trial, throw them in prison and get rid of them out of the country if that be the case. But, the whole fact is, we actually have to start showing some equality on both sides of the fence, whether it be for Australians or anyone in our system.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:19): Senator Hanson, I wish there was, as I have said many times, more money in the legal aid system. In fact, I wish there was more money for a lot of useful things, but this government were not responsible for the state of the budget we inherited in 2013, and we are still trying to repair it.
Senator Hanson, as a general proposition, I agree with your observations about the legal aid system and many of the things that you say. Can I remind you that this particular provision only applies to a minor in a control order proceeding who does not have a lawyer. So let it be assumed that there was a young man or woman who had been radicalised online and was imminently or, to use the new expression, there was a 'relevant level of concern' that some time within the next fortnight they were going to commit a terrorist event and that the best way to deal with that was to seek a control order against them.

In the court proceedings, if that young person came from a wealthy family, I dare say, and they were in touch with their parents, then no doubt, in all likelihood, the parents would pay for a lawyer. So the issue would not arise. If they were alienated from their parents because, to use Senator Xenophon's colourful but accurate phrase, their 'mind had been poisoned', then the policy of ensuring that a minor is represented by a lawyer in proceedings as unusual as this would still need to be met by the provision of a lawyer because the parents would not be providing a lawyer. If they came from a poor family then I think you would agree with me that they ought to be provided with a lawyer by the taxpayer.

So the set of circumstances that you hypothesise, Senator Hanson, are very unlikely ever to occur. But, as I said to you before, we will have a talk about it, if you are happy to do that with my officials, and it may well be that the mischief you point to could be cured by regulation.

The TEMPORARY CHAIR: The question is that the motion moved by Senator Hanson be agreed to.

Question negatived.

Senator McKIM (Tasmania) (10:22): I have some questions, Attorney, around schedule 2—the way control orders are applied for and operate; some of those fall within schedule 3. Before I ask those, a question came to mind during one of your responses to Senator Hanson, or perhaps it was Senator Xenophon. I think you said there have been six control orders granted by the courts since 2004. How many applications for control orders were made and not granted by the courts, if any?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:23): None. That, Senator McKim, I hope you would agree, reflects, because of the highly unusual nature of these orders, the high level of conservatism and caution that the authorities apply in deciding to seek them and they will only go to the court in circumstances where it is a very clear case.

Senator McKIM (Tasmania) (10:23): I do agree with that, Attorney, and I am pleased that there have been no cases where a control order has been applied for and denied by the courts. I have another series of questions. Firstly, this relates to schedule 2. I observe that the maximum time that a child may be subject to a control order is three months, but of course there is the opportunity for further control orders to be applied for. Could you confirm that, in assessing any application for further control orders, the courts will have to give consideration to exactly the same matters that they would if the application had been a new application for a control order on a particular person?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:25): Yes. You are speaking here of
a control order, not an interim control order, which has expired and which the authorities wish to have renewed. The same tests apply.

Senator McKIM (Tasmania) (10:25): Attorney, the explanatory memorandum states that a child will not be separated from family and will be able to attend school. However, I was unable to find anything in the legislation that would prevent an order that would result in a child not being able to attend school or would require a child to be separated from their family. What assurances can you give that a control order would not prevent a child from attending school and not cause them to be separated from their family?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:26): That is not in the bill itself, but I am told that that principle will be one of the principles observed by those administering the act. Can I also remind you, Senator, that that is to be set out against the background of the existing requirement in the Criminal Code that the terms of a control order are only to be issued to the extent to which they are necessary to satisfy the security matter—these are not the statutory words; this is my paraphrase of them—but are to be as non-invasive as possible, depending upon the circumstances of the case. So, in relation to a minor, it is the position of the police that enabling a minor to continue with his or her school education is one thing that would be required to be satisfied in seeking the terms of the control order. But you are right to say, I am advised, that it is not in the bill.

Senator McKIM (Tasmania) (10:28): Thank you for confirming that it is not in the legislation, and that of course raises the obvious question as to why you would not put this matter in legislation. If in fact, as the EM states, a child will not be separated from family and will be able to attend school, why was the decision made not to insert those protections around those matters into the legislation?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:28): Perhaps chastened by unrelated recent events, I am trying to be as literally accurate as possible here. The legislation does require the court to have regard to the best interests of the child. There are four nominated and one more general criteria set out that determine the best interests of the child. One of those criteria, the fourth, is the right of the child to receive an education. In fact, it is the right of a child to receive an education and to practice his or her religion. So that is a matter that must be taken into account, and that is in the bill and will be in the act. But you asked me about the right to attend school, so I hope I am not being pedantic; I am just trying to be as literally accurate as possible.

Senator McKIM (Tasmania) (10:29): Thank you, Attorney—

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:29): Sorry to interrupt you, Senator McKim, but that is to be found in what will now be 104.4(2A)(d) of the Criminal Code.

Senator McKIM (Tasmania) (10:30): Thank you for that additional clarification, Attorney. I think I am right in saying that the matters that a court must take into account, in the context of this discussion, do include the best interests of the child. That, in fact, is a primary consideration, but not the paramount consideration. The paramount consideration is the object of the division of the bill in which these matters fall. Attorney, you have placed on
the record your intent here, which is that a control order not prevent a child from attending school and not result in a child being separated from his or her family. Should this bill become law, would there be anything that would prevent a court from issuing a control order which would result in a child not being able to attend school or being separated from their family?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:31): Before coming directly to that question, might I say that your construction of the way this provision—the best interests of the child provision—would work in relation to the objects clause in section 104.1 is wrong. As a matter of statutory construction an objects clause will have regard to by a court to understand the broad objectives of the statute, but it is a principle that the particular qualifies the general. You are right to say that the objects clause does not include a reference to the best interests of the child, but where there is a specific and imperative requirement that the best interests of the child be considered, then they must be considered, notwithstanding what may be said in more general language in the objects clause. Proposed section 104.4(2A) is in imperative terms. It says:

In determining what is in the best interests of a person for the purposes of paragraph (2)(b), the court must take into account the following—factors. It is not a discretion; it is an obligation. The reference to (2)(b) requires a primary consideration to be the best interests of the person. It is a little inapt to describe a 17-year-old as a child, but the person 'between the ages of 14 to 17 years' is a primary consideration to which the court must have regard.

Coming to your specific question, there is no actual prohibition on the court making a control order which might have the consequence that a particular person in the age range of 14 to 17 is required not to attend school, but the court must turn its mind to that matter in its consideration of where the best interests of the person lie. Let me give you a very practical example. Let us say there were to be a case where a particular school itself was the source of the radicalisation because there existed, in that particular school, a hate preacher or proselytiser or a recruiter, and it was in the best interests of the child, or the young person—the person in secondary school as it would be—to be taken away from that particular school. That might be in their best interests. There is not a specific statutory prohibition of the kind that you specify, but I think I have explained the way in which the scheme of the bill deals with the issue of concern to you.

Senator McKIM (Tasmania) (10:34): Thank you for confirming that, in fact, there is no actual prohibition on the court making a control order which might have the consequence that a particular person in the age range of 14 to 17 is required not to attend school, but the court must turn its mind to that matter in its consideration of where the best interests of the person lie. Let me give you a very practical example. Let us say there were to be a case where a particular school itself was the source of the radicalisation because there existed, in that particular school, a hate preacher or proselytiser or a recruiter, and it was in the best interests of the child, or the young person—the person in secondary school as it would be—to be taken away from that particular school. That might be in their best interests. There is not a specific statutory prohibition of the kind that you specify, but I think I have explained the way in which the scheme of the bill deals with the issue of concern to you.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:35): You have raised the issue of relationship with family. We have largely been talking about education. I should direct your
attention to what, in the amended act, would be 104.4(2A)(c). It requires that the court must
take into account the ‘best interests of the person’, and also take into account:
… the benefit to the person of having a meaningful relationship with his or her family and friends …
Once again, that is something that is not a matter of discretion for the court; it must direct its
mind to that issue. But you are right to say there is no prohibition against a control order
severing that relationship. Let us say it was an uncle who was the source of the radicalisation,
or the inspiration to violence; it may be entirely appropriate and, indeed, necessary for a
control order to have that effect.
Senator McKIM (Tasmania) (10:37): I thank you for that further clarification, Attorney,
but I will allow my previous comment around explanatory memoranda to stand. I want to
draw your attention now to that part of schedule 3 which relates to tracking devices. This goes
to the proposed new insertion after section 104.5(3) of the Criminal Code—that is, the
proposed new section (3A). And I will go into (c) here—if a person becomes aware that the
tracking device or any equipment necessary for the operation of the tracking device is not in
good working order, there is a requirement that an AFP member be notified as soon as is
practicable but no later than four hours.
I am very happy to state here that I am not an expert in the operation of tracking devices.
But on what basis could a person become aware that a tracking device was not in good order?
Presumably, people who have a tracking device attached to them as a result of a court order
would also not be experts in the operation of tracking devices. Will people be given any
assistance in determining whether a tracking device is in good order? That is the first
question. Secondly, you have said ‘as soon as is practicable but no later than four hours’. So
what information will a person be given about how to contact the AFP in the event that they
do become aware that a tracking device is not in good order? Finally, if the person reports to
the AFP after the expiration of the four-hour period after they become aware that the tracking
device is not in good order, would that be considered a breach of the order and therefore the
possibility of five years imprisonment would apply?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive
Council and Leader of the Government in the Senate) (10:39): First of all, Senator, you have
omitted the most important words. The requirement is that they notify an AFP member as
soon as practicable but no later than four hours ‘after becoming so aware’. So the relev-
ant four-hour period does not commence to run from the time at which the tracking device is not
in good working order but from the time after which the person becomes aware that the
tracking device is not in good working order— and that is a very important
difference.
The question you have asked is mostly a technical question but the policy that underlies
this is to encourage a proactive relationship between the person obliged to wear the tracking
device and the AFP. The idea is that the person who is the subject of the control order
requiring the wearing of the tracking device is encouraged to maintain regular and frequent
communication with the AFP, and the arrangements that will be made and will be the subject
of the terms of the control order would specify that. In other words, the person who has to
wear the tracking device is not merely a passive participant here; they are required to ensure
that they stay in touch and cooperate fully with the scheme. If they become aware that the
tracking advice is not working, however, then the obligation to make the police aware of
that matter applies and they have four hours to do so.
Senator McKIM (Tasmania) (10:41): Thanks, Attorney; and I do accept your response in terms of your bringing to my attention the wording 'after becoming so aware'. That deals with part of the concern that I raised. But I want to ask you why the words 'but no later than four hours' have been included here. In other parts of this legislation there are requirements on the AFP to do certain things as soon as is practicable—and I can give you some examples if you like—but they do not insert a final limit on the time frame within which the AFP needs to do something. But when it comes to placing a burden on the person to whom a control order applies, they seem to have a higher burden than the AFP does in other situations. The risk there is that if they do not report within four hours after they become aware that a tracking device is not in good order—that is, if they report it 4½ hours later—you have set a discrete time frame beyond which, presumably, they will be considered to be in breach of the control order and therefore subject to imprisonment for up to five years. So why have you chosen in this legislation to more onerously burden those to whom a control order is applied compared to the obligations you have placed on the AFP to do certain things as soon as is practicable but with no finite time frame applied?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:43): This is a compliance obligation, Senator; it is an obligation to comply with the order of a court. And one of the golden rules of orders of courts that burden people is that they be as specific as possible about the obligations imposed by them—and that is done in fairness to the person the subject of the order of the court. We could have an argument about whether four hours is too short or long a period of time once you become aware that the device is not working. But the answer to your question is that it is like when a civil court issues an injunction: it is an absolute golden rule that if you are going to impose obligations on a person—particularly unusual obligations, such as here—there has to be the greatest clarity as to what their obligations are. It cannot be left to a matter of judgement, because then they would never know whether they were in breach or not. That is why, in orders imposing obligations upon a person, it is always bad practice to express it in vague terms like, 'as soon as reasonable' or, 'as soon as practicable'. The person has a right to be aware of the specific obligation they lie under.

You posit a case where, say, the person did not notify for 4½ hours—I think if we are getting down to that level of refinement, a little common sense is necessary here. There is a public document—available on the website of the Commonwealth Director of Public Prosecutions—called the Prosecution Policy of the Commonwealth and there are public guidelines published as to the principles that will guide the DPP before instituting a prosecution. In the case of a trivial breach of the kind you posit, of an order of this kind, it would be inconceivable that there would be a prosecution.

Senator HINCH (Victoria) (10:46): Mr Chairman, as probably the only person in this chamber who has ever worn an electronic tracking device—for five months—let me try to explain to you that the person probably would not know that their tracking device was not working. The tracking device is a gadget in your house, but it is the people who are monitoring the tracking device who will know that it is not working—because there is movement by you and the device is not showing where you are going or what you are doing. The Attorney-General is right when he talks about trivial matters—like four hours being four hours and 15 minutes—because I was escorted down to the justice department when I was
back late from a one-hour, doctor-approved exercise time in my courtyard—walking around, like Rudolf Hess being the last prisoner in Spandau jail. I was 28 seconds late back, from my device, and was threatened with being incarcerated for being in breach. So when you are talking about it being four hours, or five hours or whatever it is, it will be the people at the other end, the officials, who will decide. It will be the AFP, if that is the case, who will say: 'This device is not working; we must do something about it.'

Senator McKim: I am pausing to see whether the Attorney wishes to respond to that. He may or may not; that is obviously a matter for him.

The TEMPORARY CHAIR (Senator Sterle): You have offered the minister a chance to respond and he has taken it. Minister.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:48): I was not really asked a question. If I was going to respond, I would merely thank Senator Hinch for enlightening us!

Senator McKIM (Tasmania) (10:48): I am very happy to—and glad that I am able to—bow to Senator Hinch's experience in this matter, which is far more personal than mine. Attorney, I just wanted to follow this up with you by drawing your attention to proposed new subsection 104.20(3) of the Criminal Code, which says:

As soon as practicable after a confirmed control order in relation to a person is

The TEMPORARY CHAIR: Sorry, Senator McKim; the minister would like you to repeat which page you are reading from, please.

Senator McKIM: I may be operating with the language of a parliament in which I have previously sat, but I would regard it as clause 20 of the bill, which seeks to repeal a subsection of the Criminal Code and to substitute another subsection. Can I just ask your guidance, Chair. Is that described as clause 20 in this chamber?

The TEMPORARY CHAIR: I am told it is known as item 20, Senator McKim. Thank you, Clerk.

Senator McKIM: Thank you, I appreciate your guidance, Chair.

Senator Brandis: Can I add to that, because I get very excited about punctuation and nomenclature. If it is in a schedule, it is an item and if it is in a bill, it is a clause. This is in a schedule to a bill.

Senator McKIM: I appreciate the guidance from you, Chair, and from the Attorney with regard to nomenclature. Attorney, I am drawing your attention to the fact that the proposed new subsection applies a burden on the AFP to do a certain thing—in this case, to:

(a) serve the revocation or variation personally on the person; and

(b) if the person is 14 to 17 years of age—take reasonable steps to serve a copy of the revocation or variation personally on at least one parent or guardian of the person.

I will just draw your attention to the fact that that subsection merely relies on the words, 'as soon as practicable', and actually does not apply, for example, a four-hour time frame. The point I was making earlier is that this legislation appears to burden, in some circumstances, a person to whom a control order applies to a greater degree than it burdens, in other circumstances, the AFP. It seems as if the AFP can simply do something as soon as is practicable, but when it applies a burden to a person to whom a control order applies then you
have gone the next step and applied the deadline, if you like, of four hours. I am just making
that observation and offering you the opportunity to provide an explanation to the Senate as to
why those two different approaches have been applied.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive
Council and Leader of the Government in the Senate) (10:51): I think I have partly answered
your question, Senator. In relation to the obligation to notify of a device not becoming
operative, or whatever the phrase is, that is because the person has a right to know how long
they have got before they are in breach of the law. And as I said to you before, when an order
of a court imposes a burden on a citizen, the citizen—as a matter of simple civil liberty,
frankly—has a right to know precisely that which is required of him.

What the new subsection (3) of section 104.20 deals with is something completely
different. That is not the terms of compliance with the order of a court; that is just a general
obligation to serve process. It is completely commonplace for statutes to say something is to
be done by a public authority as reasonably as practicable. That is not for the purposes of
ensuring that the public authority is compliant with an order imposed upon it by a court, the
breach of which may have penal consequences, but to ensure it facilitates something.

Senator McKIM (Tasmania) (10:52): A 14-year-old person who is, in this hypothetical
circumstance, subject to a control order can be placed on what I would describe as a curfew:
there can be time frames applied within which the person can or cannot do certain things. We
are talking about a 14-year-old child. I think we can agree that 'child' is a reasonable
definition of a 14-year-old. Have you applied your mind to a situation where the parents of
that child makes that child do a thing that is in breach of the control order? You would have to
say that a 14-year-old is not a fully developed adult. I think that our broad legal
framework in this country would accept that statement. They are, at least in some cases, able to be heavily
influenced by their parents. For example, a parent might insist that a child accompany them to
a family event. The child is then caught in a very difficult situation, I think you would agree,
where their parents are saying, 'You've got to come to Aunty Flo's wedding,' or whatever it
happens to be, the child is in, quite frankly, an awful situation where they are going to have to
either disobey their parents, with the ramifications that that can bring, or breach the order,
with all the ramifications that that can bring.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive
Council and Leader of the Government in the Senate) (10:54): I think we can dream up
endless theoretical possibilities, Senator McKim. In relation to the hypothetical case you
imagine, the answer would lie in the ordinary law of criminal responsibility. A 14-year-old
person is within the age of criminal responsibility, and the criminal law provides defences.
Those include duress, involuntariness and various other species of conduct for which the
person accused of an offence is not responsible. I imagine if, in the case you cite, the child
was in effect forced by its parents, if not under physical duress then at least under emotional
duress, then the principles of criminal responsibility would govern the matter.

Once again, might I invite you to consider the prosecution policy of the Commonwealth. I
do not want to be rude, but I know that some Greens—perhaps not you but some Greens—are
a little paranoid about the police powers of the state. The police and prosecutorial authorities
in particular apply a great deal of common sense to these cases, and it is inconceivable in the
example that you give that that would result in any adverse consequences to the 14-year-old.
Even if it did, as I say, on your facts I doubt that the 14-year-old would be criminally responsible anyway.

**Senator LEYONHJELM** (New South Wales) (10:56): by leave—I move amendments (1) and (2) on sheet 7963 together:

1. Clause 2, page 2 (table item 5), omit the table item, substitute:

   5. Schedules 16 to 19

   The day after this Act receives the Royal Assent.

2. Page 142 (after line 30), at the end of the Bill, add:

   **Schedule 19—Sunset of amendments**

   **I Repeal of amendments**

   (1) The amendments made by Schedules 2, 3, 5, 8, 9, 10, 11, 13, 14 and 15 to the *Counter-Terrorism Legislation Amendment Act (No. 1) 2016* are repealed 10 years after the commencement of this Schedule.

   (2) The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the repeal of the amendments made by the Schedules mentioned in subitem (1).

My amendments apply a 10-year sunset clause to the schedules of this bill that most restrict individual liberties. The fact that the sunset clause does not apply to all the schedules that restrict individual liberties indicates that my approach to these bills is not broadbrush, simplistic or, dare I say, purist. Indeed, I do not have a blanket opposition to control orders or to the provision that allows them to apply to 14-year-olds, so if the government restricted this bill just to that provision it would have my support. The Liberal Democrats are not extremists. We value a regionally superior defence force as well as our nation's alliances. We value strong borders and we support the licensing of firearm owners. We see the need for thorough enforcement of criminal law, including through surveillance of suspects. And we see the need for sentencing to be colourblind and to take into account the need to keep the community safe from reoffenders. We are clearly not the Greens.

We also see that liberal values need to be defended. My amendment applies a 10-year sunset clause to the bill's changes to preventative detention—schedule 5. This means that if this parliament decides that preventative detention should continue beyond its current sunsetting date of 7 September 2018 then this bill's changes to preventative detention will last until 2026, at which time the requirements for imposing preventative detention will revert to the law in force prior to today's bill. We will see a return to the requirement that a terrorist act is imminent, unless the parliament in a decade's time decides otherwise.

My amendment applies a 10-year sunset clause to the bill's changes to control orders—that is, schedules 2, 3, 8, 9, 10 and 15. This means that if this parliament decides that control orders should continue beyond their current sunsetting date of 7 September 2018 then the bill's changes to control orders will last until 2026, at which time control order powers will revert to those in force prior to today's bill. Control orders will be limited to people who are 16 or older unless the parliament, in a decade's time, decides otherwise.

My amendment also applies a 10-year sunset clause to the bill's offence for advocating genocide, schedule 11; the bill's ban on games and videos that promote terrorism, schedule 13; and the bill's changes that make it easier to get a delayed notification search warrant,
schedule 14. This is a very mild amendment. Sunset clauses should be applied to this sort of legislation as a matter of course in a liberal democracy. The government justifies its bills by referring in its explanatory memorandum to a 'heightened threat environment'. The government should not legislate as if this heightened threat environment is permanent. I commend my amendments to the Senate.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:00): Just quickly, Senator Leyonhjelm, the amendments in relation to preventative detention orders and control orders are amendments to existing sections in the Criminal Code, all of which sunset on 7 September 2018. So these amended sections, were the bill to be passed by the Senate, will sunset in any event on 7 September 2018. The effect of your amendment in relation to preventative detention orders and control orders would be, in fact, to extend the operation of those provisions by eight years longer than the existing sunset clause. So I think I you are wrong about that, with respect, Senator Leyonhjelm.

In relation to the offence of genocide and the other matters you mention, I simply do not agree with you and your general proposition that all legislation of this kind should be sunsetting. There are some, such as the control orders and the preventative detention orders, which for obvious reasons should be. But sometimes society has to make a choice as to whether we create, for example, a new category of criminal offence. I myself think that it should always be a crime to advocate the commission of genocide. I do not think that is something the need for which is a time limited, temporal or contingent need. I think as a matter of policy Australia should accept that it ought to be a crime to advocate genocide. So I do not think that section is suitable for sunsetting, either. The same observation applies to those other items of the bill that you have mentioned which are not caught by the existing sunset clause that sunsets on 7 September 2018.

I will keep my remarks short out of courtesy to Senator Wong, who has an appointment. I just wanted to wind up there with those observations.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (11:02): I thank Senator Brandis. I just wanted to briefly put on record the opposition's position in relation to this amendment. We will not be supporting this amendment. I do agree with the principle that Senator Leyonhjelm articulated, which was the principle that extraordinary powers ought to have a range of safeguards, and one of those is a sunset clause. In fact, that is the policy position Labor has taken over some time in relation to a whole range of additional and at times extraordinary powers that we have given our security agencies for the reasons that have been ventilated in this debate and in others.

As the Attorney set out, there is an existing sunset clause in relation to the control orders and the preventative detention order regimes, which was in fact included in the original bill and extended by the foreign fighters legislation to the date the Attorney has outlined—7 September 2018. We supported the inclusion of that sunset clause. In other legislation, including, I think, a bill that may or may not be presented shortly, we have also sought a sunset clause for the very reasons you have outlined. But we think that in relation to this the existing sunset clause in relation to the control order and preventative detention order regimes is the appropriate one.
I also turn to the point the Attorney finished on, which is the insertion of the offence of genocide into the Criminal Code by this bill. That is not subject to a sunset clause. That is the case. But on this occasion we agree with Senator Brandis—I personally agree with him—that there are occasions where we make a determination that a matter ought to be the subject of criminal sanction. In relation to the genocide offence we agree with Senator Brandis's point. We do not believe that those provisions should be time limited nor contingent. For those reasons, the opposition will not be supporting the amendment.

**Senator LEYONHJELM** (New South Wales) (11:04): I have had mixed advice on this, but I have decided that I will not call a division on it. Could I have a clarification on it? My understanding is that incitement to commit genocide is and has been an offence of long standing and that advocating genocide is now an additional offence that has been created here. I am just asking the Attorney: could he explain if that is the case? What is the difference?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:05): Yes, that is the case, Senator Leyonhjelm. This is the difference: incitement is a very ancient offence under the criminal law and there are various kinds of incitement. The most familiar one is incitement to violence or incitement to public disorder. Over the years and, indeed, centuries, the courts have interpreted the crime of incitement to require a direct relationship between an overt act, which can be words—it is usually words—or gestures, and a particular identified form of disorder, whether it be violence, riot or whatever.

The reason the government has decided to extend the prohibition in relation to genocide beyond incitement to advocacy is that advocacy is a broader concept. It does not have to be tied as directly to a specific outcome. If, for example, a hate preacher were to say, 'The Jews should be driven into the sea and exterminated,' that would not necessarily constitute the offence of incitement of genocide if the language were, as it were, merely offensive rhetoric, but it would constitute advocacy of genocide. So it is a much broader test and, we think, justified because there are no circumstances whatsoever in the government's view where the advocacy of the slaughter of a population—of genocide—should be anything other than a crime.

**Senator McKIM** (Tasmania) (11:07): Again, thank you to the Attorney for that explanation. I just want to go back to Senator Leyonhjelm's proposed amendment and make it clear that, as a matter of principle, the Greens would support sunset clauses on this type of legislation, which I think we can all agree does in fact compromise fundamental civil liberties in our country. We can have discussions about whether the balance is right or not, and we have made our views clear on that during the second reading debate on this bill.

However, as I said, we have an in-principle position that sunset clauses on legislation such as this are not only reasonable but in fact necessary. I will observe, of course, that a sunset clause does not bind or prevent a future parliament, or this current parliament, from revisiting matters if there is a desire to do that and either abolish or extend sunset clauses. However, we take on board the advice given to the house by the Attorney that some of the provisions of this legislation are in fact already sunsetted by virtue of previous legislation passed by the Senate, so that does offer us the comfort in this case that there are currently sunset provisions around certain parts of this legislation which seek to amend acts which already have sunset provisions.
within them. Nevertheless, I thank Senator Leyonhjelm for giving us the opportunity to speak about these matters.

Senator LEYONHJELM (New South Wales) (11:09): I still have substantial concerns about this advocating genocide offence. I take the point that there would probably be situations where it ought to be criminalised, but the example given by the Attorney is unconvincing on two grounds. First of all, advocating driving all the Jews into the sea to exterminate them would be seemingly distasteful. The question, of course, is whether criminalising such speech is the right response to it.

But on the assumption that lawyers are humans and part of the population, I just repeat my suggestion that Shakespeare's statement, 'First kill all the lawyers,' is not substantively different from the example that the Attorney just gave. We have to be exceedingly careful that we stay on the side of civil liberties in this instance—and in all instances, for that matter—and that we are not encroaching on what is legitimate speech and, indeed, what is speech that can be best countered by more speech, rather than by repressing or suppressing it.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:10): I understand the point you make, and you and I are, I think, reasonably close on this issue. But I would draw the line in a slightly different place from where you would.

I think that to do something that encourages the slaughter of a population does not fall within the protection of free speech. You know my views about free speech and section 18C, and the debate we have been having in this country for the last couple of years. I entirely agree with you that opinions, no matter how offensive they may be to some, should be able to be freely articulated. And if you believe in freedom of speech then you will defend the right of people to express opinions that you find objectionable or offensive. But to encourage a course of conduct that may result in violence to a person, or a group of people or a population is, it seems to me, not to express an opinion, however offensive, but to encourage a harmful act. And that is where I would draw the line. The statement that I instanced seems to me to be more than merely the expression in rhetorical language of an unpleasant opinion but the encouragement of an act.

Senator McKIM (Tasmania) (11:12): The Attorney has me started on freedom of speech. As the committee was happy to let the Attorney divert into that, I will just make the obvious point that freedom of speech is not an unfettered right, and I think the Attorney has accepted that with his qualifications around genocide.

But I do want to place on the record that those who are advocating softening or weakening section 18C of the Racial Discrimination Act in this country under the guise of being warriors to defend the right to freedom of speech are conspicuously silent on Australia's defamation laws and on the capacity of corporations to issue SLAPP suits, which are deliberately designed to stifle public debate in this country. They are conspicuously silent on section 42 of the Australian Border Force Act, which applies draconian restraints or constraints on freedom of speech on those who work in Australia's detention centre regime.

I can see you shifting in your chair—

Senator Brandis: No, I'm not—
Senator McKIM: No, not you, Attorney—the Chair. I think he is advising me nonverbally that I am going off topic here, so I am going to leave it at that because I have respect for the process that we are in. This was just a brief response to some of the comments that were made about freedom of speech.

Attorney, I wanted to draw your attention to a report from the Scrutiny of Bills Committee, which has just been released this morning. I am indebted to my colleague Senator Rice for drawing this to my attention just a brief period of time ago. I wanted to put to you a couple of the observations of that committee in relation to this bill and invite you to respond to those observations.

Firstly, in relation to the issue of trespass on personal rights and liberties as they relate to the right to a fair hearing, the Scrutiny of Bills Committee has found as follows. I should preface the quotes that I am going to read out by saying that this relates to the controlee, the subject of the control order, being given only notice of allegations on which the control order request was based, and the controlee is now required—sorry, that was the previous circumstance: the controlee was required to be given notice of the allegations on which the control order was based, and now the controlee is required to be given sufficient information about the allegations on which the control order was based. I make no adverse comment on that particular change, but it is worth pointing out that the committee sought advice as to whether there is sufficient information which will be provided to a person before a special advocate has been provided with national security information, and the committee observes that it is at that point that communication between the two—that is, the controlee and the special advocate—is heavily restricted.

The committee's report finds that you, Attorney, advised that there may be circumstances in which a person who may be subject to a control order, the controlee, will not be given sufficient information prior to a special advocate seeking the sensitive national security information. It observes the following:

… if a controlee is only given 'sufficient information' about the allegations against them after restrictions are placed on communication with the special advocate, there will be limited opportunity for proper instructions to be given to the special advocate.

The committee then goes on to observe that this would appear to defeat the purpose of the special advocates scheme in instances where the information is not provided to the controlee before the special advocate has received the sensitive national security information.

That is the first observation of the committee that I will invite you to respond to. There are a couple more, Attorney, but perhaps we can do them sequentially. I will offer you the chance to respond to that observation by the committee now.

The TEMPORARY CHAIR (Senator Sterle): Before I call the minister, I will remind you the amendment is being moved by Senator Leyonhjelm.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:17): Senator McKim, I have provided written responses to the report of the Scrutiny of Bills Committee, and I think the most efficient way of dealing with this matter is merely to refer to my responses.
Senator McKIM (Tasmania) (11:17): Chair, I will address you again in the Committee of the Whole, but I certainly respect that we are on Senator Leyonhjelm's amendments, so I will allow that matter to conclude.

The TEMPORARY CHAIR: Thank you, Senator McKim. That was my secret hand gesture. Thank you very much—well read. I will put the question that the amendment moved by Senator Leyonhjelm be agreed to.

Question negatived.

Senator McKIM (Tasmania) (11:18): Attorney, you have said that you intend to refer me, or that you have in fact referred me, to your written response to the committee. I will make the observation that the matters that I have read out that are contained in that report of the committee are actually findings of the committee subsequent to the written responses that you provided to the committee.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:18): I am sorry, Senator McKim. I misunderstood you. If that is the case, I have not seen the document.

Senator McKIM (Tasmania) (11:18): I appreciate that, Attorney, but I will just invite you to respond to the committee's view—I understand you have not seen the document—that in fact the way that you have framed the exchange of the information between a controlee and his or her special advocate means that there will be limited opportunity for proper instructions to be given from the controlee to the special advocate.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:19): Allowing for the fact that I have not seen the document, Senator, you have me at something of a disadvantage, so I will have to answer you in reasonably general terms. I think you misquoted yourself or misquoted me. I think the word was 'may', not 'will be limited opportunity', and that is a very important difference, because ordinarily there will not be limited opportunity but there may be limited opportunity. This raises the issue—which is a very difficult issue in national security law enforcement—of the circumstances in which it is not possible to acquaint a person—or in this case a controlee—of everything in the Crown brief of evidence or in the application, as the case may be, because of the sensitive national security nature of that evidence. Of course, it is a fundamental principle of the criminal law and of natural justice that an accused person is entitled to confront their accuser and be made aware of the case against them. It is also, however, in some circumstances impossible in bringing a prosecution. I will talk about a prosecution because I think this problem arises more commonly in prosecutions than in applications for control orders. I am not aware that with the six control orders that have been sought in the last 12 years the problem ever has arisen. It can be the case that not everything in the Crown brief can be shared with the accused person because it may, for example, put the lives of covert sources at risk.

This is a problem that all the jurisdictions have grappled with. The way in which Australia has dealt with the problem is to appoint special advocates, who, in addition to the ordinary obligations of a legal representative, have a super added obligation, as it were, of trusteeship or guardianship of the interests of the accused person so that they are acquainted with the matter but their client cannot be. That happened very rarely, but I think you would
understand, Senator McKim, that there may be circumstances, rare though they may be, where information simply cannot be shared with an accused person, without putting lives at risk or otherwise compromising the security of highly sensitive material.

The other alternative, which I would not favour and I do not think any mainstream government favours in any of our Five Eyes partners or elsewhere for that matter is to say, 'Well, because we can't rely upon this sensitive national security information, we will not bring the prosecution at all, even though we are very certain that this person is guilty of a very serious terrorist crime.' That is the conundrum. Nobody is trying to impinge on anybody's civil liberties, but it is the practical reality that in rare cases in a terrorism prosecution some of the evidence may not be shared with the accused person. So a category of special advocates, who are security cleared, is created. And the right of the accused person to know the case against them in every particular is placed upon the shoulders of their legal representative, usually a barrister, who of course has the ordinary obligations of any barrister to vigorously defend his client's interests.

Senator McKIM (Tasmania) (11:24): Thank you, Attorney. I do acknowledge the challenges that we are all facing in debating these issues. You said no-one is trying to compromise, or perhaps you used the word 'trample', anyone's civil liberties. In fact, I think we could agree that to a degree this piece of legislation does actually attempt to compromise some people's civil liberties. Probably your argument is that it is a proportionate compromise of someone's civil liberties, and that is a debate that you and I have had previously on this legislation and on other pieces of legislation, and no doubt we will have in the future on further pieces of legislation that you have flagged will be coming before this parliament.

Before I move onto the next comment that the committee made that I wish to raise, I will just reiterate the view that the committee has shared, which is that the secret evidence provisions are apt to undermine the fundamental principle of natural justice, which does include a right to a fair hearing. I am sure you would agree, Attorney, that in general terms the right to a fair hearing would include the right of an accused person or a person on whom an application for a control order has been made to give instructions to their counsel, to the person who is representing them.

The TEMPORARY CHAIR (Senator Sterle): Before I call you, minister, it would be advantageous to the Senate, Senator McKim, if you could let the Senate know what you are quoting from—what document.

Senator McKIM: Chair, I thought I had done that. They are from a summary of bills and responses draft Alert Digest No. 8 and the draft Eighth Report of the Scrutiny of Bills Committee.

The TEMPORARY CHAIR: I believe that that report has not yet been tabled in the Senate.

Senator McKIM: My advice is that it was signed off by the committee this morning.

The TEMPORARY CHAIR: We will seek clarification.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:26): Senator McKim, that is theoretically possible, but can I remind you of two things. First of all, special advocates are people who are only going to be people who are not only able to be security cleared to a high
level but also very experienced criminal barristers. The art of taking instructions from a client is one of a barrister's skills. It is not impossible to take instructions from a client, without necessarily having to put before them every necessary piece of information. There are ways of eliciting or taking instructions from a client by the way in which questions are phrased so that their advocate or counsel can be apprised of everything they need to know in order to present the case competently. Of course, let us never forget that we are talking here about judicial proceedings presided over by a judge. A judge has an overwhelming obligation and an overarching obligation beyond anyone else's obligation to ensure that the accused receives a fair trial.

Senator McKIM (Tasmania) (11:28): Chair, can I ask for clarification. If I have inadvertently raised this report prior to when I should have then I will cease immediately to do so. I just ask for your clarification there, given that it appears that it has not been tabled in the Senate but it has been passed through that committee. I just ask for your guidance, chair, if I might.

The TEMPORARY CHAIR: You are correct, Senator McKim. Quite rightfully, it should have been tabled first. But I will flick to the minister as to whether he is happy to address your questions, as part of the report is on the public record now. It has been brought to my attention that, once the bill is dealt with, the report will matter neither here nor there should the government not want to refer to it.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:28): I fear, Senator McKim, you may have committed an innocent and inadvertent contempt of the Senate, but I will not hold that against you, because no doubt it was an innocent mistake. So, here we are. I am being asked questions about a report I have not seen that, strictly speaking, theoretically does not yet exist as a public document—but I will do my best, nevertheless, senator. I think in this discussion we have identified the scope and nature of the problem presented here. Wherever possible, these issues are resolved so as to protect the liberty, rights, privileges and immunities of an accused person.

Senator McKIM (Tasmania) (11:29): Could I firstly acknowledge the advice of the chair and indicate that it was not my intent in any way to insult or treat the Senate with contempt by quoting from this report, which, as the Attorney has said, in theory at least and in terms of parliamentary practice, does not yet exist for this chamber. I will cease from a line of questioning that quotes from the report out of courtesy to the Senate. However, given that it is presumably now a public document, even though it has not been tabled in the Senate—

The CHAIR: Senator McKim, may I just remind you it is not a public document.

Senator McKIM: I will cease that line of questioning, then.

The CHAIR: Thank you.

Bill, as amended, agreed to.

Bill reported with an amendment; report adopted.

Third Reading

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:31): I move:
That this bill be now read a third time.

Bill read a third time.

Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator O’NEILL (New South Wales) (11:32): The Broadcasting Legislation Licence Fee Bill (2016) proposes to amend the Television Licence Fees Act 1964 and the Radio Licence Fees Act 1964 to reduce the licence fees paid by commercial television and radio broadcasting licensees by 25 per cent. Labor supports the passage of this bill and considers the proposed reduction in licence fees to be a sensible step towards improving the international competitiveness of Australia’s media sector and promoting the production of local content.

It is instructive to briefly revisit the history of broadcast licence fees to understand how things have changed and why the bill before parliament is important. As the Productivity Commission stated in the report of its inquiry into broadcasting in the year 2000, licence fees ‘seek to recover some of the value inherent in commercial broadcasting licences from commercial broadcasters and provide a return to the public for their use of scarce radiofrequency spectrum’. Commercial television and commercial radio broadcasters are required to pay broadcasting licence fees, which are levied as a proportion of their gross earnings from broadcasting or televising, as the case may be, advertisements or other material or matter during the return period.

Under the Broadcasting Services Act 1992, a person or entity providing a commercial broadcasting service on radio or television must hold a commercial radio or television broadcasting licence. Under the Radio Licence Fees Act 1964 and the Television Licence Fees Act 1964, a licence fee is payable annually by the holder of a commercial radio broadcasting licence or a commercial television broadcasting licence respectively. The sector-specific licence fees levied on commercial broadcasters formed part of the ‘social compact’ that has been a central theme in how broadcasting policy and legislation has been approached in Australia. This compact provided broadcasters with privileged access to use ‘the airwaves’—the radiofrequency spectrum—the highly valuable, finite and public asset that is used to transmit programming. It also afforded other market advantages that, in turn, provided commercial broadcasters with unique access to a mass market of television viewers and radio listeners across Australia.

Historically, this business model delivered strong revenue and profits in an environment that is less competitive than what we have today. In exchange for these privileges, broadcasters were required to pay licence fees and were also subject to regulation that aimed to promote a range of public interest objectives, such as: promoting a sense of Australian identity, character and cultural diversity; encouraging fair and accurate coverage of matters of public interest and appropriate coverage of matters of local significance; respecting community standards concerning program material; and protecting children from exposure to program material that may be harmful to them. In 2014-15, the Australian Communications
Media Authority collected roughly $153.9 million in licence fees from the commercial television sector.

The rise of the internet as a channel to aggregate and distribute content has had a significant impact on the media landscape. The structure and economics of media are changing and broadcasters are facing increasing competition from new breeds of content providers who do not use the broadcasting spectrum or are not subject to the same level of regulation. For example, 'over-the-top' content providers such as Netflix, Google and Facebook do not pay tax in the same way as Australian media companies and they are not subject to detailed Australian media regulation, requiring investment in local content, talent or production staff.

As noted recently by Network Ten in their submission to the Senate's inquiry into this bill:
… Australian media companies are now competing directly against the foreign internet companies that are exempt from local media regulation, don't pay television licence fees, pay minimal corporate tax despite taking billions in advertising revenue in this market …

It was further noted by Network Ten in their comments to the Senate inquiry:

PwC forecasts that by 2020 internet advertising will dominate the advertising sector, reaching $10 billion, or approximately 50 per cent of the sector.

Unfortunately, local journalism and local production will not benefit from this growth, with an estimated 70 to 80 per cent of total Australian digital advertising revenue going overwhelmingly to two foreign technology companies, Google and Facebook …

The challenges facing the television sector were also noted by the Department of Communications. In a 2014 paper on media ownership and control, the department cites analysis by PricewaterhouseCoopers forecasting that the share of total advertising revenue for the commercial television sector will fall from 29 to 27 per cent between 2013 and 2017, while the internet share was forecast to rise from 27 to 37 per cent over the same period.

Commercial Radio Australia has also emphasised that the reduction in licence fees is a welcome relief to Australian radio broadcasters, who continue to carry regulatory obligations and costs well in excess of unregulated online competitors. The radio sector incurred roughly $24.83 million in licence fees across 273 licensees for the 2014-15 period. As noted by Commercial Radio Australia, it is important that the issue of the pricing of spectrum licences for commercial free-to-air radio broadcasters be considered 'in the broader context of heavy regulation, local and Australian music content requirements, advertising restrictions and mandatory tags required of radio broadcasters, as well as the key role of radio in emergency situations.'

When Labor was in government we recognised the convergence-driven challenges faced by commercial television broadcasters. The former Labor government announced a rebate of 33 per cent for 2010 and 50 per cent for 2011. The 50 per cent reduction was extended to the end of 2013 by regulation and confirmed in legislation at that time. In announcing the licence fee reductions in February 2010, then Minister Conroy conveyed that Labor was committed to reviewing the future role of licence fees in the face of significant change. He also articulated the importance of a strong and vibrant broadcasting sector in saying:

Broadcasters have a unique role in preserving our national culture and the commercial television sector invests hundreds of millions of dollars each year in the production of local content.
I think it is instructive at this point to revisit some of the comments made by Minister Conroy on 21 February 2010 on the Insiders program. He was asked by the host about how networks are struggling to meet their local content requirements. Then Minister Conroy said:

What we're seeing around the world is firstly that there is a long-term structural decline in commercial TV's business model. That's acknowledged around the world.

In the UK in response to that a couple of years ago, they slashed licence fees. In Canada licence fees are around 1 per cent. So Australian commercial TVs are still paying the highest in the world even after this cut.

What we're seeing is the advent of IPTV that's coming on-stream as part of the national broadband network, but it's arriving on existing networks today. Enormous competition is coming to the commercial TV sector.

At the same time, the Government has taken from them an enormous amount of spectrum which we'll be auctioning in the next few years which will be of enormous benefit both in a straight-dollar return from the auction, but more importantly, the productivity-enhancing boost that will come from allowing this spectrum to be used far more efficiently than it has been used in the last few years.

I contend those comments stand true today. Labor remains committed to preserving a strong and vibrant broadcasting industry and recognises the positive effect a competitive sector has on local jobs and our sense of Australian identity. We also recognise the competitive pressures facing the sector and the need for meaningful and effective measures by government to ensure broadcasters can continue to invest in local production and content.

This brings me to the reasons we consider justify supporting this bill. In light of revenue declines and the regulatory asymmetries I have outlined, commercial broadcasters have argued that the licence fees they pay are excessive. International comparisons have shown that the licence fees imposed on Australian broadcasters are indeed higher than comparable jurisdictions overseas—for example, licence fees in Australia are currently 4.5 per cent of revenue compared to 0.41 per cent in the UK, 0.27 per cent in New Zealand and only 0.05 per cent in the US. This bill proposes to reduce the fee by a further 25 per cent, which would bring it down from 4.5 per cent of gross revenue to 3.375 per cent. This reduction has been estimated to reduce the financial burden on industry by about $163 million over the forward estimates.

I note that the continuing spectrum review, which now appears to be continuing into another year, has been a source of ongoing concern for the broadcasting sector. There remains a lack of certainty about how the revised spectrum legislation will operate in practice and the arrangements for broadcast spectrum moving forward, particularly on matters of pricing. I urge the government to ensure that the legislative package it brings before parliament has cohesion and provides certainty for stakeholders moving forward. There is of course an argument that current licence fees reflect the value of spectrum and other advantages enjoyed by commercial free-to-air broadcasters. I am sure that this debate will continue for some time to come. Nonetheless, for the reasons that I have outlined, the current schedule of licence fees should be adjusted in a manner that is both sensible and proportionate.

As you well know, Madam Deputy President, the job of parliament is to promote the public interest. Given the centrality of the broadcasting sector to our system of democracy any substantive decision impacting this sector will require careful consideration that is both informed by evidence and guided by the enduring policy objectives we aim to promote. Labor
is satisfied the evidence supports the proposed measure whilst preserving, and indeed promoting, the policy objects central to the Broadcasting Services Act 1992 through the provision of support for a sector that invests in local Australian content and local Australian jobs. For these reasons Labor supports the passage of this bill.

Senator HANSON-YOUNG (South Australia) (11:44): I rise today to speak on the Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016 on behalf of the Australian Greens. I want to acknowledge the effort and work that my colleague Senator Ludlam has put into this particular area. I am hoping that my comments today will reflect his thoughts and concerns about this piece of legislation.

I am sure that we all recognise the challenges that Australia's commercial television and radio stations are facing, and we have just heard some of those outlined by the previous speaker: the challenges of convergence and fragmentation. Until not very long ago, if Australians were at home and they wanted to watch something on the screen, all they would have to do was put on the television. There was not really much else available. The main competition the three commercial television networks faced was from the public broadcasters—that is, the ABC and the SBS—and every now and again maybe the video.

For the better part of five decades Channel 7 and Channel 9 faced not much competition at all, except from each other, and then from what became Channel 10 in the mid-1960s and from pay TV in the mid-1990s. But, just as technological innovation has created the possibilities of commercial network television, further technological innovation began to present real challenges. For more than a decade, the commercial television networks have faced real and increasing competition from online alternatives facilitated by the increase in network bandwidth from users of the internet, and then, suddenly, they had access.

YouTube launched in 2005, and its user-generated possibilities were quickly realised by a generation of young and tech-savvy entrepreneurs. Very soon there were thousands of highly produced films and documentaries that competed for the eyeballs and the ideas of people who had been attentive viewers of content on the commercial networks. All of a sudden the world was open to them. To everyone's surprise it was not exactly expert produced content that did well on YouTube and other online platforms. It was not just that type of content; it was much broader. There were lots of videos of cats. The point is that there was much more choice for everyone, particularly the younger generations, for people who wanted to watch screens at home in their time—where they want, when they want.

With the arrival of online subscription-based streaming services, like Netflix, competition has become even more fierce. The networks have responded in kind by making their own content available on demand via their websites—a format pioneered, I point out here, by ABC's iview, which, in my opinion, is still one of the best in the country—and by partnering with other media companies in the cases of Stan and Presto.

The main policy issue here is that the spectrum, which the commercial networks have traditionally relied on to send their signals to TV sets across the country, is becoming less and less important and, therefore, less and less valuable. Once upon a time, the spectrum was just about the only way of delivering visual content to viewers. Now, content creators and providers can use the internet, which means they can bypass the audiovisual spectrum entirely.
The same thing has happened with respect to commercial radio. The phenomenal growth of podcasting has created new life for commercially produced radio content, but it has also allowed a truly incredible range of really amazing material that can be produced cheaply and distributed widely. The result of all of this is that the spectrum is less valuable than it once was. If we are to acknowledge that, it makes sense to reduce the fees that the broadcasters pay across the spectrum.

In 2013, that is exactly what happened for television broadcasters. Their fees to access the spectrum were slashed by an incredible 50 per cent. The Greens, at that time, voted in favour of that reduction, because there was a case for a substantial fee reduction and because the bill was brought as part of a package which supported reforms that had come out of the quite exhaustive Convergence Review process.

As part of that package there were substantial improvements to the minimal local content requirement for commercial television networks. In particular, the commercial networks' secondary channels like GO and GEM, for example, were for the first time required to show a minimum of locally produced content—and so they should. It was not an entirely adequate amount of local content. It was much, much less than the 55 per cent quota that the networks had to meet on their primary channels, but nonetheless it is there. It was a start, and the package was passed. That package passed in 2013 and required the networks to increase local content to their secondary channels over the course of the following three years, and here we are.

In 2013, the package also did a number of other things. It legislated a 55 per cent local content quota on core primary FTA commercial channels. It legislated a local content quota on secondary FTA commercial channels, which is due to increase incrementally over the three years. It updated ABC and SBS channels to recognise their roles as providers of digital content, which has become invaluable. It implemented the then ALP government's decision that the ABC would be a sole provider of the international broadcasting services. Watching the US election unfold today shows just how important that service is. It required the minister to appoint at least one Indigenous non-executive director to SBS.

But now we are back here again debating a further 25 per cent cut. The argument that supports a further 25 per cent cut is the argument that I have already outlined. It is an argument that, taken to its logical conclusion, has a certain fatality about it. The Nick Xenophon Team have accepted that fatality holus-bolus and have pressed fast-forward on that logical conclusion with an amendment to abolish the licence fees altogether. This is what those commercial broadcasters want, and they want it badly. The Greens will not be supporting this amendment, because the networks are not the only groups with skin in the game here. Indeed, the commercial broadcasters and their mostly corporate shareholders are perhaps not even the main players who are affected by reforms in this area. As the Screen Producers association points out, it is the entire value chain, particularly for television content, that is under pressure because of audience fragmentation.

The Xenophon party amendments, and indeed the government's own substantive bill, would certainly relieve pressure at one end of that value chain, but there are other parts of that value chain that are also under significant pressure, and this bill does nothing to address those. We know the commercial broadcasters are in this place, lobbying hard to have the licence fee
abolished entirely. But to abolish the licence fee entirely is to accept that the spectrum itself no longer has any value. That the value is less does not mean there is no value at all.

Some people argue that the broadcasting licence fee is comparable to the licence fees paid by taxis. Now that the digital revolution has allowed Uber and other companies to compete with taxis, it is fair to say that taxi licences, which were once incredibly valuable, are now not valuable at all—and governments in many jurisdictions are arranging to buy back those licences. But the litmus test to determine whether or not the spectrum retains value is surely the extent to which the commercial broadcasters are prepared to share the spectrum with new entrants. Of course, they are not at all prepared to do that. This is all about protecting them, to the extent that they managed to secure a legislative amendment in 2013 which guarantees that a fourth commercial broadcasting licence cannot be issued without parliamentary approval.

In a time of increasing audience fragmentation the value of the spectrum remains very substantial. Through what other medium does a content provider have an opportunity to reach 99 per cent of Australian households in a way that is to all intents and purposes free. Under what other spectrum is this available, from the point of view, of course, of the content consumer?

The taxi-Uber analogy would apply to the broadcasting industry only if taxis were effectively free for customers and if taxis could take you to certain places, such as certain major sporting events, that Uber and other competitors could not. On top of substantial regulatory protections, such as a ban on new licences, the broadcasters also enjoy the benefits of substantial media attention for their leading content, as well as TV guides which are included in most major newspapers, some popular magazines and across the internet.

If we accept that the broadcasting spectrum has a value, and it clearly does, then we must emphasise that the spectrum is a public good. The commercial broadcasters pay to access that public good in order to generate private revenue and profits. One predictable effect of a further substantial reduction in the licence fees paid by the commercial broadcasters to access the spectrum is that the money they save will simply be added to their bottom lines—or to the very substantial war chests that they use to bid for major sporting events.

It is of course vitally important that Australians continue to get access to major sporting events on free-to-air television. I do note that there has been some significant slippage from that principle since the introduction of pay TV and I note also that we are likely to see 11 fewer AFL games on free-to-air TV next year. This is mostly an issue of anti-siphoning legislation, which this bill does not address but which is something we should be aware of nonetheless.

What we do know is that the commercial networks seem to be much more prepared to pay for sport than they are prepared to pay for drama and children's TV. During the three years leading up to 2012-13, the commercial free-to-air broadcasters increased their spending on sport by 23 per cent but decreased their spending on drama by six per cent. We accept the view of the Screen Producers Association and other groups along the production value chain that there are substantial issues with the regulation of local content. I do not think anyone could seriously suggest that the quality or substance of local content on free-to-air commercial TV has improved in recent years. There is a lot more reality TV, which is cheap to produce. There is a lot more content from New Zealand, which satisfies local content
regulations and which is much cheaper to produce, given the higher tax offsets and generally lower costs of production in that country.

We think that the whole issue of local content regulation has to be looked at in a considered fashion. We need to be seeing a package. Ultimately, it is actually in the broadcasters' long-term interest to invest in new locally produced drama and children's television, because those are their major points of differentiation in the converged market. Other providers will continue to screen overseas content and sport—of course—but the only way the local broadcasters can ultimately secure their relevance is to produce local drama and children's television.

There are additional, related issues. There are the anti-siphoning rules I referred to earlier. There is the issue of audio description services for the visually impaired, which currently do not exist as a regular feature of free-to-air TV in Australia. And there is the huge issue of community broadcasting, which the Turnbull government seems determined to kill off, mainly because the Prime Minister seems determined to speak only to the big commercial broadcasters and therefore keep himself wilfully ignorant of the real issues.

As legislators and regulators we have a real responsibility to make sure that regulation is, as much as possible, in the long-term interests of everyone along the value chain of Australian TV and radio production, including broadcasters, content producers and viewers. The government has flagged a content review, but we have not seen the details about when and how that will work. I look forward to hearing some clarification about that from the minister.

What we do not understand is why the government would effectively be giving away its major bargaining chip with the broadcasters, which is the substantial cut in the licence fee. You would not give it away for nothing. Surely the more sensible thing to do would be to withhold that cut and to defer this legislation, at least until a substantial content review has been conducted, perhaps in the form of an independent or parliamentary inquiry. As it is, this bill does not begin to address the core issues facing the broader industry. The ultimate policy goal should be to improve the quality of locally produced content, especially news and current affairs, drama and, a passion of mine, children's TV.

All this bill will do is effectively gift around $163 million to the commercial broadcasters without requiring anything in return. I must say, I would not want the government negotiating on my behalf, if this is the kind of deal they stump up. There must at least be consideration given to the view that out of $163.6 million some, or at least a substantial portion, of it could be reinvested in some way to create locally produced drama and children's television, in particular. We know that is where there is a need. We also know that we need increased audio description services for the visually impaired. It is also a complete mystery to me as to why a portion of this money could not go towards the maintenance of the immensely valuable community broadcasting sector. We know they need help and they need support. To that end, the Greens will be moving our own amendment. I foreshadow that now. It has been circulated in the chamber.

What this bill appears to be is a bandaid response to some aggressive lobbying by the commercial broadcasters. I am sorry to say it is not good policy, at least at this time and at least while it is separated from any broader industry considerations. We would be more than happy to consider these broader issues with the discussion of a review of content and the
desire for more locally produced content. We urge the government: do not hand over your bargaining chips for free. I move:

At the end of the motion, add:

"," but the Senate notes the savings for the commercial free-to-air television broadcasters resulting from the reduced licence fees and is of the opinion that those savings should be reinvested into Australian produced drama and children's television and increased audio description services for the visually impaired, including trial programs by each channel."

Senator McCarthy (Northern Territory) (12:01): Labor has certainly offered support for elements of the Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016, but there are some concerns, and we certainly saw that in the inquiry here in the Senate. I would like to speak from my own experience in the television industry and about some of the things that came up as I was reading through reports, in particular, by some of the people who gave submissions to the Senate inquiry: Southern Cross Austereo, Nine Entertainment, PRIME Media Group, WIN Television and News Corp Australia—just to name a few.

I want to firstly go to the NSW Farmers' Association and their comment about the media needs of the region and the concerns for those in the remote regions across Australia. It is a concern for people in the bush who rely so much on the mainstream elements of communications here in Australia. When we go home—I certainly know when I head home at night, or even here in the parliament—it is good to be able to just flick on the channel and flick through programs to have a look at what is going on in the world, what is going on around the country and what is going on overseas. Today we see the election in the United States—just about every news outlet is following that, so we are not short of that—but what is happening in Borroloola today? What is happening in Tea Tree today? What is happening at Ali Curung and Yuendumu? These are the regional questions that I ask. I certainly know that many people who want to understand what is happening in our own country ask that. We look at the importance of that kind of communication tool.

When I was growing up—not having television in the Gulf of Carpentaria and then getting it in the eighties—the first images I saw were quite negative images of Aboriginal people. These images stay in your mind of your world view. I may not have been able to see too far out of the gulf region, but I was being taught through images; I was influenced by images and news stories that I would see. At that time, of course, it was only the ABC that was broadcasted in the regions. And thank goodness for the ABC and our public broadcasters SBS and National Indigenous Television for being able to provide Australians with the incredible diversity that we need to see more of on our stations.

When we come together to discuss this bill—it is just really for you, Minister—we need to keep in mind the importance around diversity and that we need to hear from the Indigenous groups. We have got the CAAMA Radio up in Central Australia. We have certainly got Imparja. We have got the Indigenous Remote Communications Association, which has done an enormous amount of work around the importance of the remote media sector and how governments can support the sector.

The industry has identified the need for serious policy development work to be done in the Indigenous media sector. Policy in this area is really lagging behind, with no real update since the 1990s. In fact, the most major reform I can recall in that space was the BRACS program,
the Broadcasting for Remote Aboriginal Communities Scheme. Again, so many communities did receive the ability to have media communications and to have radio stations, but in my community at Borroloola we did not receive it—we missed out. As a result of that I spent the next couple of years trying to establish community radio in the Gulf Country. I was able to set up, in 1996, the first radio station in the Gulf Country called B102.9 FM, 'The voice of the Gulf'. It had a short radius, probably about 50 kilometres, but it was a start. The local community could then start to hear language and they could start to hear the stories that were important locally.

Again, these are just things I would like to put on the table as part of your consideration going forward with this. Indigenous media is vital in supporting maintenance of culture, language, stories and it also provides important economic opportunities in communities. We need jobs in this country. We certainly need them across our regional areas and in Indigenous communities in particular.

Contemporary issues need to be incorporated into policy development, digital convergence, digital inclusion, organisational and industry inclusion and sustainability. These are very real issues for the Indigenous media sector. There is a growing divide between remote and urban organisations due to access to technology and digital services. Indigenous media organisations currently seem to be seen as vehicles for delivering government messages. Whether that is a good thing or a not so good thing, the important thing here is that people are being informed.

We talk about competition from offshore such as Facebook, Google and Netflix. I have had to spend years trying to communicate with gulf families and the other language groups across the Northern Territory in particular One thing I can certainly say is that with Facebook, for the first time, the people who once did not have a voice have a voice. Once they could not communicate. We communicated through radio in the early days. We did not have telephones straight off the bat. And now, with Facebook, I can receive messages straightaway here in Parliament House about something that is happening up in Arnhem Land or on the Tiwi Islands. I would urge the parliament to take into strong consideration the importance of diversity, the importance of black voices in the mainstream media/communication industry, the importance of making sure that we value diversity in this country, especially the first nations Australians, and the importance of making sure that any ongoing communications engagement always includes the Indigenous media.

**Senator GRIFF (South Australia) (12:08):** I rise to speak on the Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016. At the outset, I foreshadow that during the committee stage I will be moving amendments aimed at providing permanent relief from licence fees for commercial television broadcasters and radio broadcasters. I do so on the basis that these fees are no longer justified and are jeopardising the viability of our free-to-air broadcasting services. This should come as no surprise to the government, especially given that the minister himself is on record as stating:

[Licence fees] were, if you like, the original super profits tax. There was no other broadcast media so TV and radio were in a very strong and dominant position there. Obviously things have changed a lot since then. There are a larger range of options for people.

I think it is fair to say that the minister's acknowledgement of this issue comes off the back of serious and protracted lobbying by commercial free-to-air broadcasters, who currently pay licence fees of 3.375 per cent of gross revenue, which equates to around $115 million per
annum. The government has failed to address the fact that network advertising revenue has gone backwards due primarily to advertising on social and alternative media. The key players are of course Google, the world's fourth biggest company, and Facebook. Both have a huge competitive advantage over free-to-air television and broadcasters. That competitive advantage exists not only through their market reach but also because they spend absolutely nothing on local production and contribute very little by way of Australian taxes.

In May of this year the West Australian reported that Facebook paid a dismal $814,000 in tax for the 2014-15 financial year. This is despite earning a whopping $33.5 million. During that same period, according to Morgan Stanley, the multinational company, valued at $468 billion, earned between $500 million and $600 million from advertising in the Australian market alone. This is a company that in the US reported a $2.04 billion profit for the three months to the end of March this year. For the year ahead, Facebook's revenue figures are expected to rise significantly as it no longer books its local revenue in Ireland. This is because Facebook restructured its local business to meet the government's multinational anti-avoidance legislation that took effect this year. Google is no different. According to the Australian Taxation Office's corporate tax transparency report for the 2013-14 income year, Google Australia paid over $920,000 of tax on an income of $360 million. In the US the Google conglomerate is valued at a mind-boggling $527 billion. These are companies that are vying to reach the $1 trillion value mark. Collectively, they already do that.

According to PwC Australia's forecast, by 2019 the internet advertising market will be bigger than free-to-air television, newspapers and radio combined. And unlike commercial free-to-air broadcasting this is an area with no taxes, no licence fees, no regulation, no local news—or limited local news—and certainly no regional employment opportunities. In addition to arguing that their licence fees are the highest in the world and do not reflect competitive audience pressures from unregulated digital reforms, television networks have also highlighted the fact that Google and Facebook employ very few Australian employees. As far as we can tell, Facebook is said to employ about 75 people in Australia, primarily in sales. And it is not just these large multinationals that commercial free-to-air broadcasters are competing with. There is also Foxtel, Foxtel on Demand, YouTube, YouTube Kids, Quickflix, Presto, Netflix, Quality Cinema on Demand, Telstra TV, GO, Optus Yes, Amazon, BigPond Movies, iTunes and so forth—and not one of these digital platforms pays licence fees of any kind.

As highlighted by Free TV Australia, evolving technologies have disrupted traditional media business models and opened the door to increased competition, which has fundamentally altered the economics and profitability of the broadcasting industry. Is it any wonder that the networks have been lobbying for some serious change in this space? Despite the massive profits of the Australian arms of digital platforms there is little regard by the government for the fact that 80 per cent of viewing in Australian homes is actually through free-to-air television and not pay television or even online viewing. There is even less regard for the fact that the fees collected through licence fees could otherwise be going back into local production and local jobs.

This also extends to international film production, which receives more generous producer offsets and tax write-offs, often at the expense of the Australian film industry. Producer offsets are, as we know, a rebate for producers on the cost of making Australian film and
television programs. Currently, the offset is worth 40 per cent of qualifying production costs for feature films but only 20 per cent for television programs and documentaries. Networks have argued, quite rightly, that the inequality between film and television makes very little sense, especially given that more Australians watch local television dramas than watch feature films, and that commercial free-to-air is—often by far—the largest contributor to domestic content production.

Offset support is also currently capped at 65 per cent of commercial broadcast hours for a television production. This cap penalises successful Australian dramas, which have to be fully funded once the cap has been reached. Channel 10's popular series Offspring is a good example of how crazy the system is. While audiences were shattered by the thought that the last season would not come to fruition, they had little concept that the network would have to absorb significantly higher costs to continue filming. Fortunately for Offspring fans, Channel 10 made the decision to fully fund the last season of the series, but we know of several other popular TV series that had to be cancelled as a direct result of reaching the offset.

We know also that international film producers are offered a location offset to entice $15 million-plus film productions to Australia. That location offset is in addition to any promises of direct funding by the Australian government. Last year at around this time, it was widely publicised that the government had reached agreement with 20th Century Fox and Marvel Studios to bring at least two productions to Australia, at a cost of around $47.25 million in direct government funding. According to an article in The Guardian newspaper in 2014, there were 56 applications for the location offset and PDV—that is, postdigital and visual effects—offset which led to production expenditure in Australia of $356.73 million. The rebates payable for those offsets totalled $69.4 million. Those figures certainly demonstrate why the government is so keen to offer offsets to international film producers. They also allow companies to invest in equipment and training which can then be used on Australian productions, leading to a better-quality Australian product.

That is all very positive, and something we should all support. But I think the point that local networks make is that these offsets should not come at the expense of local production and, if there is scope to offer incentives to overseas film producers, then certainly more should be done to support local free-to-air broadcasters—who, as we know, contribute hundreds of millions of dollars into our local economy every year. The reality is that both feature film and TV production draw from the same pool of creative and technical talent. And, as highlighted by one network, without the volume of production funded by free-to-air broadcasters and the training and employment provided by TV work, the skills would not exist to enable big feature films in Australia. It is probably also worth mentioning that you would be hard-pressed to point to any Australian actor who has made it big in Hollywood who did not get their big break on local Australian TV, especially through Channel 10's Neighbours and Channel 7's Home and Away, both equally popular Australian TV series.

According to Free TV Australia, commercial free-to-air television broadcasters spend over $1.5 billion on domestic programming. They account for $6 out of every $10 spent on Australian production and employ 15,000 people, directly and indirectly, across the country. In the three years since the initial licence fee cuts came into effect, free-to-air broadcasters have spent an incremental $345 million on local content and an aggregate of $4.39 billion for that period. That innovation includes bringing additional free services and other streaming
and catch-up services to the Australian public. They have reinvested 150 per cent of the savings into local content and technology to improve the viewing experience.

While Australian licence fees remain at a crippling level, internationally there has been a concerted effort by governments to reduce free-to-air licence fees in order to protect local production. For instance, in the UK the government reduced licence fees by 97 per cent, from $543 million down to just $60 million, between 1995 and 2011. Broadcasters there are said to be thriving. In New Zealand, broadcasters pay 0.26 per cent as a percentage of their revenue and licence fees. In Canada, they pay 0.25 per cent. In Hong Kong, they pay 0.09 per cent. And in Italy, they pay 0.06 per cent. All of the stakeholders that I have consulted with—and they include representatives from all of the commercial free-to-air television broadcasters—have expressed concern over the uncertainty that exists around licensing fees, and the difficulty that this brings to creating budgets and looking at forward business plans. For some, this issue is now very critical. Based on an analysis of the economics of the Australian film and television industry conducted by Deloitte Access Economics, undertaken for Screen Australia, there is the potential to increase local television and production jobs by over 1,000. Australian GDP could grow by as much as $140 million to $150 million.

If Australia is to continue to have a vibrant and competitive media industry, and if the government is serious about supporting our local television industry, supporting our local actors, and supporting job growth and creation, then it needs to follow the international lead of countries such as the UK and provide real and permanent relief from licence fees. It needs to give serious consideration to the amendments that my colleagues and I will be proposing to level up the playing field for traditional, free-to-air television broadcasters. I am sure that, if the government is stuck for ideas as to how and where it could claw back some of these levies, my colleague Nick Xenophon would be more than pleased to make out the case for a turnover tax for those multinational companies that are earning tens of millions of dollars at the expense of our local industry and our local economy. With that, I look forward to the committee stage of the bill.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:21): I rise to speak on this bill, the Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016, and to make a contribution in one rather specific area—that is, around accessibility for people with hearing and vision impairments. More specifically, I want to address the issues around audio description for those with vision loss or vision impairment. While I think there is room for improvement on captioning, particularly for some of the additional programming and multichannels which some of the free-to-air channels have, at least we have a level of captioning on free-to-air TV. At this stage, however, there are no requirements for audio description to be included on free-to-air television, and currently none of the free-to-air networks provide this service.

For those who do not know what audio description is, it is delivered as a narration on a separate track to describe visual elements of a television program during natural pauses in the dialogue. A number of senators in this place in fact will have experienced audio description when various organisations, such as Vision Australia, who have been campaigning very hard on this issue, have been in Parliament House and run demonstrations. I encourage people, if they ever get an opportunity, to experience a show without audio description and then
experience one with audio description. You get a sense of how important audio description is for someone with vision loss or vision impairment.

My colleague Senator Hanson-Young moved a second reading amendment in her contribution to the debate. I will not go over the issue she raised about investment in local programming, but part of that second reading amendment was about using some of the money that the free-to-air stations will save as a result of this legislation to invest in ensuring audio description is part of the service they deliver, including trialling of the program. There has been a trial of audio description through the ABC, and I have talked about that in this place previously.

Australia is behind many other developed and developing nations in providing this service on free-to-air television. Vision Australia have done research that indicates up to two-thirds of their clients do not have access to the internet and just 17 per cent use a smart phone. They say that relying on online streaming to deliver audio-description content in Australia is a second-class service and burdens pensioners with the cost of accessing programs that anybody else can enjoy for free and in real time. There is very strong concern that people with vision loss and vision impairment are missing out on being able to access free-to-air TV, and I would say that that is discrimination against people with vision loss and vision impairment. There has been a very strong campaign to get audio description on all our TV channels but in particular free-to-air TV, which, as I said, does not occur at the moment.

ACCAN, which is the Australian Communications Consumer Action Network, is calling for the free-to-air networks to commit to extra funding for these accessibility features on their TV channels so that all consumers can have equal access to content in news and current affairs programs. ACCAN would like to see audio description introduced on the free-to-air primary channels so that consumers who are not online and who actually do not find the online service effective can get access to audio-description content. This should be happening. I agree with Vision Australia, who say it is embarrassing that we are behind so many other countries. That is why the Greens are moving a second reading amendment: to get some of the money that will be saved in this process invested in audio description so that people with vision loss and vision impairment are no longer being discriminated against and can access the same programs, the same current affairs and news content, as everybody else—that is, equal access. I encourage the Senate to support our second reading amendment to ensure there is investment from free-to-air TV in audio description.

Senator XENOPHON (South Australia) (12:26): I join in supporting the Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016 but I echo the sentiments and views expressed by my colleague Senator Griff, who articulated the position of the Nick Xenophon Team very well in respect of this. That position is that free-to-air broadcasters are paying too much in broadcasting fees. We are out of kilter with other countries. We have not taken into account the fact that the media landscape has changed, that these licence fees are very much an anachronism, and that the free-to-air networks have been getting hit for six as a result of the likes of Facebook and Google, who have been able to soak up a lot of the advertising revenue. These are issues that ought to be taken into account.

As Senator Griff pointed out, the government could, with political will, say to the free-to-air networks: ‘We will slash your production fees. We will do more for you in encouraging local production in terms of the production offset going from 20 per cent to 40 per cent, as it
is for international movie production companies, so that television production that tells Australian stories with an Australian voice can be encouraged to thrive here in Australia.’ We have a situation in this country where the free-to-air networks have been hit very hard by the likes of Facebook and Google and are suffering as a result. Facebook and Google can pick up other media content—they get it basically for free—and they can build an advertising base around that. If the government wants to continue with its history of innovation in terms of multinational tax avoidance—the reforms which former Treasurer Joe Hockey, now His Excellency Joe Hockey, Australian Ambassador to the United States, quite rightly pushed for—we can and should do better. There is real scope here for a turnover tax, which would ensure that these licence fees can be brought to zero. That would make a huge difference to the free-to-air networks, who have been doing it tough in relation to this.

I point to the amendments I moved in the last parliament in the context of financial disclosure. They were about the difference between general-purpose accounts and special-purpose accounts, which require more transparency from those multinational companies that have a base here in Australia but are effectively domiciled elsewhere—and this would apply to Google, Facebook and other large multinationals. There will be greater requirements for transparency about the level of accounting detail provided here in Australia. I call that the Michael West amendment after the investigative financial journalist who has long been campaigning for these issues. I understand he has his own website and his own online publishing business now since he has left Fairfax. Michael West was right and the parliament was right to support those amendments. We have an opportunity here to assist those free-to-air networks in a way that is tangible both in terms of the production offset and particularly with respect to licence fees.

The other issue I want to point out—something about which the minister has been very gracious with the time he has given to me and Senator Griff—relates to the issue of community television and community radio. I do not think we ought to have a debate about free-to-air broadcasters without considering the broader picture of community radio and community television. I just want to put on the record again that they are part of the media landscape and they perform a valuable role. They train hundreds and hundreds of generally young people and some not-so-young people in the arts of broadcasting radio and television. They can provide, in some cases, a very niche broadcasting experience in relation to youth broadcasting or particular ethnic groups. They play a valuable role. I hope to be able to continue, with my colleague Senator Griff, a discussion with the minister about the importance of community television being given a reprieve from their death sentence of 31 December this year in terms of a spectrum that I do not think the government actually needs any time soon and also in terms of community broadcasting and community radio broadcasters. I just think we should not have any discussion about free-to-air networks without also considering the importance of community radio and community television.

With those remarks, we support the second reading of this bill. We support the bill broadly, but we also feel that the government should go further. We hope to be able to engage with the government on having a fair dinkum turnover tax for some of those organisations that are essentially based overseas. They are not like Seven West Media, the Ten Network or the Nine Network and their holding companies, which are very much strongly Australian focused and Australian based companies. My message to Minister Fifield, whom I have enormous regard
for, is that we are here to help from the crossbench. We are here to help. We want to help you raise some more money and in the process help Australian broadcasting. I know it is causing some mirth amongst your advisers, but we are fair dinkum about it and we hope the government can be too. Here is an opportunity to put that turnover tax on Facebook and Google and make a real difference to Australian broadcasting and Australian voices being heard in this country.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (12:32): In the absence of any other colleagues wishing to make a contribution, can I thank those senators who have contributed what I think we can characterise as particularly thoughtful contributions, as would be expected in this place.

When Senator O’Neill was speaking and describing very well the changed landscape and how technology is offering consumers a wider range of options as to how they consume their media, I was half expecting at the end of her contribution that she was going to declare the need to abolish the two-out-of-three rule as well as the 75 per cent audience reach rule. I might wait for another day for that, Senator O’Neill.

Senator Hanson-Young made important observations about the need for investment in our local production industry. In fact, one of the arguments put forward by the free to airs for licence relief is that they want to invest more in local content and that local content rates. From the point of view of their businesses it makes good commercial sense to invest in local content. Senator Hanson-Young also spoke about the importance of further examining audio description services. As a former minister for disabilities, that is something I am very sympathetic towards. ABC have concluded a trial of audio description services. The results of that are something that we will be looking at in the near future. As for the issues that Senator Hanson-Young has raised in a second reading amendment that has been circulated, I will not be proposing that the Senate divide on that. The contents of the second reading amendment do not constitute government policy. Nevertheless, we take the free to airs at face value that they do want to invest further in local content and other good things for Australian consumers.

Senator McCarthy mentioned the importance of making sure that television reflects the diversity of Australia and, in particular, Indigenous Australians and their role. One of the things I am very happy about with the new managing director of the ABC is that she is keen for the ABC to be more diverse in terms of its staff and its presenters. Commitment to Indigenous broadcasting is something that she has a renewed commitment to. It is a commitment we are well aware that SBS also has.

Senators Griff and Xenophon, as always, were very charming in their contributions. We have had some good discussions over recent weeks about the media landscape. I do note the proposition that they are putting forward to reduce TV licence fees to zero. I think in proposing that both of them are very keen to try to get a Gold Logie at the next awards. I am sure that has been noted by Free TV Australia, Senator Griff! I should note that, with the 50 per cent reduction in TV licence fees that the then Senator Conroy put in place and this proposition for a 25 per cent reduction, there will have been a 62.5 per cent reduction in TV licence fees over the last few years.

So the parliament, this government and the previous government have recognised, as Senator Griff accurately quoted me, that TV licence fees were indeed introduced as the super
profits tax of their time, and that the changing media landscape and the greater competition there is for free-to-airs is something that has been and is being recognised through this particular piece of legislation. I should also acknowledge Senator Siewert and her support for audio description. Senator Siewert has been a ceaseless advocate for Australians with disability, and I want to acknowledge that.

The purpose of this bill is to give effect to a commitment in the last budget, which was to reduce TV and radio licence fees by 25 per cent. We were able initially to reduce TV licence fees by 25 per cent by way of regulation. That option by way of regulation is not available to us for radio, so this bill seeks to give permanent effect to a 25 per cent reduction for both radio and TV.

I should indicate that I am a little disappointed in one respect, in terms of colleagues' contributions. I was hoping that they were going to out themselves about how their own viewing habits have changed over recent years. But, given that colleagues have not done that—

Senator Xenophon: What do you watch?

Senator Siewert: Yes! Tell us what you watch!

Senator FIFIELD: I will lead by example! I do consume through Netflix and other over-the-top providers, as well as free-to-air TV. I tend to do it on a binge basis. Dystopian dramas are my particular favourite—The Walking Dead and Falling Skies, both of which I am sure you are very familiar with, Mr Acting Deputy President Back! But I have not caught up with the start of season 6 of The Walking Dead, so please—spoiler alert!—no-one tell me what happens at the very start of that episode.

Just in conclusion, Senator Griff did talk about the importance of our domestic production industry and drama for Australian actors. And not just for Australian actors but for others who work on film sets and in film production. It is not just Home and Away, Neighbours and similar programs which have given people their start; TV ads themselves are also an important part of the production sector. Cate Blanchett got her start about 20 years ago as the Tim Tam girl, in the ad with the genie. She was asked for three wishes, and one of her three wishes was for a packet of Tim Tams that never runs out. There are worse things to wish for! But I also wanted to acknowledge the important role that ads play in developing Australian talent. With those remarks, I commend the bill to my colleagues.

The ACTING DEPUTY PRESIDENT (Senator Back): The question is that the amendment moved by Senator Hanson-Young be agreed to.

Question agreed to.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): The question is that the bill be now read a second time.

The Senate divided. [12:45]

(The Acting Deputy President—Senator Gallacher)

Ayes .....................43
Noes .....................8
Majority..................35
Question agreed to.
Bill read a second time.

STATEMENTS BY SENATORS

The Acting Deputy President (Senator Gallacher) (12:48): It being after 12.45 pm, we now move to senators' statements.

Renewable Energy

Senator BACK (Western Australia) (12:48): Mr Acting Deputy President Gallacher, I want to reflect on the circumstance we find ourselves in at the moment in this country, and that is the parlous state with regard to our energy supply and particularly the insecurity of the energy supply in the eastern states—of course, including your home state of South Australia. I want to start with the observation that if you take a country which is the geographical area of America—mainland USA without Alaska—which has got the population of greater New York, about 23 million or 24 million people, the question becomes: how is Australia such a wealthy country on a per capita basis? People come up with all sorts of different solutions. The answer has always been two words, and those are 'cheap energy'. We have had cheap energy, and indeed, in your home state of South Australia, your then Premier Playford came
up with the realisation that South Australia needed an advantage, and South Australia developed cheap energy.

What a lamentable circumstance we have today when your state, in fact, underwent a complete statewide blackout of power just recently. But the unfortunate circumstance we find ourselves in is that, over the last successive years, we have seen an erosion in Australia's cheap energy. We have seen an erosion in that singular advantage that we had. We saw the introduction of the Carbon Pollution Reduction Scheme. We saw the carbon tax. We have seen the burgeoning of renewable energy targets, which of course were originally an incentive of the Howard government back in 1997. But what is even more disappointing is that this is against an international trend. In the United States, for example, the technology of being able to source shale gas and discover shale gas over the last few years means that, for example, in 2013 the cost of electricity to an American manufacturer was half that of a German manufacturer, and manufacturing came back on shore. Today that figure has changed from being a half to a third. The cost of electricity for an American manufacturer today is one-third that of Germany, and we see a burgeoning of manufacturing in that country at a time when we have reversed what was the advantage of cheap energy.

We know Australia, mainly through Western Australia but also through Queensland, will go past Qatar in the next two years as the world's largest exporter of liquefied natural gas at a time when, regrettably, we have taken the decisions we have taken to actually add to the cost of manufacturing and the cost of consumers, be they residential, domestic, business, nursing homes et cetera.

Mr Acting Deputy President, let me give you the latest figures available from the International Energy Agency on the delivery of global energy. Oil is a 31 per cent contributor to global energy; coal, 29 per cent; gas, 21½ per cent; nuclear, five per cent; bioenergy, 10 per cent; hydro electricity, 2½ per cent; solar, 0.1 per cent; and wind, 0.4 per cent—four-tenths of one per cent. Yet we see the circumstance in this country where we are rushing towards getting rid of the greatest advantage we have had, and that has been cheap energy. In the week leading up to the election in Australia, Mr Acting Deputy President Gallacher, I made two public predictions relating to your home state. The first was that by July there would have to be a significant increase in the cost of electricity to consumers in South Australia to the tune of 15 to 18 per cent. I was wrong. It was 20 per cent. The second prediction I made was that South Australia would face a state-wide blackout of electricity. I did not think it was going to happen as early as it did, so I will make this prediction today: there will be another state-wide blackout of electricity this summer in South Australia. There you are. It is on record for you. Regrettably, the reason we find ourselves in this circumstance is the decisions of successive Labor governments, who, dare I say it, have unrealistically put increased targets in place for renewables. It was the—

**Senator Farrell:** Mr Acting Deputy President, I rise on a point of order. Senator Back is completely misrepresenting the power position in South Australia. The reason that there are power problems in South Australia is that his party sold the electricity trust.

**The ACTING DEPUTY PRESIDENT (Senator Gallacher):** There is no point of order.

**Senator BACK:** It is good to see that Senator Farrell is still awake, because I am going to go onto the main reasons why—
Senator Williams: The lights are still on.

Senator BACK: The lights will once again go off. It was the Howard government that originally introduced a renewable energy target of two per cent in 1997. The Howard government then accepted the recommendation of a review committee in 2003, which was that the target should remain at two per cent. What did we see? The South Australian Labor government radically increased that percentage. We have seen the Victorian government, despite what happened in South Australia, wanting to move towards levels of renewable energy as high as 40 and 50 per cent. Then we have had Mr Shorten, the Leader of the Opposition, speaking about an increase in renewables to 50 per cent by 2030. The circumstance, contrary to that which Senator Farrell just mentioned, is that the South Australian government caused the coal-fired power station at Port Augusta to be decommissioned. I do not have the time in this afternoon's contribution to go into the vagaries of wind power, but we know that, firstly, it is intermittent; secondly, it is unreliable; and, thirdly, it is unpredictable in terms of when, if, how much and for how long it will generate energy. We also know that, on the occasion of the recent blackout in South Australia, it was a software problem associated with the wind turbines that commenced the debacle that became the loss of the interconnector from Victoria.

Victoria is currently a net exporter of electricity, but it will soon become a net importer as a result of the decision made only in the last few days for the 1,600-megawatt base load capacity Victorian power station at Hazelwood to be decommissioned. It is interesting that it was only in the relatively recent time of the Gillard government that a $500 million subsidy was given to keep that power station alive. We now have the Victorian government rushing around the countryside talking about subsidies to be given to those who will be disaffected. Regrettably, we had the Greens boasting about the loss of jobs occasioned by that particular circumstance. The story is that Victoria will supposedly become a net importer of electricity. It has been put to me that Tasmania will be one of the suppliers. Let me assure you that there is no way any time soon that Tasmania can be a reliable supplier of power to Victoria. The turbines in the hydro electricity scheme are badly overworked and underserviced. The level of water in their dams is such that they will not be able to generate sufficient electricity. And, indeed, they have cooked the Basslink link between Tasmania and Victoria, so it is not operational. Going back to Hazelwood, just to make sure it was closed, the Andrews government placed an incredible increase in the size of royalties on coal to make sure that it would become uneconomic.

I am really more interested in solutions for the future. Firstly, there is the possibility of hydro electricity being extended with greater efficiency in the Snowy Mountains scheme software and hardware activities. We know already that Tasmania is 100 per cent hydro and therefore renewable. Secondly, we have a relatively unlimited offshore gas supply off northwest Western Australia. The long-term capacity exists for that to be piped across to the eastern states to a hub in northern South Australia, to be distributed south into South Australia and then across into Victoria and New South Wales. That is eminently feasible and possible. Thirdly, and one that is off the agenda at the moment but I will mention it again briefly, is tidal power from the north of Western Australia. In France, the Rance power station, which generates power by tidal water flow, has been operating for 40 years. How can we bring it south? We do so through high voltage DC transmission lines of the diameter of a normal
coaster. I could go on at greater length about the solutions—there are many—but where we are now is no solution. *(Time expired)*

**Western Australia: Griffin Coal**

*Senator PRATT* (Western Australia) (12:59): Today I rise to speak about an issue of significant importance not only to my home state of Western Australia but to workers right across our nation who rely on a strong and fair industrial relations systems and, indeed, their unions to protect them from being exploited. However, I am sad to say that the system is letting workers down. Maintenance workers in the mining town of Collie have been subjected to savage cuts to their wages and working conditions after, in January this year, Griffin Coal, owned by the multinational company Lanco, applied to have the Griffin Coal maintenance enterprise agreement terminated under very rarely used section 225 of the Fair Work Act.

In June this year, the Fair Work Commission ruled in favour of Lanco and terminated the agreement. Very sadly, this decision was upheld on appeal. I am here today to raise my objection to this decision and to say there is nothing fair about it. To call it a decision of the so-called Fair Work Commission in this case is an appalling reflection. This decision will see workers revert to award rates, which in this case means wage cuts of up to 43 per cent for local families. Many workers will see their wages drop to just above $40,000. This is an unfathomable cut that will have a huge impact, not only on the workers and their families but on the whole Collie community.

Workers under this new arrangement are expected to work extra hours and more weekends and to do it for 43 per cent less money. Over the last 18 months, these ordinary hardworking men and women of Collie have themselves offered pay cuts of nearly 20 per cent for an even-time roster, but it is not just about the money. They have traded a host of favourable conditions in an attempt to support Griffin Coal's focus on flexibility and improving their bottom line. Yet Griffin Coal have been absolutely uncompromising in their demands to cut wages and force workers to work longer hours.

Griffin Coal's attitude towards their workers and the families of Collie has been extraordinarily disappointing. Griffin Coal is owned by an international company and in this case the company has shown absolutely no concern for the needs of the workers or, indeed, the whole town. If you think about it, these workers make a significant contribution to the community fabric in their time off and that time off has been substantially reduced. It is outrageous to think that all of this comes at a cost: not only the loss to the town of the community fabric but the loss of almost half of the workers' pay.

The dispute going on in the town of Collie is about protecting a community. That means the local sports club having coaches on weekends; the local fire brigade; and, indeed, the time that families can spend together. Collie is a very typical Australian country town. These are the things that our community should value. Far from being a dominantly FIFO mining community, here is a mining community where people are able to spend their spare time in the community around them. It is terrible to see this destroyed. Over the years, coalminers have invested many thousands of dollars of their own wages for the betterment of the community of Collie, so the prospect of such a large group of workers in the town having their pay slashed puts the Collie community under severe economic pressure. It is estimated that this decision will suck more than $13 million annually out of local businesses. The local economy is already suffering. House prices have dropped. If you think about it, in a town that
is dominated by a single industry, if you slash wages and conditions, people will owe more on the houses than they are able to pay with their slashed wages and conditions, but they are not going to be able to sell those houses because of the drop in the market price. It is an appalling situation to put those families in. Businesses are closing and locals are struggling to secure financial credit due to the instability and uncertainty in the town.

Workers and the community should not have to suffer due to the financial mismanagement of large, foreign owned companies, as is happening in this case. Griffin Coal must consider the Collie community and support the town that has supported them for such a long time. A pay cut and significant changes to their roster, with fewer weekends at home, is simply not good enough. It is never good enough. While this decision is absolutely unprecedented, we are seeing trends across the country that suggest more and more large companies are seeking to undermine the hard-fought wages and conditions of Australian workers. Ruthless companies have put workers and communities at significant economic risk in the form of insecure employment. Their actions create work environments where injury and illness cause downtime and lost production. As they place unfair stress onto workers, they risk the mental health of the very people who have worked hard to deliver products and services for their business.

Workers at Griffin, supported by the AMWU, simply want to be able to negotiate a fair agreement with their employer. Employers should absolutely not be able to walk away from their responsibilities under an enterprise agreement and their obligation to bargain in good faith. Workers have the right in our industrial relations system to bargain collectively for an enterprise agreement. This right has been absolutely abused in this case. This is a fundamental right that underpins how our nation works and our democracy, and these decisions are sucking the life out of not only workers but also their communities. Australia should have bargaining practices that allow companies to compete on innovation, productivity and smart investment in people and equipment. We do not want to see a system that creates a race to the bottom in wages.

While all of this has been happening, where has Premier Barnett and the state Liberal coalition government been? They have been an absolute no-show in support for the Collie community. The WA government has deserted these workers and allowed a multinational coalmining company to destroy this community. This government has no transition plan for towns like Collie and the local coalmining industry. It leaves families in the lurch and workers feeling very uncertain about their future in the town.

Unemployment in WA is now at 6.3 per cent, and the number of full-time jobs in WA is continuing to decline. The WA government, after eight years, has no jobs plan for Western Australia post the mining boom—and being post the mining boom was always an inevitability.

I want to pay tribute to Collie local member Mick Murray, who is a former coalminter himself, who has been fighting tirelessly for these workers in parliament and across the sector for the past 15 years. I want to acknowledge the hard work of the WA branch of the Australian Manufacturing Workers' Union and of all unions standing up for their members and workers around the country. Thank you for your continuing support in standing up for WA workers.
My heart today goes out to the maintenance workers at Griffin Coal, their families, their children and the whole Collie community. In this community we have multigenerational workers within one family who have been affected by this decision. It is indeed devastating. I want to pledge today that I will continue to fight for the rights of unions to collectively bargain and to fight for their members' rights.

Is enabling foreign, multinational companies to use the Fair Work Commission in this way to rip off hardworking Australians what the Turnbull government really meant when it said it was opening the country up for business? We need a government that will stand up for the everyday workers across this country—a government that will fight for workers and their families to live a decent life with fair pay, safe work and fair conditions.

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:09): I rise today to speak about the government's repetitive and continued attacks on those people relying on income support. The latest instalment was the claim, first published in *The Australian* on Friday, 28 October, that a single parent with four children was able to earn more per year from income support payments than they would on the median full-time wage after tax. So, in other words, why would somebody want to work?

The article said that new government data showed that a single parent with four children aged 13, 10, seven and four who was not receiving child support or employment income and was paying $400 a week rent would receive $52,523 a year in income support. The article then compared this to the median full-time wage for 2014-15 of $61,300 a year, or $49,831 after tax. For a start, single parents with four children make up a small fraction of all single parents receiving income support and are an even smaller fraction of the total number of income support recipients nationally. But that does not stop them being used in an attempt to once again undermine our income support system.

The article included quotes from Minister Porter, who said he agreed with the claim. The article said:

Social Services Minister Christian Porter said the new data showed that taxpayer-funded benefits could be providing a disincentive to work—a systemic flaw that required government attention. "Among the many areas that require attention to system design is the fact that the broad generosity of the Australian welfare system manifests more often than people might expect in circumstances where the money people receive in welfare payments is comparable to being employed,"

One of the questions we need to ask is: who placed this story? Where did the new government data come from? Of course, anybody knowing anything about income support smelled a rat straightaway, and it did not take long for the claim to be busted. Why didn't the government bust it themselves?

Former Department of Social Security analyst David Plunkett set the record straight, saying in a *Sydney Morning Herald* article that the parent working full-time would also receive $30,916 in family tax benefits. Unsurprisingly, the amount of benefits had not been factored into the figure for the working parent but had been for the single parent relying solely on income support. In other words, you could not compare the two sets of figures. But that did not stop the government having a go.

As Cassandra Goldie from the Australian Council of Social Service said at the time:
"It appears to be a deliberate strategy to generate a story which creates this impression that we've got a social security system which is 'bloated and too generous' when the facts will show it's completely to the contrary." …

The truth is that the working parent would be almost $30,000 a year better off rather than $2,692 worse off, as was suggested in the disingenuous comments that were made.

Minister Porter's office defended the figures published in the article, saying:

"The point being made is simply that a person receiving the single parenting welfare payment, plus family tax benefits and other welfare payments, gets an amount equivalent to what another person might earn working full-time."

It is a nonsense comparison because it is not what actually happens in real life. Single parents with four children relying on income support and family tax benefits will still be struggling to support them. It is, as I said, absolute nonsense to compare the two. This is part of a campaign to undermine our social security system which is so necessary to so many Australians.

It is, of course, in the government's interests though for the public to believe that single parents and those receiving other income support payments more broadly are thriving on social security and the social safety net; otherwise, how would they get the public to swallow their insidious cuts to income support in the name of plugging up the budget? If this were not the case, why wouldn't the government and the minister have checked the figures that were so blatantly and obviously wrong before commenting?

The same argument, of course, applies to the crossbench in this place. In order for the government to convince them to vote against the needs of the most vulnerable in our community on a semiregular basis, the government has to try to demonise the most vulnerable to the point where they are no longer recognisable as those most in need of our support—for example, the government's attempts to chuck young people off income support for five weeks.

What the article does not explain is that the government's proposed changes to family tax benefits, if passed by the parliament, will affect working and non-working single parents. Both are set to lose $4,000 a year—almost $80 a week. This is because family tax benefits are relatively the same for working and non-working parents, so they do not provide a disincentive for parents receiving income support to try to find work. What the article did not tell its readership is that single parents want to work. In fact, they are the group that works the most of the groups receiving income support. But the jobs just are not there.

The Jobs availability snapshot published by Anglicare Australia on 31 October is the first of its kind. It pulls together the figures from three government indicators, from May this year, and shows us that for every level 5, or low-skilled position, that was available in May 2015 there were 6.33 disadvantaged jobseekers. The snapshot is invaluable in busting open the government's continued perpetuated myth that job seekers can get a job if they just try harder. That is one job per 6.33 disadvantaged jobseekers. It does not end there, though. The figure actually worsens when you look at the state and territory breakdowns. The ratio of disadvantaged jobseekers to low-skilled vacancies is 10.62 in Tasmania and 9.39 in South Australia.

The demonising of those on income support does not stop there. The Department of Human Services has been sending letters to those receiving income support with a dual Centrelink and AFP letterhead. How would you feel if you were an income support recipient who got a letter with the Australian Federal Police logo on the letterhead? A constituent told me that the
letter contains information about Taskforce Integrity, a task force set up by the government to track down and prosecute supposed welfare cheats. I will say here that anybody deliberately defrauding the system should be addressed. We do not support that. But I am deeply concerned that the government is trying to smear so many income support recipients. The letter invites the recipient to report anyone they suspect of welfare fraud.

What I personally find concerning is that the task force is expected to raise $1.7 billion from its operations on top of the $3 billion to be raised from outstanding notices. This means that regardless of the level of wrongdoing they have a monetary goal to reach. What lengths will they go to to reach this goal? That takes me to the other point: when the mistakes are made by Centrelink, people get no grace period to repay the money that they may have been paid in error even when it is Centrelink's fault. Why, when Centrelink have obviously made the mistake? As the constituent wrote in their email: 'This task force targets the weakest, most vulnerable and marginalised in our communities; the very people who are the least likely to be able to fight back. People will feel that they can't complain about this as they might then be targeted. I know I feel this way which is why I'm writing to you.'

Why are the government going after those that are already facing disadvantage rather than the wealthy? We already know about the tax cuts that will cost $4 billion over four years. This is more than two times the amount that Taskforce Integrity has been told to raise in the same amount of time. Time and time again the government are targeting those that can least afford it. They are targeting those on income support for savings. They are using data inappropriately, with flawed comparisons, to try and demonise the most vulnerable in our community, rather than looking at how we build a social service system and social security safety net to take us into the 21st century. That is the reform we need. How do we make sure that our social security system is enabling people to live and have an adequate income so that they are supported to be able to find work, not kept in poverty, which is yet another barrier to the disadvantaged? The evidence clearly shows this, yet the government is trying to continue to undermine the system and demonise those on income support.

Western Australia: Economy

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (13:19):

Last week, during the break in our sitting commitments here in Canberra, I was very pleased to again use the opportunity to head out into regional Western Australia, this time to Derby, to attend the Kimberley Economic Forum.

As everyone in this place understands, the current coalition government has made the development of Northern Australia one of its key priorities. After decades of both sides interminably discussing the opportunities for Northern Australia to make a greater contribution to national economic growth and prosperity, it took this government to put some meat on the bones of that great aspiration though the release of its white paper.

I notice that Senator Dodson is here in the chamber. Senator Dodson was part of the forum's proceedings. The purpose of the Kimberley Economic Forum was to help local businesses and communities from across the Kimberley region better understand what the white paper means for them and how best to take advantage of the opportunities it now presents. The forum also examined some fascinating trends in the emerging markets of Asia and, in particular, the factors driving growing consumer demand for high-quality agricultural goods—a market trend that Western Australia's north is uniquely equipped to exploit.
Of course, the Kimberley region is home to a significant number of Indigenous communities, and the forum also spent time discussing strategies to ensure that the economic development of our north also allows those communities to engage with, and prosper from, the opportunities in the years ahead.

As I have said in this place on many occasions previously, our ability to transform those opportunities into real lived experiences for local communities in the north of Western Australia comes back to one important thing, and that is the provision of infrastructure to support regional development. That is why initiatives put in place by this government, like the Northern Australia Infrastructure Facility, which will support such development, are so critical to long-term success of the region.

In a state as vast and as economically important as Western Australia, that means making certain our regional airports are meeting appropriate standards so that we can facilitate the movement of goods and people as safely and expeditiously as possible. Today, I would like to examine two of these airports that are absolutely critical to development in Western Australia—one in the far north of the state and the other in the south-west of Western Australia.

Turning first to the north, it is no secret that the Shire of Derby/West Kimberley has long been experiencing difficult times in economic terms and across its broader community. Compared to other areas in Western Australia and the nation, the Shire of Derby/West Kimberley has two times as many single parent families, three times the national average of school leavers, over three times the state average of low-income households, welfare-dependent families with children at almost double the state average, and long-term unemployment 3½ times greater than the metropolitan average. The downturn in the economy has seen the unemployment rate skyrocket to 27 per cent, the highest it has ever been. Numerous industries within the region have closed, resulting in the loss of thousands of jobs, which deeply affects an already disadvantaged community. In February this year the regular air passenger transport service to the region ceased due to cost pressures and a reduction in passenger demand due to a downturn in the economy following the end of the mining boom. This means that anyone wanting to access a flight to Perth must drive a 450-kilometre round trip to Broome in order to fly from Broome to Perth. In addition, national and international attention has been focused on the Kimberley following more tragic occurrences of youth suicide. There are numerous negative factors that are contributing towards this all too common occurrence in our regions; however, they are underwritten by intergenerational poverty and disadvantage.

However, thanks to a recent announcement, there is at least some fresh hope being given to this community in the far north of Australia. The Derby Airport redevelopment is but one example of how our regional communities are working to achieve positive outcomes. Thanks to support from many, including my colleague Melissa Price, the federal member for Durack, this coalition government has committed $5.09 million towards the $8 million redevelopment project, which includes upgrading the airport to facilitate the development of both a lower cost regular passenger transport capacity as well as a tourism air lounge which will see unemployed local people trained extensively and transitioned into new local jobs. More than that, it is a powerful symbol of the government's confidence in the region's capacity for economic growth and development. The associated infrastructure to support the terminal and
lounge will allow for improved base infrastructure to facilitate further private investment, which will help boost tourism to the region and will directly benefit the Royal Flying Doctor Service, which uses the airport as a local base.

I turn now to the South West, and in particular the south-west of Western Australia, known to many here as Western Australia's premium tourism and holiday destination. It is interesting to note that Busselton has now overtaken Bunbury as the most populated region of Western Australia's south-west and is one of the fastest growing regional centres in the nation. In addition to its top quality wine and food, sweeping beaches and picturesque scenery, the region is also a drawcard for international surfing and ironman events—something I know you are very familiar with, Mr Acting Deputy President Gallacher—and has established itself as a major Australian film and festival centre.

However, less well understood is the importance to the South West of non-tourism related industries and the rapidly changing nature of those industries. In 2014, the gross regional product value of the South West was $17 billion, accounting for 6.9 per cent of Western Australia's gross state product. The value of agriculture from the South West is estimated at $613 million, and the industry directly employs over 3,500 people. The South West produces 90 per cent of the state's milk, the total of the state's avocado production, 86 per cent of the total value of potatoes, 76 per cent of the total value of apples and pears and 67 per cent of the total value of wine, as well as a host of other high-value gourmet foods and produce, including high-end lines such as abalone, marron, flowers, citrus, vegetables, truffles and Wagyu beef. It is also a significant producer of cattle, sheep, poultry, pork, wool, cereal crops and oilseeds.

Yet the one critical driver missing in the South West is a world-class transport hub in the form of an expanded airport, which could provide a direct link for overseas and interstate passengers and capitalise on short air-freight delivery times to many Asian and Middle Eastern markets. Upgrading the existing Busselton-Margaret River Regional Airport to a modern international standard would drive not only Western Australia's strong tourism industry but our lucrative and expanding agricultural and food exports as well. The region's safe, clean, green reputation, combined with a strong export culture, makes these products attractive for export to China's emerging middle class, whose tastes are evolving into more Western cuts of beef and lamb. This has been one of the successes of the WA premium wine industry, which has capitalised on supplying the demands of tourists, both here and when they return home. And it is a strategy that is working well in other agricultural related industries, especially for producers who are set to benefit from the reduction of the livestock tariff from 10 per cent to eight per cent and a further two per cent next year under the new China free trade agreement.

Last December, local meat processor V & V Walsh became the first red-meat processor in Australia to receive full accreditation from Chinese authorities to export chilled sheep, goat and beef meat, and provide a market for a further 500,000 lambs from the South West each year. The company's co-owner, Peter Walsh, has already said they could send 90 tonnes of chilled beef and lamb a week to China from the Busselton-Margaret River Airport, with bigger volumes to follow as the business grew. Since acquiring Harvey Beef around two years ago, Andrew Forrest has invested over $30 million in upgrading the chiller capacity and retail-ready packaging facilities to meet the growing international demand for beef and sheep.
meat. Winemakers, fishermen, fruit and vegetable growers, dairy farmers and cut flower suppliers also want a direct air link with China and South-East Asia.

Early this year, Volga-Dnepr, operators of the Antonov An-225, the world's largest plane, met with the City of Busselton to discuss using the airport as a regional transport hub flying direct to Singapore. The WA state government has committed $55.9 million to upgrade the Busselton airport to cater for flights from the eastern states and, thanks to the support from WA Liberal senators and our local parliamentarian, the member for Forrest, Nola Marino, the federal government has committed $9.78 million which will allow the airport to increase the runway length to cater for international air freight. This is another significant vote of confidence in regional Western Australia. (Time expired)

**Member for Robertson**

*Senator O’NEILL* (New South Wales) (13:29): Those who are listening and those who are watching might not be completely aware of the process of the Senate. They perhaps do not understand the nature of duty electorates, which I understand the Liberal Party call 'patrons' because they patronise the different electorates. But in the Labor Party we see it as our duty to stand up for our electorates while we are in opposition and where there are members of the government that we are going to critique.

I want to take the opportunity in my remarks today to critique the member for my home duty electorate, the electorate in which I live. As there are revelations of ongoing breaking of promises, there is a decline for this government in popular polling as people come to understand what a disappointment the government is and how far from the rhetoric of its promises the reality of its delivery is. To get a sense of how deeply broken the bond is between the people of Robertson and this government, we have to cast right back to the 2013 election. The then new candidate for Robertson—Lucy Wicks, fresh from being parachuted in by Tony Abbott—made a handful of election promises to the people of Robertson, which she detailed in a document from August 2013 called *Lucy Wicks and the Liberals: securing jobs and growing business for the Central Coast*. Within that document Ms Wicks listed a number of promises that have still not seen the light of day. We are talking three years, another election, two prime ministers later and we have still not seen the delivery of critical promises that she made. I will tell you what she is doing about it: she is not getting the job done; she is chasing media to excuse her failures.

The reality is there is a litany of broken promises. Let me just go to the first one, which was trumpeted as ‘revitalising Gosford city’ by relocating a Commonwealth agency to Gosford CBD. What a debacle that has turned into. The site that Ms Wicks and Mr Morrison announced was none other than the old Gosford school site, which was slated to become an area for a recreational precinct—a community and arts precinct. Ms Wicks instead decided that they should put a grey bunker and an Australian Taxation Office on that site with views of Brisbane Water. It is one of the most beautiful spots that you could visit on the Central Coast. I encourage anybody who is here visiting in the parliament today, if you have not been to the Central Coast go to Gosford. This is a promise she has not delivered, and the only good thing about the failure to deliver this one is that it is the wrong site. These jobs for Gosford are absolutely welcomed by Labor. We believe in it. We are committed to that. But this is a government that has failed to deliver, because it has failed to listen to the community, it has failed to do proper decision-making and it put this on the wrong site.
In addition to the insult of ignoring the community and trying to impose a building on the community that the community does not want, we now have the prospect of a whole laneway that is interrupting our local greenspace. We will have to call it 'Lucy's Lane' as it absolutely cuts the community precinct from the natural flow down to Brisbane Water. Anybody local, anybody other than the member for Robertson, knows that Dane Drive is an interruption to that space. We do not need another road, but that is exactly what this member wants to deliver while she fails to deliver on some other very important promises.

Her commitment to the missing link, the F3-M2 link, now called the M1—the road has even changed its name in the time since this promise was made—was in black and white in that document. It said it would be underway by mid-2014. Well, it did not happen. It did not get underway until 2015 and, with those delays and the delays that we are seeing of major infrastructure under the guidance of this government—and I use that word quite loosely—we are now seeing a three-year blowout in the delivery of the product, that very important project which would assist with road congestion and mean less travel time for families on the Central Coast. And remember, there are 40,000 vehicles and commuters that leave the Central Coast every single day to commute to Sydney. This is a massive project and the three-year delay has had a significant impact on the community.

Ms Wicks also indicated that she was going to invest in skills with a $2.7 million skills package. While it has been spent in Dobell, there are some serious questions about $2.5 million and $2.7 million: we cannot quite get to the bottom of where this money is and who has got it. There are concerns about the delivery of that project, but, while that was delivered in the northern end, Ms Wicks, down in the southern end, has been supporting a government that has tried to push through this parliament legislation to create $100,000 degrees, making a degree completely out of reach for ordinary people on the Central Coast.

The other very important broken promise, which impacts the people of the suburb of Kariong every day of the week, is the promise that Lucy Wicks made in 2013 to fix Langford Drive. Well, here we are, coming up to Christmas 2016, and still no sight of Langford Drive. It is a wonderful promise that has, in its failure to be delivered, had a terrible impact on the community, and not just because of the inconvenience for traffic trying to get in and out of that vital link road but also because of the trust that the community had that this project should be done. It was a $675,000 commitment. It simply did not happen. They have not owned up to all these broken promises, including $7 million for a Kibbleplex project that was supposed to create a university presence, a regional library and a teleworking hub in the middle of Gosford. There was $7 million committed, but the money still has not arrived. It has taken so long to deliver it that the building that it was supposed to go into has been sold off to a private developer, and the money is still not accounted for.

This week in an article in the Central Coast Express Advocate it said Ms Wicks is apparently wringing her hands and calling on the local council to explain why they have not delivered these things that she committed. I have had multiple conversations with Mr Reynolds, an administrator who has been appointed to amalgamate councils—forcefully pushed on us by Mr Baird, the New South Wales Liberal Premier—and Mr Reynolds has been, in my view, attempting to do his job to the very best of his capacity. In fact, there has been a degree of transparency since he has arrived, which was not always evident with the previous administration. Nonetheless, I have asked Mr Reynolds, and his assistant Mr Noble,
on a number of occasions to clarify where is the federal funding that they had been promised. They cannot get a straight answer out of the government. The money—$7 million—has not arrived. That was the one big commitment of 2013: the renewal of the middle of Gosford. The funding still has not arrived and the council does not know where it is. Yet, what we have got is the member for Robertson blaming the council for her failure to deliver that project and that money.

One of the concerns I have that is very significant for ordinary working people on the Central Coast is their fear about unemployment. When Ms Wicks came she repeated the jobs and growth mantra that we heard over and over again in the last campaign. The reality on the ground is that her promise of 'We'll make it easier for Central Coast businesses to employ new people and expand' is absolutely wrong. The unemployment rate on the Central Coast has reached 5.9 per cent, which is above the state and national average, and youth unemployment is at 15.8 per cent. So her promise to create jobs, her constant touting of the hundreds of jobs she is creating with all of these projects that are still on paper and not delivered, has been proven for what it is: there is a great gap between reality and truth. She simply does not seem to be able to own up to the fact that she has not delivered the things that she promised in 2013, at the first election she stood for, let alone the additional commitments in 2016.

What I am concerned about is the hot potato politics of a federal representative deliberately offloading responsibility for her own commitments. This is grossly negligent of the needs of our community. It demonstrates a severe lack of leadership. The Central Coast deserves representation that listens to the community, is truthful with the community, delivers on the commitments that it makes to the community and does not seek to blame others when there is a failure on its part. Central Coast residents deserve a better standard than this. Unfortunately, the truth is that this litany of broken promises by the member for Robertson is not a surprise; it is a signature of the Abbott-Turnbull government.

Water

Senator ROBERTS (Queensland) (13:39): As a servant to the people of Queensland and Australia, and having just spent three days with several internationally renowned scientists establishing that no valid empirical evidence exists to support the claim of human induced climate change, I now rise to speak to one of the massive costs to the taxpayer of the widespread government belief in this myth. Seeing that taxpayer funds are spent wisely, and not profligately and wantonly wasted in the pursuit of an ideologically driven left-wing agenda, is one of the most important tasks of a crossbench senators. Ours is a house of review and it is focused on ensuring accountability. As a servant to the people of Queensland and Australia, I started in this Senate with the aim of protecting freedom—in fact, restoring freedom—by opening the debate about climate science. The debate is now blown wide open.

Last night the international scientists who I have been hosting joined me in live Facebook broadcasting on 'Restoring trust in Australian science'. This live Facebook conversation reached 72,000 people and had over 20,000 views, 1,000 reactions and 1,000 comments. A chair was left vacant on the panel for the CSIRO chief executive, Minister Hunt, Labor environment spokesman, Mr Butler, and Senator Larissa Waters. Unfortunately, these parliamentarians did not think that the 20,000 people who tuned into our broadcast were worth the time to explain why they are implementing policies that are destroying our nation's wealth. Why are the Facebook figures worth talking about? Because people want to engage in
this topic, they want rigorous debate and they want accountability—and our live broadcast last night proved this. Australians are crying out for debate, for an ability to contact their members of parliament—who must listen—and have those members of parliament answer questions on issues such as the cost of climate change policies.

After watching the issue of climate change explode on Twitter last night, I was pleased to see Dr Karl Kruszelnicki accept my offer to debate the issue. I am very much looking forward to a public discussion—at last—out in the open, with Dr Karl, on the great climate change scam. The public want openness in this debate; at last, we will start to have a debate. For example, the public have fair and legitimate questions about desalination plants constructed at exorbitant expense by Labor state governments in New South Wales, Victoria and Queensland. Based on the myth that the cyclical drought experienced by many Australian states a few years ago was somehow evidence that Australia’s climate was becoming too arid to ever build more dams, Labor governments in five states poured billions of dollars into the construction of desalination plants. Australians were told the dams would never fill again. The CSIRO had glossy brochures featuring dried-up mudflats. But then of course in 2010 the drought broke and it rained and rained and rained—and existing dams filled till they overflowed and desalinated water was not needed.

These colossal white elephants have proven to be one of the most wasteful and useless expenditures of public money in this nation’s history. In its 2011 inquiry into the urban water sector the Productivity Commission found that $10.2 billion was spent by five states on constructing six desalination plants between 2006 and 2012. This included $1.2 billion wasted by the Queensland Labor government on the utterly useless south-east Queensland Tugun desal plant completed in 2009. In addition to the initial construction costs, in their wisdom Labor governments committed to paying ongoing operating costs for these desal plants regardless of whether they were actually needed or even operating to produce any water, massively compounding the cost to taxpayers for decades into the future.

In its 2013 report on water infrastructure the Queensland Audit Office found that Queensland’s white elephant desal plant had a $935 million replacement cost and an $824 million written down value. And even though this plant was never used it still incurred an actual annual operating cost of $89 million in 2011-12 and the forward estimate is $121 million per annum—paid for by the taxpayers and families of Queensland. In Queensland, shortly after wasting $1.2 billion on construction, due to unexpected high rainfall the desal plant fell into disuse. Yet it is costing us $121 million a year to keep it.

In Victoria, the plant—built in 2012 at a cost of $3.5 billion—was mothballed almost immediately. That is billions being flushed away. Despite no water being drawn from the Victorian facility, and dams filling to up to 80 per cent of capacity in 2014, costs to the Victorian taxpayer were found to be $2 billion and rising—what is a few billion here and there, I hear the Labor Party and their Greens mates say. As a direct result of the construction of the useless Victorian desal plant, water costs in Melbourne were driven up by as much as $200 a year. Even if no water is produced, the Victorian taxpayer is still liable to pay contracted operating costs with a so-called holding charge of $600 million required to be paid every year for no benefit. Costs to the taxpayer are projected to cumulatively rise to as much as $18 billion by 2039/2040. Now, however, with the election of the extreme left-wing Andrews government, some effort has been made to pretend that Labor’s desalination liability
is of some use, with an unnecessary order for a small volume of water in the current financial year.

In New South Wales, the government cunningly sold its plant to a consortium including the Ontario Teacher's Pension Plan for $2.3 billion—but on a 50-year lease that guarantees them a generous annual income, even if no water is produced. The New South Wales taxpayer would probably have got better value if the government had simply blown up the New South Wales desal plant, and agreed to give the Ontario Teachers' Pension Fund half of what they are now receiving for nothing. In fact, speaking of blowing things up, the South Australian government deliberately detonated a coal-fired power plant, and Senator Back was correct in talking about the energy security that is being destroyed—the Taliban is at work in the government of South Australia.

What is most astonishing with the white elephant desalination plants—

The ACTING DEPUTY PRESIDENT (Senator Gallacher): Senator Sterle, a point of order?

Senator Sterle: Mr Acting Deputy President, when the senator refers to the Taliban—which treats women as second-class citizens and holds public hangings in their squares—that is absolutely disgusting. I would ask you to call the senator to withdraw.

The ACTING DEPUTY PRESIDENT: It is a debating point, Senator Sterle. There is no point of order.

Senator ROBERTS: What is most astonishing, with the white elephant desalination plants now stampeding in a herd, is that after decades of climate policies, a proper and independent Australian cost-benefit analysis has—inespically—not yet been undertaken. I have listened so many times in this chamber to the urgent bleatings of the Labor and Greens members opposite—despite demanding more taxes and imposts to finance their financial agenda, based on adopting the Greens fads, fashions and lunacy. The debate is now blown wide open, and I am not going to stop until everyday Australians are safe from these grotesque policies, pushed by beclowned academics grabbing taxpayer grants, and pushing an international agenda destroying our nation's sovereignty. How is anyone in Australia to take them seriously when hopeless wastes of taxpayer money such as these provide evidence of their disregard for the long-suffering Queensland and Australian taxpayer?

Senator Smith interjecting—

Senator ROBERTS: Senator Smith, I hear you interjecting; you may wonder how many regional airports could have been built with this money. We in Pauline Hanson's One Nation Party will work to ensure freedom of speech and accountability through cost-benefit analysis, and we will protect people's cost of living.

Western Australia: Economy

Senator REYNOLDS (Western Australia) (13:48): I am one very proud senator for Western Australia. Whilst there are obviously a multitude of reasons for that pride in our great state of Western Australia, we as a state are again doing what we absolutely do best—working together to transform our economy by taking advantage of new industrial opportunities in our state. In the late 1800s it was gold; throughout the 1900s it was agriculture, iron ore, oil and gas; and today, it is becoming defence industry. We are a state built on opportunity, on enterprise, on ingenuity and on exploration. But because of our isolation we have never really
had a choice. The state government has also always worked hand-in-hand with industry to
develop new commercial opportunities. Most recently, these qualities have been focused on
the resources sector and have provided enormous national prosperity and wealth for our
nation. Today Western Australia is an economy in transition from resources construction and,
by my latest count, over $250 billion worth of investment has gone into the Pilbara region
alone. We have gone from resources construction to focusing now on mining production.
Contrary to the harbingers of doom, in this place and in the media, the resources boom is far
from over, as we are now exporting more than we ever have from Western Australia.

As a result of the new opportunities that are opening up in the defence sector, and as a
transitioning economy, we are now rapidly turning our considerable competitive advantages
in Western Australia to the defence industry. We are in the process of breaking the decades-
old grip which states such as South Australia and other eastern seaboard states have had on
defence industry, and we are doing that simply by showing just how good we are as a state.
Mr Acting Deputy President Gallacher, if you had asked anyone 18 months ago what WA was
capable of in the defence sphere, you would most likely have been met with an almost-blank
stare. In fact, when I first started talking on radio about our own homegrown commercial
shipbuilding capabilities, callback listeners actually rang in and said I was mad—of course we
did not build ships in Western Australia! How ludicrous was that thought. But how things
have changed in such a short period of time.

Why is Western Australia so well
place now to deliver significant defence capability for
the next 50 years and beyond? I would like to share some little-known facts with my
colleagues in this place today. Today, Western Australia is already home to over 180 small-
to-medium enterprises who already have defence contracts worth more than $624 million;
many of whom are small companies employing five or fewer staff. Another little-known fact
in this place is that Western Australia is already home to most of the large defence primes
based here in Australia. They already have extensive footprints in Western Australia. Our
steel fabrication capability is the largest by far in Australia. Today we produce 190,000 tonnes
of steel per annum, with the ability to deliver up to 350,000 tonnes per annum. So, contrary
to those over east who say that high-end manufacturing is dead in Australia, Western Australia
is absolute proof that that is simply not true.

Currently we produce billions of dollars of manufactured goods for our oil, gas and mining
sectors. A little known fact is that Western Australia already exports well over $20 billion
worth of high-end manufactured goods every year without a subsidy in sight. Over the last 14
years, in fact, while manufacturing has increased at a miserly 0.4 per cent nationally, in
Western Australia manufacturing has increased by nearly five per cent every year. That is a
significant capability.

Senator Nash: Wow!

Senator REYNOLDS: Even one of our senior ministers did not know that little fact about
Western Australia! Not only are we home to a large and capable manufacturing base but we
also have the most experienced and largest manufacturing workforce in Australia. We have
nearly 80,000 very experienced trades men and women. We also have a very large
engineering and engineering related employment base. Another fact is that outside of Silicon
Valley we have the second highest number of engineers per head of population of any place in
the world. We have that right there in Perth.
WA is also home to Australia's largest marine complex, at Henderson, just south of Perth. If asked, most people in this chamber would say it was at Techport in South Australia, but it is not; it is actually at Henderson. At Henderson we have many fine shipbuilders and manufacturers. We already maintain the Collins class submarines at ASC West; BAE Systems is undertaking the refit of the entire fleet of Anzac frigates; and Austal has already constructed the new Border Force fleet. As many in this chamber do know, Austal is now producing naval vessels for other countries at Henderson—again, all without a government subsidy to be seen. Another advantage Western Australia have is that not only do we manufacture fabulous products and build ships for the Navy but we do it commercially as well, which is something that no other state can boast.

Yet there is a lot more that Western Australia has to offer. The innovation that has driven the oil and gas sector and iron ore industry, and that has overseen decades of state- and nation-building, is now being directed in Western Australia towards building our defence industries. What an amazing capability we have now to offer the defence industry in Australia. On a personal note, I am very proud to have been able to utilise my Defence experience and links to benefit my state directly. I am particularly proud to have co-founded the WA Defence Industry Council, which has already made significant inroads into bringing more defence industry to Western Australia. I think the most important thing for me is that the council we have established is a real testament to what can happen when passionate people get together with a common goal. In this case it has been federal government representatives, state governments and local industry getting together with the common purpose of creating new jobs for our state, creating job security and future prosperity. I pay tribute to the Premier of Western Australia and his key ministers, who have now thrown themselves into making sure that we bring many more defence industries to Western Australia. It is also a testament to what we can do together when we talk ourselves up instead of continually talking ourselves down.

A critically important enabler for the Western Australian expansion into the defence industry has been a change in approach by this federal government, in particular the commitment by Minister Pyne and the Capability Acquisition and Sustainment Group, led very ably by Mr Kim Gillis. They have taken a new approach to engagement with Australian industry and to ensuring that they open up the supply chain to all Australian companies who have something to offer defence capability.

The opportunities for Western Australia are significant and they are real. I have never been more optimistic than I am today about the future of this industry in my state. Not only have we now been named the second naval shipbuilding hub for Australia's naval capacity—with the large surface combatants being built in Adelaide but the minor surface combatants now being built in Western Australia—but the majority of the fleet is likely to be sustained in Western Australia. That is 50 years of job certainty and economic prosperity for our state. As a former Army officer I now have a particular interest in seeing a significant proportion of phase 2 of the LAND 400 project potentially moving to Western Australia. Not only do opportunities exist for Perth based companies, but rural and regional companies throughout Western Australia now have an opportunity to engage in the supply chain.

As these projects mature it is important that we continue to build relationships with international companies seeking to establish a base in Australia. Last week alone the WA
Minister for Commerce, Michael Mischin, led a delegation to Germany, France and the Netherlands with the chamber of commerce CEO, Deidre Wilmott. They briefed short-listed bidders for the offshore patrol vessels and the designer of the future submarines, DCNS.

In conclusion, there is no fair share for any state. There is enough for all states who can demonstrate that they are competitive and in a position to deliver the best possible capability for Australia.

**Building and Construction Industry**

**Senator LINES** (Western Australia—Deputy President and Chair of Committees) (13:58): The building and construction industry right across Australia is a dangerous place to work. The record of deaths and injuries remains unacceptably high, and in my state of Western Australia it is a particularly dangerous place to work as workplace deaths have increased.

When Marianka, only 27, a German backpacker, fell metres to her death on a Finbar construction project in the Perth CBD, it was just business as usual. The concrete pour continued, the site was not closed, blood and strewn work clothing were clearly visible and accessible, and there had been no effort to ensure that the scene of the fatality was not contaminated. Finbar did not even call the police. That was done by an ABC journalist. It was in fact as if the loss of her life did not matter—an issue worth no more attention than a dropped tool or a broken machine.

**The PRESIDENT:** Thank you, Senator Lines. It being 2 pm we will proceed to questions without notice.

**QUESTIONS WITHOUT NOTICE**

**Day, Mr Bob, AO**

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Finance, Senator Cormann. I refer to the condition imposed by the government under former Special Minister of State Ronaldson that the heads of agreement and lease establishing former Senator Day's electorate office at 77 Fullarton Road could only be executed if there were no net cost to the Commonwealth. Can the minister confirm his agreement to back pay six months of rent outside the terms of the lease would have resulted in a cost of over $30,000 to the Commonwealth?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:00): I actually answered a question like this precise question yesterday. I confirmed for the Senate that not a single dollar in rent was paid on his 77 Fullarton Road office.

**The PRESIDENT:** Senator Wong, a supplementary question.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (14:01): Can the minister explain why he agreed to back pay six months rent outside the terms of the lease when this is demonstrably inconsistent with the conditions set by his predecessor? Why did he provide agreement to make this payment outside the terms of the lease, contrary to the conditions set by his predecessor?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:01): I explained that in detail in my very comprehensive
statement to the Senate. I also answered a question in similar terms from Senator Gallagher yesterday. I refer Senator Wong to my statement in my response to Senator Gallagher.

The PRESIDENT: Senator Wong, a final supplementary question.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): Was the minister's decision to agree to back pay six months rent a unilateral decision or did the minister consult with the Prime Minister or his office?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:01): As I indicated to the Senate in my very comprehensive statement on Monday, as Special Minister of State I worked in a nonpartisan fashion, in a confidential fashion and, indeed, with a focus on resolving problems within the rules and within the appropriate framework, of course.

The PRESIDENT: Senator Gallagher, a point of order?

Senator Gallagher: A point of order on relevance. The question has not been addressed by the minister. The question directly goes to: was the decision to agree to back pay made unilaterally or was the Prime Minister consulted? That is the question we have asked the minister to answer.

The PRESIDENT: The minister has been in order. The minister is only halfway through his answer. Minister, you have the call.

Senator CORMANN: Again, for the benefit of Labor senators, no rent was paid. There was no back pay of rent and there was no prospective payment of rent. I fulfilled—

The PRESIDENT: A point of order, Senator Wong?

Senator Wong: On relevance. There is one question only. Did he make the decision unilaterally or did he consult the Prime Minister or his office? That is the question.

The PRESIDENT: The question is slightly broader than that, Senator Wong. The question actually goes to payment of rent or agreement to payment of rent, and whether he made that decision. The question has to relate to another portion. It cannot be, 'Did he agree to make a decision?' It is the particular decision.

Senator Wong: The decision.

The PRESIDENT: Yes, that is right. The minister has been answering about the decision that he did not pay rent, and he is referring to his statement of comprehensive answers yesterday. I am listening to the minister. The minister is aware of the question. I call the minister.

Senator CORMANN: Thank you very much, Mr President. To assist Senator Wong, this was very much a routine matter, similar to matters raised with me by Labor members and senators from time to time.

The PRESIDENT: Senator Wong, a point of order?

Senator Wong: It is not relevant, Mr President, whether or not he talks to Labor senators. It is not relevant whether or not this is partisan. The question was: was the decision to agree to back pay six months rent made unilaterally or did you consult with the Prime Minister and his office? That was the question.

The PRESIDENT: Minister, you have six seconds in which to complete your answer.
Senator CORMANN: I do not accept the premise of the question. To help Senator Wong, I conduct my responsibilities here as minister—(Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:04): Order! Could I draw to the attention of honourable senators the presence in the gallery of the Australian Political Exchange Council's 24th Delegation from the People's Republic of China, led by Ms Wang Ting, Deputy Secretary General of the All-China Youth Federation. On behalf of all senators, I welcome you to Australia and, in particular, to the Senate.

Honourable senators: Hear, hear!

The PRESIDENT: Also, could I acknowledge the presence in the gallery of two former senators: Senators Colbeck and Edwards.

Honourable senators: Hear, hear!

Senator Sterle: You should still be here, Richard!

Government senators: We want Sean!

The PRESIDENT: Order on both sides!

QUESTIONS WITHOUT NOTICE

Working Holiday Maker Program

Senator DUNIAM (Tasmania) (14:05): My question is to the minister representing the Treasurer, Senator Cormann. Why are the government's reforms to the so-called backpacker tax arrangements so important?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:06): I thank Senator Duniam for that very good question. It is great to be answering this question in the presence of distinguished former senators Richard Colbeck and Sean Edwards.

The government's reforms in this area help ensure we can meet seasonal labour supply needs, making sure Australia remains an attractive destination for working holiday-makers whilst also making sure that we do so in a way that is sustainable and fair. Indeed, it is important to get the balance right between meeting Australia's seasonal labour supply needs and a fair and more sustainable income tax system in Australia. We have consulted extensively to get that balance right. We have consulted with employers in relevant sectors of the economy, and indeed we have consulted with Liberal and National Party members and senators.

Our solutions for backpackers as part of an overall package of reforms is that the new 19 per cent tax rate on working holiday-makers from their first dollar is actually very competitive internationally. It puts us in a slightly better position than the equivalent markets in New Zealand, Canada and the United Kingdom. Indeed, let us look at what a backpacker in New Zealand, Canada or the United Kingdom would earn in take-home pay. When earning $13,000 in Australia it would be $10,530 in their pocket after tax, in Canada it would be just $9,837, in New Zealand it would be $10,126 and in the United Kingdom it would be $10,470.

We are also lowering the application charge for working holiday-maker visas, allowing visitors to stay with one employer for up to 12 months, and we are providing Tourism
Australia with $10 million for a global advertising campaign targeted at young people. To protect against exploitation of working holiday-makers, the employers will need to register with the ATO, and legislation will need to be passed by the end of this year to allow employers time to register and to give certainty to the industry. *(Time expired)*

**The PRESIDENT:** Senator Duniam, a supplementary question.

**Senator DUNIAM** (Tasmania) (14:08): I thank the minister for his answer. I ask: is the minister aware of any alternative policies?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:08): Before the election—as former Senator Colbeck would know—the alternative government did not have an alternative policy in relation to this. And what has Labor decided now? The Labor Party has now decided to impose lower taxes on foreign workers and higher taxes on Australian workers and Australian small businesses by again targeting their retirement savings.

The question that the Labor Party needs to answer is: why do they want a tax cut—why do they want to halve the income tax rate applied to foreign workers—and then try to pay for it by increasing taxes on the superannuation of Australian workers and small businesses? The Labor Party is all over the place on this, and I suspect that once people across Australia understand what it is that Labor is proposing to do—lower taxes for foreign workers and higher taxes for Australian workers—they will be forced to change their position.

**The PRESIDENT:** Senator Duniam, a final supplementary question.

**Senator DUNIAM** (Tasmania) (14:09): What would be the impact of Labor's policy to nearly halve income tax rates for foreign workers?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:09): Labor's policy to cut the tax rate on backpackers from 19 per cent to 10.5 per cent would cost $240 million. So it would shift $240 million in additional tax burden from foreign workers onto Australian taxpayers. And their decision to oppose any increase in the passenger movement charge would leave the budget $500 million worse off overall, given the $260 million from that measure alone.

So if Labor votes against our overall working holiday-maker reform package it will cost the budget $500 million. At the same time, they will again go after people's retirement savings. The Labor Party will again put their hands into the pockets of Australian workers and small businesses which are saving for their retirement. Lower taxes for foreign workers, higher taxes for Australian workers: that is the policy of the modern Labor Party.

I will say it again: Labor stands for lower taxes for foreign workers and for higher taxes for Australian workers. What do we stand for? We stand for fairness—*(Time expired)*

**Attorney-General**

**Senator PRATT** (Western Australia) (14:10): My question is to the Attorney-General, Senator Brandis. I refer to the Legal and Constitutional Affairs References Committee report tabled in the Senate yesterday, which states that the Attorney-General:

… has misled the Parliament by stating in the Explanatory Statement that consultation with the Solicitor-General had in fact taken place.
Will the Attorney-General today correct the record and admit that he never consulted the Solicitor-General in relation to the changes to the Legal Services Directions?

*Honourable senators interjecting—*

The PRESIDENT: Order! On both sides. If senators wish to have conversations they can leave the chamber.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:12): Well, Senator Pratt, I am aware in fact of two reports. I am aware of a majority report and I am aware of a minority report. And at risk of being accused by you, once again, of misleading the Senate, let me confirm and affirm very unequivocally that I did consult the Solicitor-General, and I demur entirely from the suggestion that I did not.

It is interesting to see who comprised the majority of this committee which, of course, is dominated by the Australian Labor Party. It consisted of—the people who put their names to this report from the opposition—Senator Pat Dodson, who did not show up on the day that the evidence from me and the Solicitor-General was being heard. It consisted of Senator Murray Watt, who gave a speech in this chamber, announcing his conclusions about the issue before the first hearing day. And it consisted of you, Senator Pratt, who in the majority report based your entire case on a passage from *Alice in Wonderland*! Indeed, this is an *Alice in Wonderland* report.

It rather reminded me—I dug out *Alice in Wonderland* this morning—that one of the main plot lines in *Alice in Wonderland* is of some crazy queen, the Queen of Hearts, running around saying, 'Off with his head! Off with his head!' before the trial commences and before the first word of evidence has been heard! That is you, Senator Pratt. It is Senator Dodson, who was not there; Senator Watt, who announced his conclusion before the committee convened; and you, Senator Pratt, whose case is based on *Alice in Wonderland*.

The PRESIDENT: Senator Pratt, a supplementary question.

Senator PRATT (Western Australia) (14:14): I think the Queen of Hearts was often saying, 'I often have thought six impossible things before breakfast,' and I suggest that is what you are asking us to believe.

The PRESIDENT: Do you have a question, Senator Pratt?

Senator PRATT: I refer to the Humpty Dumpty precedent famously cited in the House of Lords decision Liversidge v Anderson, which provides:

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean, neither more nor less."

Does not this place deserve a little more respect than the Attorney General—*(Time expired)*

*Honourable senators interjecting—*

The PRESIDENT: Order on my right. Order! That includes you too, Senator Bilyk. I am very tempted to ask Senator Pratt to repeat her question because of the noise, particularly from the right, but I will call the Attorney-General and ask him to respond to Senator Pratt's question.

Senator Wong: Mr President, we could not hear it. It might be—

Government senators interjecting—
The PRESIDENT: Order on my right!

Senator Wong: It might be that Senator Pratt's voice is not as loud as Senator Macdonald's. That is true, but I do not think even people on this side could hear what she said.

Senator Ian Macdonald: A point of order, Mr President. There was noise from this side, but only after the time for asking the question had expired. That is when the noise was heard, because Senator Pratt spent 30 seconds and did not even get to ask the question.

The PRESIDENT: Thank you. There is no point of order, Senator Macdonald. I invite the Attorney-General to respond to the question that was asked by Senator Pratt.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:16): Senator Pratt, yes, I am familiar with Lord Atkin’s judgement in Liversidge v Anderson and I am familiar with the quotation from Alice in Wonderland. In fact, can I share a secret with you, Senator Pratt: I was even thinking of quoting that passage myself in my submission to the committee in relation to some of Mr Justin Gleeson's evidence, but I refrained from doing so for fear of being thought flippant.

Senator Pratt interjecting—

Senator BRANDIS: Senator Pratt, I am more than amazed to find myself having a debate across the Senate floor with you about the meaning of a word. But if you recall, Senator Pratt, I did hand up to you an extract from the Oxford English Dictionary, which defined the word 'consultation' in eight different ways. Seven of them completely supported my recollection of the events, supported by the contemporaneous diary notes, and one obscure reference, to which you refer, did not.

The PRESIDENT: Senator Pratt, a final supplementary question.

Honourable senators interjecting—

The PRESIDENT: Order! I will ask the senator to repeat her question continuously if I do not have silence. Senator Pratt, you have the call.

Senator PRATT (Western Australia) (14:17): Given that multiple eminent legal experts have given evidence that the Attorney-General's direction is beyond power and inconsistent with multiple acts of parliament and compromises the independence of the Solicitor-General, will the Attorney-General, like Humpty Dumpty, fall off his wall and resign?

Senator Ian Macdonald interjecting—

Senator BRANDIS: Senator Pratt, once again you misquote the evidence, as you did throughout the Labor Party written majority report, because it is not uniformly the case that
eminent legal experts say that. In fact, as a matter of fact, Senator Pratt, one of the witnesses speaking on the proper interpretation of the meaning of 'consult' in section 17 of the Legislative Instruments Act, said that the extent of the obligation to consult is plainly entirely a matter for the lawmaker, and that evidence was uncontradicted. Yet you did not even refer to that in your report, and yet it went to the central issue of the case. And your report itself is self-contradictory, because what you find is not that there was no consultation but, to quote your words, 'There was no substantive consultation.' You are at liberty to form the view that there ought to have been more, but the extent of consultation required under the act, as the expert evidence showed, is entirely a matter for me.

**Employment**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (14:19): Mr President, my question is to the Minister representing the Minister for Social Services, Senator Ryan. On Friday, 28 October, *The Australian* had an article titled 'Welfare pays more than work.' The article claimed that a single parent with four children was able to earn more per year from income support payments than they could from a median full-time wage after tax. Analysis of the data showed that the figure for the working parent had not factored in the $30,910 in family tax benefits they would also receive. Did any member of the government, their staff or anyone from the Department of Social Services provide the so-called new government data mentioned in the article in *The Australia*? If so, what was the nature of the data provided?

**Senator RYAN** (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:20): I thank Senator Siewert for her question. I am familiar with the article. I am advised that the government never said that parents would be better off on welfare compared to getting a job, and that particular characterisation that you referred to was one of the media and not of government. The Minister for Social Services gave a very comprehensive speech about—

**Senator Kim Carr interjecting**—

**Senator RYAN**: Senator Carr, the Minister for Social Services gave a very comprehensive speech outlining a number of the challenges in the welfare space, and a number of the facts are worthy of repeating here. One of the cameos I can go through: the parenting payment single recipient for a person—

**The PRESIDENT**: A point of order, Senator Siewert.

**Senator Siewert**: I suspect I have heard those cameos before. I asked very specifically: did any member of the government, their staff or anyone from the Department of Social Services provide the so-called new government data and, if so, what is the nature of the data? I did not ask for a cameo; I did not ask for anything else; I asked that specific question.

**Opposition senators interjecting**—

**The PRESIDENT**: Order on my left. I believe the minister answered that portion of your question up front about the fact that the government did not brief. That is what I heard him say.

**Senator RYAN**: In that, I was referring to the article mentioned in the substantial preamble to the question from Senator Siewert.
The PRESIDENT: Thank you. In that case, Minister, you are aware of the question. I remind you of the question.

Senator RYAN: Senator Siewert, I was going to provide the Senate with that data and some other data; but, given that you have restated what you wish me to address, I think you will accept that I am in no position to provide that answer, with the briefings I am provided representing the other minister. If I have any further information, I will bring it back to the Senate.

The PRESIDENT: Senator Siewert, a supplementary question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:22): I am extremely disappointed that the minister who is the minister responsible for this does not know whether the government provided that data. When the minister was making his comments on it, why did he not address the issue that no family tax benefit payments were included in the analysis?

Senator RYAN (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:22): Mr President, I think it is a little odd that the senator is assuming that I would be able to peer into the minister's mind in a period of questions without notice. I am quite happy to outline the facts that I have at hand, but I am in no position whatever either to agree with the characterisation as outlined by Senator Siewert, to accept it as legitimate, or to peer into the mind of the minister I represent in here. I am happy to present facts. If I have any further facts I will come back to the Senate, but I am not going to address the attempted outrage and the attempted sledging of the minister by Senator Siewert.

The PRESIDENT: Senator Siewert, a final supplementary question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:23): Perhaps the minister, in taking that on notice, could also take on notice whether the government or the minister's office did in fact do any analysis before the minister made any comments on this and whether the data presented in the article was accurate or included a fair comparison of like-on-like—in other words, both groups were receiving family tax benefit.

Senator RYAN (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:23): Mr President, I refuse to accept the characterisation outlined by Senator Siewert, who is making an assumption about the particular article that I referred to in my first answer, when I said the government is not in a position to control what is printed in the newspaper. I know the Greens might wish it were the case, but this side of politics has constantly opposed it. I will not accept the characterisation put by Senator Siewert. I do not think she is actually interested in the facts here, other than a sledge at the minister. If I have any further information to bring back to the chamber, I will. I have no doubt that the department worked very effectively with the minister before he made his very comprehensive address to the National Press Club.

Registered Organisations

Senator PATERSON (Victoria) (14:23): My question is to the Minister for Employment, Senator Cash. It is a policy question, Mr President. Labor senators might like to try it. Can the minister inform the Senate of any activity that highlights the urgent need for greater accountability and governance of registered organisations?
Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:24): I thank Senator Paterson for his question—and, yes, I can. In recent years, it has been very disappointing that Australians have learned of certain unions and certain union officials that have not acted in the best interests of their organisations or their members. This has happened because of the inadequate laws in place that have allowed this behaviour to occur. For example, we have learned of the Australian Workers Union practice of issuing false invoices that are conveniently marked as ‘training’, ‘OHS’ or similar, but what they are really for is covering payments for stacked union memberships. Those who were secretly signed up included netballers and horse-racing jockeys, including the last two Melbourne Cup winners. They were signed up without their knowledge. They had never agreed to join the union and had never given their consent.

Why was this done? Having these numbers on the books of the AWU bolstered their power base within the Australian Labor Party. We have also heard of other deals done between an employer and a union. That employer was Cleanevent and again the union was AWU. In this case, the employer, Cleanevent, agreed to pay to the union $25,000 per year for three years. What did the union get in return? They got the names of all of the employees, but what is worse is that they stripped the workers of their penalty rates. Just in case people do not know: who was the National Secretary of the AWU at the time? None other than the Leader of the Opposition at the moment, Bill Shorten. An absolute disgrace.

The PRESIDENT: Senator Paterson, a supplementary question.

Senator PATERSON (Victoria) (14:27): Will the minister advise the Senate of current arrangements for accountability of registered organisations? Why is it important that all registered organisations, not just trade unions, be accountable to their members?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:27): The facts of the matter are this: across Australia there are 47 unions and 63 employer groups representing two million members. These registered organisations have annual revenue in excess of $1.5 billion and they have ownership or control of assets worth $2 billion. That is why it is so important that the laws are in place to ensure accountability and transparency. What we need are laws that ensure there is an independent overseer, a regulator, similar to that for the Corporations Law. We also need to ensure that proper accountability and transparency is in place. If an employer organisation or a union organisation is doing something that involves members’ money, all we say is the members deserve to know. (Time expired)

The PRESIDENT: Senator Paterson, a final supplementary question.

Senator PATERSON (Victoria) (14:28): Is the minister aware of any impediments to ensuring that officials of registered organisations are properly accountable for their use of members’ funds?

Opposition senators interjecting—

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:28): Given the reaction in particular from those on the other side, the answer to that is yes. It is unfortunate, because, when you look at the two million workers across Australia, the value of the funds, $1.5
billion, and the value of the assets that are under their control, $2 billion, deal after deal after deal that has been done by union officials and employers—some employers are complicit in this—has been to the detriment of the workers. How can anyone in this place not agree that the current laws are inadequate? They do not provide for the requisite level of transparency or accountability. The laws that are in place fail the two million members of these organisations. The appropriate thing to do as policymakers is realise there is a deficiency and put in place laws to ensure these types of deals cannot be done. (Time expired)

Telecommunications

Senator Griff (South Australia) (14:29): My question is to the Minister for Regional Communications, Senator Nash. In May 2016, the member for Grey, Rowan Ramsey, released a statement which guaranteed that, following a further $60 million allocated by the federal government to the Mobile Black Spot Program, three sites, at Marree, Robertstown and Bute in South Australia, would be upgraded. The member for Grey again expressed his satisfaction with this announcement only just this week in the House. Given that it has been almost six months since the announcement, when can residents in these areas expect to see the government deliver on its promise?

Senator Nash (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (14:30): I thank Senator Griff for his question. The Mobile Black Spot Program is something of which I am very proud as a member of this coalition government.

Senator Kim Carr: How many have actually been turned on? How many have actually been switched on? Not one. They were an election stunt, weren't they?

Senator Nash: I will take the interjection from Senator Carr. Do you want to know how much money was spent on mobile phone black spots under Labor? Not one cent in six years, Senator Carr. I come back to the question. Senator Griff, thank you for that question. Under the black spot program, you would be well aware round 1 was announced addressing 3,000 black spots of the 6,000 black spots that were identified as areas that need to be addressed. Four hundred and ninety-nine towers were addressing those 3,000 black spots under round 1. We do, obviously, need to have a period of time while those 499 are addressed. There is a rollout of towers obviously according to the telecommunications carriers that roll these out. I am aware, of course, that not all of those have been done to date and that there is a rolling time line. I am very happy to come back to the senator with an indication of timeliness for the specific towers, but I reiterate: it is this government that is investing $220 million into addressing the very real issue of mobile phone black spots. Again, as I indicated earlier, under six years of Labor government, not one cent was spent in regional Australia on mobile phone black spots. (Time expired)

The President: Senator Griff, a supplementary question?

Senator Griff (South Australia) (14:32): As residents of Marree have no mobile phone coverage—and I am very pleased to hear that that will soon change—placing a heavy reliance very much on landline phones, during the South Australian power blackouts Marree was without any landline phone coverage as well, twice in one week, and it took over 24 hours for
communications to be restored. Does the minister believe it is acceptable to be without any form of phone communication for over 24 hours?

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (14:33): Of course, as somebody who actually resides in a regional area, I can understand the frustration of people in regional areas who had to do without their phones for that period of time. Clearly, this was an unprecedented weather event. I do understand the frustration of people who got caught in that circumstance and were not able to access those landlines during that period of time. But I think we also need to look at those who have a very strong focus, shall we say, on renewable energy. We need to make sure that the policies of those opposite, from Labor and the Greens, do not compromise our energy security in this nation. That is a discussion we need to have and a very serious one, because energy security is something about which we should all be concerned, and we certainly are on this side of the chamber. (Time expired)

The PRESIDENT: Senator Griff, a final supplementary question?

Senator GRIFF (South Australia) (14:34): Minister, there are just two remote area nurses in Marree. They service an area of several thousand square kilometres. How do you propose that these two nurses call for help if a health emergency arises during periods when no phone coverage whatsoever is available?

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (14:34): I appreciate the question from Senator Griff. This is not a situation that we want to see at any point in time. Of course, it would make it incredibly difficult not only for those two remote area health nurses but also for health workers across South Australia who were caught up in those very, very difficult circumstances. But I do think that we need to acknowledge that it was an unprecedented weather event and that there were interruptions to telecommunications during that period of time that, while very concerning, I think need to be understood. I do understand the concerns from Senator Griff. It is not a situation that any of us want to be in. We do need to ensure that we have communications in regional areas that are as good as they can possibly be. That is why this coalition government is investing $220 million into the black spot program. Again, I inform the chamber that the Labor Party never invested a cent. (Time expired)

National Security

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:35): My question is to the Minister representing the Minister for Immigration and Border Protection. Can the minister advise the Senate what action the government is taking to further strengthen Australia’s border protection regime?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:36): I thank Senator Smith for the question, and, yes, I can. Those of us on this side of the chamber understand that the first priority of government is to ensure the security of the nation and its people. The Leader of the Opposition has again this week given the clearest indication that Labor fail to understand this principle, and anyone who fails to understand this principle is unfit to lead this
country. In stating their opposition to the government's plan to legislate to prevent asylum seekers taken to Nauru or Manus Island from being granted a visa to come to Australia, Mr Shorten and Labor have yet again shown that they have not learnt from their past policy failures. This government understands that it is critical to send a very clear and concise message to the people smugglers. Under this government Australia is closed for their illegal business.

Unfortunately, as we know, those on the other side, in alliance with the Australian Greens, were very proud to tear down the Howard government's former strong border protection policies. In fact they continue to have their heads in the sand when it comes to the actual reality. Let's remind ourselves why we on this side of the chamber continue to send the policy messages that we do.

In excess of 50,000 people arrived here illegally by boat. Over 8,000 children were put into detention. Where are the howls coming from the Australian Greens now? Over 1,200 people lost their lives at sea because of the policies that were put in place by the other side. Then, of course, we had the cost to the Australian taxpayer—a budget blow-out of in excess of $11 billion. This government put an end to that misery, and we intend to keep it that way. (Time expired)

The PRESIDENT: Senator Smith, a supplementary question?

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:38): Can Minister Cash advise the Senate of any threats to Australia's strong border protection regime?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:38): Yes, I can. As I said, the threat was made very clear this week when Mr Shorten, on behalf of the Australian Labor Party, said he would no longer undertake bipartisanship in relation to border security. Labor failed to take responsibility for their policy failures when they were in government. It is a fact that there has not been a successful people-smuggling venture to Australia for over 830 days.

Cast your mind back to but a few years ago when those opposite were in government. Mr President, do you remember every other day of the week another press release was issued, and what did that press release say? Yet another successful people smuggling venture to Australia. That is not good enough. They opened detention centres. Do you know what we did? We closed them. They put children into detention. Do you know what we did? We got them out—and we intend to continue in that way. (Time expired)

The PRESIDENT: Senator Smith, a final supplementary question?

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:39): Can Minister Cash advise the Senate of the consequences of Labor's opposition to this important reform?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:39): Yes, I can. We have been there before; the script has been written. Again, those of us on this side of the chamber will continue to send a clear message to people smugglers. We understand national security; we understand border security, and we will not let the Australian people down.
What do we have on the other side? Mr President, you would recall during the federal election that over 50 of Labor's candidates defied their leader—who has, himself, now defied any sense of bipartisanship on this issue—in relation to border security. They have openly stated that, if they were on this side of the chamber, they would happily have the boats start up again; they would happily endorse deaths at sea, because that is what those policies do. They would again put children into detention, because, again, a failure to control our borders equals those direct consequences. Again, this side of the chamber will not send that message.

(Time expired)

Working Holiday Maker Program

Senator LEYONHJELM (New South Wales) (14:40): My question is to the Minister representing the Treasurer, Senator Cormann. Twenty years ago both sides of politics agreed that enterprise bargaining was better than government wage setting at promoting productivity, wages and employment, yet we still have government-imposed penalty rates, award wages and minimum wages. The Fair Work Ombudsman is responsible for enforcing this, but up until now economy-wide enforcement has been impossible due to a lack of data.

In your backpacker package you propose to allow the tax office to divulge the private financial affairs of employers who are not suspected of contravening tax obligations to the Fair Work Ombudsman. This will mean that, for the first time in Australia's history, there will be, effectively, enforcement of government wage setting to the detriment of productivity, wages and employment. Why is the Liberal-National government doing this?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:41): I thank Senator Leyonhjelm for that question. As I said in an earlier answer, the government's working holidaymaker reform package not only ensures working holiday-makers pay fair tax on their earnings; it also ensures Australia's arrangements are internationally competitive.

To help address concerns about the exploitation of working holiday-makers their employers will need to register with the Australian Taxation Office. Registration will be simple and easy for employers. The employer register will provide valuable data on who employs working holiday-makers, what sectors they are engaged in and where the employers are located. The ATO will report annually to the Treasurer using information obtained from the register.

Senator Cameron interjecting—

Senator CORMANN: Sharing of information between the ATO and the Fair Work Ombudsman will allow the commissioner to disclose information that is relevant to ensuring an entity's compliance with the Fair Work Act 2009—and I am surprised that Senator Cameron appears to be objecting to that. This will provide greater protection to working holiday-makers. This specifically addresses the Fair Work Ombudsman's report, Inquiry into the wages and conditions of people working under the 417 Working Holiday Visa Program, which recommended greater collaboration between the ombudsman and the Australian Taxation Office.

The report also supported the establishment of a publicly available employer register for employers of 417 visa holders. The ATO can already disclose particular tax information to other government agencies for specific purposes, including agencies dealing with social
security laws such as Centrelink and Medicare; APRA and ASIC; and state tax offices and
law enforcement agencies.

Award wages are, of course, meant to be observed. It is not correct to say that this is the
first type of mechanism to ensure compliance with the law for wage setting. The
arrangements for the backpacker industry are designed in a way that is adapted for the
particular circumstances of this seasonal workforce.

The PRESIDENT: Senator Leyonhjelm, a supplementary question?

Senator LEYONHJELM (New South Wales) (14:43): In your backpacker package you
propose to publish on the Australian Business Register the names and locations of all the
employers who intend to hire backpackers. How likely is it that backpackers will be perusing
the Australian Business Register? Isn't it more likely that the Australian Workers' Union will
peruse it instead and then pay those employers a visit?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the
Government in the Senate) (14:44): The employer register will be made public on the ABN
Lookup website.

Opposition senators interjecting—

The PRESIDENT: On my left! Order! Pause the clock.

Senator Kim Carr interjecting—

Senator Brandis interjecting—

The PRESIDENT: Order! Senator Carr and Senator Brandis. Senator Carr, the question
was not asked of you; it was asked of the minister.

Senator CORMANN: This will allow working holiday-makers to identify whether a
prospective employer is registered. Employers who are registered will be able to withhold tax
at the new 19 per cent rate. Other than identifying that an employer is a registered employer
of working holiday-makers, and the date of registration or deregistration, the register will not
provide any information that is not already available on the ABN Lookup website. We expect
that employers on the register will be those who are doing the right thing. There should not be
a reason for unions to make specific contact with employers on the register, as they should be
compliant employers.

The PRESIDENT: Senator Leyonhjelm, final supplementary question.

Senator LEYONHJELM (New South Wales) (14:45): In your backpackers package you
propose to require employers—many of them farmers who intend to hire backpackers—to fill
out red tape forms and pass a fit and proper person test, requirements which are not imposed
on employers who only hire locals. Isn't employing p
eople a noble act that should not be
restricted just to people deemed fit and proper?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the
Government in the Senate) (14:45): I thank Senator Leyonhjelm for that second
supplementary question. As I noted in my response to his earlier question, registration for
employers will be once off, simple and easy. The ATO will ask employers to register by
answering a few simple questions. For new employers of working holiday-makers, this
requirement will be incorporated into the existing ATO employer pay as you go withholding
registration process. The ATO will be able to cancel an employer's registration for a variety of
reasons, including if they cease employing working holiday-makers or if they are found not to be a fit and proper person. The fit and proper person test is not an onerous one. This is intended to prevent exploitative behaviour.

**Day, Mr Bob, AO**

**Senator MARSHALL** (Victoria) (14:46): My question is to the Minister for Finance, Senator Cormann. I refer to the minister who, in his very comprehensive statement on Monday, told the Senate that he 'understood at the time that the non-payment of rent meant that any potential breach of section 44 of the Constitution had been avoided'. On what basis did the minister come to this understanding?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:46): I thank Senator Marshall for that question. If he reads the next paragraph in that very comprehensive statement I made, he will find the answer, and I refer him to that statement.

**The PRESIDENT**: Senator Marshall, a supplementary question.

**Senator MARSHALL** (Victoria) (14:47): At any point while he was Special Minister of State, did the minister seek any legal advice in relation to the possibility of a breach of section 44 of the Constitution? If so, from whom? The Attorney-General, the Australian Government Solicitor, then Solicitor-General Gleeson or alternative legal counsel?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:47): I did not believe at any time that there had been a breach of section 44 of the Constitution. The department at no time gave me advice to the effect that there could have been a breach of section 44 of the Constitution. I confirm for the Senate again: not a single dollar in rent was paid for the electorate office of former Senator Bob Day. Senator Marshall and, indeed, Labor senators, for political reasons, are trying to make an assumption on what the constitutional position will be that is ultimately determined by the High Court. But neither the government nor the opposition nor anyone in this chamber can determine what the constitutional position is.

We did obtain legal advice. The legal advice came up with a different interpretation, and obviously that will now be tested in the High Court, and it will be a matter for the High Court to confirm the position one way or the other.

**The PRESIDENT**: Senator Marshall, a final supplementary question.

**Senator MARSHALL** (Victoria) (14:48): I am not trying to make assumptions at all. I am just trying to get straight answers to the questions that I ask. Did the minister advise the Prime Minister, or his office, of the possible breach of section 44 of the Constitution?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:48): As I was about to say in answer to a question by Senator Wong earlier, before I was interrupted by a point of order, during my 6½ months as Special Minister of State it was not my practice to trouble the Prime Minister on routine matters relating to inquiries by members and senators—whether they were Labor, Liberal, National, Greens or indeed Independent members and senators—and this was a routine matter. No, I did not trouble the Prime Minister on this occasion either.
Northern Australia

Senator O'SULLIVAN (Queensland) (14:49): My question is to the Minister for Resources and Northern Australia, Senator Canavan. What is the government doing to develop long needed water infrastructure in the too-long neglected area of Northern Australia?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:49): I thank Senator O'Sullivan for his question and recognise, again, his passion of developing agriculture in this country, of developing our water resources and developing Northern Australia in particular. Those in this chamber with an interest in Northern Australia and Northern Australian development would know that Northern Australia represents 40 per cent of our country's landmass—almost half of our country—but it represents 60 per cent of our rainfall. Sixty per cent of the water that falls in this country falls in Northern Australia, yet many of the river systems and catchments there in the North are not as developed as those in southern Australia. There is huge potential to build dams to store more water. When you put water behind a wall, it is effectively like putting money in the bank, because sometime in the future you can release that water and use it to grow agriculture, use it to create jobs and use it to benefit our nation.

The CSIRO tells us that up to 17 million hectares in Northern Australia could be suitable for agricultural production. That is an enormous amount of land when you consider that the land under irrigation right now in Australia—mostly in southern Australia—is only around two million hectares. We will not irrigate all our 17 million, but even a fraction of that would substantially increase the land under irrigation in this country.

That is why we, as a government, are putting investment into our water resources. It is why, for the first time in more than a quarter of a century, we have a government committed to developing the water resources of Australia by putting aside half a billion dollars to develop water infrastructure right across Australia—including in southern Australia, but at least $200 million in Northern Australia—and also a $2 billion fund to help state and local governments to invest their part of these investments.

There are exciting projects all around the country. Projects like Rookwood weir could be a major deal to Central Queensland. We want to get on with the job and get this moving. We want to create jobs. We want to make sure this country has future opportunities to develop its agricultural sector and develop its water resources.

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

Senator O'SULLIVAN (Queensland) (14:51): Minister, you mentioned a project. What is currently preventing the start of this project that is already so long overdue?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:51): I thank the senator again for his question. The government believes that Rookwood weir is a major project to get ahead for Central Queensland. We put $130 million towards it. We agree with Mr Peter Beattie, who roughly 10 years ago said that they would build the Rockwood weir by 2011. He said at the time, 'We're building the future and we're going to do it by 2011.' Of course, that time has come and gone, but we are committed to doing it. Gladstone could be drought proofed thanks to Rookwood weir. Another Labor leader was in Gladstone last week. He said his priority was jobs, jobs, jobs, but then he was asked whether
he was going to support Rookwood weir. He said we need to make sure our business case
stacks up. It is Back to the Future Bill. He will not back Peter Beattie. He will not back this
government. He wants to do more studies rather than get on with the job of creating jobs in
this country.

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

Senator O'SULLIVAN (Queensland) (14:52): Will the Rookwood weir be the start of
greater investment in Northern Australia or will we have to wait for further water
infrastructure?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia)
(14:53): It is not just the Rookwood weir, as exciting as I think that project is in the Fitzroy
River catchment area, which is, after the Murray-Darling, the country's second largest
catchment area. There are other projects in that river system such as the Urannah Dam, for
which we have put money aside for planning works. There is the Burdekin catchment further
north of that, where there are three projects for which we have put money aside for further
planning works. There is the Mitchell River in the cape, which has enormous untapped
potential. Of course, we will need a state Labor government willing to support Indigenous
communities in the cape that want to develop their land and irrigate. There are the gulf
rivers—the Flinders and Gilbert rivers—for which we have put money aside for the CSIRO to
develop. Again, we are waiting on the state government to issue water licences there. There is
groundwater around the Darwin region in the Northern Territory, and there is more work
being done by the CSIRO in Western Australia on raising the dam wall on the Ord and on
options with the Fitzroy River in the West Kimberley. This is a government that is committed
to developing our resources and to building dams, and it is very exciting for our country.

Vocational Education and Training

Senator CAMERON (New South Wales) (14:54): My question is to the Minister for
Education and Training. I refer to Assistant Minister Karen Andrews, who says that former
Senator Day's student builder pilot 'redefines participants as students rather than apprentices'.
Can the minister confirm that participants in the $1.84 million student builder pilot are not
apprentices?

Senator BIRMINGHAM (South Australia—Minister for Education and Training)
(14:54): As I thought was fairly obvious from the name of the program that this scheme is
funded under, this is the alternative delivery pilots program. The five different models that are
being funded are indeed pilots of alternative delivery models that look at non-traditional
approaches for the delivery of training that leads to a final qualification. So it is self-evident
that these are trialling different pathways, different approaches. That is exactly what the
model is designed to do across the five different programs that are being funded. That is
absolutely why we are looking at it. As I told the Senate yesterday, it is because we saw in the
period between 2012 and 2013 a 38 per cent reduction in apprenticeship commencements, a
38 per cent decline that has continued to flow through apprenticeship numbers in Australia.
We are trialling these different pilot programs in an undertaking to try to ascertain whether
there are ways to recover those apprenticeship numbers in the future.

The PRESIDENT: Senator Cameron, a supplementary question.
Senator CAMERON (New South Wales) (14:55): Minister, what qualifications will the student builders receive for the $92,000 price tag? Will the students be eligible to receive a trade certificate?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:56): I will take that on notice and provide the senator with the exact qualifications that are in question here.

Senator Cameron: You're the minister!

Senator BIRMINGHAM: I will happily provide the senator with the exact qualifications. These are students who are being enrolled to received qualifications. They will be accredited qualifications under the Australian qualifications framework, as anybody would expect from a registered training organisation such as that being funded.

The PRESIDENT: Pause the clock. A point or order, Senator Cameron?

Senator Cameron: Yes, thanks. The key question was: will the students be eligible to receive a trade certificate? Fundamentally that is the question and that is what the minister should answer.

The PRESIDENT: The minister did say up-front that he will take on notice the exact qualification and get back to you. The minister has clearly answered his question with responsibility. Minister, have you concluded your answer?

Senator BIRMINGHAM: Yes.

The PRESIDENT: A final supplementary question, Senator Cameron.

Senator CAMERON (New South Wales) (14:57): How can you justify using $1.84 million of taxpayers' money for a program for only 20 participants who will not even be eligible for a trade certificate at the end of it? Was the $1.84 million price tag just another item on the tab paid by the taxpayer to keep the government's most reliable crossbencher happy?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:57): We have the slurring occurring again from those opposite, slurring that is of course completely unjustified when we are trying to tackle a real problem in relation to the apprenticeship decline that happened under their watch. There is a real challenge to come up with new and better ways to ensure the delivery of training and apprenticeships and opportunities for young Australians. Those opposite want to talk about different types of programs that really—

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

Senator Cameron: Yes, again on relevance. Given the minister cannot advise the Senate whether these young people will get a trade certificate, given that he does not know what the outcome will be, I have simply asked: is this a program to have kept that crossbencher happy?

The PRESIDENT: There is no point of order. That was, basically, repeating the question.

Senator BIRMINGHAM: Indeed, the question went much further than that, as well. The reality is those opposite come in here and want to criticise a program that is trying to provide real training places and real opportunities for young Australians into the future, yet they were a government that thought it was okay to fund trade union officials to go out and promote things like the Road Safety Remuneration Tribunal. They thought a $220,000 awareness
campaign to fund union officials to promote a tribunal like that was a worthwhile use of taxpayers' money. I would rather back training funding for students. *(Time expired)*

**International Development Assistance**

**Senator BACK** (Western Australia) (14:59): My question is to the Minister for International Development and the Pacific, Senator Fierravanti-Wells. Can the minister advise the Senate what the Australian government is doing to strengthen health security in the Pacific region?

**Senator FIERRAVANTI-WELLS** (New South Wales—Minister for International Development and the Pacific) (14:59): I thank Senator Back for the question. Australia is the largest health donor in the Pacific.

**Senator Kim Carr interjecting—**

**Senator FIERRAVANTI-WELLS:** Senator Carr, if you kept quiet you might learn something. Just listen.

**Senator Kim Carr interjecting—**

**Senator FIERRAVANTI-WELLS:** Absolutely, Senator Carr—this is a very serious issue. But we had to wait till yesterday to get a question from the ALP on a very important area. Australia is the largest health donor in the Pacific. In 2015-16 we are providing $150 million for health, water and sanitation as well as basic nutrition. Australia's overseas development assistance supports Pacific countries to build strong health systems that are capable of detecting and responding to existing and emerging health threats such as TB in Papua New Guinea. We closely monitor the spread of infectious diseases in the Pacific and support the region to strengthen disease surveillance and response mechanisms. Papua New Guinea has the highest rate of TB infection and is in the global top 10, with an estimated 39,000 cases and 25,000 new infections each year. We have committed $60 million between 2011 and 2017 to improve prevention, detection and treatment of TB, and this is, most importantly, in the Western Province, which is close to the borders at the Torres Strait. Recent outbreaks of zika virus infection have been reported in the Pacific and, of course, mosquitoes do not respect borders—

**Opposition senators interjecting—**

**Senator FIERRAVANTI-WELLS:** Well, they don’t—they don't respect borders! Therefore, it is very important that we ensure that zika virus is not imported into Australia from affected areas. Therefore, the local risk of transmission particularly in Central, Northern and South-West Queensland— *(Time expired)*

**The PRESIDENT:** Senator Back, a supplementary question.

**Senator BACK** (Western Australia) (15:02): Minister, why does the Australian government provide assistance to achieve better health outcomes in the Pacific?

**Senator FIERRAVANTI-WELLS** (New South Wales—Minister for International Development and the Pacific) (15:02): Thank you, Senator Back. Instability beyond our shores, including health challenges, affects our health services; our own economy and, in turn, our growth prospects; and, ultimately, our national interest. Some countries in our region are not as well prepared as they could be in managing emerging health threats and infectious diseases that cross borders very easily. As a responsible neighbour, we have an obligation to
assist to help to protect our neighbours, which is, in turn, in our own interest to protect ourselves. Uncontrolled disease outbreaks can have large, long-term economic consequences such as suspension of trade and travel, and even small, uncontrolled outbreaks can have large effects, particularly in countries that rely on tourism. For example, the University of Melbourne looked at the large Ebola outbreak in the Asia-Pacific region, which indicates—

(Time expired)

The PRESIDENT: Senator Back, a final supplementary question.

Senator BACK (Western Australia) (15:03): I ask the minister how the Australian government's efforts to strengthen health security in the Pacific region are of benefit to our national interest here in Australia.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (15:03): Thank you, Senator Back. Australians take around 10 million trips a year and they are travelling to an even wider range of places. There are more people over the age of 55 travelling, with the cruise market continuing to grow for all demographics. This includes high numbers of Australians travelling between Australia and the Pacific every year, including 350,000 visitors on cruise ships. Infectious disease outbreaks put these people at risk and make the importation of disease into Australia more likely. Outbreaks of illness or disease reduce economic activity by lowering worker productivity, and they impact on business environments for local and international investors. Therefore, it makes good sense for us to help our neighbours achieve better health security, because not only is it the right thing to do but it is in in our national interest to do so. It helps protect our population and therefore it is not just in our self-interest; it is actually an obligation on our part.

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

PARLIAMENTARY REPRESENTATION

Qualifications of Senators

The PRESIDENT (15:05): I table copies of my letters to the Principal Registrar of the High Court of Australia transmitting questions and associated proceedings to the Court of Disputed Returns, pursuant to sections 376 and 377 of the Commonwealth Electoral Act of 1918. This material was personally delivered to the court by the Usher of the Black Rod this morning.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Vocational Education and Training

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (15:05): I wish to provide further information in response to a question asked by Senator Cameron during question time. I indicated that I would take on notice and provide details of the exact qualifications. I can advise Senator Cameron and the Senate that participants in the program will become qualified and licensed tradespeople in the building and construction industry, and that all participants will receive a Certificate III in Carpentry and a Certificate IV in Building and Construction. At the completion of the project, participants who successfully complete training will meet South Australia's consumer and business services requirement and the Building Work Contractors Act 1995 occupational and business criteria
licence requirements for building work contractor's licence and building work supervisor's registration.

High Court of Australia

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:06): On Monday, 12 September Senator Culleton asked me a question concerning section 33 of the High Court of Australia Act and the High Court Rules 2004. I undertook to look into the matter. I made inquiries of the Principal Registrar of the High Court of Australia, who has provided a response. I table that response along with the Hansard of Senator Culleton's question. I seek leave to incorporate them in Hansard.

Leave granted.

The documents read as follows—

High Court of Australia

Senator CULLETON (Western Australia) (14:24): Mr President, I have just one question for Senator the Hon. George Brandis-

Honourable senators interjecting—

The PRESIDENT: Order on both sides. Senator Culleton, start again.

Senator CULLETON: Thank you, Mr President. One question for Senator the Hon. George Brandis QC Attorney-General and Leader of the Government in the Senate. Since Senate school, it has come to my attention that there is a discrepancy between section 33 of the High Court Act 1979—which states that all process shall, which means must, be issued in the name of the Queen—and the High Court Rules 2004. If this appears to be the case, why has the High Court felt free to defy the parliament for 12 years?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): Thank you, Senator Culleton. Congratulations on your inaugural question in this chamber. I must confess, Senator Culleton, I was not expecting to be asked about the High Court rules, an object of some fascination to me, I might say. I will have a look at section 33 of the High Court Act and whether or not it is apparent that there is an inconsistency, as you say, between section 33 of the act and the rules made under the High Court Act.

As you would be aware, Senator Culleton, the rules of the court are procedural rules. They attach forms, usually, that are used in the process of the court and the various procedural steps in proceedings before the court. I must confess it has never been drawn to my attention before that there may be an issue about the consistency between the High Court rules and section 33 of the act, but, as I say, I will look at the matter.

An exposure draft of the High Court Rules 2004 was circulated in April 2004. The exposure draft was the subject of detailed comments by the Law Council of Australia, the Australian Bar Association and the Special Committee of Solicitors-General. After considering those comments, the Justices made the High Court Rules 2004 on 5 October 2004. They were tabled in the Parliament on 16 November 2004 and came into effect on 1 January 2005.

No issue was raised in the process of drafting or consultation concerning the consistency of the Rules with s 33 of the High Court of Australia Act 1979 (Cth).

The Rules Committee of the High Court considered that issue on 12 October 2016. The Committee proposes a number of amendments to the Rules to address the issue. The proposed amendments will be drafted by the Office of Parliamentary Counsel and will be the subject of consultation with professional bodies before being finalised by the Court.
QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Attorney-General

Senator PRATT (Western Australia) (15:07): I move:

That the Senate take note of the answer given by the Attorney General (Senator Brandis) to a question without notice asked by Senator Pratt today relating to the extent of consultations surrounding the making of a direction concerning the Solicitor-General.

The Attorney-General is no white rabbit. All the king's horses and all the king's men cannot unscramble Senator Brandis's answer. The dissenting report that the coalition members of our committee put together and that Senator Brandis has referred to in his answer tries to justify why no consultation can somehow be defined as consultation. Indeed, this is how we end up in Humpty Dumpty land. The report of coalition senators says that the Attorney pointed out during his evidence that section 17 of the act establishes a rule-maker's obligation to consult when making an instrument such as the direction. This I well understand to be the case.

Senator Brandis: On such terms as he sees fit.

Senator PRATT: Indeed, the Attorney-General may define that consultation as he sees fit. However, what that does not, in my view, enable him to do, if he could say he consulted and fulfilled his obligations under the act—

The DEPUTY PRESIDENT: Senator Pratt, just a moment—it seems that the clock is not on.

Senator PRATT: What the explanatory memorandum says quite specifically is not that you consulted but that you consulted the Solicitor-General. In the minority report you say that Mr Gleeson is entitled to his idiosyncratic understanding of what consultation is, and indeed the Solicitor-General says:

If one has a duty to consult over the issue of a legislative instrument, the first thing you have to do is tell the person affected or the person with expertise that you are thinking of issuing a legislative instrument. If you do not tell them that they cannot provide you with meaningful comments on either the legality or the wisdom of what you are doing. The second thing you have to do is tell them the substance of what you propose to put in the instrument. Now, if the Attorney had done both those things, the issues that we now have before us would have played out in a very different fashion.

So I very much stand by the findings of our report—

Senator Brandis: These are not findings; this is political rhetoric. Nobody would class those as findings.

The DEPUTY PRESIDENT: Order, Senator Brandis! Senator Bilyk?

Senator Bilyk: Madam Deputy President, I am having trouble, with the interjections from the Attorney-General, hearing Senator Pratt's fantastic contribution on take notes today.

Senator Brandis: On the point of order, Madam Deputy President: Senator Bilyk must have misunderstood—I was merely pointing out to Senator Pratt that 'findings' is a term that is used about a tribunal of fact, not a political committee.

The DEPUTY PRESIDENT: I have called order a number of times, and I remind senators in this place that when senators are speaking they have a right to be heard in silence.
**Senator PRATT:** Government members of the committee—again we find ourselves in Humpty Dumpty land—see fit to say in defending the Attorney-General's assertion that he has consulted the Solicitor-General:

… it is also important to observe what that Explanatory Statement did not say. It did not say that the Attorney-General had consulted the Solicitor-General in some specific fashion. It did not say, for instance, that he had consulted the Solicitor-General about whether he thought a Direction in some precise form should be issued. It did not say that the Attorney-General had consulted the Solicitor-General by providing him with an exposure draft of the instrument. It did not say that the Attorney-General had secured the agreement of the Solicitor-General to the form of the Direction. What the Explanatory Statement actually said was:

… the Attorney-General has consulted the Solicitor-General.

They are completely contradictory statements given that the Solicitor-General was never ever in any way informed about the instrument that was going to be tabled, the legal services direction, until it was tabled in May. Senator Brandis relies on a meeting of 30 November as his defence for saying he had consulted the Solicitor-General—

*Senator Brandis interjecting—*

**The DEPUTY PRESIDENT:** Senator Brandis, you are continually interjecting. Senator Pratt has the right to be heard in silence. I ask all senators to respect Senator Pratt's right to be heard in silence

**Senator PRATT:** He points to the meeting on 30 November at which time no such instrument was contemplated or in existence. There was no obligation to consult under the act at the time. Senator Brandis has very conveniently pointed back to that meeting to try to construe that he had in some way consulted the Solicitor-General. The Solicitor-General, as the evidence before our committee has shown, was never ever informed of the Attorney-General's intention to issue the instrument. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) (15:13): These debates always benefit when senators have some facts to talk about. For Senator Pratt's benefit, I just want as simply as I can to go through the facts of the matter. Before I do, I just alert anyone who might be listening to this broadcast that we think Mr Gleeson did the right thing, the commendable thing, and resigned his position when he realised that his course of action over a period of time had made his continuance in that position untenable. I regret that happening. The Labor Party introduced this inquiry in the singular hope of somehow attacking the Attorney-General; what of course transpired was that they ended up destroying the career of their appointee to this position, Mr Gleeson.

**Senator Brandis:** They shot their own man.

**Senator IAN MACDONALD:** They shot their own mate. For the record, this is what happened. Mr Gleeson was having difficulty with the number of briefs coming to him from all sources and it diverted him from concentrating on the very important issues that are sometimes sent to the Solicitor-General. These are my words and not anyone else's, I might say. Because of that, a meeting was arranged between the Attorney-General, the Solicitor-General and others to talk about this particular issue that Mr Gleeson had raised and how that could be best addressed. There was conversation then; there were subsequent conversations; there were email connections; and the guidance note was often referred to, including how it might be dealt with and how the whole situation could be done. Eventually, as the evidence
shows—and this is not my interpretation; this is the evidence before the committee—the Attorney came to the view that a certain procedure should be adopted. That was included in the guidance note in very specific words—the exact same words that had been discussed with the Solicitor-General at that meeting in November and at other times, by electronic mail or otherwise. The exact same words were then put in a direction note to ensure that this whole process worked smoothly.

Although Mr Gleeson admitted he had been consulted on the guidance note, he said that he was never consulted on the direction. Well, the guidance note ended up with exactly the same words as in the direction, so I cannot quite understand that. Clearly the Attorney-General did consult, and, because of that, he has never misled the Senate. Suggestions to the contrary, and the headlines of the majority committee report, are simply untenable if you look at the evidence. The Attorney did consult. There is factual evidence of that. But, more importantly—and I want to emphasise this—any of you who have been ministers will know that ministers get an enormous amount of work through their doors, and most of the work comes with a brief from the department, the independent Public Service, and a recommendation to the minister. In this case the evidence clearly shows that the department did send the Attorney a brief and a recommendation in relation to this direction. You can read the words in our committee report, but they broadly speaking said this: 'Attorney, you have consulted sufficiently in accordance with the act, and we recommend that you endorse this direction.' So, all other things aside, the independent department were of the view that the appropriate consultation had been made, and they included that in their recommendation.

I conclude by again indicating my sadness that a Senate committee, the Legal and Constitutional Affairs References Committee, with a Labor-Greens majority, has brought the whole Senate process into disrepute. Once upon a time, Senate committees’ reports were treated with some respect and were quite persuasive in directing government actions. Nowadays, unfortunately, because this particular committee does nothing but political witch-hunts, it has become an embarrassment to the Senate committee process.

**Senator McCarthy** (Northern Territory) (15:18): We have to remember here in the Senate that we are speaking about a man who has resigned from the highest office in Australia—

**Senator Brandis:** Terrible! Shocking!

**Senator McCarthy:** and it is a very serious issue—

**Senator Brandis** interjecting—

**Senator McCarthy:** certainly not something that should be made into a joke, spoken about as though—

**The DEPUTY PRESIDENT:** Senator Bilyk?

**Senator Bilyk:** Once again, Madam Deputy President, Senator Brandis is interjecting. He sat very quietly through Senator Macdonald’s contribution, and I think it would be very nice if he could do the same now, especially as you have already made a request that he do so.

**The DEPUTY PRESIDENT:** Thank you, Senator Bilyk. Senator McCarthy.

**Senator McCarthy:** This is such a serious matter. A man, his family, his whole life, have been absolutely—no doubt—devastated by the experience that he went through in the
committee hearings. It is so important that we maintain the respect of this Senate, this chamber, and give confidence to the people of Australia that, when examinations are taking place, they are being done in a manner that is respectful of those giving evidence. Clearly the relationship between the previous Solicitor-General and the Attorney-General did not have to get to where it did.

This whole situation involved the standing of two of our highest law officers. It involved Justin Gleeson, who had served in the role of Solicitor-General since 2013—a man with an impeccable legal reputation, an honourable man, forced to resign. This issue should not be the butt of jokes, certainly not from the Attorney-General. This issue is also about the independence of the office of the Solicitor-General, its freedom from political interference. As a former Solicitor General, Dr Gavan Griffith QC, said in his submission to the committee, he regards the direction given by the Attorney-General to the Solicitor-General as 'effecting the practical destruction of the independent office of second law officer' and leading to 'perceptions as to the integrity of the continuing office'. He said, 'The uncomfortable image of a dog on a lead comes to mind.' A number of past solicitors-general support the interpretation of the Solicitor-General, as do other eminent senior barristers who practise in the field of Australian public law.

As the report says, the dispute between the Attorney-General and the Solicitor-General has raised serious questions about the Attorney-General's compliance with the rule of law in Australia. The committee found it was improper for the Attorney-General to have issued the Legal Services Amendment (Solicitor-General Opinions) Direction 2016, but the Attorney-General refuses to concede he has damaged and in fact threatened the rule of law in Australia. When I read the dissenting report and I listen to the members opposite, I know the reputation of an impeccable man has been severely tarnished. When you look at page 39 in the dissenting report, the reference to Mr Gleeson at 1.47 certainly does not give an indication of confidence that this dissenting report is anything but a tarnishing of his reputation. It is important to remind the Senate, including the members present—to give confidence to the Australian people—that all inquiries that take place are incredibly important and need to be dealt with respectfully, in particular by all the senators involved.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (15:22): 'If I had a world of my own, everything would be nonsense. Nothing would be what it is, because everything would be what it isn't.' So says Alice. I think in Senator Pratt's contribution today we had a bit of a glimpse into the wonder that Alice in Wonderland brings readers, because some of us were a little delighted but predominantly puzzled by her contribution today. Senator Pratt, of course, is a colleague from Western Australia, so I do not mean that disrespectfully, but we need to be very clear about the issues of fact that we are being asked to reflect on as a result of Senator Pratt's contribution during question time and, importantly, what the other half of the story, the report prepared by government senators for that Senate Legal and Constitutional Affairs References Committee inquiry, had to say.

Apologies to those people who might be listening to the Senate broadcast today, because this is perhaps one of the drier areas of public discourse we have had in the last few weeks. We could be talking about jobs and economic growth, or we could be talking about economic development across my state of Western Australia, but, no, we have found ourselves landed in what is yesterday's news—or last week or last month's news—to be totally frank.
There are a number of key questions that we have been asked to reflect on or respond to as a result of Senator Pratt's contribution today. If I could be so bold as to summarise them, they fall into six brief elements. So, for those people who have not been watching this debate over the last few months, I thought I would take the liberty of trying to turn it into a layman's understanding of what some of the issues are. Firstly, we are being asked to consider: what is the government's response to the Senate Legal and Constitutional Affairs References Committee report? I will come to that a little later in my contribution. Secondly, we are being asked to reflect on what was meant by the word 'consultation' or the activity of consultation with the Solicitor-General on the proposed amendments. Thirdly, we are being asked to reflect on what it meant to withdraw the amendment or about its impact on the rule of law. Fourthly, we are being asked to reflect on the significance of the resignation of the Solicitor-General. Fifthly, we are being asked to reflect on whether or not the government has sought legal advice and from whom about previous or upcoming legislation. Finally, there is the question of whether or not approval of requests for the Solicitor-General to give opinions on questions of law was actually given.

Let me start with the first point. Senator Macdonald's contribution is particularly relevant here. Senator Macdonald is a well-experienced member of the Australian Senate. I remember I first came here in 1990 as a mere researcher to a former senator and Senator Macdonald was already here as a senator. So the first point is that he brings tremendous experience to these sorts of issues. Secondly, he is, of course, a lawyer himself, so he is accomplished in matters of the law. Thirdly, and perhaps most significantly, Senator Macdonald is very seasoned at being able to sniff out attempts at political partisanship and attempts to muddy the reputation not just of the government but of senior members of the government like Senator Brandis, who is, of course, the Attorney-General.

It is very clear that our view is that the inquiry was set up as a political witch-hunt by Labor, ably supported yet again by the Australian Greens. What is the evidence for that? Senator Pratt gave it away in her questions during question time. The very clear evidence for that is the finding of the majority report, from which Senator Pratt quoted during question time. This has been a blatant political stunt from the beginning. It got amplified and ventilated and was there for the world to see during the inquiry hearing process, which was televised so that people could see the political witch-hunt for themselves.

These are serious matters, whichever side of the debate you might find yourself on, so the constant references to Alice in Wonderland, as noble and as important as that Lewis Carroll piece of work is, do sort of demean your argument. If you did believe that these issues are as significant as Labor and the Greens say they are, you would not demean your work, your inquiry and the arguments you are trying to run by— (Time expired)

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:27): Today we have heard more spin, more buck-passing and more confusion about what exactly has happened with the Gleeson-Minister Brandis affair. It is clear that not everything is going well for the Attorney-General, Senator Brandis. His colleagues have rapidly lost faith in him and they are desperately scrambling to find a way to get him out of the country, whether that is to London or to Washington—I think he would like to go to Italy as well, but who knows where he will end up? Until that time, they have to defend him in this place or suffer listening to him trying to defend himself.
Whether it is funding for the arts or the performance of his role as Attorney-General, it is clear that the Attorney-General's arbitrary decisions cause problems. It is a little like the Midas touch in reverse. We all know incompetence and lack of consultation in the arts portfolio saw his removal from that area. Yesterday, the Legal and Constitutional Affairs References Committee handed down an important report into the nature and scope of the consultations prior to the making of the Legal Services Amendment (Solicitor-General Opinions) Direction 2016. Despite what those opposite claim about the nature of this inquiry and the conspiracy they claim has occurred, this inquiry was held at the behest of and reflecting the will of this chamber. The committee delivered a scathing judgement of Senator Brandis, the first law officer of this country, for endangering the rule of law in Australia. On 4 May 2016, the Attorney-General tabled the Legal Services Amendment (Solicitor-General Opinions) Direction 2016 in the Senate. This direction limited Mr Gleeson's role severely. The Attorney-General has repeatedly said that he consulted the Solicitor-General regarding the direction. The majority committee was of a differing view. The committee found that the Attorney-General acted improperly in his introduction of the direction. The committee also found that Minister Brandis misled the Senate by stating he had, in fact, consulted the Solicitor-General on the charges. It is clear from the evidence that the Attorney-General took no substantive consultation about the nature of the change to the Solicitor-General's work prior to amending the direction. Furthermore, the committee's view is that the Attorney-General has misled the parliament by stating in an explanatory statement that consultation with the Solicitor-General had, in fact, taken place.

The Senate must take account of these facts, just as the committee has, when considering the ramifications of this report. For the statement to be true that the Attorney-General had consulted the Solicitor-General, the Attorney-General would have needed, at a minimum, to advise the Solicitor-General of his intention to introduce a new instrument and provide him an opportunity to comment on its contents. It is clear, that the Attorney-General had not. It seems like the Attorney-General's definition of consultation is not the same as everybody else's. That reminds of the time in estimates the Attorney lectured me that 'opinionist' was not a word. So, of course, I had to quote the Collins Dictionary definition to him to explain to him that it was. Although I know that he thinks he knows everything, he actually does not. There was no apology or acknowledgement that he was wrong.

I would like to remind people listening that the committee made three important recommendations: that the Senate disallow the amendment to the direction of the Attorney-General, withdraw it immediately and that guidance notes be revised accordingly; that the Attorney-General provide within three sitting days an explanation to the Senate responding to the matters raised in this report; and that the Senate censure the Attorney-General for misleading the parliament and failing to discharge his duties as Attorney-General appropriately. That is a very serious recommendation that any committee to make. They do not do that off the top of their hats. They make those recommendations after considered opinion. So, the fact that those on the other side want to claim that this is a conspiracy—we expect that to come from them, but it is a very serious issue.

From the report, it is clear that the Attorney is definitely out of his depth. Whether it is due to arrogance, his unwillingness to consult with others or his high opinion of his own opinion is irrelevant. Senator Brandis's incompetence cannot be allowed to compromise the role of a
new Solicitor-General and the continued unfettered operation of the rule of law in this country. The Prime Minister, as he knows full well, must sack the Attorney-General before he has a chance to do any more damage.

I will finish on a couple of lines from 'King Midas in reverse' by The Hollies, which sadly reminds me of the Attorney-General: 'He's not the man to hold your trust, everything he touches turns to dust … he's King Midas with a curse, he's King Midas in reverse.'

Question agreed to.

**Employment**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:33): I move:

That the Senate take note of the answer given by the Special Minister of State (Senator Ryan) to a question without notice asked by Senator Siewert today relating to government data concerning income support payments.

I rise to take note of Senator Ryan's answer to my question on the article about welfare paying more than work, and the comments that were made in response to that data. The report said that there is new government data. My question was fairly simple and straightforward and was: 'Did any member of the government, their staff or anyone from the Department of Social Services provide the so-called new government data?' Senator Ryan could not answer the question. He could not answer whether the government had that data. What I am interested in knowing is whether they had any hand in developing the new government data? Did they provide an analysis of that data? And, if they did, why did they not include the family tax benefit in the working families' income when quite clearly there is a nearly $31,000 difference when you do a fair comparison between the single-parent family of four that is on income support compared to a family that is working? It is a lot of money. Thirty-one thousand dollars in anybody's book is a lot of money. So the comments it is reported the minister said are irrelevant. With comments comparing the two based on flawed information, you can draw no other conclusion than that it was about having a go at people on income support and about actually undermining the social security system. Either the government supplied the data knowing what the analysis showed and went ahead and did it anyway with an unfair comparison, they did not review the data or they had nothing to do with supplying the data but went ahead and had a go without doing a proper analysis.

Anybody with access to the Department of Social Services who knows anything at all—and I give the government and the minister credit for knowing something about income support—would have known that that analysis was very suspect and they should have looked deeper at what was included. It would not take two seconds—in fact, it did not—to work out that it did not include family tax benefit. The only reason the government would jump on that data would be to start undermining the social security system. Unfortunately, this is part of a trend. The government jumps on any bit of data—flawed data and misquoted data—they can. If you look at the cashless welfare card, which I spoke about in this place last night, they have done exactly the same thing: misquoting data, taking data out of context or excluding external influences on some of the results that we have seen. It is completely flawed anecdotal evidence. Here are the government again either knowing what was in the data and going ahead and commenting anyway and drawing flawed comparisons, or they did not know and did not bother to check. You would think the government would check that sort of data.
So, unfortunately, I must admit that I am more tempted to think that the government actually knew that that was a flawed comparison and went ahead and did it anyway because it is part of that story about trying to demonise people on income support and trying to keep perpetuating the myth that the so-called welfare budget is getting out of control when they know very well that they are including the aged pension in there and that they are including the factors in there. They are trying to, as I said earlier, persuade people that those on income support are not doing too badly when we know very well that people on Newstart and other income support payments are living below the poverty line. The critical point there is that it obviously has very poor outcomes for people living in poverty, but it is also a barrier to employment. The very thing the government say that they are trying to do is get people into work, and yet what they are doing is having a negative impact on those people and making it even harder to find work. Shame on the government.

Question agreed to.

PARLIAMENTARY OFFICE HOLDERS
Temporary Chairs of Committees
The PRESIDENT (15:38): Pursuant to standing order 12, I lay on the table a warrant revoking the warrant nominating Senator O’Neill as a temporary chair of committees.

NOTICES
Presentation
Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:38): I give notice of my intention at the giving of notices of the next sitting day to withdraw business of the Senate notice of motion No. 4, standing in my name for 9 February 2017, proposing the disallowance of the Commonwealth Electoral (Logo Requirements) Determination 2016.

Presentation
Senator Rhiannon to move:
That the Senate—
(a) notes that:
(i) the Department of Agriculture and Water Resources report, Live-stock mortalities during exports by sea—Report for the period 1 January to 30 June 2016, tabled on 7 November 2016, recorded that another 839 cattle and 4,301 sheep died on live export ships in the first six months of this year,
(ii) from 2009 to 2015, a total of 147,969 animals, that is 7,791 cattle and 140,178 sheep, died on live export voyages from Australia, representing an average of 406 animals per week suffering lingering deaths in that period,
(iii) mortality is no indicator of morbidity or the number of animals who suffer on lengthy live export voyages,
(iv) deaths at sea are so accepted by the industry and government that on every consignment, 1 per cent of cattle and 2 per cent of sheep can die without triggering a government investigation, and
(v) not one exporter has ever had its licence revoked despite continuing and horrific breaches of the Exporter Supply Chain Assurance System (ESCAS); and
(b) calls on the Government to end the live export trade and work to expand the trade in boxed chilled meat.

Senator Kakoschke-Moore to move:
That the Senate—

(a) notes that:
   (i) Perinatal Depression and Anxiety Awareness Week runs from Sunday, 13 November to Saturday, 19 November 2016,
   (ii) the awareness week was established in 2005 by Perinatal Anxiety and Depression Australia (PANDA), which operates the only specialist perinatal mental health telephone counselling service in the country,
   (iii) perinatal depression and anxiety is a serious illness that will affect around 100,000 Australian families this year,
   (iv) more than one in seven new mums, and up to one in ten new dads, are diagnosed with postnatal depression each year; even more are thought to suffer with anxiety,
   (v) the effects of the illness ripple throughout the community and it's important for expecting new parents, as well as those around them, to be aware of perinatal depression and anxiety to know the signs to look out for and where to go for help, and
   (vi) perinatal depression and anxiety can present differently in each person who experiences it, but signs and symptoms include mood swings, lack of energy and motivation, crying for no apparent reason and wanting to sleep more than usual; and

(b) recognises the importance of Perinatal Depression and Anxiety Awareness Week and the work of PANDA in promoting the week and raising awareness in the community about perinatal depression and anxiety.

Senator Lambie to move:

(1) That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 20 March 2017:
   The operation of the Australian Defence Force's (ADF) resistance to interrogation (RTI) training, with particular reference to:
   (a) what training methods are used;
   (b) whether these training methods are in accordance with Australia's international obligations and Australian domestic laws;
   (c) the effectiveness of existing ADF supervisory control measures;
   (d) the ongoing mental health and wellbeing of personnel who have participated in RTI training; and
   (e) the matters raised in questions to Lieutenant General Campbell during the 2015-16 additional estimates.

(2) That the Senate:
   (a) notes that Lieutenant General Campbell acknowledged, during estimates questioning, that video and other electronic records were made by the ADF of RTI training; and
   (b) calls on the Minister for Defence (Senator Payne) to provide the committee, under special circumstances which protect serving and former ADF personnel identities and operational security, with all recordings made by the ADF of RTI training by 28 December 2016 to assist the committee with the inquiry.

Senator Lambie to move:

That there be laid on the table by the Minister for Defence, by no later than 3.30 pm on 28 November 2016, all recordings of the Australian Defence Force's Resistance to Interrogation Training Programs.

Senator Abetz to move:
That the Senate—

(a) notes that:

(i) the Fair Work Commission found Ms Kimberley Kitching provided untruthful and unreliable evidence in Health Services Union-Victoria No. 1 Branch [2015] FWC 3359, and it also found her conduct strikes at the heart of the integrity of the right of entry permit system, and

(ii) this decision was upheld on appeal by three members; and

(b) calls on anyone appearing before the Fair Work Commission to provide reliable and truthful evidence.

Senator Williams to move:

That the Aboriginal Land Grant (Jervis Bay Territory) By-Laws 2016, made under the Aboriginal Land Grant (Jervis Bay Territory) Act 1986, be disallowed [F2016L00619].

Senator Waters to move:

That the Senate—

(a) notes that:

(i) the Queensland Labor Government has invoked special powers to declare the Adani mega-coal mine, railway and associated water infrastructure to be "critical infrastructure", and

(ii) the Great Barrier Reef suffered the worst ever mass bleaching event in March 2016, driven by coal-fuelled global warming; and

(b) declares that the real critical infrastructure is our schools, hospitals, public transport, clean energy and the Great Barrier Reef.

Senators Griff and Xenophon to move:

That the following matters be referred to the Community Affairs References Committee for inquiry and report by 20 March 2017:

Price regulation associated with the Prostheses List Framework, with particular reference to:

(a) the operation of relevant legislative and regulatory instruments;

(b) opportunities for creating a more competitive basis for the purchase and reimbursement of prostheses;

(c) the role and function of the Prostheses List Advisory Committee (PLAC) and its subcommittees;

(d) the cost of medical devices and prostheses for privately insured patients versus public hospital patients and patients in other countries;

(e) the impact the current Prostheses List Framework has on the affordability of private health insurance in Australia;

(f) the benefits of reforming the reference pricing system with Australian and international benchmarks;

(g) the benefits of any other pricing mechanism arrangements, including but not limited to those adopted by the Pharmaceutical Benefits Scheme, such as:

(i) mandatory price disclosure,

(ii) value-based pricing, and

(iii) reference pricing;

(h) price data and analytics to reveal the extent of and where costs are being generated within the supply chain, with a particular focus on the device categories of cardiac, Intra Ocular Lens Systems (IOLS), hips, knees, spine and trauma;
(i) any interactions between Government decision-making and device manufacturers or stakeholders and their lobbyists; and

(j) other related matters.

Senator Gallacher to move:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 11 May 2017:

The Department of Defence's management of credit and other transaction cards, with particular reference to:

(a) controls in place to manage credit card expenditure including action to prevent credit card misuse and minimise risk to the Commonwealth;
(b) issuing of Cabcharge Fastcards and e-tickets to staff including monitoring and management of e-ticket accounts;
(c) controls in place on the use of fuel cards for commercial and military vehicles, including compliance testing of the assurance framework;
(d) implementation of the Department of Defence's new governance arrangements for credit card management;
(e) legislative requirements and framework set out in the Financial Management and Accountability Act 1997 and its successor, the Public Governance, Performance and Accountability Act 2013; and
(f) other related matters.

Postponement

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

Business of the Senate notice of motion no. 2 standing in the names of Senators Xenophon, Griff and Kakoschke-Moore for today, proposing a reference to the Standing Committee of Privileges, postponed till 21 November 2016.

General business notice of motion no. 92 standing in the name of Senator Farrell for 10 November 2016, proposing the introduction of the Commonwealth Electoral Amendment (Donation Reform and Transparency) Bill 2016, postponed till 28 November 2016.

COMMITTEES

Finance and Public Administration References Committee

Reference

Senator POLLEY (Tasmania) (15:39): At the request of Senator McAllister, I ask that business of the Senate notice of motion No. 3, proposing a reference to the Finance and Public Administration References Committee, be taken as formal.

The PRESIDENT: Is there any objection to this motion being taken as formal?

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:40): Sorry, Mr President. I understand Senator Waters wants to make an amendment to this particular motion, and I am just trying to get it into the chamber. I deeply apologise.

The PRESIDENT: That is okay, Senator Siewert. It is great timing because Senator Waters has just arrived. We have just established formality and will now move to the point where Senators Waters, if you want, can move an amendment or seek leave to move an amendment.
Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (15:40): Thank you very much, Mr President. I am sorry to detain the chamber. I have been in communication but I understand the relevant person is sick. So the negotiation has stalled. I seek leave to move an amendment to add some additional paragraphs to the proposal, which I understand were under active consideration, but, unfortunately, I have not heard back.

The PRESIDENT: Senator Waters, now that we have established what you want to do, I do not think you are going to get leave. What might facilitate everything in the chamber is if we put this further down the list—in fact, the bottom of the list. And, if you wanted to see if you can get some information circulated to at least the two major whips, I think that might facilitate it. So we will defer this one for the moment, if the chamber is happy. If there is no objection to that course of action, then that is what we will do.

BILLS

Telecommunications and Other Legislation Amendment Bill 2016
First Reading

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:41): I move:

That the following bill be introduced: A Bill for an Act to amend the law relating to telecommunications and for related purposes.

Question agreed to.

Senator McGrath: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:42): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Telecommunications and Other Legislation Amendment Bill 2016 will amend the Telecommunications Act 1997 and related legislation to strengthen the security of Australia's telecommunications networks.

National security threats to the telecommunications sector

Australia's telecommunications networks are the critical infrastructure that enables all of us to conduct business and to go about our everyday lives online. Australia's economic prosperity and wellbeing are increasingly dependent on telecommunications networks and the data that flows across them.

Cyber threats to Australia are persistent, whether they arise from sabotage, espionage, serious and organised crime, or other technology-enabled crime. Espionage and clandestine foreign interference activity against Australian interests is extensive.
The Australian Cyber Security Centre's Threat Report 2016 demonstrates the scale of the cyber threat to Australian organisations. Telecommunications networks are a key pathway for unauthorised interference by malicious actors. The Report identifies that diverse state-based adversaries are attempting cyber espionage against Australian systems to satisfy strategic, operational and commercial intelligence requirements. It also acknowledges that the ongoing theft of intellectual property from Australian companies continues to pose significant challenges to the future competitiveness of Australia's economy.

The number, type and sophistication of cyber security threats to Australia and Australians are increasing. Australian businesses and organisations face a range of serious threats, from foreign state-sponsored adversaries to serious and organised criminals.

Compromise is expensive. It can include financial losses, damage to reputation, loss of intellectual property and disruption to business.

Indeed, the former director of the United States National Security Agency, General Keith Alexander, argued that "ongoing cyber-thefts from the networks of public and private organisations...represent the greatest transfer of wealth in human history."

This is why it is so vital that the security and resilience of our telecommunications networks are maintained.

It is also why, after a broad public consultation, the bipartisan Parliamentary Joint Committee on Intelligence and Security recommended in 2013 that the Government create a security framework for the telecommunications sector.

This Committee also recommended establishing this security framework again in 2015 in the context of data retention legislation. The reforms proposed in this Bill will complement the data retention regime by improving the security of networks as a whole and provide an additional layer of protection for retained data.

The reforms are referenced in the Australian Cyber Security Strategy, launched by the Prime Minister in April 2016. This reflects the particular importance of secure telecommunications networks to the functioning and well-being of Australian communities.

This is an issue being considered by a number of governments across the globe. Similar regimes are already in place in the United Kingdom, Germany, Singapore and New Zealand.

**Policy objectives of this Bill**

This Bill builds on existing obligations in the Telecommunications Act 1997.

These reforms have been subject to extensive consultation processes over the past four years. Industry feedback through these processes has shaped the detail of the proposed reforms. In particular, a number of key amendments have been made to the Bill following the release of two exposure drafts for public consultation in mid and late 2015.

Strong industry-government partnerships are critical to managing these threats and securing our most important systems. This Bill will formalise the relationship between industry and government and ensure consistency, transparency and proper accountability for all parts of the telecommunications industry.

It will provide clarity around government's expectations on how national security risks to telecommunications networks are to be managed and provide more proportionate mechanisms for managing these risks.

The Bill will not introduce a prescriptive legislative approach. Rapid changes in technology and service delivery mean a prescriptive approach would simply not be possible.

**Overview of key measures**
Amendments to the Telecommunications Act 1997 proposed in this Bill will place an obligation on all carriers, carriage service providers and carriage service intermediaries to do their best to protect telecommunications networks and facilities from unauthorised interference and unauthorised access for the purpose of security.

This obligation will encourage companies to consider national security risks, such as espionage, sabotage and foreign interference risks to the confidentiality of information and communications, as well as the availability and integrity of telecommunications networks and facilities.

This obligation will be supported by new notification obligations, which are modelled on the existing notification regime in the Telecommunications (Interception and Access) Act 1979. Carriers and nominated carriage service providers will be required to notify changes to systems and services if the carrier or nominated carriage service provider becomes aware that a proposed change is likely to have a material adverse effect on their ability to meet the security obligation to protect networks and facilities from unauthorised access and interference.

Companies will also be given the opportunity to forecast changes to telecommunications systems in annual security capability plans.

Early notification to security agencies will allow them to provide advice at the planning stage and ensure security considerations are factored into the proposal design as early as possible in a cost effective manner.

In line with the risk-based nature of these reforms, the notification regime includes an exemptions process. This will reduce the regulatory burden on some companies and ensure that the resources of security agencies are targeted.

Establishment of a broader security framework

The regulatory model will be supported by a comprehensive administrative framework. The scheme relies on a ‘light touch’ approach to regulation to allow for meaningful collaboration and cooperation with industry to manage risks in a way that is satisfactory to both industry and government, without the government being too prescriptive and retaining flexibility for industry.

The Government recognises that telecommunications companies already make significant investments in security and have considerable technical expertise in mitigating and responding to threats.

This administrative framework is premised on a collaborative partnership with industry, involving increased engagement and information sharing with government agencies. Implementation will be based on a regime of industry consultation, advice and guidance.

The reforms recognise that security is a joint responsibility and this is why enhanced engagement between government and industry is at the heart of these reforms.

Safeguards built into the regulatory powers

New information gathering and directions powers provided for in this Bill will only be used as a last resort.

Importantly, a number of safeguards are built into these regulatory powers to ensure their use is reasonably necessary.

For example, the Attorney-General can only issue a direction to a company after he or she has received an adverse security assessment from the Australian Security Intelligence Organisation recommending action and has considered the costs of the direction on the company, as well as broader market and competition effects.

In addition, a direction can only be made after consultation with the affected company and after the Attorney-General is satisfied that reasonable steps have been taken to negotiate an outcome in good faith.
A range of review rights will be available for companies to ensure proper accountability for decision making.

**Conclusion**

This Bill will ensure that businesses, individuals and the public sector can continue to rely on telecommunications networks to store and transmit their data safely and securely. It will promote informed risk management of national security concerns by providing industry with clarity and certainty of government expectations.

Importantly, it will not be prescriptive. It will allow industry the necessary flexibility to find the best and most innovative solutions. This will ensure the security and resilience of Australia's telecommunications infrastructure, as well as the competitiveness of the sector in a rapidly changing global market.

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

**BUSINESS**

**Rearrangement**

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:43): On behalf of Senator Fifield, I move:

That consideration of the business before the Senate on Wednesday, 9 November 2016, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Kitching to make her first speech without any question before the chair.

Question agreed to.

**DOCUMENTS**

**Cashless Debit Card**

**Order for the Production of Documents**

Senator Siewert (Western Australia—Australian Greens Whip) (15:43): I move:

That there be laid on the table by the Minister representing the Minister for Social Services, on 16 November 2016, all information (including documents and statistics) used in the preparation of the report entitled *Cashless Debit Card Trial Progress Report*, authored by the Department of Social Services and released publicly on 31 October 2016.

Question agreed to.

**COMMITTEES**

**Joint Standing Committee on National Capital and External Territories**

**Meeting**

Senator Bushby (Tasmania—Chief Government Whip in the Senate) (15:44): At the request of Senator Gallagher, I move:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10 am, as follows:

(a) Thursday, 10 November 2016;
(b) Thursday, 24 November 2016, followed by a public meeting; and
(c) Thursday, 1 December 2016.
Question agreed to.

**Migration Committee**

**Meeting**

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (15:44): At the request of Senator Back, I move:

That the Joint Standing Committee on Migration be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10 am, as follows:

(a) Wednesday, 23 November 2016; and

(b) Wednesday, 30 November 2016.

Question agreed to.

**MOTIONS**

**Welcome to Eltham**

**Senator RICE** (Victoria) (15:44): I move:

That the Senate recognises the work of the Welcome to Eltham community campaign in Victoria, which has strongly demonstrated the values of generosity and inclusion in their efforts to welcome 120 Syrian refugees who will be resettled in the area in the coming weeks.

**Senator McGrath** (Queensland—Assistant Minister to the Prime Minister) (15:44): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGrath: The government's generous refugee and humanitarian program is only made possible by the coalition's strong and consistent border protection policies. Australia's settlement services are delivered by humanitarian settlement service providers under contract to the Department of Social Services. This department advises there are no current plans to use St Vincent's Health Australia health and aged-care facility as short-term accommodation for newly arrived refugees. The government acknowledges the good intentions of members of the Eltham community to welcome people settled through our refugee and humanitarian program. The government does not support some advocated positions which would compromise the integrity of our borders. The government does not oppose this motion in that we recognise the importance of community support generally to the successful resettlement of refugees.

Question agreed to.

**DOCUMENTS**

**Day, Mr Bob, AO**

**Order for the Production of Documents**

**Senator Urquhart** (Tasmania—Opposition Whip in the Senate) (15:45): At the request of Senator Wong, I move:

That there be laid on the table by the Attorney-General, by no later than 9.30 am on Wednesday, 9 November 2016, the legal advice provided to the Government in relation to the eligibility of former Senator Day to be elected as a senator for South Australia, as referred to in the Senate on Monday, 7 November 2016 by the Special Minister of State (Senator Ryan) and the Minister for Finance (Senator...
Cormann), and provided by David Jackson QC, and any related documents that have not already been laid on the table.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:46): I seek leave to make a short statement.

The President: Leave is granted.

Senator McGrath: It has been the longstanding practice of successive Australian governments not to disclose privileged legal advice. The practice was outlined by former Labor Senator the Hon. Joe Ludwig to the Legal and Constitutional Affairs Legislation Committee during estimates on 26 May 2011 where he said, 'To the extent that we are now going to the content of the advice, can I say that it has been a long-standing practice of both this government and previous governments not to disclose the content of advice.' This government maintains that it is not in the public interest to depart from the established position which has been maintained over many years by successive governments.

The President: The question is that notice of motion No. 98 moved by Senator Urquhart be agreed to.
The Senate divided. [15:51]
(The President—Senator Parry)

Ayes ......................35
Noes ......................30
Majority ...............5

AYES

Bilyk, CL
Carr, KJ
Collins, JMA
Di Natale, R
Farrell, D
Gallagher, KR
Hanson-Young, SC
Kakoschke-Moore, S
Kitching, K
Lines, S
McCarthy, M
Moore, CM
Pratt, LC
Rice, J
Sterle, G
Waters, LJ
Whish-Wilson, PS
Xenophon, N

NOES

Abetz, E
Birmingham, SJ
Bushby, DC (teller)
Cash, MC
Duniam, J
Fierravanti-Wells, C

Back, CJ
Burston, B
Canavan, MJ
Culleton, RN
Fawcett, DJ
Fifield, MP
I, and also on behalf of Senators Hanson and Burston, move:

That the Senate—

(a) notes former Senator Day, in his 35 years as a builder:
   (i) built over 10,000 homes,
   (ii) directly employed over 1,000 people and indirectly over 5,000 trade contractors,
   (iii) donated millions to charities, becoming known in Adelaide as "the man who gives away houses" because of all the houses he built for charity groups,
   (iv) sponsored hundreds of sporting clubs, individuals and community groups,
   (v) was appointed an officer of the Order of Australia in 2003 for services to the housing industry and to social welfare, particularly housing the homeless, and to the community,
   (vi) later in 2003, was awarded the Centenary of Federation medal for service to housing and charity, and
   (vii) in 2005, was awarded the inaugural Pride of Australia medal for 'Community Spirit' for restoring the village of Houghton and creating the Soldiers Memorial Walk and Remembrance Wall;

(b) notes, in relation to the failure of former Senator Day’s business that:
   (i) all homes under construction are covered by Home Owners warranty insurance, which means any costs to complete the homes will be covered by insurance, not taxpayers,
   (ii) many suppliers and trade contractors have credit insurance which will cover much of their losses, and
   (iii) former Senator Day has always agreed to sign personal guarantees, which means he will lose his house as a consequence of the failure of his business;

(c) congratulates former Senator Day on his commitment to assisting those who have been impacted by the company’s closure; and
(d) thanks him for his service in the Senate.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:54): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: The government acknowledges and thanks Bob Day for his service to the Senate, the parliament and the people of South Australia. Bob Day resigned from the Senate to deal with the collapse of his housing construction business. Bob Day has very honourably given personal guarantees to his company's creditors, so he and his family will be directly affected by these events. As honourable senators know, there are a number of unresolved issues pertaining to Mr Day's candidacy for election as a senator and his business interests. In those circumstances, and until those matters are resolved, the government will not be supporting the motion.

The President: The question is that the motion moved by Senator Leyonhjelm be agreed to.

The Senate divided. [15:56]

(The President—Senator Parry)

Ayes ................. 5
Noes ................. 44
Majority .......... 39

AYES
Burston, B
Hanson, P
Roberts, M

NOES
Back, CJ
Bushby, DC
Carr, KJ
Collins, JMA
Dodson, P
Farrell, D
Fifield, MP
Gallagher, KR
Hanson-Young, SC
Hume, J
Ketter, CR
Lambie, J
Marshall, GM
McGrath, J
Moore, CM
Parry, S
Pratt, LC
Rhiannon, L
Siewert, R
Sterle, G
Waters, LJ

Culleton, RN
Leyonhjelm, DE (teller)
Bilyk, CL
Cameron, DN
Chisholm, A
Di Natale, R
Duniam, J
Fierravanti-Wells, C
Gallacher, AM
Griff, S
Hinch, D
Kakoschke-Moore, S
Kitching, K
Lines, S
McCarty, M
McKim, NJ
O'Neill, DM
Paterson, J
Reynolds, L
Rice, J
Smith, D
Urquhart, AE (teller)
Watt, M
Senator DUNIAM (Tasmania) (16:00): I, and also on behalf of Senators Bushby, Abetz and Urquhart, move:

That the Senate—
(a) acknowledges the importance of the aquaculture industry to the State of Tasmania, which is an important source of employment and economic activity in regional Tasmania, employing 5,200 people;
(b) expresses support for the aquaculture industry which is a world-leading and sustainable industry, adding to the state's premium brand; and
(c) calls on all political parties to support this vital industry which is important, not only for Tasmania, but the entire nation.

Senator WHISH-WILSON (Tasmania) (16:00): I seek leave to make a short statement, Mr President.

The PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: This is a motion designed to take a cheap shot at the Greens—and no doubt get a headline in the local newspaper in Tasmania. It may have escaped Senator Duniam's attention that Four Corners recently aired an episode about the Tasmanian salmon industry being in crisis and at a crossroads. He was not around when we had a Senate inquiry that looked into this issue. Two leaked documents were given to me which I tabled in this house. When I tabled them I said: 'This is for the future of the salmon industry and its workers, as well as the environment. This industry needs to be properly regulated.' The problem in Tasmania, as you well know, Mr President, is cronyism. The Liberal Party and the Labor Party get too close to the business, they do not do their job, they provide no checks and balances, and the industry gets in trouble. That is exactly the situation the salmon industry in Tasmania is in at the moment. It needs to be properly regulated. It needs to be open. It needs to be transparent. The Greens support a sustainable salmon industry in Tasmania that employs people but also has a social licence—and does it to protect the environment.

Question agreed to.

DOCUMENTS

Defence Procurement
Order for the Production of Documents

Senator XENOPHON (South Australia) (16:01): I, and also on behalf of Senator Carr, move:

That—
(a) the Senate notes that:
(i) the SEA 1000 Future Submarine project, a project that aims to deliver Australia a regionally superior future submarine capability, is likely to be the most expensive and complex project ever undertaken by the Commonwealth of Australia,

(ii) failures that occur in complex projects are often attributed to decisions made in the commencement phase of the project, and

(iii) there is an accepted need for transparency in Government contracts; and

(b) there be laid on the table by the Minister for Defence, by the start of business on 24 November 2016, the Design and Mobilisation Contract signed between the Commonwealth of Australia and DCNS on 30 September 2016.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (16:02): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: The government opposes this motion because the contract contains commercially sensitive information that it could be contrary to the public interest to disclose. This includes commercial strategies, fee price structures, and details of intellectual property which would be of significant commercial value. Given the strategic nature of the Future Submarine Program, there is also cause to consider the damage to Australia's international relations that could arise in connection with the release of the Design and Mobilisation Contract.

Question agreed to.

COMMITTEES
Finance and Public Administration References Committee
Reference

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:03): At the request of Senator McAllister, I move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 30 March 2017:

Gender segregation in the workplace and its impact on women's economic equality, with particular reference to:

(a) the nature and extent of industrial and occupational gender segregation in Australian workplaces relative to comparable jurisdictions, including gender segregation in tertiary education courses;

(b) factors driving industrial and occupational gender segregation in the Australian context;

(c) economic consequences of gender segregation for women, including the contribution of industrial and occupational gender segregation to the gender pay gap;

(d) approaches to addressing gender segregation as it relates to economic inequality and the gender pay gap in comparable jurisdictions; and

(e) remedies appropriate for Australia, including but not limited to:

(i) measures to encourage women's participation in male-dominated occupations and industries,

(ii) measures to professionalise and improve conditions in female-dominated occupations and industries, and

(iii) measures to promote pay equity.
Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (16:03): by leave—I move:

At the end of the motion, add:

(iv) measures to value presently unpaid domestic labour; and

(f) economic consequences of the gendered division of unpaid labour.

These two paragraphs seek to slightly expand the scope of the inquiry. Hopefully, the whips have now all seen and considered these amendments.

The PRESIDENT: The question is that the amendment moved by Senator Waters to Business of the Senate motion No. 3 be agreed to.

The Senate divided. [16:05]

(The President—Senator Parry)

Ayes ......................13
Noes ......................39
Majority ...............26

AYES
Di Natale, R
Hanson-Young, SC
Kakoschke-Moore, S
McKim, NJ
Rice, J
Waters, LJ
Xenophon, N
Griff, S
Hinch, D
Lambie, J
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

NOES
Back, CJ
Bilyk, CL
Burston, B
Bushby, DC (teller)
Cameron, DN
Carr, KJ
Cash, MC
Collins, JMA
Culleton, RN
Dodson, P
Duniam, J
Farrell, D
Fierravanti-Wells, C
Fifield, MP
Gallacher, AM
Gallagher, KR
Hanson, P
Hume, J
Ketter, CR
Kitching, K
Lines, S
Marshall, GM
McCarthy, M
McGrath, J
Moore, CM
O’Neill, DM
O’Sullivan, B
Payne, MA
Paterson, J
Payne, MA
Pratt, LC
Reynolds, L
Roberts, M
Ruston, A
Smith, D
Sterle, G
Uqahart, AE
Watt, M
Williams, JR

Question negatived.
Original question agreed to.

**MATTERS OF PUBLIC IMPORTANCE**

**Prime Minister**

The PRESIDENT (16:08): I have received the following letter from Senator Gallagher:

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

The Prime Minister's lack of authority and lack of agenda.

Is the proposal supported?

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

The 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 clocks accordingly.

Senator GALLACHER (South Australia) (16:08): I am very pleased to be able to make a contribution in this important discussion. I will go firstly to the matter of an agenda. I think it is really important that people in this place deal with facts, not supposition or, in the case of some of the One Nation contributions, pure fantasy. So I am going to go to the actual fact of the number of bills passed in the 44th Parliament, which was provided by our good friends in the Parliamentary Library. In 2013 there were 40 bills passed and assented to, in 2014 there were 135 bills passed and assented to, and as at the end of the winter session in 2015 there were 112. I raise this because you can talk about an agenda but the business of politics is what you can actually achieve, and a measure of what you can actually achieve is what gets through the parliament. I think that is self-evident.

If we go back to the 43rd Parliament we can see that in 2010 there were 36 bills passed. The total for the 43rd Parliament in 2010 was 150 bills passed and assented to in one year. In 2011 there were 190 bills passed and assented to in one year. In 2012 there were 206 bills passed and assented to in one year. In 2013 there were 134 bills passed and assented to. My point is: a measure of success in politics is getting legislation through. You can have an agenda as big as you like, but if you cannot get it through the parliament you are not going to be deemed to be successful, and clearly this Prime Minister has not been able to get his agenda through the parliament.

We look today at the red, and on the red, at item 6, we see 'Governor-General's opening speech—Address-in-Reply'. That is what we are back to: time filling. The government are filling out the business time of the Senate because their agenda cannot be progressed. It is very clear that the agenda of this Prime Minister cannot be progressed.

Let us go back a bit further and ask: why is that so? The Prime Minister went to the Australian people with a double dissolution election. He came back basically with his tail between his legs, with a much reduced majority in the other place and a vastly different Senate. If there is one thing that Australian political history will record of the Hon. Malcolm Turnbull, it is that he was the architect of his own demise. He went to a double dissolution election and he created a Senate, by virtue of the lower quota, the like of which we have not seen.
May I say this: the One Nation Party legitimately take their place in this Senate on the number of votes that they got. The decision that allowed them to get that number of people in here is all down to Malcolm Turnbull. He was the man who caused the double dissolution, which allows the One Nation people to enjoy the Senate spots they have. Senator Hanson probably would have got here under her own steam, but that is not true of the rest. In a normal half-Senate election they would not have got the number of senators who currently sit here. We had a contribution from one of those people in statements by senators earlier today which said some quite astounding things. This was the contribution we got:

In fact, speaking of blowing things up, the South Australian government deliberately detonated a coal-fired power plant, and Senator Back was correct in talking about the energy security that is being destroyed—the Taliban is at work in the government of South Australia.

That was the contribution in this chamber. It is absolutely amazing to suggest that Alinta, which is a private sector company, has somehow had its power plant detonated by the South Australian government and that the Taliban is at work in our parliament in South Australia. No wonder the Prime Minister cannot get his agenda through if this is the level of contribution coming from some sections of the Senate—which he created! Make no mistake: the Hon. Malcolm Turnbull is responsible for the state of the Senate. It was his decision and his decision only to go to a double dissolution election, and now we are dealing with an impasse in terms of legislation.

In talking about his lack of authority, where do I start?

His support for the republic he has put on the backburner. His support for climate or emissions trading schemes is on the backburner. His support for marriage equality is on the backburner—in fact, it is not on the backburner; it has been specifically ruled out in a deal between the Nationals and the rest of the coalition for the balance of this term. So the only authority he has is to be Prime Minister, and he is enthralled to people he has made arrangements with.

Clearly, with the $200 million wasteful, hurtful, divisive plebiscite on marriage equality, he is not able to exercise any prime ministerial authority. He is not able to go to his party room and say: 'Enough of this; I'm making the call. I'm your leader. Support me. We're going this way.' He traded it for his position. He traded that authority for his position. Very clearly, he entered into an agreement in his coalition that he would do certain things which are contrary to his own instincts and his own beliefs. So his authority is mortally wounded.

Look at the situation with respect to 18C. I did nine street-corner meetings on the weekend with a local member of parliament. I have to tell you that the average elector out there is not coming to a street-corner meeting and asking about 18C or anything about that. They are more likely to ask about how the lighting is going, the security aspects of their suburb or the state of their footpath and the rest of it. They are not coming up to us about 18C. But there is an incredible amount of time consumed on it in here. Now, under pressure from his party room, he has set up an inquiry into 18C. Once again, he cannot exercise prime ministerial authority, he is enthralled to divisive elements in his party room and he succeeds in being a Prime Minister only when he acquiesces to their wishes.

This lack of authority is extremely damaging to the whole country. I actually believe that when you win an election you get on and govern. When we look at it here, their agenda is poor. That is fine; that is my view. But they cannot get any legislation through both chambers,
evidenced today by the fact the Governor-General's address-in-reply is back on the Notice Paper. Goodness gracious me. It is a time filler while they deal around in the shadows, talking to people who have very colourful views of the world. I remind you of the statement that the Taliban is at work in the South Australian government and the statement that they detonated a power plant. These are the people that the Hon. Malcolm Turnbull needs to deal with to get his agenda through this parliament. I do not know how he is going to exercise authority with these people because clearly there is a good-sized crossbench there. His one reliable vote no longer sits in the Senate. He has resigned and his actual eligibility has been consigned to the High Court on the basis of whether he had a pecuniary interest in a building which was rented by the Commonwealth.

The Prime Minister has no agenda and no authority. His government is an absolute shambles. We are back to the Governor-General's address-in-reply in this chamber. Make no mistake, towards the end of the year they may cobble together a deal or two with this disparate group of people in here and they may well then say: 'We've got to pass this. We need additional hours.' If they come to us at the end of the year and ask for additional hours we should say: 'Where was your agenda? Where were you on these days you used fillers in debate in this chamber?'

Senator IAN MACDONALD (Queensland) (16:18): That was an interesting speech by my Labor colleague. He mentioned the same-sex marriage debate and said, 'The Prime Minister lacks authority.' Sorry, Senator Gallacher, the authority for that issue is with the people of Australia. Lest you have forgotten, we actually took to the election a policy that on same-sex marriage we would have a plebiscite within, I think, probably six months of the election. Rightly, we failed the six months, if that was it. But certainly we would have had a plebiscite by February had it gone through this chamber. Opposition senators should understand: this is not Mr Turnbull's proposal, this is not my proposal, it is not the Liberal Party's proposal and it is not the National Party's proposal. It is the proposal of the people of Australia. What more authority does Mr Turnbull and the coalition need than the imprimatur of all voters in Australia to that particular proposal? I only mention that as an aside, but it was mentioned by Senator Gallacher. It is good that he did because it clearly demonstrates the paucity of any value in the opposition's proposition in this debate. There is clear authority.

Senator Gallacher has been speaking about the address to the Governor-General. That speech set out a very full legislative program. It had a direction for the government and a direction for Australia for the next three years. It was a very detailed plan and it was a plan that was evolved because we won the election. Sorry, but we did. We won by two seats, actually—one officially, and that illegitimate result in Herbert that we will be hearing more about in other venues as we go along. The Governor-General's speech actually sets it all out—a very, very detailed plan.

Mr Turnbull is leading a coalition that is cohesive, that works together and that has different views. I always like to point this out, particularly if anyone might happen to be listening to this debate. Within coalition parties we are not 'lobotomised zombies', to quote Senator Cameron referring to Labor Party senators and backbenchers in this chamber. On our side we are encouraged to be individuals representing our constituents. That sometimes means that individual ones of us have a different view to the executive government. On our side of politics you can have a different view, you can put that view, you can vote on that view and
you can cross the party line. And that is accepted because that is what we are all about in the
colalition. Compare that with Labor. Of course, if you publicly oppose anything that the
collective—that is, the union collective—have told Mr Shorten they want as their policy then
you are automatically expelled from the Labor Party. There is such a difference.

And so members of the opposition confuse their own situation with that of government
members. Sure, we do have very robust debates in the party room and in our policy
committees—very robust. And they are fully considered, and eventually the majority rules on
those. And so Mr Turnbull’s authority and indeed the coalition’s authority come from a
collective view from all coalition members. But that does not mean to say, of course, that
individual members do not have a different point of view, and very often we exercise that
view.

We were elected for two principal reasons: firstly, that the people of Australia understood
that we had an economic plan. They understood that we could not go on with Labor’s
wasteful, spendthrift policies that led us to a debt approaching $700 billion, so that in the time
that I am speaking now the Australian taxpayers have spent a couple of million dollars paying
interest to foreign lenders because of the debt run up in the Labor Party’s time. We pay
something like $300 million a week in interest on loans borrowed by the Labor government,
because of their inability to control their economic outlook.

And so people voted for us at the last election because we have an economic plan. It is well
known around the countryside: go into any pub and they say: ‘Oh yeah, we’ve got to have
Liberal governments every now and again because they’re the only ones that can fix the
economy. We put in Labor every now and again because they give everybody everything they
want, but someone has to pay for it. So we’ve got to vote the Liberal governments back in
every now and again so we can get the ship back in order.’ That is one of the reasons why
people trust us and voted for us.

The other area, of course, in a broad sense, where the people support us and where we have
the authority to act is in the area of border protection and security. I regret to say that until a
couple of days ago border security and our national security were issues beyond party politics.
There was a bipartisan approach to the proper management of our borders. But, unfortunately,
the Labor Party have now been rolled over by the left-wing unions and the left wing of their
party and we now have this position where Labor are not going to support the necessary
action to keep our borders safe.

We will go ahead and do it, and I hope we have enough support from the crossbenchers. In
fact, I cannot imagine any of the crossbenchers not agreeing with us on this latest piece of
legislation that we are introducing to secure our borders and to make it clear that we will not
accept people smugglers. We will not accept those who would jump the queue in front of the
genuine refugees waiting to get into Australia.

So that is the authority that we have. We have the authority of the imprimatur of the
Australian public. Senator Gallacher was saying, ‘Oh, they’ve got to go to the crossbenchers—
it’s the crossbenchers fault.’ Well, sorry, it is not. The blame for any dysfunction in not being
able to implement what the Australian people voted for us for does not rest with the
crossbenchers; it rests with the Australian Labor Party. I just wish the Australian Labor Party
would understand that they did not win the election. They lost the election, and the people
elected us to govern. They gave us the authority to govern, and it is Labor that is standing in
the way. Do not try to blame individual crossbenchers.

The other element of this rather fatuous debate before the chamber this afternoon is lack of
agenda. Well, as I said, the address-in-reply to the Governor-General's speech is all about that
agenda. That speech from the Governor-General at the opening of the parliament set out
clearly the agenda and what we wanted to achieve. But we have been held up by a recalcitrant
opposition, who support thuggery in the union movement—and we hear about that every
question time. We hear about the Health Services Union and we hear about the CFMEU:
action and activities that are simply theft from their members, and thuggery and assault at the
highest degree. And these are the people who run the official opposition. These are the people
who set the agenda for the Labor Party.

The people who set the agenda for the coalition government are the people of Australia.
They knew what they were getting when they voted for us, and they set the agenda. What we
developed in the run-up to the election was a clear agenda for Australia.

If I might just digress, with the indulgence of the parliament I will talk about one agenda
that we have which was clearly enunciated to the people of Australia, and that was our
proposal for Northern Australia. To his credit, Mr Turnbull has implemented the plans we set
out in that Northern Australia white paper. It is something that will lead to the development of
the North in the years ahead. I often say that Northern Australia only has about five or six per
cent of Australia's population but it produces something like 50 per cent of its export earnings.

I see Senator Watt laughing at me over on the other side. Well, you shouldn't, Senator
Watt. You are only here at the expense of the only northern representative the Labor Party
had in this chamber, and that was Senator McLucas. Now, I did not often agree with Senator
McLucas, but at least when she got up in the debate she would run a line about
Northern Australia. She understood, as I do, that there is huge potential in Northern Australia and that it
should be tapped and developed by Australia—not for the benefit of Northern Australia but
for the benefit of all of Australia. Regrettably, within the machinations of the Labor Party,
poor old Senator McLucas was dumped by her Left faction in favour of a—

Senator Marshall: It was by him!

Senator IAN MACDONALD: I have already said that, Senator Marshall. You are quite
right, and no disrespect to Senator Watt, but I do publicly call him a union hack from
Brisbane, a failed state Labor member who not only does not represent the North, living in
Brisbane, but has gone even further south now, down to the bright lights of the Gold Coast.
That shows how much the Labor Party have any interest at all in Northern Australia.

There is another example—just one. I do not have time to go through the coalition's full
plans for Australia. They are in the address-in-reply, but it clearly shows the coalition has the
authority. The Prime Minister leads a united team with authority and with the authority of the
Australian people, and he is doing that exceptionally well, implementing the agenda we took
to the public at the last election. So congratulations to Mr Turnbull and the government for
your leadership, your authority and your agenda for Australia. (Time expired)

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:30): Knocking off
a Prime Minister takes a bit of effort. It is hard work. There are those months of meetings in
dark corners and those whispering phone conversations all done under the cloak of darkness.
It is a really tough thing to do and it takes quite a bit of effort. You have to really want the job if you are going to knock off the Prime Minister to get it. Now that it is done, people are asking themselves: what the hell was the point of that? What was the point?

For a while, it looked like things would be different—yes. The tone of the debate changed. We saw some of the rhetoric soften. We saw some of those extreme fringe policies that Tony Abbott took to the Australian people abandoned in those first few months, and it was like a breath of fresh air. The country was relieved that Tony Abbott was gone. Now here we are, just a little more than a year after Malcolm Turnbull decided he wanted Tony Abbott’s job, and what we have seen is the return of the Tony Abbott agenda.

The ACTING DEPUTY PRESIDENT (Senator Ketter): A point of order, Senator Williams?

Senator Williams: Mr Acting Deputy President, Senator Di Natale should have been here long enough to learn that you refer to the Prime Minister by the correct title with a bit of respect, please, not just by their Christian name and surname.

The ACTING DEPUTY PRESIDENT: Thank you Senator Williams. Senator Di Natale, I remind you to refer to the Prime Minister by his correct title.

Senator DI NATALE: Tony Abbott is no longer Prime Minister—Mr Abbott. The Abbott agenda is now well and truly on display. We have seen a change in Prime Minister; we have not seen a change in policies. It is remarkable when you think what is dominating the current coalition party room at the moment. It is: how do we make it easier for racists? How do we give the green light to hate speech? It is not housing affordability, not the fact that people are struggling to afford decent health care and not the fact that young families are struggling to get an education for their kids. It is: how do we make it easier for racists in this country? That is what is dominating the coalition party room right now.

You look at what the Prime Minister promised when it came to climate change, something that he staked his leadership on only a few short years ago. We saw the government—it must be said with the support of the Labor Party—take half a billion dollars away from the Australian Renewable Energy Agency. They are the cheerleaders for the Adani coalmine, the biggest mine in the Southern Hemisphere. We have seen them forcing young Australians into the streets by stripping them of Newstart. They want to remove the charity status of a number of organisations. They want to weaken environmental protections. They wanted to slash Medicare-funded dental care for young kids; in fact, the department was putting out misleading information telling them the scheme was already closed. Then we had the joke of the plebiscite—a plebiscite that was going to unleash the homophobes and bigots in the community and give them a platform to say to those young people that how you feel is something you should be ashamed of.

And then, of course, in recent days, we have seen this announcement to say that no innocent person seeking asylum in this country who is found to be a genuine refugee would ever come to Australia. It is remarkable, when you consider that they keep touting how successful their policy is, that they want to take this debate further into the gutter. We have just today voted to impose control orders on 14-year-old children. Let us think about that: 14-year-old kids, who can be rounded up by the Australian Federal Police and not be told about what evidence is there before them and be deprived of fundamental liberties, and if they
breach a control order there is a five-year imprisonment sentence waiting for them. This is the agenda of the new-look coalition government. This is Tony Abbott light. What we are seeing is a continuation of that agenda which belongs in another century.

What the Prime Minister needs to learn is that you cannot negotiate with those far right extremists within his own party room. You give them a little win; they will want another one. They will never be satisfied, and they have the Prime Minister right where they want him. What we have now is a government with a Prime Minister who is a hostage inside his own party room. What that means is bad news for the country—no agenda, no plan and no vision for what this country needs to create jobs, to address the growing gap between the rich and poor, to do something about the climate crisis that lies ahead of us, and to do something towards those innocent people who are looking for a humane approach when it comes to trying to make a life in this country. What we need to see from the Prime Minister is leadership, and it is lacking. There is no agenda, there is no vision, there is no plan, and it is about time the Prime Minister stood up, grew a backbone and took on those extremists inside his own party room.

Senator WATT (Queensland) (16:36): I would also like to join in this debate today, which is about something that is pretty obvious to anyone who watches Australian politics, and that is that we are led by a Prime Minister who has no authority and no agenda. The other day in talking about this government I made what some thought was an unflattering comparison to the Muppets—and, when I say 'unflattering', a lot of people thought that was unflattering to the Muppets rather than to this government. I would like to expand on that somewhat. There is one of our Muppets sitting over there now. I have not quite worked out if you are Statler or Waldorf, but it is one or the other.

The ACTING DEPUTY PRESIDENT (Senator Ketter): A point of order, Senator Williams?

Senator Williams: Mr Acting Deputy President, the language of Senator Watt is unparliamentary, and I ask that you ask him to retract it and to show some respect in this chamber.

The ACTING DEPUTY PRESIDENT: Senator Watt, it would be helpful to the chair if you would withdraw those remarks.

Senator WATT: I withdraw. As I was saying the other day, this government is led by its very own Kermit the Frog, the Prime Minister. As I was also saying the other day, the most famous Kermit the Frog song is 'It's not easy being green', and that is the position which this Prime Minister finds himself in. It is not very easy being very green in the modern LNP—the Liberal Party or the National Party. Once upon a time, this Prime Minister paraded himself as a bit of a green. He believed in climate change. He believed in taking action on climate change. He believed in taking action on climate change. But he has found that it is not very easy being green if he wants to be Prime Minister.

Unfortunately for the Prime Minister, there are a few other new Kermit the Frog songs that he could sing as well. He could sing 'It's not easy being pro marriage equality'. That is something else that he had to abandon—something that was a really long-held belief of his, which he had to walk way from in order to retain the prime ministership. The song could also be 'It's not easy being sensible about refugees'. Just this week he was led, yet again, by his appalling immigration minister, Peter Dutton, to another ridiculous policy about the treatment
of refugees rather than doing something sensible about resettling people from the hell holes of Manus and Nauru. The song could in general just be 'It's not easy being moderate in the Liberal Party'. The Prime Minister, despite apparently being a moderate, has somehow found that it is not easy to remain being a moderate. And even just this week the comments made by one of his backbench members, Russell Broadbent, have also shown how hard it is to be a moderate in the Liberal Party these days.

This Kermit the Frog of a Prime Minister has been upstaged. The show has been taken over by his support acts. We have got our very own Fozzie Bear, the immigration minister, Peter Dutton. I was reminding myself what it was about Fozzie Bear—

The ACTING DEPUTY PRESIDENT: Senator O'Sullivan, on a point of order.

Senator O'Sullivan: Mr Acting Deputy President, you have already brought to the senator's attention, and he has accepted it, that he cannot make remarks like that and reflect on those in the other place.

The ACTING DEPUTY PRESIDENT: On the point of order, Senator Watt.

Senator Watt: Mr Acting Deputy President, I think it is fair enough to make a comparison in a light-hearted way to a TV show. It happens all the time in this place. I will refrain from calling any individual a Muppet, if that makes the senator happy. But surely some analogies are allowed within the robust debate that we have here.

The ACTING DEPUTY PRESIDENT: Senator Watt, I would consider that, whilst you might refer to similar characteristics, to actually refer to somebody as Fozzie Bear is something that I would ask you to refrain from doing.

Senator Watt: I am happy to refer to the immigration minister as having the characteristics of Fozzie Bear, if that is more parliamentary language. The thing about Fozzie Bear, which is a similarity held by this immigration minister, is that poor old Fozzie Bear is known for his disastrous and, frankly, weird attempts at comedy. We saw one such attempt from the immigration minister this week when he tried to make some sort of weird joke that fell completely flat. I remember the creator of Fozzie Bear saying that what distinguished Fozzie was that he cannot afford good joke writers and he cannot write good jokes himself. That does seem to sum up the actions of the immigration minister this week.

We also have an Attorney-General who resembles the characteristics of Dr Bunsen Honeydew, the bespectacled scientist. Attorney-General Brandis is prone to experiments and inventions that typically go wrong. We see that every time the Attorney-General gets to his feet. Whether it is about taking out the Solicitor-General or whether it is about his ongoing attempts to take out the President of the Human Rights Commission, he really does have the touch when it comes to experiments that go wrong, just like Dr Bunsen Honeydew. We have our very own senators who resemble the characteristics of Statler and Waldorf—one of whom I see in this chamber with us right now—

Senator O'Sullivan interjecting—

Senator Watt: in Senators Macdonald and O'Sullivan; the grumpy old men who like to heckle everyone from the peanut gallery have been doing it even while I speak today. Statler and Waldorf are very good at heckling, but also very good at undermining the authority of this Prime Minister.
In addition to that, we have the member for Dawson, George Christensen, who resembles the characteristics of Animal. I must admit that Animal was one of my favourite characters from the Muppets when I was a kid, but I do not really like to see our parliamentary version of Animal. Animal is the crazy drummer who drums out of control and goes nuts every single time. We have seen that time and time again from the member for Dawson. As he was walking out of the chamber today, I noticed that he was carrying Donald Trump's autobiography—yet another crazy action from the parliament's very own Animal.

The team which undermines this Prime Minister's authority is capped off by a senator who resembles the characteristics of Sam the Eagle, and that is one Senator Bernardi—the upholder of conservative values, lecturing people about what they should do. The Senate's own Sam the Eagle is in America at the moment, presiding over what appears to be a very, very worrying development, which is the possible election of Donald Trump as President. Some people agree that that is a very worrying development. As I was saying on Twitter earlier today, if the Prime Minister is worried about his authority having been undermined by Senator Bernardi, or someone who resembles the characteristics of Sam the Eagle, he had better watch out for what happens. You can feel Senator Bernardi's head swelling from across the Pacific, across the Atlantic and even across the galaxy. He has learnt how to win an election. He has learnt how to bring down democracy in America, and he is going to bring it down here when he gets back. Look at the havoc that he has been wreaking from thousands of kilometres away. Can you imagine the havoc he is going to wreak when he is sitting only a few metres away from me on the other side of this chamber? This Prime Minister's authority has been completely undermined by this ragbag of characters from the Muppet Show, or people who resemble the characteristics of people from the Muppet Show—if that is a more polite way of putting it.

All jokes aside, this is actually a very serious issue because, apart from being undermined and having no authority, as days pass it is being revealed that this Prime Minister has absolutely no agenda for this country. We went through the longest election campaign this country has ever experienced, with a Prime Minister who went out day after day to talk about jobs and growth. He had no policies to back that up. Unfortunately, what we have seen from this Prime Minister since the election is exactly the opposite of jobs and growth. That is where this issue becomes serious. Not only does he not have an agenda; but what little agenda he has is actually taking Australia backwards, particularly when it comes to jobs and growth. All we have seen from him in the last few weeks is refugee bashing, deals about guns, legalising racial hatred—all sorts of fringe issues that are designed to appeal to people like his own Sam the Eagle, Senator Bernardi, and Animal the drummer, George Christensen.

But what is the government actually doing to help the average person in the street in Queensland and all other parts of Australia? What they are doing is presiding over a catastrophic collapse in the number of full-time jobs. Just last month alone, Australia lost 53,000 full-time jobs. That is the biggest monthly fall we have seen in Australia in five years. I think the tally for the year as a whole shows that up to about 112,000 full-time jobs disappeared under this government. It is no wonder when they are presiding over the collapse of the car industry, they are seeing the mining industry fall apart, with no action being taken to do anything about it, and they have no plans whatsoever for how we grow new jobs. They are bringing in a backpacker tax which is killing the tourism industry. Every one of
Queensland's main industries is being torn apart by this government, and people are paying the price through full-time jobs falling apart.

In regional Queensland, in particular, we have a growing unemployment crisis. Almost every part of regional Queensland is struggling through unemployment rates well above the national average. We have youth unemployment well above 20 per cent in many parts of regional Queensland, and what do the government have to offer? Nothing at all. They are bringing in a backpacker tax which is actually going to make things worse. They have all the infrastructure plans and all the infrastructure funds where they do not spend a single dollar. They like to get out there and talk about regional roads. They have buckets of money—hundreds of millions of dollars that they put out press releases about—but they have the inability to spend a single dollar. They have no plans for how we can deal with regional unemployment. Really, what it comes down to is that this is a government that is beholden to free-market extremists. They do not believe that government has a role in the economy and, unfortunately, people are paying the price. What we are seeing from the government is that it is led by a Prime Minister with no authority. He is being led by a bunch of people who resemble the characteristics of The Muppet Show characters. He has absolutely no agenda, and ordinary Australians are paying the price.

**Senator O'SULLIVAN** (Queensland) (16:46): As I make my contribution, might I open by saying that, whilst I do not believe in fairies, if a fairy ever visits me and gives me three wishes I will strike two of them and just take one, and that is that I get to follow Senator Watt every time he makes a contribution in this place. I came in here a bit worried that I would not be able to fill my 12 or 13 minutes, but you have filled my speech from top to bottom. Just in case someone is watching—and Australians do not watch the nonsense that you go on with, but in case they are—let me fill in the gaps.

Let me start with Manus and Nauru. What you forgot to tell the Australian people, of course, is that the policy of isolating people on Manus and Nauru was the policy of the Australian Labor Party. It was a Rudd special. He went to bed one night and he did not have a clue what to do about immigration. He did not want to duplicate the policies of the Howard government that had been so successful and have been reinstated by this government. That is the authority that this government and Malcolm Turnbull have: the reinstatement and the reinforcement of policies. Now people are not drowning at sea. I have not heard the word 'drowning' come out of the mouth of any Labor or Green contribution in this place on the question of immigration, notwithstanding that over 1,200 souls—some whose names are not known, some women and children—drowned under the policies of the Australian Labor Party. So Manus and Nauru are products of the Labor Party.

Here is a really sad feature that you forgot to mention, Senator Watt: the backpacker tax at 32.5c. I will call upon my colleague here to assist. I am going to ask a question and I bet Senator Williams has the answer. Who created the 32.5 per cent backpacker tax?

**Senator Williams:** The Australian Labor Party.

**Senator O'SULLIVAN:** The Australian Labor Party did, in 2012. So you need to go back. The Australian Labor Party lifted the rate for that class of tax from 28c to 32.5c in 2012, so it is another product. I honestly know that is inconvenient.

*Opposition senators interjecting*—
Senator O'SULLIVAN: Senator Williams, you can hear the shrills when that fact is being given. We have to keep this comparison up. What you forgot to mention was, of course, the significant trade deals that have been done. Seven years under the Australian Labor Party and not one single sheet of paper was dirtied on a trade deal. Not one in seven years. They were too busy at that time not supporting our defence industries and manufacturing—the things that they give a shrill cry about now. That was in seven years, and what did we do? When the best trade minister in history, I think, since Federation came in, Andrew Robb, he closed those deals in less than two years—Korea, Japan and China. You think that eggs come out of a carton and the carton comes out of the fridge. People like Senator Williams and I know the importance of these things and know the importance of the work that this government have done to increase the trade. We have value added billions upon billions and billions of dollars of opportunity for people in agriculture right across the country.

Opposition senators interjecting—

Senator O'SULLIVAN: You want to talk about an agenda? We had an agenda to strengthen agricultural industries. I have been producing beef for 35 years. The biggest contribution that you guys made to beef, of course, was your policy to shut down a billion-dollar trade. You killed a trade; you killed industries; you killed sectors; you killed entire economic communities. There are hundreds and hundreds, perhaps thousands, of longstanding, generational farming businesses that remain in trouble because of that decision. But what have we done? Do you want to know what our agenda was? Our agenda was to restore confidence. Our agenda was to restore growth and fix the economy and the beef sector. I can tell you now that beef for which we were getting $1.50 and $1.60 a kilogram only two years ago is bringing well over $4 for producers. Of course, not everyone can take advantage of it because some of them are still reeling from the impact of the live cattle trade that was coupled with the drought. I have not found a way to blame you for the drought, but I have not given up on the prospect of that either. I will continue to work on that question.

In the meantime, you want to talk about an agenda and you want to talk about delivery by this government. Let's start to have a talk. You do not even have a member in northern Australia, with the exception of, I think, one member in the Northern Territory, so it has been ignored by the Australian Labor Party for decades.

Senator O'Neill: That is not true.

Senator O'SULLIVAN: That is true. What has our government done? Our government has put a $5 billion stimulus in place—a $5 billion package to promote northern Australia. That is going to lift some of those communities up and bring them some of the prosperity that the rest of us enjoy—those who live in postcodes ending with three noughts.

We put the Sky Muster system in. We had an agenda to build a communication base so that our businesses in the bush right across Australia were able to compete. These are people who used to have to get up at two o'clock in the morning under the old system to try and fill out a form online to send it back to their accountant or to one of their customers.

Senator O'Neill interjecting—

Senator O'SULLIVAN: Listen, I bet it has been a long time since you have been out bush, Senator. I bet you it is a long time since you have been out in the bush. I have never cut your tracks out there; I promise you. I am telling you that in country Australia they are over
the moon about the introduction of Sky Muster. There are new enterprises and there are new investments going on, because now they can—before they could not.

Under Labor not one bit of attention was paid to the people in the bush with respect to communications, so our agenda to fix the communication issues in the bush is working a treat. Before that we had families divided. They were trying to get schooling via the internet. You did nothing—not one thing—to support isolated families financially to enable them to give their children an education. That was something that they could only dream about. It is something that you take for granted around the corner from where you live. We put $44 million into that recently. So we do have an agenda to build circumstances in regional and rural Australia to give those young ones an equal chance at education, which is something that you and your mob take for granted.

Senator Watt from Queensland talked about our investment but that nothing was happening with it. Well, I tell you what, Senator Watt: I intend to make sure that the Hansard of your speech goes to everybody in the Darling Downs, because they are seeing tractors, dozers and graders, using the $1.7 billion investment from this government, to deal with the bottleneck on the range crossing. Sixty-six per cent of our country's beef that is exported comes off the Darling Downs and down the range crossing. We have invested $1.7 billion into that. That is part of our agenda. Our agenda is to invest in that part of the economy, where Senator Williams and I have a particular interest—our deputy agriculture minister is also in the chamber, so they are well represented on this side of the chamber here today. We are investing in them. We have not forgotten them. Just because they will not vote for us in certain areas does not mean that we forget them like the Australian Labor Party has done. We are investing the $1.7 billion to increase productivity on the Darling Downs to bring all those commodities down to the Port of Brisbane.

Our people supported the development of the first private airport on the Darling Downs—the first in something like 30 years to be developed. We are bringing enabling infrastructure around that out at Charlton and with the Warrego Highway. Another half a billion dollars is being spent there. We have committed $100 million to the Outback Way, and there is another $500 million to be distributed. We have found $500 million in our budget to get the arterial road systems in the west moving again, so that we can get more of these cattle, more of this produce, more of this wheat, more of these chickpeas to the Port of Brisbane and get our terms of trade in order.

I have been sitting patiently since this government was returned waiting to hear anybody from that side of the chamber ask a question or offer something constructive in the field of education, particularly education for rural Australia—not a single word. I have waited to hear your contribution on health—

Senator Sterle: I work behind the scenes.

Senator O'SULLIVAN: Senator Sterle, you are going to trip me up now! Senator Sterle will no doubt make a magnificent contribution, if he is the next speaker. But the fact of the matter is that there has been not one word on health nor a question. On the economy—this is my favourite—you need to look it up in the dictionary. It is the thing that underpins everything within the government's capacity. You left it in a complete and absolute mess. Between you and the Greens you left the biggest debt that this nation has ever seen.
As I pin my big ears forward, listening for something, anything, even a squeak, from that side of the chamber to contribute to the development of health services, education services and the economy in this country, do you know what I hear, Senator Williams? I hear nothing every time. We sit together, Senator Williams and I, and we bet a carton of stubbies every time one of you people straighten your legs: ‘Are they going to ask a question about education?’ No, they are not. They default to Bobby Day. It is a Bobby Day question. Then Senator Williams asks: ‘Are they going to do something on the economy?’ No, they are not—not one word—because they are illiterate on the economy.

The Labor Party is an empty vessel. Since we returned to government they have not made one constructive contribution. Do you want to talk about your backpacker tax? We engaged with industry until we settled on a position that industry wanted and that we felt was fair and equitable. The industry has been subject to a number of inquiries—and I have criticised my own mob, standing right here, about the time it has taken us—but we got there. We took away the uncertainty in the agriculture and tourism industries and in general services, particularly in the bush, and what do you do? This will not be resolved by Christmas, because you want to join with a couple of these dandies here and bring in some tax rate that means that a young Australian who is standing right beside them—

An opposition senator interjecting—

Senator O'SULLIVAN: I tell you what: I did not think I could attract a crowd like this! It is terrific, Senator Williams. Look at this! They are coming out of the woodwork now because I am stimulating their thoughts on issues about the economy. They are looking to me for little gems to hang onto and build on, so that they can develop policies and articulate them in this place. The vacuum has not gone. There is a little bit in the vessel now because they started to have listen up. Well, I am really pleased. I could not even pull a crowd like this when I was putting on a free barbecue! Well, there you go. That is fantastic.

The fact of the matter is that at the end of this presentation I can tell you: we do have an agenda. I do not have the time today to go through it line by line; it would take me a week—not only to talk about our agenda but to talk about the delivery of our agenda. Australia is a better place under us, and it will continue to grow and prosper under the Turnbull coalition government.

The PRESIDENT: Thank you, Senator O'Sullivan. Senator Whish-Wilson, you only have 11 seconds, so are you happy to commence after or—

Senator WHISH-WILSON (Tasmania) (16:59): I have heard a donkey bray before, but I have never heard one bray as long and as loud as the senator from Queensland—four seconds, three seconds, in continuation.

The PRESIDENT: Thank you, Senator Whish-Wilson. We will commence with you again after Senator Kitching's first speech.

FIRST SPEECH

The PRESIDENT (17:00): Pursuant to order, the debate is interrupted so we can hear the first speech of Senator Kitching. Prior to calling Senator Kitching, can I also indicate to senators that the usual courtesies should be extended to her during her first speech.

Senator KITCHING (Victoria) (17:00): It is unusual for a senator to offer to this chamber their first speech in their first week of service here other than, of course, in the first
week of the Senate sitting after Federation, in my adopted home town of Melbourne some 115 years ago. My leader and dear friend Bill Shorten set this exciting challenge for me. As a former Queenslander who grew up swimming, a proud holder of a bronze medallion, who continues to enjoy swimming in Victoria's chillier waters, I am daunted yet delighted to be thrown in the deep end right here and now.

As it transpires, Bill's timing is perfect, for on this day the United States saw a woman on the ballot for President for a major party for the first time. Because of America's leadership role in the world, Hillary Clinton's achievement is a victory for all the women of the world. Wherever we are, whatever our politics, 3½ billion women in the world will long remember this day.

I am mindful and deeply humbled that only 591 Australians have ever served in the Senate. I am mindful that so much that is great about this nation comes from rising to meet challenges. We have taken arrivals who came without a word of English, and barely a dollar in their pockets, some of them, dare I say it, by boat. This vast land has seen them scale the heights of human achievement as billionaires, professors, surgeons, governors of states, legislators and judges. This is the Australian miracle.

I am mindful too that we meet today on Ngunnawal land. I acknowledge the traditional owners and I pay my respects to the elders past and present. Australia's disrespectful, and at times violent, treatment of our Indigenous peoples remains with us. Though never to be forgotten, it is an ongoing reminder of our need to stay true to the faiths most Australians profess. God gave us boundless plains to share, and mostly that is what we have done. We have shared. While other nations struggle with diversity, we have excelled and bloomed because of it. Our future prosperity is deeply connected with the huge benefits, in terms of trade and investment, that diversity brings. Diversity is central to our competitive advantage.

Our history as a people is truly exceptional in the literal meaning of that world. As the Queensland economist Scott Steel has said, we are:

…the most successful and unique economic and policy arrangement of the late 20th and early 21st century—the proof is in the pudding. A low tax nation with high quality, public funded institutions. A low debt nation with world leading human development and infrastructure.

This is no accident, no fortunate happenstance. The Australian model—prosperity through equity—happened by design through decades of hard work, patient compromise and sacrifice. It was made in Australia by the people of Australia.

In this parliament, we must proudly make the case for Australian exceptionalism. Australia is not exceptional because we have been divinely mandated, or because of some inherent quality unasked and unearned; Australia is exceptional precisely because generations of Australians have made hard choices and hard sacrifices. In a time of global change and uncertainty at home, we are called once again to choose: to choose an economy that creates good jobs with fair pay and decent conditions, to choose a society where opportunity is earned not inherited, and to choose a future that embraces and enhances Australia's exceptionalism.

I could not ask for a better role model than my predecessor Stephen Conroy. Stephen Conroy led the effort of keeping Australian Labor safe and relevant for working people, ensuring it stays firmly connected to the concerns of working people, powerfully championing pragmatism, incrementalism and moderation. Labor moderates like Conroy have to fight very hard indeed to win. It is often the case that those with extreme views are the most
motivated and animated—the first to show up to vote, the loudest voices in a meeting and the most aggressive in their manner, sometimes with arguments whose extreme simplicity cuts through and is superficially appealing.

In a democracy in any party, this is a constant struggle. Australian Labor is winning that struggle. Sometimes my predecessor's role was misunderstood or misrepresented. Sometimes there is an insufficient appreciation of the significance of the behind-the-scenes hard work in which he excelled, the unglamorous nuts and bolts of politics: the numbers, the compromises and the tough decisions. Yet without being strongly organised Labor moderates would lose every single vote, every single argument and every single contest in the party every time.

I know and fully understand the straight line between that work and creating reforming, nation-building Labor governments. In my work to preserve Labor as the last best hope of social democracy in this country, I am incredibly fortunate to belong to a party led by Bill Shorten. Like Stephen Conroy, Bill has been there in the great battles to keep Labor relevant and connected with working people. I want to make it clear to the moderate Labor activists in Victoria and across Australia: the future belongs to you. Even if you do not stay in politics forever, your work and your sacrifice is building a foundation for Labor to stay true to the working families who are our reason for being. In so doing you are helping build your country up into the truly exceptional nation we have become. Australia's exceptionalism was undoubtedly very directly boosted by Stephen Conroy's hard work and clear vision.

Steven Conroy's NBN belongs alongside Bill Hayden's and Bob Hawke's Medicare, Paul Keating's modern economy and Bill Shorten's NDIS. Being a part of those reforms, sharing in their creation, is the dream of all those attracted to public life. It is very much my dream too. It is why I am a member of the Australian Labor Party. Labor does the big things. That is why Australian history so often records Labor leaders as the giants of our national story.

The giants of my own history are of course my loving parents, Leigh and Bill, and my brother, Ben. They were here with me on Monday when I was sworn in. Sadly, because of the fast-tracked timing of these remarks they are unable to be in the gallery today. But the truth is that they are always with me, wherever I am. My parents met at a friend's wedding, but in some ways they have come from different worlds. My father's father died when my dad was four. That was in an age before we really had a safety net for single parents. It was a difficult time and a huge challenge for my grandmother, but my father and his three siblings did her very proud indeed. My father excelled on the sporting field and academically, becoming a Fulbright scholar, a professor of organic chemistry at the University of Queensland and a fellow at St John's College, Oxford, and teaching and researching in all the corners of the world, taking us with him, where we learnt so much about the world beyond the idyllic avenues of St Lucia, in Brisbane. My mother, a woman with many strings to her bow, including as a leading physiotherapist, comes from a long line of powerful, confident women who believed nothing impossible for them. Like them, she goes about her life all the while with a twinkle in her eye. My mother has strong beliefs, and I think that most strongly of all she believes in me. My brother, Ben, like me, a lawyer, is my close friend, too. We are only 11 months apart, so we are nominally the same age for one month, which seems to be reflective of our relationship. He is a most loyal sibling and an extremely honourable man. They have all taught me to expect high standards of myself, but to be generous and understanding about others and about differences.
And so I come to my husband, Andrew Landeryou. Last Friday, when I came up to Canberra to be kindly taken through a practice run of the swearing-in ceremony by the Clerk of the Senate and the Office of the Black Rod, it was our 16th wedding anniversary. We were married on Derby Day in 2000. One of the wedding presents I gave to Andrew was the first edition of a book entitled Derby Day and Other Adventures; I did not know how prescient that was going to be. We have lived an adventurous life together—that much is certain. Equally certain has been his support and belief in me, his love, his loyalty, his resilience and his remarkable intellect. His father, also called Bill, took a union—then called the Storemen and Packers Union—of a few thousand members and left it 30,000 strong, from a weakling to a colossus, before serving with distinction in the Victorian parliament.

Despite being active in the rough and tumble world of Labor politics for two decades, I arrive here with an unusual background. Like many Labor MPs, I did work for a union, for two wonderful years. But I have also worked in the private sector, in the law, in information technology and in a global human resources company for more time than I have in a union or in government service. I have seen firsthand the pressures of meeting a payroll and implementing a business plan. Business, taking risks, is never easy, and the culture in this country can be pretty unforgiving about those who have a go and do not succeed the first time. We have much to learn from our friends in the United States and the start-up nation, Israel, who regard failure for what it so often is: an essential first step before success. I visited Tel Aviv, Jerusalem and the setting of the biblical story of Samson and Delilah, Ashkelon, late last year and saw firsthand the energy, daring risk-taking and brilliant innovation of some of its many start-ups. Israel is an amazing place. It is layer upon layer of history and beliefs. It is life itself. There may not be many senators who speak glowingly about enterprise, entrepreneurship and risk-taking in their first speech, but I am proud to do so, knowing that, without entrepreneurs, investors and employers willing to step up and accept risk, there can be no jobs, no revenue, no growth and no prosperity.

I have worked in government, too, for one of the best state governments in Australian history. The Bracks and Brumby governments attracted unprecedented levels of investment to Victoria and maintained a AAA credit-rating and big-surplus budgets. Prior to that I served in local government, when I was elected a councillor of the City of Melbourne. Some might think that local government is the lowest form of government; I prefer to think of it as the nearest. I learnt much there, including that government can be a tremendous force for good in people's lives, if properly harnessed.

As a Labor moderate, I believe in a strong activist government that works hard to solve the intractable problems in the community. But I also believe that our duty as elected representatives is to check and limit the inexorable growth of the state and of the taxes that sustain the state. Those taxes come from real people, real pay packets, real families, and they must never be wasted or raised unnecessarily. This vision lies at the core of Australian exceptionalism.

The Australian Labor tradition, despite what our opponents might occasionally pretend, is of fiscal responsibility. We know that government can only achieve what the people can pay for. We know that only a strong economy can ensure every Australian is employed, and full employment should be one of our clear and stated goals. As a Labor senator, Australian jobs are now my most important job.
Some senators arrive to this chamber with great fanfare, some with universal praise, some with stringent criticism from the political commentariat and some are barely noticed at all. I want to record here that I embrace all of it—the good, the bad and the ugly. History tells us that if our elected officials are held to account by a rigorous, vigorous media, it is as strong a defence against government failure and neglect as exists in our democracy. Australians, especially those on the progressive side, should be very proud that Australian-style aggressive, punchy, passionate journalism is one of our great exports. You do not have to agree with every word uttered in every News Corp publication to share my worry that private-sector newsrooms are shrinking and that the public accountability of government and corporate leaders will retreat with it. That great Australian company and others employ some of the best and brightest, most creative and brilliant Australians. I honour them all, even the ones I will never agree with. I hope to do all within my power to protect a free press and public accountability in Australia, even and especially when it is critical of whatever it is I am doing or not doing. I say these words knowing I may well be reminded of them at a later time. I say them because I mean them.

Labor is committed to creating an Independent Office of Animal Welfare. This is a particular passion of mine. I have two dogs, Ronnie and Nancy-Jane, named by my husband after the late American President Ronald Reagan and his two wives. Community standards have rightly shifted on cruelty to animals, and I think it is high time the laws of the land, and, most importantly, the enforcement of them shifts with community expectations and basic standards of decency.

Federal leadership in this area is clearly necessary.

I also wish to put on the record that I believe this parliament should give serious thought to the best and most effective ways to fight corruption wherever it exists. I do not argue or pretend that corruption in the federal government in Australia is a huge unaddressed problem. Upholding high standards in this place, knowing that enforcing the honesty of our public officials is not just the right thing to do but eliminating corruption is also a key part of our competitive advantage in the world. In so doing, we ought to learn well from the outrageous excesses uncovered by New South Wales ICAC, the Victorian Ombudsman, the WA CCC and recent royal commissions. The question quis custodiet ipsos custodes—’who will guard the guards themselves’—is clearly an important one.

Our current Prime Minister knows very well what damage an unchecked, unaccountable royal commission can do. As Kerry Packer’s lawyer, he penned for that great Australian the famous denunciation of the Costigan royal commission:

It is so extraordinary that this disgusting publication should place me in a position where I effectively have to prove my innocence—

he said.

However, so ludicrous and misconceived are the allegations that my innocence is easily established.

He rightly denounced that royal commission for the travesty and sham that it truly was. It serves only to make his current position all the more remarkable. Like the rest of the nation, I am disappointed to find that our Prime Minister is not the man he pretended to be. While Mr Turnbull now finds himself pretending that the Heydon royal commission was a credible process just to score some cheap political points, on this side of the chamber we know the truth about the Australian union movement. We know the truth, because we have lived it. We have been there and seen it for ourselves. Unions are struggle.
I will never forget the call I got from a mother of four, a union member whose supervisor had unilaterally imposed a roster change without notice. She was sobbing in despair; she could barely get the words out. English was not her first language, but the agony and the desperation in her voice did not need words. The change in roster meant she would no longer be able to pick up her kids. And if she could not hold down her job she would not be able to feed them. On the other end of the line, I did what union reps do all over the country every day: I listened, I reassured and I promised to use every bit of strength the union had to solve her problem. And we did. That is what unions do. That is what I learnt.

It is why I am so thankful I took up the offer to work at the Health Services Union, made to me one day by the inspirational Diana Asmar as I was preparing to be called to the Victorian Bar. She asked if I would help her at the HSU. 'Just for three months,' she said. I agreed. Diana did not mince her words about the challenge in front of us: recovering from the corruption and mismanagement and neglect of the previous regime. The good name of the union, built over a century, had become toxic. There was multi-million dollar bank debt, secured on a huge building that was mostly empty and not fit for purpose. Membership was in freefall: it was down to 7,000 financial members, with members resigning every day as more and more revelations made the press about the corrupt former officials. There was every risk of collapse and the threats, intimidation and false accusations aimed at our mainly female team from Kathy Jackson allies and other disgruntled opportunists, or political foes who bitterly fought the loss of a union they had used for their purposes and never for members, would be long, hurtful and vicious. But I am proud I took on that challenge and so proud of what we achieved.

With Diana and our team of organisers, we visited members all across the great state of Victoria: from Mildura to Moe, Warrnambool to Wangaratta, Horsham to Hopetoun. We went everywhere. The reason I mention these towns is that they are some of the places where members had not seen someone from their union, in some cases, for 12 years. Member by member, workplace by workplace, Diana weaved her magic. She listened. She shared a vision. She stood up to bullies and stared them down. The job I had agreed to do for three months in an emergency turned into two years of the most satisfying and inspiring and uplifting work I have ever done. Diana Asmar saved that union. My part in helping her taught me something that 20 years of active involvement in the ALP had not and could not. It was not like working in a law firm. It was not like the privileged, mostly very lucky life I have led. It was not like the quiet corridors of Victorian Treasury, not at all like the oak-panelled meeting rooms of the Melbourne Town Hall or the sandstone buildings of the University of Queensland. It was a feeling every union member knows: the joy of winning small battles and building a better world.

That is why I am so honoured to serve here as a member of the Australian Labor Party, supported by John Berger at the Transport Workers Union, Diana at the Health Workers Union, Ben Davis at the AWU and my dear friend Earl Setches, the national secretary of the plumbers union, and many other good comrades. I will never ever allow their work to be diminished or their good names besmirched in this chamber without contest. And there is no divide between the union leaders who represent Australians in the workplace and those Labor members who carry that task in the political arena.
I want to tell you about some of those members who hand-picked me for this role. A pensioner, originally from Uruguay but active in the community life of her adopted country; two lifelong unionists; two accomplished female local councillors; another, a young female lawyer working in private practice; one an accountant who is serving with distinction as a state government minister; one a childcare centre operator; my former local federal MP Kelvin Thomson; and my predecessor himself, Stephen Conroy. All are active within the great Australian Labor Party. All were democratically elected and enjoy great respect within the party for their wisdom. To receive their trust after a thorough series of discussions, to succeed their life-long friend Stephen Conroy, was as warm an embrace as I have ever felt in politics. And so, through all of them, with the experience gained from every chapter of my life so far, I come here to this place.

I come here to represent everyday Australian people: the working Australians, the families, the students, the hospital cleaners, the retail workers, the mortgage holders, the renters, the mums and dads, the 4 am shift workers, the nurses, the police, the firefighters and the factory workers. I take up the great privilege of a place in the Senate, on behalf of those whose lives are not privileged. I come here to speak for those who know life can be messy and difficult and imperfect—the people who choose to go without so that their children can have a better chance in life, the people who sacrifice for their parents' comfort and security, the parents who give up time with their children because they have to work that extra shift, those extra hours, that Saturday or that Sunday. I come here to represent the people who work hard, pay their way, do the tough things, build our community and only ever ask in return that we remember them in this place and make their opportunity the focus of every decision we make in their name. It is not so much to ask, I think.

And if we fail to remember them—in this place, in our politics, in our public life—then our failure gives room and oxygen to demagogues and those who proffer simplistic answers to complex needs. We have seen this across the Pacific, in Donald Trump; we see this in England, in Jeremy Corbyn; and occasionally we hear the echoes of it in this chamber. I will fight against these voices as hard as I fight for anything. And I will not allow the peddlers of prejudice to deceive Australians against our own interests.

Once again, it is time to decide. It is time to decide what kind of parliament we will be. Will we live down to the cynicism of the community about politicians, or will we show leadership in challenging days? It is time to decide what kind of party Labor will be. Will be seduced by the glamour of narrow interest-group politics, or will we continue to fight for all Australians? It is time to decide what kind of country we are. Will we shirk the decisions that face us, or will we once again rise to the moment and choose what is hard, what is complex, what is right?

It is our responsibility to lead that discussion and win that fight, to carry on the work of building an exceptional Australia—a nation and a future worthy of the people who call this great country home. And from this day forward I pledge myself and my service to that high and noble task. It is a task I take up from this moment forward. I do not shy away from this high goal to secure an exceptional future for Australia. I rely on an old inspiring quote: ‘And to the love and favour of my country I commit myself, my person and the cause.’ Thank you.
MATTERS OF PUBLIC IMPORTANCE

Prime Minister

Consideration resumed.

Senator WHISH-WILSON (Tasmania) (17:28): Senator Watt mentioned metaphorically the Prime Minister being 'a green frog'. I thought it was a very interesting metaphor considering the old fable of the frog and the scorpion who wants to cross the river. We can think of the river as being the next couple of years of this government in Australia. The fable goes that the scorpion says to the frog, 'Can I jump on your back?' The frog says: 'Why would I let you on my back? If I do, you're going to sting me.' The scorpion says: 'No, I won't do that. I won't sting you. That would be suicide for both of us.' The frog thinks about it and, against his better judgement, says, 'Get on my back.' So the frog swims across the river with the scorpion and, sure enough, halfway across the river the scorpion stings the frog. The frog says, 'What did you do that for?' And the scorpion says: 'I'm sorry, I couldn't help myself. It's in my nature.' Let's think about that metaphor. The scorpion is the right wing of Malcolm Turnbull's party and, against his better judgement, he did a deal with the scorpion to get power, to become Prime Minister of this country. And he—and this government—is slowly sinking, barely able to keep his head above water: a totally unnecessary double dissolution that cost the taxpayer tens of millions of dollars, a one-seat majority in the lower house, and no majority in the Senate.

Is it any wonder that this government is in policy paralysis? It has no vision, it has no courage, and it has no mandate. As we highlight in the matter of public importance which we are discussing here today, this is a Prime Minister who does not have control of his own party and who has no leadership authority. Look at what we have done in the 45th Parliament. What example have we shown the Australian people with the first legislation that came before this parliament? The first proposed legislation was an omnibus bill to take $5 billion in savings away from students, away from Newstart recipients, away from single parents and away from renewable energy. And then, just two weeks later, the next bill that we had before the Senate was giving $4 billion—$4 billion of the $5 billion, mind you, that we had just saved—back to the highest income earners in this country in a tax cut. That does absolutely nothing for the economy—giving that money to people who do not need a tax cut. What was the political purpose of that? The government has absolutely no vision whatsoever.

What has been the story of the day today—and yesterday? A tax on backpackers—that is, on people who come to this country for a working holiday, literally bouncing around on the bones of their backsides, having a good time but earning very little money. And this government wants to pinch pennies from them. That is its priority. How many million dollars are we talking about? $120 million a year over the forward estimates. If we want to talk about revenue raising, let's get real about reform. We could work together across political parties and have real reform in this country: reform that makes this place fairer and more equal, and reform that raises revenue to tackle budgetary problems. We could do it together. There is at least $100 billion worth of savings that we would be happy to work with the government on. But what does it do? It targets backpackers—just like it targets single parents and Newstart recipients. No vision.
This Prime Minister needs to stand up because, as it said on Senator Bernardi’s cap in the picture posted on social media a few days ago, we need to make Australia great—Donald Trump’s line. Do I need to call him Mr Donald Trump now, or President Donald Trump? I know it is not official. But, nevertheless, Senator Bernardi clearly does not believe that Australia currently is great. He does not believe that Australia is great, and he probably does not believe that his Prime Minister is great or that his political party is great any more. Watch out for what is coming down the line to the Prime Minister in coming months. I know there are a lot of people around this country in shock, right now as I speak. I say to them: polish your armour, sharpen your proverbial swords. Now is not the time to lose conviction. We will get action on climate change. We will get action on reform and on the things that matter in this country. (Time expired)

Senator MARSHALL (Victoria) (17:33): There are only a few minutes left of the discussion of this matter of public importance, but it is an important discussion. What Senator Whish-Wilson has just alluded to is probably going to make this a day to remember. What looks now like the imminent election of Donald Trump as the President of the United States really scares me. If there was ever a time when a country like ours needed a strong agenda with a strong leadership, we are going to need it now, and we are going to need it over the next few years. Unfortunately, that is what is seriously lacking with this government. They have no idea where they want to go—no idea where they want us to be as a country. They seem to have no vision.

We have seen that the Prime Minister was once a strong leader in terms of things that are so important, like addressing climate change, and like setting this country up with the economic capacity to address those issues and take us forward to be a world leader in those things. But those things are just not there. We have vacated that space because of the conservatives that are driving this agenda-less government. And I know that sounds like a little bit of a contradiction, that they are driving a government with no agenda, but that is what they are doing. They are driving a government that wants to put the rights of racists as the No. 1 agenda item of this country—something that has been previously ruled out by the Prime Minister but now has been resurrected as the agenda of the day—the agenda of the week. And here we go: the Prime Minister believes that the agenda—again driven by the conservatives—ought to be about abrogating our responsibility as a parliament to make decisions about the Marriage Act. He wants to push that off to a plebiscite. That is the sort of vacuous agenda that this government seems to have, which is being driven by the conservative wing of the Liberal Party. It is just not going to cut it. It is not going to cut it in an environment where there is going to be economic instability as a result of today. The global economy is going to react to the imminent election of Donald Trump as President of the United States. We need a government that actually knows where they want to take us, that has a vision for us—and this government does not. We have a pathetic Prime Minister who is just letting this country drift, driven by the George Christensens and the Eric Abetzes of the world. That will not cut it any longer.

The PRESIDENT: Thank you, Senator Marshall. The time for discussion on the matter of public importance has now expired.
The following orders of the day relating to government documents were considered:

Auditor-General—Audit report no. 24 of 2016-17—Performance audit—National Disability Insurance Scheme – Management of the transition of the disability services market: Department of Social Services; National Disability Insurance Agency. Motion to take note of document moved by Senator Urquhart. Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

Auditor-General—Audit report no. 25 of 2016-17—Performance audit—The Shared Services Centre: Department of Employment; Department of Education and Training. Motion to take note of document moved by Senator Siewert. Debate adjourned till the next day of sitting, Senator Siewert in continuation.


COMMITTEES

Scrutiny of Bills Committee

Report

Senator POLLEY (Tasmania) (17:38): I present the eighth report of 2016 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 8 of 2016.

Ordered that the report be printed.

Regulations and Ordinances Committee

Delegated Legislation Monitor

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:38): On behalf of the Chair of the Senate Standing Committee on Regulations and Ordinances, I present Delegated Legislation Monitor No. 8 of 2016.

Ordered that the report be printed.

Public Accounts and Audit Committee

Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:39): I present report No. 459, Annual report 2015-16, as well as executive minutes on various reports. I move:

That the Senate take note of the report.
The Joint Committee of Public Accounts and Audit is one of the parliament's oldest and most significant committees, with a long history of enhancing accountability and improving efficiency in public administration. As we all know, government is an increasingly complex task. We also know that taxpayers have an expectation that their money will be expended prudently and transparently. As a result and as this annual report makes clear, 2015-16 was a period of noticeably increased activity for the committee, with a considerable increase in the number of reports tabled, recommendations made and submissions received by the committee during the course of the year. The increase in the submissions received is particularly heartening, as it demonstrates increasing awareness of the value of prudent public administration. I would like to extend my thanks to the former chairs, Dr Andrew Southcott MP and the Hon. Ian MacFarlane MP, the former deputy chair, Mr Pat Conroy MP, and all members of the committee for their diligent efforts in maintaining its strong tradition of proper parliamentary scrutiny.

With the work of this committee now fully underway, the current committee has been quick to adopt four new thematic inquiries into core aspects of public administration, including Commonwealth procurement, the Commonwealth performance framework, Commonwealth risk management and public sector governance. I look forward to working with members of the committee in the 45th Parliament on these and other inquiries to maintain standards of excellence and meet the public's expectation of ensuring the proper and efficient use of public resources by the executive and across all Commonwealth agencies.

Question agreed to.

Community Affairs References Committee
Government Response to Report

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (17:41): I present the government's response to the report of the Community Affairs References Committee on its inquiry into the growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients. I seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

Australian Government response to the Senate - Community Affairs References Committee interim report:

Inquiry into the growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients

Introduction

The Australian Government has taken an interest in, and is concerned for, Australian patients who are sharing their stories about suffering with multiple chronic debilitating symptoms. The Government, through the Australian Government Department of Health, began engaging with patients and advocacy groups in early 2013 to discuss the concerns about Lyme borreliosis, also known as Lyme disease. Prof. Baggoley, established a short-term advisory committee (Chief Medical Officer's Advisory Committee on Lyme Disease in March 2013 [CACLD]) to consider the evidence for a Borrelia species causing illness in Australians, looking at diagnostic algorithms for borreliosis in Australians and treatments for borreliosis, awareness-raising and education, plus research into borreliosis.
Through regular communication and correspondence, the Government has gained a deeper appreciation and real concern for those Australians experiencing these chronic debilitating symptoms, which they associate with a tick bite. The Government remains engaged with the patient and medical community to continue to find, share and understand the evidence associated with this medical conundrum. The Government hopes our work with diagnostic pathology and research communities will result in answers and relief for patients and their families.

The inquiry into Growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients conducted by the Senate - Community Affairs References Committee culminated in the Committee's interim report (the Report). The Report is an important document and the Government thanks the Committee and the various stakeholders for their valuable and thoughtful input to the Inquiry.

This response addresses the recommendations raised in the Report, and has been coordinated and prepared by the Department of Health.

**Recommendations and Australian Government responses**

**Recommendation 1**

4.52 The committee recommends that the Community Affairs References Committee continue its inquiry into this matter in the 45th Parliament.

This is a matter for the Senate. The Government, through the Australian Government Department of Health, welcomes the possible continuation of the inquiry into the forty-fifth Parliament to ensure affected patients, their families and their healthcare providers are supported while biomedical research continues and the medical profession develops further strategies to diagnose and treat the illness of the affected patients.

**Recommendation 2**

4.56 The committee recommends that the Department of Health further develop education and awareness strategies for:

- the public about the prevention of tick bites and seeking medical attention; and
- the medical profession about how to diagnose and treat classical Lyme disease acquired overseas and known tick-borne illnesses acquired in Australia.

The Government, through the Australian Government Department of Health, will augment the material on tick bite prevention and first aid it has already published\(^1\) with regular review and revision in consultation with experts.

The Australian Guidelines for the diagnosis of overseas acquired Lyme disease/borreliosis are included on the NHMRC managed clinical portal. The guideline has also been published in *Communicable Diseases Intelligence* Vol 39 No. 4 December 2015\(^2\).

The department will consider developing an additional guidance document focussing on treatment of classical Lyme disease in consultation with medical experts.

**Recommendation 3**

4.58 The committee recommends that the Chief Medical Officer continue to consult with the medical and patient communities through mechanisms such as the Clinical Advisory Committee on Lyme Disease, and for the Department of Health to continue to facilitate meetings with medical and patient representatives.

The Government, through the Australian Government Department of Health, will renew its engagement with the clinical reference group established by the Lyme Disease Association of Australia which works to join all the advocacy groups concerned about this chronic debilitating illness.
The department will also seek to participate in relevant medical education meetings and conferences to inform relevant sectors of the medical profession on progress being made in Australian research and where forums exist to encourage the exchange of ideas and information relevant to the medical profession and patients.


Senator SIEWERT (Western Australia—Australian Greens Whip) (17:41): I move:

That the Senate take note of the document.

I am pleased to see that the government has responded to our interim report and I am pleased to see it has done it relatively quickly, although I acknowledge that there were only a few recommendations that needed to be responded to. Of course, the senator has already responded to the first recommendation, which was that the Community Affairs References Committee inquiry continue this matter into the 45th Parliament, and we have been doing just that. The inquiry was re-referred to us and, in fact, we held a hearing in Sydney last Wednesday. I think some of my colleagues will comment on that and I will come back to it too.

The committee's second recommendation was:

The committee recommends that the Department of Health further develop education and awareness strategies…

We heard a bit about that during the hearing last week—about the protection of tick bites and seeking medical attention. This is where I want to make a few comments. The recommendation was also to develop education and awareness strategies for the medical profession:

… about how to diagnose and treat classical Lyme disease acquired overseas and known tick-borne illnesses acquired in Australia.

The comments that have been made in the government's response are:

The Australian Guidelines for the diagnosis of overseas acquired Lyme disease/borreliosis are included on the NHMRC managed clinical portal. The guideline has also been published in Communicable Diseases Intelligence Vol 39 No. 4 December 2015.

The response then says:

The department will consider developing an additional guidance document focussing on treatment of classical Lyme disease in consultation with medical experts.

That is not exactly what we were asking for. We were asking about known tick-borne illnesses acquired in Australia. This goes to the crux of some of the issues that we discussed in the interim report, but we also received a lot more evidence about it during the week. Of course, I am not going to pre-empt anything that the committee may recommend when we do our report in the not too distant future, but it is quite clear from the evidence that there are significant issues related to tick-borne illnesses in Australia.

We heard of cutting-edge research—part of which is happening at Murdoch University in our home state, Mr Acting Deputy President Back—where they are finding so many pathogens related to ticks and they are talking about interaction of pathogens in relation to ticks and, I must say, other vectors as well. I am a little concerned with that response from the government and whether they are saying here that they are intending to include it, whether
they mean that they are intending to include it but have not said it, or whether they have not actually got the point. Tick-borne illnesses are a very significant issue and there is absolutely no doubt that there are people who are very sick from these illnesses in this country. We received evidence again last week about the relationship between people becoming ill and being bitten by ticks. So it is absolutely essential that we start to look at and develop those guidelines that also relate to known tick-borne diseases acquired in Australia.

The other recommendation relates to the Chief Medical Officer:

The committee recommends that the Chief Medical Officer continue to consult with the medical and patient communities through mechanisms such as the Clinical Advisory Committee on Lyme Disease, and for the Department of Health to continue to facilitate meetings with medical and patient representatives.

There have been some concerns—in fact, a lot of concern—that that has not been happening. It is pleasing to see that the government has said it will renew its engagement with the clinical reference group. That is important, but I actually think that we need to see a really meaningful engagement on these issues because people are feeling stigmatised. They are obviously ill and they are feeling stigmatised and ignored. People talk of harassment and bullying and being told that their illness is all in their head when quite patently people are ill. It is not the way to treat people. People talk about being depressed with this illness. They are certainly depressed when they get told that they do not have an illness. I actually do think that there are some people that have associated depression because of the way they have been treated. There is absolutely no doubt in my mind that people are ill.

There is a debate over classic Lyme and chronic Lyme. We are also having a discussion in the committee—we had it again last Wednesday with witnesses—about whether we should actually even abandon the name ‘Lyme’. Some organisations already have. There is no doubt in my mind that people are sick and there is a relationship to tick bites and other vectors. We are starting to get some evidence around the illnesses that we have as well. This is what the research is coming out and showing: we have unique species or pathogens over here and unique bacteria that are associated with vectors, including ticks.

We will be reporting very soon on the inquiry and the further evidence that we have gathered on the issues that we had indicted in our report were the next steps for further investigation. We will be reporting on that in the near future. I do thank the government for their response, but I do urge them to go further on the matters that I have discussed. I am sure that I will be standing in this place, urging them very strongly to go further on the recommendations that we will be making in the next couple of weeks.

Senator MOORE (Queensland) (17:47): I want to add my comments in response to the report that the government has provided and point out how impressed I am with the speedy turnaround in this. In my experience in this place this is the quickest response we have ever heard from the government on any report that has been presented. If you check all those community affairs reports that have gone and are sitting somewhere waiting for a response, we acknowledge it with deep appreciation without saying anything more.

In making some comments about this response, I do want to put on record the hard work and commitment that previous senators John Madigan and Dio Wang showed in working to ensure that there was an agreement in this place to move forward with an inquiry into this issue. At times there has been some controversy around this particular condition, and there
was some reluctance in the initial stages as to whether it was an appropriate time or an appropriate way to spend Senate resources by having such an inquiry. The work that has been done indicates and vindicates the work of those two senators. It is just a shame that they are not here to be able to hear this response from government, but if I know them both they are very keen to retain these issues and to retain links with the people from the Lyme Disease Association of Australia.

Senator Siewert mentioned a number of the things about which I wish to make comments on as well. There are a couple of particular points I want to take up. One is recommendation 3, which was about the government needing to have engagement with people in the medical profession and also with the people who represent and are part of the many people in this country who feel that they are definitely the victims of Lyme or Lyme-like illness. That was one of the core recommendations that came out of this preliminary report because we felt that there had been a disconnect between the government, the Department of Health and the people who are working in the area of people who are genuinely ill.

I do not think that anyone who has been involved in the first committee or the second one that we have taken up can have any doubt that the people with whom we are meeting and the people we are listening to are not well. In our inquiry only last week I actually made the statement that I believed that there was goodwill and an acknowledgement of the illness. I have to admit that there continues to be genuine scepticism and concern amongst people who are part of the Lyme Disease Association of Australia and other groups about whether this concern and goodwill is in fact accurate. As long as we have this disconnect and lack of trust and respect, we are not going to be able to move forward. If this inquiry can achieve anything it must aim to achieve respect for the people who have come to us, explained how unwell they are and talked to us about the lack of respect, the lack of treatment and the lack of acknowledgement they have received by the medical profession in this country over many years. To me, that has been the most confronting element of the work on this committee.

Naturally, I am very pleased with the acknowledgement that there must be continued research in the area. Senator Siewert talked about some of the amazing work that has been done at Murdoch University in WA. At the University of New South Wales and, I believe, the University of Sydney there are also groups of researchers who are looking at tick-borne disease.

I think that maybe at this stage there has not been a complete focus on the issue of Lyme, but there is an acknowledgement that Australian ticks may well have pathogens which can cause illness. They are working to identify clearly what those are and also looking at what the impacts could be—and not just on animals. As you would know, Mr Acting Deputy President Back, most of the work in Australia at this stage has been in the veterinary area. Indeed, I think, without being a medical professional or a scientist at all, the probability is that there is something that is making people unwell.

Certainly, one of the things our committee talked about is the absolute need to continue funding to allow this research to continue—research at the national level being able to be introduced into the international fora. There are significant fora around the world looking at these issues. So this is not peculiar to Australia; this is an international issue. There are people who are concerned about tick-borne illness around the globe. This work must continue and Australia must have a role in that.
I have taken some hope from the government response to recommendation 3, that the government, through the Department of Health, will renew its engagement with the clinical reference group. Up until this point we believed that had ceased to exist. It had a short lifespan that ended in 2015, but we are very pleased to see that the government is going to reinvigorate this group and also maintain information and engagement with relevant medical education meetings and conferences to inform and to engage with more research.

That is the missing link. We now have some knowledge about a disease called Lyme which was identified in the United States. We have some knowledge about variations of this disease across elements of Europe. There continues to be a lack of 'empirical' evidence of actual Lyme disease in Australia, but we know that there are people who are unwell. And the range of symptoms and the impacts of this condition are vast. This is not something that is an irritant; this is not something that causes flu-like symptoms; this is a disease which has symptoms which are crippling. Some of the stories we have been told as people came to us to tell us about the extended issues of their illness are extremely disturbing and confronting. So I congratulate the government for actually saying that they will restart this conversation with people who care deeply about this issue and that they will give them the respect and acknowledgement they deserve.

I also think this issue around education is most important. We know that there has been some attempt on the website and also through information data sheets to raise awareness of people about the impact of tick bites—not calling it by any name but just indicating for Australians, both here and when travelling overseas, to be aware that when ticks bite you they can have an impact. It is just to raise that awareness and to raise the concern. I think that in many cases Australians in some areas of our country are fairly used to being bitten by ticks and just take it in their stride. It needs to be better understood and people need to take effective protective action to ensure that they will not be bitten.

The department have said that they have raised that issue and that they have put this data on their website. We believe that should be a more proactive strategy. We believe that it is not just good enough to say, 'We've got a website and we tell people this is important.' As a result of this inquiry I hope that there will be a more proactive strategy across states as well, because this is an issue that impacts on state governments—particularly their health departments. But we need to do better in that space.

I am very optimistic that when we complete the second part of the report on this issue we will have a better understanding in our community and I hope a better understanding in the Department of Health so that we will be able to treat people with respect and probably be able to move forward together to ensure that we look at illness, rather than names.

Senator LAMBIE (Tasmania) (17:56): I would just like to respond to the government's response with reference to Lyme disease. I was part of the committee, and I am very grateful to former Senator John Madigan, who asked me to step in. This is one of the promises that I made and I am very grateful, so I have to thank former Senators Madigan and Dio Wang. As you would know, Mr Acting Deputy President, our load is quite big at times, being Independents, so we tried to share that workload around between us last time. And I am very grateful to have listened to what these Lyme disease sufferers have said.

I have noticed that it has caused controversy and conflict all over the world, especially in Australia, where we officially do not recognise Lyme disease. The medical and research
professionals are polarised on this topic and have not come to an agreement. Instead of making it so difficult, they should just call it what it is: it is a tick-borne disease. But what we can agree on is that there are thousands of Australians suffering with tick-borne disease. We know that there are thousands of Australians who are misdiagnosed or told that it is all in their heads. We have thousands of Australians whose lives have been torn apart by this disease, and their families and friends are also suffering.

What else do we know? We know that when people get bitten by a tick they are coming down sick very shortly after, and they are coming down very sick. We know that these symptoms are being passed on to their children. We do know that tick-borne disease can be contracted overseas and we learnt on Sunrise this past weekend that there are five or six new and uniquely Australian varieties of the bacteria that cause tick-borne disease.

Just last week I attended the Senate committee hearing which looked into the growing evidence of an emerging tick-borne disease that causes illness in many Australian patients. I have heard both sides of the story and I have had a lot of people contact my office seeking help. What I have found is that there is still a lot that we do not know about this bacteria, about the pathogens and about tick-borne disease itself—and certainly about the variants that we have here in Australia. But denying that we have some sort of tick-borne disease in this country will not give us the answer as to why these people are extremely sick.

These are the questions that need to be asked, this is what people were telling the committee last week and it is what I have heard in the past and from John Madigan. I want to know if the symptoms can be sexually transmitted, or transmitted through blood or plasma products. What they are telling me is that it can stay dormant for 25 years after the bite. If this is true, then what is going on with our blood services? We need to get on top of this, and we need to get on top of it fairly quickly.

I want to know: if the new and uniquely Australian varieties of bacteria which cause Lyme disease or tick disease do not cause tick disease, what disease do they cause? We do not know how to treat or manage this disease—well, that is what most of the medical professionals are telling us, although we have a group of medical doctors that are telling us they have a 70 per cent success rate. I suggest we talk to them as soon as possible.

It is about time the professional bickering over the disease stopped and the government funded research to answer the questions surrounding the tick-bone disease. That way we can properly equip the medical professionals with the tools to diagnose and treat the thousands of people living in constant pain and misery. While the bickering continues and the government does not specifically fund research for the tick disease, victims of tick bites are not getting the help they need, and that is a real problem. It is also putting a great deal of strain on our public health system, and I think it is already under enough. As it stands, victims are getting a triple shot of chronic fatigue and being misdiagnosed with MS or lupus or anything else the doctor can excuse himself for when he cannot come up with an answer. I heard from a lady who spent seven years visiting doctors and specialists, and it was not until her blood was sent to the US—that is right: all the way to the US—that she was finally able to receive closure and was diagnosed with what they call Lyme disease, which basically is tick disease.

Government-funded research would shine a spotlight on this tick-borne disease and find closure for many sufferers, who just want to have their pain and suffering recognised and to be reassured it is not in their heads. It is actually real. Government-funded research would
answer the questions I and many others have outlined: what is it and how could it be treated more importantly? And this is an opportunity for the research and medical professions to break new ground. How wonderful if we could find a cure for tick disease. That would be groundbreaking. There would be millions of sufferers around the world.

I will conclude by endorsing the recommendations of the Senate Standing Committee on Community Affairs on this issue, which include an ongoing inquiry in the 45th Parliament, and a recommendation to develop education and awareness programs for the public and the medical professionals regarding ticks, tick-borne illnesses, and classical Lyme-like disease contracted overseas or even in our own country and for the chief medical officer to continue consultation with the medical and patient communities. But I must emphasise these recommendations are meaningless if they are not backed up by a government commitment to fund research into tick-borne diseases, such as Lyme disease.

In concluding, I am very aware that Lyme disease is massive in America. As a matter of fact, most people that have been diagnosed with Lyme disease have their testing done either in America or in Germany. It is very hard to ignore the historic and unprecedented political events unfolding in America right now. It is more than likely that President Obama will be replaced by President Trump, and that opens the door to some great opportunities for Tasmania and Australia. I congratulate President Trump, his family and his team. He is a straight talker and we need more straight talkers in politics. I note that President Trump is opposed to the TPP trade deal, which undermines Australia's sovereignty, and I simply say: let's do a trade deal with American that benefits both our countries. After all, we are great friends and share a love of democracy and freedoms. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Economics Legislation Committee
Legal and Constitutional Affairs Legislation Committee

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (18:03): Pursuant to order and at the request of the chairs of the respective communities, I present reports on legislation as listed at item 19 on today's order of business, together with the Hansard records of proceedings and documents presented to the committees.

Ordered that the reports be printed.

Select Committee on Red Tape

Membership

The ACTING DEPUTY PRESIDENT (Senator Back) (18:04): The President has received a letter requesting changes in the membership of a committee.

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (18:04): by leave—I move:

That Senators Burston, Hinch and Leyonhjelm be appointed to the Senate Select Committee on Red Tape.

Question agreed to.
BILLS

Customs Tariff Amendment (2017 Harmonized System Changes) Bill 2016
Customs Amendment (2017 Harmonized System Changes) Bill 2016

First Reading

Bills received from the House of Representatives.

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (18:05): I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bill read a first time.

Second Reading

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (18:05): I move:
That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CUSTOMS TARIFF AMENDMENT (2017 HARMONIZED SYSTEM CHANGES) BILL 2016

Second Reading Speech


These amendments give effect to changes resulting from the World Customs Organization's fifth review of the International Convention on the Harmonized Commodity Description and Coding System, commonly referred to as the Harmonized System. Australia provided significant input into the fifth review, relevant Australian Government agencies and industry groups were consulted during this review process.

Australia is a signatory to the Harmonized System, which has formed the basis of Australia's classifications for traded goods, both imports and exports, since 1988.

The Harmonized System is a hierarchical system that uniquely identifies all traded goods. Over 175 customs administrations use the Harmonized System.

Australia has implemented the Harmonized System domestically through the Customs Tariff Act 1995 for imports and the Australian Harmonized Export Commodity Classification for exports.

As a signatory to the Harmonized System, Australia is required by 1 January 2017 to give effect to the changes resulting from the fifth review.

Changes to the Harmonized System address new and emerging technologies, provide a clearer picture of trade patterns, facilitate the collection and comparison of trade data, and assist the monitoring of trade in certain goods.
The 2017 Harmonized System amendments address environmental and social issues of global concern. This includes, for example, further enhancing the monitoring of trade in certain fish and tropical woods by the Food and Agriculture Organization of the United Nations. This will support food security objectives and management of endangered species.

The 2017 Harmonized System changes will create new tariff subheadings for specific chemicals. This will further enhance the monitoring, collection and comparison of data on the international movement of these chemicals, which are controlled under international conventions to which Australia is a signatory.

The Bill will insert new subheadings, at the request of the International Narcotics Control Board, to monitor and control pharmaceutical preparations containing ephedrine, pseudoephedrine or norephedrine. This will enhance the monitoring and control of certain narcotic drugs and psychotropic substances.

The Bill also clarifies texts to support the uniform application of the Harmonized System internationally.

The Bill will amend Schedules 5 to 12 of the Customs Tariff Act. These schedules give effect to the application of customs duty on certain imported goods in accordance with Australia’s bilateral trade agreements with the United States of America, Thailand, Chile, Malaysia, the Republic of Korea, Japan and China; and with Australia’s regional agreement with the Association of Southeast Asian Nations and New Zealand.

Existing levels of industry protection and margins of tariff preference that apply to imported goods, including goods imported under free trade agreements, will be preserved.

One exception to this, however, is the classification of electronic integrated circuits which will be expanded to include multi-component integrated circuits, commonly known as MCOs. This means that a subset of these goods will have their duty rates reduced to ‘Free’ when imported into Australia.

Reducing the rate of duty to ‘Free’ for all MCOs is consistent with the Expanded Information Technology Agreement, to which Australia is a signatory.

This Bill will provide certainty for Australia’s importers by ensuring that Australia classifies its goods and commodities in accordance with the Harmonized System – and in a manner consistent with its major trading partners. The Bill will also provide a more effective way of identifying goods as they come across the border.

To give effect to the Harmonized System changes complementary amendments will also be made to the Customs Act 1901 by the Customs Amendment (2017 Harmonized System Changes) Bill 2016.

CUSTOMS AMENDMENT (2017 HARMONIZED SYSTEM CHANGES) BILL 2016

Second Reading Speech

The Customs Amendment (2017 Harmonized System Changes) Bill 2016 contains amendments to the Customs Act 1901.

These amendments will give effect to changes resulting from the fifth review of the International Convention on the Harmonized Commodity Description and Coding System, commonly referred to as the Harmonized System by the World Customs Organization.

The Bill will also make minor amendments to the Customs Act 1901 to provide for the collection of appropriate import duties for biofuels and biofuel blends imported under the China-Australia Free Trade Agreement.

To give effect to the Harmonized System changes complementary amendments will also be made to the Customs Tariff Act 1995 by the Customs Tariff Amendment (2017 Harmonized System Changes) Bill 2016.
Debate adjourned.

**Higher Education Support Legislation Amendment (2016 Measures No. 1) Bill 2016**

**First Reading**

Bill received from the House of Representatives

**Senator NASH** (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (18:06): I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator NASH** (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (18:06): I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

Today I introduce the Higher Education Support Legislation Amendment (2016 Measures No.1) Bill 2016 which has two distinct purposes. Firstly, the Bill aims to improve the way we assist Aboriginal and Torres Strait Islander students to participate in and graduate from university. Secondly, the Bill makes an administrative amendment to ensure the Department of Education and Training can collect Tax File Numbers to improve the administration of the VET FEE-HELP scheme and improve data management arrangements for the HELP scheme as a whole.

Aboriginal and Torres Strait Islander people are enrolling in universities in greater numbers than ever before, with enrolment rates growing faster than those for other Australian students. Unfortunately, Aboriginal and Torres Strait Islander students are not progressing through university and completing degrees at anywhere near the rate of other Australian students.

The Government has worked with universities to reform arrangements so students are not only enrolling, but also progressing through their courses and completing university degrees in greater numbers.

These new arrangements were included in the *Indigenous Student Success in Higher Education* measure announced by the Government in the 2016-17 Budget.

The amendments that I introduce today will mean that existing support for Aboriginal and Torres Strait Islander university students can be administered through a single Part of the *Higher Education Support Act 2003* and importantly, through a single set of guidelines.

The Bill proposes the establishment of a new special appropriation under the *Higher Education Support Act 2003* to consolidate the existing Commonwealth Scholarships Programme and the Indigenous Support Programme, administered under separate divisions of the *Higher Education Support Act 2003*, with tutorial assistance administered under the Indigenous Advancement Strategy.
Consequential amendments to the social security law and to the *Veterans’ Entitlements Act 1986* ensure that grants under the new Part are subject to current arrangements for other grants under the *Higher Education Support Act 2003* and do not disrupt checks and balances that are currently in place.

Should Parliament pass this Bill, I will issue guidelines that ensure universities continue to offer scholarships, tutorial support and safe cultural spaces for Aboriginal and Torres Strait Islander students to learn. However, these new guidelines will improve the capacity of universities to design and implement the best services for each circumstance, drawing on the knowledge and expertise of Aboriginal Torres Strait Islander staff or advisers.

The Government appreciates the assistance of the Aboriginal and Torres Strait Islander staff from many universities across the country in developing these reforms. The Government also appreciates the support offered by the National Aboriginal and Torres Strait Islander Higher Education Consortium, Universities Australia and the Innovative Research Universities for the reforms to Indigenous student assistance.

Together we have developed reforms that shift the focus from simply getting students in the door, to also helping students to achieve and succeed at university.

This Government recognises that our richest capital is our human capital. At the heart of building the Aboriginal and Torres Strait Islander professional workforce, is increasing the number of successful university graduates. Improving completion outcomes will lead to more Aboriginal and Torres Strait Islander people taking up professional careers in medicine, education, engineering, law and management, to name a few.

The Turnbull Coalition is committed to delivering better outcomes for our First Australians and the Government will continue to ensure that every dollar invested delivers the best outcomes for Aboriginal and Torres Strait Islander people.

With the support of this Parliament, Aboriginal and Torres Strait Islander university students will be able to benefit from this legislation as they enter the 2017 academic year.

The Bill also introduces administrative amendments to the *Higher Education Support Act 2003* and the *Income Tax Assessment Act 1936* to allow the Department of Education and Training to access the Tax File Numbers of VET FEE-HELP students in order to improve the efficiency of data exchange with the Australian Taxation Office, and to improve data quality. This element of the Bill does not relate specifically to Aboriginal and Torres Strait Islander students, but all HELP debtors.

These amendments build on existing administrative processes already in place for Trade Support Loans and for the other four Higher Education Loan Programmes.

The amendments provide consistency across all five loan schemes. They will enable more efficient and effective administration of the Higher Education Loan Programme and, importantly, improved HELP data. The amendments will also make it possible for VET FEE-HELP students to use, from 2017, a new digital Commonwealth Assistance Form. That form contains valuable enhancements that are designed to protect VET students from the unscrupulous enrolment practices of a few unethical providers.

The amendments will allow the Department of Education and Training and the Australian Taxation Office to efficiently exchange loan data using the common identifier that is a student’s tax file number. Student loan debts that were incurred in an unconscionable way can be removed with speed and certainty, reducing stress on people who had never intended to incur a debt. Aboriginal and Torres Strait Islander students were among those targeted by providers that did not have the best interests of these, often vulnerable, students at heart.

This Government recognises it is vital that the HELP scheme remains sustainable so that it can continue to be accessed by future generations of students. These amendments authorise use and
disclosure of tax file numbers between Commonwealth officers specifically to improve available data on the HELP scheme and assist in its future administration.

These amendments are consistent with the VET Student Loans and related Bills and will contribute to arrangements that are robust, sustainable and focused on the interests of students.

I commend this Bill to the Chamber.

Debate adjourned.

Water Legislation Amendment (Sustainable Diversion Limit Adjustment) Bill 2016

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

COMMITTEES

Migration Committee
National Disability Insurance Scheme

Membership

Message received from the House of Representatives notifying the Senate of the appointment of Mr Vasta to the Joint Standing Committee on Migration and the appointment of Mr Wallace to the Joint Standing Committee on the National Disability Insurance Scheme.

REGULATIONS AND DETERMINATIONS

Classification Amendment (CHC Domain Scores) Principles 2016

Disallowance

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:08): I move:

That the Classification Amendment (CHC Domain Scores) Principles 2016, made under the Aged Care Act 1997, be disallowed.

Thirteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

I move this disallowance motion on the Classification Amendment (CHC Domain Scores) Principles 2016. This is an instrument that has implemented changes to certain scores in the scoring matrix. I am sorry this is so complicated, but for those who are not necessarily au fait with such intricacies this is about aged-care funding. It is about the complex healthcare domain within the aged-care funding instrument; henceforth, I will call that ACFI. This tool is used to fund residential aged care. The changes to the scoring matrix affect the level of funding for the complex healthcare domain for new appraisals or reappraisals of existing residents. The ACFI tool is about how much funding—that is the bottom line—residents in aged care get. It is a tool that looks at all the different issues that need to be addressed while someone is in residential care. The instrument that I am seeking to disallow is around the funding that is available for the complex healthcare domain for a resident in aged care.

The changes to the matrix downgrade two of the categories in the matrix. Ansell Strategic has produced modelling on the ACFI changes for UnitingCare Australia, Catholic Health Australia, and Aged and Community Services Australia. The summary findings provide that the July 2016 ACFI changes will result in facilities receiving $1,890.70 less per annum per
resident. I must admit that it is quite complicated, because there are a series of changes that either have been made or are proposed to be made to the ACFI instrument; hence, the referral to the time when some of these change will come into effect. Some of the other changes will into effect in January and at other times. This one came into effect in July 2016. The instrument was registered on 17 May this year, and the changes came into effect on 1 July this year. The changes contained in this instrument will apply until 31 December this year, at which time the new complex healthcare matrix—just when you thought it could not get any more complicated, it has—is set to come into effect.

The changes to the scoring matrix are one of a number of changes, as I said, to the ACFI that were included in the 2015-16 MYEFO changes and also in the 2016-17 budget. Collectively, the changes to the ACFI will cut $1.6 billion in funding from aged care. The modelling by Ansell Strategic shows that these cuts will in reality reduce funding to the sector by more than $2.5 billion or by $6,655 per resident per annum. Many providers and aged-care residents across the country have raised concerns with me about the impact that these cuts through the ACFI will have. Changes to the complex healthcare domain will impact on people suffering from chronic pain, degenerative diseases, severe arthritis and complex wounds. UnitingCare Australia has said of the cuts:

The changes will put increased pressure on the public hospital system if the viability of residential aged care service providers is threatened …

They were also very concerned about the disproportionate impact on services in regional and rural Australia.

The Senate is also conducting an inquiry through its Community Affairs References Committee into the aged-care workforce. When we talk about the aged-care workforce the ACFI cuts come up, because they have direct implications for the workforce. Again, I am not seeking to pre-empt any of the findings or anything like that from the workforce inquiry that I am chairing and that Senator Polley, who will be speaking shortly, has been very active on. Some issues in that inquiry have crossed over, as I said, to ACFI, because workforce issues relate in part to funding. While we have been holding that inquiry, this issue has come up. I would like to read what some of the witnesses have said in that inquiry. Just last week in Tasmania—

**Senator Polley:** In Launceston.

**Senator SIEWERT:** Yes, we were in Launceston. Ms Murray, an aged-care worker, was a witness at the inquiry. She told us of her experience:

At my facility, when those cuts came we lost three hours a day of nursing hours. For the 98 residents that we are required to oversee on every shift—one RN per 98 residents, every shift—we now have 15 minutes to hand over—

This is when shifts change and they have a period of time to talk about each patient to the new shift coming on. That was explained to us during the process—we used to have additional time—for two RNs to get together for complex problem solving. I am not aware of the exact figures on how many hours for enrolled nurses were lost but there were a few as well as the ECA. The whole roster has recently been restructured so that the care workers’ hours have gone down quite a lot. At the end of the day, this impacts on the time that the registered nurses have for doing wound care and, as mentioned previously, residents waiting for the bells to be answered and things like that from the ECAs.
I could spend the whole of my time talking about the evidence that we received from people during the inquiry about the impact of the funding cuts.

When Ansell Strategic was doing their survey and analysis, some of the quotes that they received regarding people's concerns about these cuts included: 'As we approach person-centred care, we would like to be able to continue to provide holistic care for our residents and continue to do what we have always done. However, we are required to strategically think and structure our facility to remain viable in the future. The funding changes are likely to cut care hours.' In fact, we just heard that they have and, of course, future cuts are likely to cut them even more. Another comment that was made was: 'We'll be sending more residents to hospital and not providing complex treatment in their own environment. We will reconsider admitting potential residents with complex needs.' Another was—and this came up during our most recent inquiry as well: 'Our physiotherapy program is the core of our Living Longer Living Better initiative for our residents. To cancel this program would be catastrophic for our residents, impacting pain management, mobility, independence, continence—to name just a few unacceptable outcomes.' Another was: 'My major concern is the viability of our small rural residual care facility in the future with these ongoing cuts. We are not a large care provider and, if we are forced to close, our small rural community would have to send their elderly away from the district, community support and family.' You get the picture. People are deeply concerned about the impact of these cuts.

Ad hoc tightening of ACFI is about government saving money and not genuine reform. These cuts will hurt some of the most vulnerable older Australians in care. The sector has also raised concerns about the lack of consultation and transparency in the cuts that the coalition plans to make to aged care. These concerns highlight the need for a full cost-of-care study, which the sector has been calling for for a long time. Such a study needs to be fully consultative and engage with the sector. At Senate estimates there was evidence given regarding the government's recent consultation through the sector, notably after the cuts had been made. They are more about the cuts that were in the 2016-17 budget. Also, they talk about the need to start sharing some of the modelling that relate to the ACFI cuts. This is welcome news. However, given the quantum of the savings that is not up for discussion, the quality of care and the availability of care into the future will still be compromised because, as I said, what is being discussed is not all of the cuts that are being made to ACFI.

At this point I would like to put on record my disappointment that, in fact, we have not been able to have an inquiry into the ACFI funding instrument and the cuts that are proposed. I think that is a particularly important thing that we should be doing. One of the 2016-17 budget measures—specifically the halving of indexation for the complex healthcare component of ACFI—has been implemented through the Aged Care (Subsidy, Fees and Payments) Amendment (July Indexation) Determination 2016. That is a separate instrument that we could have tried to disallow. We purposely have not as that instrument included indexation to the activities of daily living and the behaviour domains of ACFI, and we did not wish to disallow that particular instrument, although part of it has had a negative impact.

One of the related MYEFO changes—specifically the strengthening of compliance for residential care funding at a saving of $61.9 million over four years—was passed with a tranche of other measures in the Budget Savings (Omnibus) Bill 2016. However, today senators in this place have an opportunity to disallow the changes to the scoring matrix for the
complex healthcare domain within the aged-care funding instrument, ACFI. I would encourage you to please consider doing this. Australia's population is ageing and we need to make sure that we are providing quality care for older Australians. We need to develop innovative and creative solutions to the challenges but ensure that we are providing proper funding and enough funding to meet the needs of older Australians into the future. We do not want to see the level of care being provided to residents with complex healthcare needs suffering due to the government's changes to the scoring matrix. The government's cuts are going to hit the sector hard and are hitting the sector. We have evidence around that from the Senate inquiry that is looking into the workforce, as I mentioned earlier. This adds further uncertainty to the sector. These cuts have not been properly scrutinised and they are going to have an effect.

Rather than taking a swing at the aged-care funding instrument, the government should undertake a full cost-of-care study and proper review of ACFI. Nobody is denying that ACFI should not be reviewed. It is a complex instrument. It has been in place for quite a long time and it is due for a review, but do not do that on an ad hoc basis. This would inform funding decisions into the future. The government are currently talking to the sector. That is too late. They should have been doing it beforehand. They still have not handed over all the documentation and the modelling upon which they have made their funding decisions—in particular, the cuts that were going to be made through the 2016-17 budget. Although the government are prepared to look at other measures instead of further cutting and further changing the complex healthcare domain, there is still the same quantum of cuts, so that funding still has to come out of aged care. There are a number of alternative approaches they could have taken. They chose not to. This instrument does affect patient care. We do not think it should go ahead. We think the government should be taking a different approach. They should be more consultative and develop a process that will see the sector viable and sustainable into the future, not suffering cuts every couple of years when the government decide they want to make some funding available for something else. We do agree with the government that we do need to make sure that we are spending money wisely. There is no doubt about that. We do agree that ACFI has probably outlived its usefulness and needs reform. We think we also need a cost-of-care study to understand what the true costs of care are.

We urge the Senate to support this disallowance motion and to continue to work with government to find a way forward for the reform that is agreed across the board we still need to see. Even though we have seen changes to Living Longer Living Better, which have made significant progress, there is still more reform that needs to be done, and that includes looking at the ACFI instrument and how that can be reformed. I urge you to support this disallowance motion.

Senator POLLEY (Tasmania) (18:22): Labor remains concerned about the ongoing predictability and sustainability of the funding of residential aged care in Australia. We believe that older Australians, having worked hard and contributed to our nation for decades, deserve dignity and security in their older years. We believe that all older Australians deserve access to the high-quality care and services that we would wish for our own loved ones. It is because of this belief that, when last in government, Labor delivered the biggest reforms to aged care and ageing policy in a generation.
Through the Living Longer Living Better aged-care package Labor provided a ten-year plan to build a better, fairer, more sustainable and nationally consistent aged-care system. Labor laid a strong framework to build the aged-care services that Australians deserve, and progress was being made. Progress was being made at delivering choice, easier access and better care for older Australians, their families and carers. Progress was being made in conjunction with the aged-care service industry to grow a highly trained workforce that could respond to the dramatic growth in our ageing population.

Labor's commitment to delivering sustainable care and services that provide quality of life for older Australians is enduring and on the record. Unfortunately the instability and inaction of the Turnbull Liberal government—more focused on its own internal divisions than the needs of older and vulnerable Australians—is threatening the continued progress of these critical reforms and the ongoing sustainability and predictability of funding to provide these services. It is no wonder the government cannot seem to get its act together when it comes to providing for older Australians.

This government cannot seem to even get through 24 hours without stuffing something up. Malcolm Turnbull's government is in complete disarray—mired in dysfunction, chaos and distraction. From the plebiscite bill to the backpacker tax and Mr Turnbull's suite of anti-worker laws, everything he touches he stuffs up. As with the instability of residential aged-care funding, it is ordinary Australians who will be left to pay the price.

The Classification Amendment (CHC Domain Scores) Principles 2016, to which this motion relates, is one of the instruments delivering the Turnbull government's 2015 Mid-year Economic and Fiscal Outlook measures. These measures were allegedly designed to restore predictability to the aged-care funding instrument to bring funding into line with expected growth in expenditure over the forward estimates.

However, less than six months later in its 2016 budget the Turnbull Liberal government cut a further $1.2 billion from the aged-care funding instrument after expenditure again exceeded the government's predictions. It is this lack of predictability that is now causing significant concern for the future of residential aged-care funding and the delivery of high-quality care. This instability within residential aged-care funding means the community simply cannot have confidence that older Australians will have access to the care they need.

This instability also means that aged-care providers have no security, predictability or confidence to invest in the residential aged-care beds we will need to provide for our rapidly ageing population. It is for this reason that Labor committed to an independent review of ACFI, as part of the legislated review of the Living Longer Living Better reforms during the recent federal election. We have followed through with our commitment and introduced the Aged Care (Living Longer Living Better) Amendment (Review) Bill 2016 into parliament to deliver an independent review of residential aged-care funding.

Unfortunately the Turnbull Liberal government has continued to shut out consumers and providers and refused a proper review. Instead of reforming residential aged-care funding in an open and transparent manner, it has hidden the long-term financial modelling for these measures. Instead of talking to consumers, medical professionals, aged-care providers and experts to review and reform the residential aged-care funding, the Turnbull Liberal government has shut out stakeholders and engaged consultants to look at just a small part of the way residential aged-care funding is determined.
The government has been secretive and failed to genuinely consult with the people who are affected by these measures and has shown no concern about their impact. The Minister for Health and Aged Care, Sussan Ley, admitted in May 2016 that she is 'concerned the current Aged Care Funding Instrument (ACFI) model is too complex and not always clear about what can be claimed.' A recent judgment of the full Federal Court found aged-care funding instrument documents are 'riddled with ambiguous, uncertain and inconsistent language' and that they should be reviewed. The aged-care sector has said that a review of ACFI, in the context of growing demand for aged-care services, is long overdue. The Commonwealth Department of Health itself says ACFI is failing. In estimates in October 2016 departmental officials stated that under the Turnbull government ACFI 'does not deliver the stability needed for the sector.' The case for a proper review and reform is clear.

But what we also know is that disallowing the Classification Amendment (CHC Domain Scores) Principles 2016 today will not immediately resolve the instability and uncertainty facing the sector and will not resolve the funding issues created by the government's failure to review and reform ACFI. Rather, this disallowance motion will only further compound these issues by creating even greater uncertainty in future funding.

It must be noted that many providers and peak organisations in the sector, including Aged and Community Services Australia, while expressing disappointment at the government's 2015-16 Mid-Year Economic and Fiscal Outlook measures, accepted these measures at the time because they were targeted and were to deliver predictability. But the sector cannot accept the ongoing instability and unpredictability that the Turnbull Liberal government's mismanagement and lack of action is creating. It is a lack of predictability that inevitably will impact the care outcomes of older Australians and hurt vulnerable people.

Labor has consistently supported the sector in its calls for an immediate independent review and reform of ACFI. This remains our commitment as the only path to a sustainable, transparent and predictable residential aged-care funding model. We stand with the aged-care sector and older Australians in imploring the government to do the right thing and commit to a genuine review and reform to deliver a better funding model now.

We again call on the government to agree to the review of ACFI. It could commence immediately as part of the Living Longer Living Better legislative review that has only just commenced. If senators in this place are concerned and serious about the sustainability of the sector, as Labor is, they would support Labor's moves for a review, not this disallowance motion that will only further compound the instability and uncertainty that this government has created.

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (18:31): The government does not support this disallowance motion. Funding for the residential aged-care sector continues to grow over the forward estimates. The government increased estimated expenditure on residential care by $3.8 billion over the forward estimates in light of higher than expected funding claims. As a responsible fiscal manager, the government announced measures at MYEFO 2015, and in the recent budget, to mitigate, in part, the impact of this growth. Even after these measures, funding for residential care will continue to grow at around five per cent per annum on average over the forward estimates.
This disallowance motion would disallow the MYEFO measures, which took effect on 1 July 2016 and are estimated to save around $800 million over the forward estimates. This would not be responsible fiscal management. Sustainable and stable funding arrangements are in the interests of both government and the sector. The government has announced it is considering longer term reform options to ACFI to ensure sustainable and more stable funding arrangements going forward, and it will consult with the sector in undertaking this work. The department has commissioned the University of Wollongong to assist with this work.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:33): I am disappointed to hear that we will not be getting support from the ALP. I have said in this place before, in relation to the mechanism of legislative review of the bills that they are talking about, that there is no chance of getting that up. It puts it off into the never-never, and we need to be dealing with this issue now. The sector, I understand, has been making a number of proposals to government in order to be able to provide some opportunity and time for longer term measures to be put in place that do address the issue around sustainable funding and develop a sustainable funding strategy for aged care. I think there is agreement around the chamber that that is needed. Where we disagree is the ad hoc changes that are being made and the taking out of so much money from the aged-care sector—in particular out of the complex behaviour care matrix, because of the impact that will have on frail patients.

I am aware that we need to be addressing this issue, because we know people who are going into residential care are much frailer. That means that straightaway when they are going in they need much higher level care. I am not confusing that with the high care and low care that we are moving to get rid of; I mean in terms of the level of nursing care and personal care that is required. That is why the complex healthcare part of the ACFI is so important.

Earlier on, I was quoting from and talking about the Ansell strategic report. That also acknowledges the challenges. It says:

These challenges to providers and Government reflect the change in the physical demands of residents in residential aged care settings and the advancement of home care services in Australia. It is also a reflection of the maturity of ACFI which was introduced over 8 years ago. In combination, the aged care sector is managing an unsustainable system in which:

1. The ACFI mechanism does not accurately allocate resources based on contemporary resident need. This may result in core activities not being funded and creates potential wastage of resources directed towards lower priority activities that do attract funding; and

2. Increasing frailty among the resident population is creating an escalating burden on the taxpayer because of the funding regime which is heavily subsidised by Government.

It goes on to say:
The Living Longer, Living Better legislation has provided some scope to address inequities within the system and facilitate greater levels of contributions from consumers toward their care. However, the increasing resident dependency levels makes it difficult to achieve balance under the current system.

It then says:
The result is that the 2016 Budget cuts will fall directly upon providers of the care, with no avenues to recover the losses from residents, other than cutting their services.

Obviously, decreasing clinical support for residents with escalating complex care needs in not going to be sustainable. The funding instrument and the wider system must now change.
That is what should have been done before they made these ad hoc cuts.

As I understand it, the sector is providing some alternative approaches that involve the government not proceeding with the ACFI changes from 1 January next year. They are making a range of other suggestions. I do not know how the government is receiving them, but, as I said, the upshot of that would be to allow time to develop a sustainable funding strategy where we are not seeing these ad hoc cuts. I would add to that that these cuts should not go ahead, because they are already having an impact, and that the government should start a process that looks at whether they reform ACFI or come up with a whole new instrument. That is obviously going to take some time. Let us not proceed with these cuts that are already having an impact. Let us take some time and develop a sustainable funding strategy for the way forward that actually takes on board the issues I have just been raising, that the sector has raised and that consumers have been raising.

I urge senators to support this disallowance, because we should not be making on the run, every couple of years, ad hoc funding decisions that are not consultative, that cut care and that are going to have an increasing effect because of the acuity of the people who are going into residential aged care and the residents who are in home care, when we start seeing the impact of cuts for other services. It is time that we recognised that these cuts do cause uncertainty. I urge senators to support this disallowance, which will allow time for us to have a much better informed and consultative approach to sustainable funding into the future.

The ACTING DEPUTY PRESIDENT (Senator O'Sullivan): The question is that the motion for disallowance be agreed to.

The Senate divided. [18:42]
Wednesday, 9 November 2016

NOES
Reynolds, L
Scullion, NG
Sterle, G
Watt, M

Roberts, M
Smith, D
Urquhart, AE (teller)
Williams, JR

Question negatived.

BILLS
Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016
In Committee

Bill—by leave—taken as a whole.

Senator XENOPHON (South Australia) (18:46): Now that we are in the committee stage I want to ask, in respect of the amendment that Senator Griff will be moving shortly, in general terms on the issue of licence fees, has the government done any modelling or considered at any level within government the prospect of obtaining revenue from Facebook and Google given their disruptive effect on the media landscape, the advertising revenue they have taken away from traditional media outlets and the fact that they do not pay for or create content in the way free-to-air networks do? Has that been considered? Is any modelling being done in respect of that?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (18:47): I assume this is in the context of your earlier contribution where you were talking about the concept of a ‘turnover tax’—I think that was how you phrased it. I will just make the general point that modelling of tax measures is something that, if it were to be done, would be done in the Treasury portfolio. What I can tell you is what the government, through the Treasury portfolio, has done to ensure the protection and the enhancement of our revenue base.

We are as one with you, I am sure, in believing that multinational companies operating in Australia should pay their fair share of tax. To this end, the government has pursued a number of measures to ensure the companies pay their proper share of tax. Firstly, the multinational anti-avoidance law, which commenced operation on 1 January this year, is designed to capture companies that seek to avoid a taxable presence in Australia. Secondly, the diverted profits tax announced in the 2016-17 budget and scheduled to commence from 1 July next year is designed to stop multinationals artificially diverting profits from Australia to another country. And, thirdly, extending the GST to cover digital products and services imported from overseas, noting, of course, as we do federally, all of this revenue flows to the states and territories.

By the by, I should point out that the financial impact of these measures is already accounted for in the budget bottom line and there are a number of other things that the government is seeking to pursue. The government is very much of the view that multinationals should pay their fair share of tax when they operate in Australia. The government has already taken and is in the process of taking further measures.
Senator XENOPHON (South Australia) (18:49): I thank the minister for his answer. Perhaps I can just take a different tack. I understand that this is a matter ultimately for the Treasury if there is to be a new revenue-raising measure, but, as Minister for Communications, does Senator Fifield acknowledge that the playing field is not level between the free-to-air networks and companies such as Facebook and Google. These companies act almost as aggregators, soaking up all of the content produced by traditional media outlets—outlets that have paid for their journalists and paid for their newsrooms. Facebook and Google can just disseminate that at no cost to themselves and can get the benefit of advertising revenue. Meanwhile, you have the free-to-air networks suffering that loss of advertising revenue because their content is being disseminated quite freely; it is causing a haemorrhaging of their traditional commercial models. To restate the question: does the minister have some sympathy for the fact that traditional media outlets, the free-to-air networks, have suffered significantly in commercial terms at the hands of Facebook and Google, and that they do not have the same business model in terms of expenses involved in creating news content and programming content?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (18:51): I absolutely recognise that the environment for free-to-airs is more challenging and there is greater competition than there was five, 10, 15, 20 or 30 years ago. I agree that the playing field is not level. That is one of the reasons why we are looking to get rid of the 75 per cent audience-reach rule and one of the reasons why we are looking to get rid of the two-out-of-three rule. This will enable Australian media organisations to configure themselves in ways to better support their liability, so they can be in a better position to compete with global players. It is one of the reasons why we do have the measure that is before us: to reduce licence fees for radio and TV by 25 per cent. As I indicated in my earlier contribution, when you combine that with the licence fee reductions that TV previously had, it is a 62.5 per cent reduction in licence fees that the free-to-airs will have had in recent times. I should observe that the free-to-airs do have support in the consumer interest in the form of the anti-siphoning regime. So, yes, the landscape has changed significantly. Licence fee reductions are in part an effort to address that, as is the proposed abolition of the 75 per cent audience reach rule and the two out of three rule.

Senator XENOPHON (South Australia) (18:52): I am grateful to the minister for his answer. It was a good answer but it was also a very clever answer because it actually avoided the direct question. Does the minister concede that there is some element of unfairness that Facebook and Google can soak up the content that the free-to-airs pay for—programming content and the like? That is something that can be aggregated by Facebook and Google at very little or no cost to themselves and they get the benefit of the advertising that comes to them because of the eyeballs that attach to Facebook and Google in the absence of having to pay for content in the way the networks already do.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (18:54): Senator Xenophon, I was not endeavouring to be anything other than remorselessly relevant to your question before by recognising that the operating environment is very different, that the 'over the top' providers, as they are referred to, have a different business model and that there are obviously different
requirements on free-to-air TV which not all providers have. So I certainly acknowledge the differences.

Senator Griff (South Australia) (18:54): by leave—I move Nick Xenophon Team amendments (1) and (2) on sheet 7933 together:

(1) Schedule 1, item 3, page 3 (line 11) omit "75%", substitute "0%".
(2) Schedule 1, item 4, page 3 (line 14) omit "75%", substitute "0%".

I have already outlined in some detail the reason for these amendments. As my colleague Senator Xenophon mentioned, there is absolutely no justification for our free-to-air broadcasters to continue to be hit with licence fees, especially when digital platforms are raking in billions of dollars and paying a pittance by way of Australian taxes. This issue has been ongoing for too long and it is well and truly time that the government bit the bullet and showed some genuine leadership and genuine support for our local TV networks and production industry.

Senator Fifield (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (18:55): I should also indicate that, at the time of the budget announcement of a 25 per cent reduction in television licence fees, the government did indicate that we would look at the possibility of further reductions in broadcast licensing fees as part of a broader package of reforms which would possibly include consideration of the pricing of broadcast spectrum. I think it is important to recognise that spectrum is a public asset and that there should be an appropriate contribution for the use of that asset.

Senator O'Neill (New South Wales) (18:56): Labor wants to place on record that we understand much of the sentiment behind the amendments moved by Senator Griff. However, we are unable to support this commitment at this time.

Senator Hanson-Young (South Australia) (18:56): As I outlined in my speech in the second reading debate, the Greens will not be supporting this amendment. We think it is not particularly smart to reduce the fee as outlined in the original bill without getting anything specific in return in terms of content commitments. We do not believe that a licence has no value and, therefore, we do not agree with reducing the fee altogether.

Question negatived.

Bill reported without amendments; report adopted.

Third Reading

Senator Fifield (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (18:58): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
VET Student Loans Bill 2016
VET Student Loans (Charges) Bill 2016
VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016

Second Reading

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

Senator CAMERON (New South Wales) (18:59): Labor supports the thrust of these bills but, in so many ways, it is a case of 'too little, too late'. If only this incompetent government had acted sooner, billions could have been invested in apprenticeships and TAFE instead of being wasted on dodgy private providers.

The government was advised as early as 2014 about the serious problems that were emerging. Over the last three years, the coalition has shown they simply do not care about technical and vocational education, or about the TAFE system. They want to protect government grants to wealthy private schools while screwing public schools and the TAFE system. This mob sat on their hands while dodgy private providers ran rampant—while students were ripped off and were saddled with massive debts. The government have been missing in action, too consumed by their own internal divisions. And while they were consumed by their internal divisions, the crisis in the VET sector has been on the front page of every newspaper, and leading programs on every TV station. The cost of the VET-HELP scheme has been blowing out—and the government were focused on how we could get rid of one dud prime minister and replace him with another dud. That has been the focus of the coalition. The ministers in this portfolio, including Ministers Pyne, Ley and Ryan, sat back in the hope that competition and the market would fix the problems. But competition and the market made the problems worse. There is nothing in this bill, the VET Student Loans Bill 2016, to restore the $2.75 billion the Liberals have ripped out of the TAFE skills and apprenticeship systems—there is nothing to protect TAFE, and nothing to boost the apprenticeships and reverse the 134,000 fall in apprenticeship numbers.

The government has so far failed to consult properly on the implementation of these changes. There are many important decisions for the minister yet to make. The time frames the government has set themselves for implementation are incredibly ambitious. We will hold this government to account, and make sure the rules and the determinations made by the minister are fair and effective. We will be standing up for students and for TAFE because, at the end of the day, the capacity of our nation to compete internationally by developing a highly skilled workforce is essential to both individual wellbeing and national competitiveness.

Before the election, and in response to the exploitation by business of vulnerable Australians, Labor proposed VET reforms. Now the government has copied them. Basically, the government has plagiarised Labor policy in this area: capping student loans to stop rip-offs—copied; cracking down on brokers—copied; linking publicly-funded quotas to industry need and skill shortages—copied; requiring providers to reapply under new standards so only high-quality providers can access the loan system—copied; linking funding to student progress and completion—copied; a VET loans ombudsman—copied, at last. This is another
case of Labor leading the debate while the coalition concentrated on internal division and chaos. This is a complete 180 by this government. It is the mother of all backflips. In May, the Liberals were falling over themselves to criticise Labor's policy proposals; today, they are trying to take credit for them.

When Labor announced a policy of capping student loans, the world's worst treasurer, Scott Morrison, said it would, 'pull the rug out from under the private education industry'. It just shows you how much Treasurer Morrison knows about the industry or the operation of the market. Then Minister Scott Ryan called it 'classist' policy—that this was a class attack!—and he called it a 'thought bubble,' and said that it would lead to upfront fees for VET students. Senator Ryan also went on to call it 'impulsive,' 'ill thought-through,' 'ill considered,' and 'a sound bite'. Senator Simon Birmingham said it was 'an ill-considered flat pack'—whatever that means. Before the election, Senator Birmingham said a price cap 'would simply, in effect, establish a government-sanctioned price'. He said: 'When you set a price cap, everybody simply shifts to the price cap.' The same Senator Birmingham is now proposing three different price caps: $5,000, $10,000 and $15,000.

The system has fallen into crisis under the coalition's watch. In 2014, the graduation rate for the 10 largest private providers was under five per cent, and $900 million was spent in federal money—that is, over $215,000 for every graduate. Students were tricked into racking up massive debts for courses, with little hope of ever getting a job because of the courses that they had done. Ten thousand qualifications were cancelled in Victoria because they were not worth the paper they were written on. An explosion in short courses and online courses and a decline in quality—that is what the coalition presided over. It is estimated up to 40 per cent of VET-FEE HELP loans will never be repaid, and much of this is because of their inaction. There have even been reports of students being offered online training as a jockey—without riding a horse! Students have been signed up for loans without their knowledge. All of this under the stewardship of the coalition—but we needed a real steward there!

VET FEE-HELP loans have blown out from about $700 million in 2013 to a staggering $2.9 billion in 2015. Look at the figures for VET FEE-HELP loans, Mr Acting Deputy President: $700 million in 2013, $1.8 billion in 2014 and $2.9 billion in 2015.

At the Senate inquiry into these bills there was clear evidence that problems emerged in the VET FEE-HELP system in 2014 and the government knew about them. I will quote from the CEO of the Consumer Action Law Centre, who presented to the hearing:

… particularly during 2014 … we started to receive a spike in complaints related to the marketing of VET products …

So it was not a secret that there was a problem but there was still no capacity or action from this government to do anything about it.

The Australian Competition and Consumer Commission official said:

We started to see complaints in mid-2014 … They started to come out as a bit of a trend in that mid- to late 2014 period—

as I said, the period when the coalition were in government.

Both of the agencies, ASQA and ACCC, started to get concerns through the volume and nature of specific complaints towards the end of 2014. They talked to us at that time and they
continued expressing those concerns into 2015. And that was the pattern for education and training officials at the Senate inquiry.

Senator McKenzie made one of her great interjections at that committee hearing. She asked an ASQA official, 'Did you advise the then government?' The Australian Skills Quality Authority official said, 'In the second half of 2014, yes, we did.' So this government were warned about the problem; this government knew about the problem; this government did nothing about that emerging problem. They were so consumed with fighting each other and jockeying for positions in the future that they did not deal with this emerging problem.

Since the government were told about the problem in the VET FEE-HELP system Minister Pyne, Minister Ley, Minister Hartsuyker, Minister Ryan, Minister Birmingham and now Minister Karen Andrews have all had responsibility for this portfolio—a revolving door of ministers in the coalition. There has been no capacity for continuity in the system, no capacity for any continuity of ministerial oversight. No proper action was taken to deal with this because no-one had their feet under the desk long enough to even read their briefs. They were all too consumed by the disintegration that was taking place in the Abbott government.

The parliament is now considering rushed reforms years too late. The coalition simply do not value TAFE and vocational education. The coalition like to pretend that VET FEE-HELP was a problem created by poor program design. They should remember that it was former Prime Minister John Howard who first introduced VET FEE-HELP and they voted for its expansion in 2012. If they were always so certain about the problems, why did they invent it, why did they support its expansion, and why didn't they fix it on day one back in 2013? The truth about their failed oversight of the scheme is a deeply inconvenient one. The truth is a combination of incompetence, internal division and ideological commitment to market forces.

One of the proposals that we support—one of our proposals that has been copied by the coalition—is for an ombudsman and for transparency. Labor has been calling for an ombudsman for a long time. Almost a year ago in the Senate the minister, Simon Birmingham, gave an undertaking that he would establish one, but when the bills were presented to the House there was no provision for an ombudsman. The minister was at that stage probably too busy handing public money over to former Senator Day for a rorted scheme in South Australia. There was no provision for an ombudsman despite the regulatory impact statement for the bills declaring the idea of an ombudsman to be the most popular idea put forward by the government in their VET FEE-HELP discussion paper. The best idea that came up was a cloned idea from Labor, yet they could not even get it into their bill in the House of Reps. That is why Labor moved amendments in the House to establish an ombudsman.

Having an ombudsman is a practical way to help students who have been ripped off, students who have been left with huge debts and nothing to show for them. Ultimately, the point of the ombudsman must be to help students clear unfair debts and get redress for their exploitation. We cannot give students their hopes and dreams back. We cannot give them their time back. The least we can do is to make sure there is help at hand so they can get their money back—money that was ripped off under this incompetent government. It is a relief that at last the government are acting on their word and moving amendments today that will allow for an ombudsman to be set up. Labor will continue to hold the government to account to make sure that the legislative changes needed to establish an ombudsman with the right
powers to protect students are brought forward by the government with urgency. The shadow minister has written to the minister and sought an assurance that the ombudsman will be up and running by mid-2017 and that it will be properly resourced.

We are very pleased that the government is bringing forward a version of the transparency and reporting amendment moved by Labor in the House. This amendment will make sure the VET FEE-HELP debacle can never happen again. If a minister is not doing their job—even if five ministers are not doing their jobs and even if they are incompetent coalition ministers in power—information about the operation of the scheme will be made public twice a year. The sector, academics and the parliament will be able to keep a close eye on what providers are doing and what is happening to taxpayers' money. It is a sensible amendment and Labor is pleased that the government has decided to support it.

We also welcome the changes the government is bringing forward in light of the Senate inquiry finding to strengthen the regulation of marketing practices and the banning of brokers. The inquiry heard disturbing evidence about the risks of exploitative marketing practices moving in-house at training organisations and about brokers finding ways to circumvent the proposed ban. This must be stopped and we will support the government in stopping it. The details will be in ministerial rules yet to be released, but Labor's position is clear: we want brokers to be banned and we want dodgy marketing practices like commissions and kickbacks to be stamped out. We will be watching closely to make sure the minister's rules are thorough and effective in stamping out rorters and shonks. It is great that the coalition have suddenly found that you do need proper regulation and that you do need so-called red tape when the market is plunging in there to rip off students.

The Labor amendments that we will be moving in the Senate will be allowing the minister to grandfather VET FEE-HELP students past the end of 2017 and exempting TAFEs from the proposed course and loan caps for determination for one year until the end of 2018. By the minister's own estimate, over 140,000 students will need to be grandfathered in the VET FEE-HELP scheme next year so that they can finish their courses. It stands to reason that many of these students will not finish their studies by the end of 2017 when the grandfathering abruptly ends. It could be because they are in part-time study, they have to take time off for illness or family reasons, their provider or their course is not going to be eligible after next year or simply because they are studying one of the many courses that run for more than 12 months. The impact of this dead stop to grandfathering at the end of 2017 will be huge.

When it comes to TAFE Labor make no apologies for backing our quality public VET provider. TAFE is the backbone of the system and, along with innocent students, TAFEs and TAFE teachers have suffered the most in recent years from coalition cuts and mismanagement at a state and federal level. The national partnership agreement on schools which funds TAFE is set to end in the middle of next year, but this incompetent government still has not committed to replacing it at all. This uncertainty is crippling for TAFEs and TAFE students. That is why we are moving an amendment to exempt TAFE from the eligible course list and the loan caps for one year until the end of 2017. This will allow time for the government to strike new funding deals with the states, if indeed they are going to do that at all. TAFE has not been part of the VET FEE-HELP problem. Over 95 per cent of the complaints to the Australian Skills Quality Authority about quality relate to private providers. Public providers, including TAFEs, make up less than five per cent of the complaints.
This is a bill that we will support. We will push these amendments and it is absolutely essential that we protect students and that this incompetent government gets on with the job. (Time expired)

Senator HANSON-YOUNG (South Australia) (19:19): I rise to speak to this bill. I also acknowledge that we probably only have about 30 seconds left before adjournment, so I will of course have to return to this.

Let me say firstly on the record that it is a core principle of the Australian Greens that Australians have access to high-quality and well-funded public education from childhood through to university, and vocational education and training makes up a very important part of that. We will continue to work tirelessly in this parliament to guarantee that and to improve legislation where we can.

The rampant rorting of the VET system since it was deregulated—

Debate interrupted.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator O'Sullivan) (19:20): It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

**Youth With A Mission**

Senator MOORE (Queensland) (19:20): I feel quite lonely on that list. I have never seen my name on a list alone before! I want to talk this evening about Youth With A Mission—YWAM—Medical Ships. This wonderful organisation is a Christian charity which has been actively developing communities by addressing healthcare and training needs in a range of partnerships with relevant national and provincial governments and administrations. This organisation has been working for many years internationally, but since 2010 has been active around the Papua New Guinea region, mainly based in Townsville but also with a special relationship with Newcastle. YWAM has a joint patronage of the Rt Hon. Sir Rabbie Namaliu, a former Prime Minister of PNG, and my friend Mike Reynolds, a former speaker of the Queensland parliament.

This whole model of providing service is based on partnership. There is strong agreement that there must be partnerships with the local country, and this of course is our wonderful closest neighbour, PNG. People in this place are familiar with the particular challenges of Papua New Guinea, our closest neighbour. Just 3.7 kilometres of water separate our nations' closest points, which is in fact from my state of Queensland at the northern tip of the Torres Strait to the Papua New Guinea coast.

It is the most populated Pacific nation, with more than seven million people, but their medical needs are great and challenging. In a nation where 43 per cent of the population is under the age of 15, one in four Papua New Guinea people will not live to celebrate their 40th birthday. Delivering basic services in Papua New Guinea poses enormous challenges, with 84 per cent of the population living in remote and extremely remote—much more so than we understand that term to mean in Australia—and rural areas. These communities are scattered over rugged terrain. They have difficult areas of native forest, vast expanses of ocean and an extensive coastline. The YWAM ship, of which they are very proud, helps to overcome the
challenge by accessing isolated communities with medical specialist services, supplies and health services, and mentoring and support for the rural health workers. The major focus has been in the southern region and in the Huon Gulf.

One of the key aspects of Youth With a Mission is ensuring that through the medical ship, the MV YWAM PNG, challenges are overcome by accessing isolated communities. It is equipped with an on-board dentistry clinic, a day-procedure unit and a laboratory. The vessel also operates as a mothership: patrol tenders are launched from the vessel to reach extremely remote areas with essential health care and training for maximum impact.

All the field operations are conducted in practical collaboration with local health-care workers and their communities, working together to reach the very isolated villages. In 2016 alone, over 200 Papua New Guinea nationals have been directly engaged in the field program. I have met with many of the volunteers at all levels of medical experience and training, as well as young people who are there to learn by working and living in community. They talk about their extensive hiking from the ship up into the Highlands. I have been offered an invitation to share in this process, which I have graciously declined. I will remain an active supporter, but not by climbing the Highlands of New Guinea!

The organisation has developed extremely strong partnerships with members of the Papua New Guinea parliament. It has personal endorsements from the PNG Prime Minister, the Hon. Peter O'Neill, the Minister of National Planning; the Hon. Charles Abel, who has had a very close relationship with the organisation and who is really an ambassador for YWAM; the Minister for Health, the Hon. Michael Malabag; and the Minister for Religion, Youth and Community Development, the Hon. Delilah Gore. These are also extremely important relationships whereby YWAM is working with the Papua New Guinea government. From this financial year YWAM will receive active funding from the Papua New Guinea government. My understanding is that this is one of the first times that the Papua New Guinea government has provided specific funding to an Australian-based NGO through their own health budget. This is the result of years of close negotiation, communication and very personal relationship building.

This funding from the Papua New Guinea government is now partnered with ongoing funding from the Australian government and also a range of extraordinarily effective commercial partnerships that YWAM has negotiated with a range of corporate partners across Australia and also internationally. It truly is an example of effective partnership building, and I think it meets the model of the current DFAT program for ensuring that there is a shared responsibility, shared accountability and shared commitment.

There are so many statistics that go with the work of YWAM but, as always, I think the most effective way to show the impact of any organisation or policy is to hear a personal story. One that was told among many at a recent fundraising event for YWAM in Townsville was told by one of the local volunteer ophthalmologists who had spent time working on the YWAM ship and working with locals in Papua New Guinea.

Dr Bill Talbot is well known in the Townsville region as an ophthalmologist, and was explaining his professional and personal relationships with a young man called Bray Bungewa. He was a young man who had cataracts in both eyes and could only see light and dark shapes. Bray had been blind for two years and needed the help of family members to lead him around the village, to eat and to dress. When Bray first lost his sight his family took
him to the local hospital, but they could not operate because of the lack of training and the lack of facilities. But already the work of YWAM was known in the region, and the local hospital told the family about the MV *YWAM PNG*.

The family waited and took Bray to the ship. Dr Talbot explained that he was a little concerned, because when you see the need you are not always certain whether your professional skills are going to be able to match the hope and fear of the patient. Double cataracts are something that I think people in Australia would see as a serious, but not particularly challenging operation. He operated—the surgery took place in the YWAM operating theatre—and the day came for the bandages to be taken off, and Bray had full sight.

I do not think that anyone can really understand the impact of that story. We hear it from the Fred Hollows Foundation and other wonderful organisations that work in this area, but the emotion and the passion in Dr Talbot's voice as he was telling this story at the Townsville fundraiser reinforced quite clearly what the value of the YWAM services are to the people of New Guinea.

Certainly, there is a wide range of skills and needs required but there is no difficulty in YWAM getting volunteers to be engaged because they see the value of their work and they want to be part of something which has a mission, is professional and makes a difference.

We have now established yet another 'Friends' group in this place—they proliferate! We have put in place a Friends of YWAM, which is co-sponsored by the Hon. Jane Prentice and also by Richard Marles. This particular group is calling upon parliamentarians to work in their local communities to raise awareness of the work of YWAM and to do practical things, like arranging the collection of things like toothbrushes, glasses and toothpaste that the workers can then take into the villages to work with doctors, ophthalmologists and volunteers to build awareness of health and also to ensure that some of those particular health challenges can be met.

In the Townsville region there is a very special relationship with the YWAM community. This was shown yet again this year with a very successful fundraiser which engaged with over 350 people—young people and business people who came together to be part of this wonderful YWAM experience. We would hope that that kind of joy and shared engagement can be spread through a range of communities across Australia. It is something that is intensely valuable, and I congratulate the work of YWAM. I have been a fan and an engaged person with them for many years. As I have said before, I will not be hiking into the Highlands but I certainly will be supporting the people who do it. I congratulate YWAM. I think we need to learn from them and I think we need to work with them to make greater differences to our greatest neighbour, Papua New Guinea.

**Youth With A Mission**

**Senator IAN MACDONALD** (Queensland) (19:30): Senator Moore has reminded me of what a wonderful job YWAM do. They are an organisation based in Australia in Townsville, the city where I spend a lot of my time, and I am a regular interconnector with YWAM and everything they do. They have wonderful premises in Townsville where they bring people from all over the world to train to help others in less developed countries. Their ship that Senator Moore has spoken about—very accurately, I might say—is a wonderful experience for anyone who has the pleasure and the opportunity of inspecting it.
It is interesting that I go and see my pathology people to check my INR every now and again. The last time I was in there, the nurse said, 'I see you have been out to YWAM.' And I said, 'Yes, how do you know about it?' She said, 'I have been on the ship once before, but I am going again in a couple of months time.' And I said: 'That is interesting. Just explain to me how it works. They accommodate you and give you meals and then you do your professional work as a nurse in the wilds of PNG, particularly in the southern and western provinces?' She said: 'No, I actually pay to go on board. I actually pay for the accommodation and the food and contribute my services.' But she said, 'It’s such a wonderful experience.' And it is a way Australian medical people and even non-medical people can actually get onto the ground in PNG and do the work. It is a wonderful organisation.

I spoke with them just last week. They came to see me in Townsville yet again and indicated that for the Commonwealth funding, which involves only $500,000 from part of the Australian foreign aid budget to PNG—the PNG government put in $1 million—they produce something like $6½ million worth of work on the ground directly into the villages where it counts in PNG. They are going to extend their operations. They have a second ship, the original ship, which has now gone around to the north coast of Papua New Guinea. They are doing this wonderful work in all of those places. We contribute some $500,000.

There have been rumours, as you hear in these sorts of things, that perhaps this money is being reviewed through the general things that happen with the foreign aid. I understand the funding is for four years. It runs out in June 2018, I think it is. Do not hold me to those dates, but the funding does run out, and of course the government is at a situation where the question is: what do you do with the PNG government? On what do you spend the huge foreign aid we give to PNG? How do we spend that? Fortuitously, I just had almost a chance conversation with Senator Fierravanti-Wells today about that very issue. Senator Fierravanti-Wells, in her portfolio position, is actually in charge of foreign aid to the Pacific, and that includes PNG. I had a long discussion with her and just emphasised that this is what we need done with Australian foreign aid. We need to make sure it does not go through the bureaucracies in whatever countries. We want to make sure that bits are not skimmed off the top and that it goes right to the heart of the work that we as Australians want to do in these foreign contrives, particularly PNG, for which I think we have a special responsibility.

The work that YWAM is doing is along with RRRC, I have to say—another North Queensland group that is very involved in the malaria program in that part of Papua New Guinea, which is only eight kilometres away from Australia at the top of the Torres Strait. That is another group. It is very important that we do get the aid direct to where it is needed. There have been rumours. There have been anecdotal comments about aid money getting lost on the way through. It is always a difficulty, but the YWAM approach is a magnificent one. All of these volunteers are working to make sure that the help goes to exactly where it is needed.

I thank Senator Moore for raising this. It has reminded me of the issue. I have written to the minister about the issues I was just talking about, but it is good to be able to join Senator Moore in congratulating YWAM on what they do. It is really a classic example of how foreign aid should work. I join with Senator Moore and send every good wish and congratulations to YWAM, their organisation and all of their volunteers who do so much
work to help our neighbours in PNG and elsewhere around the world. Congratulations to YWAM.

**Brain Cancer**

*Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (19:36):* I rise tonight to speak about an event that was held last Sunday in Margate in the south of Hobart in Tasmania, and that was the annual Cure Brain Cancer Foundation walk. This is an event I have organised for the last three years. I have to say every year it gets bigger and I am very proud that that happens. For those who do not know, Cure Brain Cancer Foundation is the organisation that was started up by Dr Charlie Teo, the very eminent neurosurgeon. People might have seen his interview with Anh Do only a few weeks ago, where Anh Do was painting him. I know Charlie very well. I thought that interview captured Charlie to a tee. The fact that he tells me to call him ‘Charlie’ when he is such an eminent person says to me exactly what type of person he is. He has no airs or graces. He is just a man with the biggest heart I think I have ever known, who is willing to take risks, who is willing to take on the causes that other people will not take on.

As people in this place probably know, some eight years ago I was operated on and had two brain tumours successfully removed. When I came to this place I got in contact with the Cure Brain Cancer Foundation and then set up the friendship group—the non-partisan friendship group—in parliament. Ever since then I have been working with the Cure Brain Cancer Foundation to support them and their great cause. This was our third walk. Just a minute ago, I was thinking back to the first walk. For that first walk, I would get very excited if I thought we would get 50 people to register. We actually ended up with 100. I think we raised about $20,000. Every year we seem to increase our numbers by 100, and I am hoping that that will continue. On our third walk we had over 300 people registered. It was not a particularly nice day for a walk, but we had over 300 walkers. I must admit that it was not as bad a day as it was for the first event, when it hailed while we were walking. This walk was not that bad. There were a few showers. The people in the brain cancer community obviously deal with a lot of challenges, so a few light showers did not perturb anyone.

Prior to the event, we had had 210 or so people register online, and we had another 90 or so people register on the day. They just turned up to walk. We had teams of people supporting family and friends of those who had died or people who were suffering from brain cancer or brain tumours. I will get to couple of those stories. This year, for the first time, we had a nice memorial before we kicked off the walk. We had a barbecue, a raffle and the memorial service. The service was led by a wonderful young woman, Eliza Nolan. Eliza is about 25 years old. I have known Eliza since the first walk, and I had asked her to speak at the memorial service. She is a med student, she has just finished her honours year, and she is an amazing young woman. When she was diagnosed three years ago, she sat her first year medical exams knowing that she had brain cancer. This was before her surgery and before her treatment. So I take my hat off to Eliza. She is three years clear. This is the greatest news any of us can have. Eliza did this wonderful little talk about when she came to the first walk and how she felt so alone. She talked about how she had not long been diagnosed and that she did not know who to turn to. As a med student, she of course has a very keen interest in this area, and she has since become very involved in this cause. She and I are very honoured to be the two Cure Brain Cancer ambassadors for Tasmania. Eliza spoke about how this walk brought
people together, how people who felt alone realised that there were so many other people suffering from this insidious disease.

I mentioned a minute ago that we had a raffle. It was a wonderful little raffle, full of Christmas goodies. I was really happy because of who won this raffle. The woman who won the raffle has a young daughter, Caitlin, who I know; in fact, I know her much better than I know her mother. This woman's husband, Caitlin's dad, had died only a few months ago from brain cancer. He had only 10 days. His diagnosis was 10 days. He was diagnosed on one day and 10 days later he died. I was just so happy that they won the raffle in that I know they are going to have a tough Christmas. They know how I feel towards them. I have had lengthy conversations with them and offered my condolences on numerous occasions, so they know how I feel. I was happy that that this not-so-little hamper, full of Christmas goodies—all sort of things like Christmas cakes, Christmas lights and candles; I cannot remember what else was in there—would help make their Christmas a bit easier in their first year without Gordon. That was really nice.

We also had for the first time a crane-making ceremony. Of course, anyone who knows anything about the Cure Brain Cancer Foundation knows that cranes are their logo—so we had this crane making ceremony. If you have ever tried to make an origami crane can I suggest that you breathe deeply first, because I think there are about 15 to 22 steps involved, depending on which YouTube video you watch or which instructions you follow. I have to say that I was not particularly good at it. However, one of my staff members had previously had a Japanese exchange student stay with them who taught her daughter how to make them. So her young daughter, who is 20, made hundreds of cranes for us. People wrote messages on them and hung them on the tree. It was quite a spectacular visual of how important this issue is. Because of the election campaign, we started this year's campaign only six or seven weeks ago. We managed to raise over $38,000. In fact, it was $38,391. There is still money coming in, so we are hoping it will get to $40,000. That money will go towards research into lifesaving brain cancer treatment.

The thing I really want to point out to people in this place—I do not care; people just have to get this—brain cancer kills more kids in Australia than any other disease does, and it gets five per cent of the funding. I just find that atrocious. Even when we were in government I was banging on about it, and I found it atrocious. Picture a classroom full of kids—the number is usually 20 to 25 kids, certainly in Tassie—and then add half again. Now picture those kids in the beginning- or end-of-year photo and then picture all those empty seats. That is why we do this. That is why I am so behind this issue and raising money for Cure Brain Cancer.

I do not have too much time tonight. Actually, I was not going to speak on this tonight, so I am just talking off the top of my head a bit. We had a range of people there. I had a great group of volunteers. I thank Julie Collins, the federal member for Franklin, for her support and attendance at the event and the local Kingborough mayor, Steve Wass, for joining us. I would love to thank my staff for all the great work they do in helping me organise this each year and the volunteers who made it possible. In particular, I thank Eliza, whom I mentioned; Leita who made the cranes; Edna; Yani; Vicky; Maxine; Ray; Helen; Alissa; Marguerite; and my husband, Robert, who is a great photographer and was running around all day with the camera. Special thanks to our youngest volunteer, Charlotte. Charlotte is aged seven. She
raised about $300 and came and helped us volunteer, and I think that is pretty special. Thanks also to Fiona Hutchison who was the entertainer for the day. She came along and did not charge us anything. She gave up her time, which she does for so many events throughout Tasmania. She provided great musical entertainment. I also thank the volunteers from St John Ambulance for being at the ready. I thank Vicky Gale from Cure Brain Cancer and her partner, Stuart. They came down from Sydney to help us, and Vicky was our support in the lead-up to the event. We greatly appreciate her extra efforts. Thanks to Kingborough Council, which let us use the park at no cost. I managed to get Coles and Woolworths on board this year. They gave us some donations so we could run a barbecue, so there was not that much cost to us this year and that was really good. Finally, I thank all the people who registered, walked, raised funds and donated money. Their contributions will undoubtedly help save lives as we work towards finding new treatments for the disease, which, as I said, kills more Australian children than any other.

Senate adjourned at 19:46

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

Poultry and Game Birds Slaughtered Survey—Proposal No. 33 of 2016.
Wool Receivables, Purchases and Sales Survey—Proposal No. 32 of 2016.


Tabling

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

Auditor-General—Audit reports for 2016-17—
No. 24—Performance audit—National Disability Insurance Scheme – Management of the transition of the disability services market: Department of Social Services; National Disability Insurance Agency.
No. 25—Performance audit—The Shared Services Centre: Department of Employment; Department of Education and Training.

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