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SITTING DAYS—2016

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<td>December</td>
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RADIO BROADCASTS
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- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

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

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

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate— Senator Hon. 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. Stephen Conroy
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 McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
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<td>Back, Christopher John</td>
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<td>Bernardi, Cory</td>
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<td>Bilyk, Catryna Louise</td>
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<tr>
<td>Birmingham, Hon. Simon John</td>
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<tr>
<td>Brandis, Hon. George Henry, QC</td>
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<tr>
<td>Brown, Carol Louise</td>
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<td>Bullock, Joseph Warrington</td>
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<td>Bushby, David Christopher</td>
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<tr>
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<td>LNP</td>
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<tr>
<td>Carr, Hon. Kim John</td>
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<td>Cash, Hon. Michaelia Clare</td>
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<td>Colbeck, Hon. Richard Mansell</td>
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<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
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<td>Conroy, Hon. Stephen Michael</td>
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<tr>
<td>Dastyari, Sam</td>
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<tr>
<td>Day, Robert John</td>
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<tr>
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<td>Fawcett, David Julian</td>
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<tr>
<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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<td>30.6.2020</td>
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<td>SA</td>
<td>30.6.2017</td>
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<tr>
<td>Gallagher, Katherine Ruth(^3)</td>
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<td>Hanson-Young, Sarah Coral</td>
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<td>Leyonhjelm, David Ean</td>
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<tr>
<td>Lines, Susan</td>
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<tr>
<td>Lindgren, Joanna Maria(^4)</td>
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<td>Ludlam, Scott</td>
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<tr>
<td>Macdonald, Hon. Ian Douglas</td>
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<td>Madigan, John Joseph</td>
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<td>Marshall, Gavin Mark</td>
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<td>McAllister, Jennifer(^2)</td>
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<td>McKim, Nicholas James(^5)</td>
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<td>McLucas, Hon. Jan Elizabeth</td>
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<td>Moore, Claire Mary</td>
<td>QLD</td>
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<tr>
<td>Muir, Ricky Lee</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AMEP</td>
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<tr>
<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
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</table>
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:

<table>
<thead>
<tr>
<th>Territory</th>
<th>Senator</th>
<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>Gallagher, K.</td>
<td>ALP</td>
<td>Seselja, Z.M.</td>
<td>LP</td>
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<tr>
<td>Northern Territory</td>
<td>Scullion, N. G.</td>
<td>CLP</td>
<td>Peris, N. M.</td>
<td>ALP</td>
</tr>
</tbody>
</table>

(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.

(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.

(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

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

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>The Hon Michaelia Cash</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Counter-Terrorism</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon James McGrath</td>
</tr>
<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>The Hon Angus Taylor MP</td>
</tr>
<tr>
<td>Assistant Cabinet Secretary</td>
<td>The Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
<td>Senator the Hon Anne Ruston</td>
</tr>
<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon Keith Pitt MP</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Steve Ciobo MP</td>
</tr>
<tr>
<td>Minister for International Development and the Pacific</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Minister Assisting the Minister for Trade and Investment</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td></td>
</tr>
<tr>
<td>(Leader of the Government in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>The Hon Kelly O’Dwyer MP</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>The Hon Kelly O’Dwyer MP</td>
</tr>
<tr>
<td>Assistant Minister to the Treasurer</td>
<td>The Hon Alex Hawke MP</td>
</tr>
<tr>
<td>Minister for Finance</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>(Deputy Leader of Government in the Senate)</td>
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<tr>
<td>Special Minister of State</td>
<td>Senator the Hon Mathias Cormann</td>
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<tr>
<td>Assistant Minister for Finance</td>
<td>The Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td>Minister for Regional Development</td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td>Minister for Infrastructure and Transport</td>
<td>The Hon Darren Chester MP</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
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</tr>
<tr>
<td>Minister for Major Projects, Territories and Local Government</td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td>Minister for Industry, Innovation and Science</td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
<td>(Leader of the House)</td>
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<tr>
<td>Minister for Resources, Energy and Northern Australia</td>
<td>The Hon Josh Frydenberg MP</td>
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<tr>
<td>Minister for Northern Australia</td>
<td>Senator the Hon Matt Canavan</td>
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<tr>
<td>Assistant Minister for Science</td>
<td>The Hon Karen Andrews MP</td>
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<tr>
<td>Assistant Minister for Innovation</td>
<td>The Hon Wyatt Roy MP</td>
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<tr>
<td>Minister for Immigration and Border Protection</td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td>Assistant Minister for Immigration</td>
<td>Senator the Hon James McGrath</td>
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<tr>
<td>Minister for the Environment</td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td>Minister for Health</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Minister for Aged Care</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Title</td>
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<tr>
<td>Minster for Sport</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Minster for Rural Health</td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td>Assistant Minster for Health and Aged Care</td>
<td>The Hon Ken Wyatt AM MP</td>
</tr>
<tr>
<td>Minster for Defence</td>
<td>Senator the Hon Marise Payne</td>
</tr>
<tr>
<td>Minster for Veterans’ Affairs</td>
<td>The Hon Dan Tehan MP</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Dan Tehan MP</td>
</tr>
<tr>
<td>Minster for Defence Materiel</td>
<td>The Hon Dan Tehan MP</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Michael McCormack MP</td>
</tr>
<tr>
<td>Minster for Communications</td>
<td>Senator the Hon Mitch Fifield</td>
</tr>
<tr>
<td>Minster for the Arts</td>
<td>Senator the Hon Mitch Fifield</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Minster for Regional Communications</td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td>Minster for Employment</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Minster for Social Services</td>
<td>The Hon Christian Porter MP</td>
</tr>
<tr>
<td>Minster for Human Services</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td>Assistant Minister for Disability Services</td>
<td>The Hon Jane Prentice MP</td>
</tr>
<tr>
<td>Assistant Minister for Multicultural Affairs</td>
<td>The Hon Craig Laundy MP</td>
</tr>
<tr>
<td>Minster for Education and Training</td>
<td>Senator the Hon Simon Birmingham</td>
</tr>
<tr>
<td>Minster for Vocational Education and Skills</td>
<td>Senator the Hon Scott Ryan</td>
</tr>
<tr>
<td>Minster for Tourism and International Education</td>
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</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*. 

vi
### SHADOW MINISTRY

<table>
<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
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<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon. Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader on State and Territory Relations</td>
<td>Senator Katy Gallagher*</td>
</tr>
<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Gallagher*</td>
</tr>
<tr>
<td>Manager of Opposition Business (Senate)</td>
<td>Senator the Hon. Moore</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon. Jacinta Collins</td>
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<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon. Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon. Ed Husic MP</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting with Digital Innovation and Startups</td>
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<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Senator Sam Dastyari</td>
</tr>
<tr>
<td>Deputy Manager of Opposition Business (Senate)</td>
<td>Terri Butler MP</td>
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<tr>
<td>Deputy Leader of the Opposition</td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
<td>Hon. Matt Thistlethwaite MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
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<tr>
<td>Leader of the Opposition in the Senate</td>
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<tr>
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</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>Gai Brodtmann MP</td>
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vii
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<thead>
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<th>TITLE</th>
<th>SHADOW MINISTER</th>
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Shadow Cabinet Ministers are shown in bold type.

* Senator Katy Gallagher’s appointment to the Shadow Ministry is effective from 1 November 2015. Senator the Hon. Jan McLucas will serve as Shadow Minister for Housing and Homelessness and Shadow Minister for Mental Health, and represent the Shadow Minister for Northern Australia, the Shadow Minister for Health, the Shadow Assistant Minister for Health, the Shadow Minister for Sport and the Shadow Minister for Indigenous Affairs in the Senate until 31 October 2015.
## CONTENTS

### Chamber

**DOCUMENTS**—
- Tabling .............................................................................................................. 917

**COMMITTEES**—
- Foreign Affairs, Defence and Trade References Committee—
  - Meeting ........................................................................................................... 917

**BILLS**—
- Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2016—
  - Second Reading ............................................................................................. 917
  - In Committee ................................................................................................... 922
  - Third Reading .................................................................................................. 932
- Narcotic Drugs Amendment Bill 2016—
  - First Reading .................................................................................................. 932
  - Second Reading ............................................................................................... 932
  - Third Reading .................................................................................................. 958
- Social Services Legislation Amendment (Family Measures) Bill 2015—
  - Second Reading ............................................................................................... 958

**STATEMENTS BY SENATORS**—
- Royal Commission into Institutional Responses to Child Sexual Abuse ........ 963
- Tropical Cyclone Winston .................................................................................. 966
- Education Funding ............................................................................................. 968
- Education Funding ............................................................................................. 971
- Economy ............................................................................................................. 973
- Inglis, Mr Brad .................................................................................................. 975
- Kulture Break ..................................................................................................... 975
- Ricky Stuart House ............................................................................................ 975
- Canberra Grammar School ................................................................................ 975
- Adoption ............................................................................................................. 975
- Australian Embassy: Doha ................................................................................ 977
- Education Funding ............................................................................................. 979

**QUESTIONS WITHOUT NOTICE**—
- Taxation ............................................................................................................. 980
- Tropical Cyclone Winston .................................................................................. 981
- Education Funding ............................................................................................. 982
- Education Funding ............................................................................................. 983
- Building and Construction Industry .................................................................. 985
- Meat Industry ..................................................................................................... 989
- Child Care .......................................................................................................... 990
- Liberal Party ....................................................................................................... 992
- Defence Procurement ......................................................................................... 993
- Domestic and Family Violence ......................................................................... 994
- Higher Education .............................................................................................. 996

**PARTY OFFICE HOLDERS**—
- Nationals Whip ................................................................................................ 997

**ANSWERS TO QUESTIONS ON NOTICE**—
- Question Nos 2642 and 2907 ........................................................................ 998

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### WEDNESDAY, 24 FEBRUARY 2016

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# CONTENTS—continued

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—**
- Taxation ........................................................................................................... 1004
- Education Funding ......................................................................................... 1004
- Education Funding ......................................................................................... 1009

**NOTICES—**
- Presentation ..................................................................................................... 1011
- Postponement .................................................................................................. 1013

**MOTIONS—**
- Steel Industry .................................................................................................. 1013

**DOCUMENTS—**
- Commonwealth Scientific and Industrial Research Organisation—
  Order for the Production of Documents .......................................................... 1014

**MOTIONS—**
- Anti-Protest Laws ............................................................................................ 1015

**COMMITTEES—**
- Electoral Matters Committee—
  Reference ......................................................................................................... 1015

**MOTIONS—**
- Liquor Licensing ............................................................................................... 1017

**COMMITTEES—**
- Education and Employment References Committee—
  Reference ......................................................................................................... 1018
- Select Committee on the establishment of a National Integrity Commission—
  Appointment ..................................................................................................... 1020

**DOCUMENTS—**
- Government Departments: Outsourcing to Foreign Businesses—
  Order for the Production of Documents .......................................................... 1023

**MATTERS OF URGENCY—**
- Donations to Political Parties ......................................................................... 1025

**DOCUMENTS—**
- Consideration ................................................................................................. 1040

**COMMITTEES—**
- Scrutiny of Bills Committee—
  Report ............................................................................................................. 1040
- Regulations and Ordinances Committee—
  Delegated Legislation Monitor ...................................................................... 1041
- Human Rights Committee—
  Report ............................................................................................................. 1041
- Economics References Committee—
  Report ............................................................................................................. 1042
  Government Response to Report ................................................................ 1042

**COMMITTEES—**
- Membership .................................................................................................... 1046

**BILLS—**
- Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016—
- Parliamentary Entitlements Amendment (Injury Compensation Scheme) Bill 2016—
  First Reading ................................................................................................. 1047
CONTENTS—continued

Second Reading.............................................................................................................. 1047
Family Law Amendment (Financial Agreements and Other Measures) Bill 2015—
   Report of Legislation Committee ........................................................................... 1049
Social Services Legislation Amendment (Family Measures) Bill 2015—
   Second Reading........................................................................................................ 1049
   In Committee ............................................................................................................ 1052
   Third Reading .......................................................................................................... 1052
Tax Laws Amendment (Implementation of the Common Reporting Standard) Bill 2015—
   In Committee ............................................................................................................ 1052
   Third Reading .......................................................................................................... 1055
Omnibus Repeal Day (Autumn 2015) Bill 2015—
   Second Reading........................................................................................................ 1055
   In Committee ............................................................................................................ 1062
   Third Reading .......................................................................................................... 1066
Omnibus Repeal Day (Spring 2015) Bill 2015—
   Second Reading........................................................................................................ 1066
   ADJOURNMENT—
   Indigenous Affairs .................................................................................................... 1071
   Mining ........................................................................................................................ 1074
   Commonwealth Scientific and Industrial Research Organisation ......................... 1075
DOCUMENTS—
   Tabling....................................................................................................................... 1078
   Tabling....................................................................................................................... 1078
Wednesday, 24 February 2016

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

DOCUMENTS
Tabling

The Clerk: I table documents relating to returns to order. The list is available from the Table Office or the chamber attendants.

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

COMMITTEES
Foreign Affairs, Defence and Trade References Committee
Meeting

The Clerk: A proposal has been lodged by the Foreign Affairs, Defence and Trade References Committee for a private meeting on 25 February from 10 am.

The PRESIDENT (09:31): Does any senator wish to have that motion put? There being none, we will proceed to business.

BILLS
Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2016
Second Reading

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

Senator KIM CARR (Victoria) (09:31): I rise to speak in support of this bill. The opposition are supporting this legislation so that the petroleum exploration industry does not suffer from uncertainty brought about by an oversight in failing to require appropriate sign-offs under the Environment Protection and Biodiversity Conservation Act 1999. We have acted quickly to respond to the government's need to ensure completeness in the approvals. The Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2016 will amend the Offshore Petroleum and Greenhouse Gas Storage Act 2006 to validate past joint authority decisions to grant renewals or extensions to petroleum titles which have prior usage rights.

Urgent action is now required to avoid exploration title uncertainty. Legal advice from the Australian Government Solicitor indicates there is a high risk that petroleum title renewal and extension decisions made without the environment minister's consent are at risk. Importantly, this is a technical issue that has not had an impact on the environmental requirements associated with the titles or work programs consistent with the terms of the titles. Joint authorities generally comprise state, territory and Commonwealth ministers responsible for energy and resources with many decisions made by departmental officials under formal delegation arrangements.

Subsection 359(3) of the Environment Protection and Biodiversity Conservation Act 1999, known as the EPBC Act, requires that a title—that is, a permit, lease or licence—that is a
'prior usage right' must have the written consent of the Commonwealth environment minister or the appropriate delegate before the right can be renewed or extended. A petroleum title is a 'prior usage right' under the EPBC Act if the title was in force on the date of the proclamation of a Commonwealth marine reserve that overlaps the title area. Titles that are a 'prior usage right' are exempt from having to comply with the provisions of the EPBC Act and regulations that relate to a Commonwealth reserve. They are also exempt from having to comply with any management plan for the reserve.

There have been three relevant Commonwealth marine reserve proclamations that have led to petroleum titles becoming prior usage rights. There was the proclamation of the South-east Commonwealth Marine Reserves Network, in 2007. There was the proclamation of the Commonwealth marine reserves in the South-west, North-west, North, Coral Sea and Temperate East marine regions, November 2012. There was the re-proclamation of the Commonwealth marine reserve South-east, North-west, North, Temperate East and Coral Sea marine regions, in December 2013. It has become apparent that since 2008 an administrative oversight has led to petroleum titles that carry prior-usage rights being renewed and extended by the joint authorities without environment minister's consent, as required under the EPBC Act. The consent of the Minister for the Environment, pursuant to subsection 359(3) of the EPBC Act, was not sought as required for a number of prior-usage rights within the areas over which petroleum titles were granted, due to an administrative oversight.

The administrative error applies to the renewal or the extension of 42 petroleum titles with prior-usage rights, including 33 that are still active. The titles for all companies operating in the Great Australian Bight have not been affected by this administrative error and therefore are still valid. A company wanting to undertake offshore petroleum activities must obtain approval from the independent expert regulator, the National Offshore Petroleum Safety and Environmental Management Authority. This includes those who seek to undertake activity in the Great Australian Bight, such as BP. Notwithstanding the administrative oversight, all petroleum activities have continued to be subject to robust regulatory assessment by the National Offshore Petroleum Safety and Environmental Management Authority against stringent safety, integrity and environmental management requirements that were set out under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and the various associated regulations.

Affected titleholders that have undertaken offshore petroleum activities have obtained approval from the National Offshore Petroleum Safety and Environmental Management Authority in accordance with the requirements of the environmental, safety and well-integrity regime. All current offshore activities continue uninterrupted and are regulated. The amendments made by this bill will validate past joint authority decisions to grant renewals or extensions of prior-usage-rights titles where the consent of the Minister for the Environment was neither sought nor given under subsection 359(3) of the EPBC Act. Amendments to validate affected decisions are the only way to satisfactorily eliminate the risk that affected decisions pose for titleholders. The Commonwealth minister has advised affected titleholders, together with all state and territory ministers, of the flaw and this particular remedy. I commend the bill to the Senate.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:38): I rise to make a contribution to the debate on the Offshore Petroleum and Greenhouse Gas Storage
Amendment Bill 2016, which is being rushed through this place. I would also like to indicate that I have a range of questions I would like to ask, so I will be requesting we go into Committee of the Whole on this bill. Because it is being dealt with so quickly, we do not have an opportunity to send it to committee. Therefore, I think it is only right that we ask some questions in Committee of the Whole. Here we have Labor siding with the government to rush this piece of legislation through to deal with an administrative oversight. It is not explained how the administrative oversight occurred. How can Australians be satisfied that this is not the only administrative oversight that has occurred with environmental assessments.

Although Senator Carr talked about NOPSEMA, when this process of administrative oversight started NOPSEMA was not even in existence. It did not exist then, so we have had a period of time where we had these leases overseen by inadequate assessment processes. Also, questions are now raised over the functioning of NOPSEMA and whether they can have administrative oversight where they just happened not to have environmental tick-off on these leases—and that is under the best minister in the world, Mr Hunt, as the environment minister! This started, I will acknowledge, under the previous government, so I do not think you have to look very far to realise why Labor is rushing so much to support the government in driving this legislation through the parliament—it does not want to have too much scrutiny over how this problem occurred in the first place.

People should be extremely concerned that some of our key laws that are meant to protect our environment have basically been ignored. Section 359 of the Environment Protection and Biodiversity Conservation Act specifies that if someone has rights immediately before a Commonwealth reserve is declared then those 'prior usage rights', as they are called, continue. That means that where there was already a right for exploration or extraction that continues to exist. I will point out that one of our concerns has always been that the environmental assessment process and review process does not kick in early enough, so this problem of exploration and production in environmentally sensitive areas actually starts when they start this process of the release of acreage. 'Acreage' is what they call it when they release areas of the marine environment for bidding for exploration by petroleum companies, and that has always been a fundamental concern of mine and the Greens.

However, let me go back to this specific issue. Subsection 359(3) of the EPBC Act also specifies that the prior usage right can only be extended with the approval of the Minister for the Environment and only under the conditions that the minister sets. This is an important point. It means that even if a prior usage right exist when a Commonwealth reserve is declared, the Minister for the Environment has to review it and, if necessary, apply conditions. The Minister for the Environment—and, in this case, at the moment, the best minister in the world—has not been doing his job, the department has not been doing its job and, obviously, the procedures have fallen down, and I want to ask a whole lot of questions about how those procedures managed to fall down in this particular example.

We now have legislation being pushed through to validate these leases that have not been subject to due process, and the obvious question is: what else has not been subject to due process? Are there other administrative oversights that have occurred and that we do not know about? What we know is that petroleum activity in Commonwealth reserves is going on
that has not been subject to this process. We need a better explanation than 'administrative oversight'. The explanatory memorandum to this bill says:

... an administrative oversight has recently been discovered, whereby the consent of the Minister for the Environment was not sought as required for decisions to renew or extend the term of "prior usage rights' titles...

As we have just heard, this apparently applies to 42 renewals or extensions that have been affected.

I remember when we were debating the NOPSEMA legislation and the changes to the NOPSEMA legislation that handed far more environmental control over to the department that is also responsible for the exploitation—it is an exploitation of resources department—that a lot of people in the community were very concerned that this would reduce environmental assessment and environmental controls. I raised concerns in this place, and what do we see now? We see this administrative oversight where leases have not had consent from the Minister for the Environment and no-one has explained how it occurred. Just some of the questions that I will be asking are: how did the department discovered the mistake; when did the department discover the mistake; when did the minister know; when did the environment minister know; when did the coalition notify Labor on the issue; what are the renewals that have occurred; and, in detail, which marine parks are affected?

These questions all remain unanswered. There is so much we do not know. That is why I will be asking for a Committee of the Whole process. We do not know what other mistakes have been made. The government has announced this fix, but what other mistakes have been made through our environmental assessment process? As Michelle Grady from Pew said in the media when this mistake was first announced:

Mining in marine parks is a concession, which must have the highest scrutiny given the impact on marine life, fishing and local communities that can occur as a result of seismic exploration, drilling operations and oil spills.

We know the devastation that spills from petroleum activity can have on our marine life. We know there is not a lot of support in the community for exploration and production in national parks, on a terrestrial basis, or in marine parks. These, as Michelle pointed out in her comments, are concessions that are given. We expect the highest level of scrutiny regarding activity in our environmentally sensitive marine areas. We have to remember that these marine parks and marine reserves that we are talking about are in particularly environmentally sensitive areas. They are areas that we have said are so important that we need to put them in to marine reserves.

The government, and the departments, know that these are highly sensitive marine protected areas, that the reason they are protected is that they have particular environmental values—they are unique. In some places we have marine biodiversity that is found nowhere else in the world. We know the impact of things like global warming and coral bleaching on our marine life. We know the impact of overfishing. We know the impact from other oil and gas activity and accidents from around the world. Knowing all that, the department overlooked and made an administrative oversight regarding exploration and production leases in marine protected areas. How can our community be confident that the rest of the leases in our marine protected areas and proposed marine protected areas do not have further administrative oversights associated with them? And let's not forget the leases that are still
being granted over areas that are supposed to be in marine protected areas. We have not heard from the government an adequate explanation about how this occurred, and I look forward to the government explaining how this occurred and reassuring the community that in fact we are not continuing to have this problem.

This is a very serious issue and I am just astounded that it can have gone on for so long without somebody picking it up earlier, particularly given the focus we have had in this country on our bioregional marine planning process and establishing what was the world-leading system of marine protected areas, which this government of course sidelined when they dropped the management plans and are still reviewing. And we still have not seen the results of that review. It is getting later and later into this election cycle and still the review process has not been announced, nor when we are going to see the management plans back in place that will mean that the boundaries in our marine parks are not just a series of boundaries with no adequate management—bearing in mind that the vast majority of Australians support our bioregional marine planning process.

Deeply concerned that this administrative oversight has occurred, we do not support the rapidity with which this process is being pushed through by Labor and the government. The government talks—and so does Labor—about the need for certainty for these leases. I would put to you that there is a social licence that these exploration and production leases rely on and that you have stretched thin that social licence by doing this. Oil and gas companies are on notice with oil and gas activity in our marine parks, which are environmentally sensitive and are going to be increasingly important in an environment where the planet is warming, where coral bleaching is going to likely happen more and more, where we continue to see overfishing around the world and where we continue to see the degradation of the marine environment. They are more and more important, and these companies' social licence is running out in our marine protected areas. When you talk about certainty, they are on notice that we do not want them in our marine protected areas. We do not support the process that the government takes in allowing that sort of activity in large areas of our marine protected reserves and our absolutely essential system of marine parks and bioregional marine parks.

We do not support this legislation. It is a tragedy that this has occurred. It should not have happened, and companies are on notice: we do not want them in those marine protected areas. They have been on notice for a long time, and you would have thought that governments of both persuasions would have been paying attention. In particular, bear in mind that when Montara occurred we had that big focus on regulation, and in fact that led to regulatory change, which was a good thing because we tightened it up. We saw that the mistakes that happened led to the Montara accident that spilt millions of litres of oil into our marine environment and led to the spraying of dispersants. And, if you are paying attention and listening to the people in West Timor, they are saying it is continuing to have an impact on their marine environment. It has impacted on their fish and seaweed production, and this government is not paying attention to the calls for even a study into that impact. But this regulatory oversight occurred during that process, when the government was supposed to be paying strict attention to these measures. This is a fail; it is not just an administrative oversight, because it has larger ramifications. We do not support this bill, and I will be asking a series of questions about how this occurred.
Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (09:53): I thank the senators who have contributed to this debate. The Offshore Petroleum and Greenhouse Gas Storage Amendment Bill 2016 will validate certain title extension and renewal decisions made under the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

In Australia, offshore petroleum exploration and development is regulated by a title system authorising titleholders to carry out petroleum operations in Commonwealth waters. A petroleum title granted under the OPGGS Act is defined as a prior usage right for the purposes of the Environment Protection and Biodiversity Conservation Act 1999. If the title is in force immediately before the proclamation of a Commonwealth reserve that overlaps the title area, under the EPBC Act it is stipulated that such a usage right may only be extended or have its term renewed with the consent of the Minister for the Environment. A recently identified administrative oversight extending back to 2008 led to certain petroleum titles being renewed or extended under the OPGGS Act without the Minister for the Environment's consent being sought, as is required under the EPBC Act. Without legislative amendment there is a question as to the validity of the relevant extension and renewal decisions made under the OPGGS Act. The amendments proposed in this bill are therefore curative measures designed to validate the affected title decisions. Amendments to validate affected decisions are the only way to satisfactorily eliminate the risk affected decisions posed for title holders.

Despite the aforementioned administrative oversight on affected title decisions, the government is confident that all petroleum titleholders have undertaken their activities in good faith. They have continued to be subject to, and compliant with, the stringent environmental management requirements set out under the OPGGS Act and environment regulations. The government is committed to applying international leading practice in the regulation and the management of environmental safety and integrity risks associated with offshore petroleum operations.

I do also note the questions that Senator Siewert has foreshadowed, and I, of course, will be happy to answer those at the time, but I would like to just stress that this is a technical administrative oversight. It is something that came up due to a lack of process between the Department of the Environment and the department of industry, or its various predecessors responsible for the OPGGS Act. In this time the senator did mention changes that were made in response to Montara. Some of those amendments at the time did confuse this issue. There was a loss of staff, apparently, and these errors occurred. Senator Siewert, I am sure you are not suggesting errors are not made by all of us at different times. This is unfortunate and regrettable, but the best way to deal with something that has gone wrong is to fix it as soon as you can. We are confident that these changes in this bill will help fix that issue, while still maintaining our world-leading environmental standards and regulations, including those on Commonwealth reserve areas.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.
Senator SIEWERT (Western Australia—Australian Greens Whip) (09:57): I would like to ask the minister: when was this issue first brought to the attention of the government and how was it discovered?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (09:57): Senator Siewert, I am advised that this issue first came to the attention of departmental officials in a meeting on 16 December 2015. That was a meeting with the Department of the Environment to discuss petroleum titles and Commonwealth marine reserves. Obviously, on becoming aware of this issue, the department sought legal advice on the status of renewed or extended petroleum titles. The department informally briefed the minister's office in the lead-up to Christmas and a formal brief was sent to the minister's office on 19 January 2016 once the final legal advice and the necessary work had been undertaken to identify the scope of the issue.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:58): I have just had an opportunity to read Mr Gary Gray's second reading debate speech on this bill. In that he talks about it being first exposed in the government in 2011. Could I please have an explanation about whether he got the facts wrong or whether, in fact, it was raised and nothing was done about it.

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (09:58): I obviously have no knowledge, and the government cannot have any knowledge, about advice provided to a previous government. I have not spoken to Mr Gray about that particular issue. I did mention in my earlier comments that there were amendments proposed in 2011 in response to the Montara issue which, apparently, at the time, if those amendments had proceeded, would have removed this requirement and removed this issue. That is one reason why there was some confusion in the department, and how this error arose. But I cannot have any knowledge about advice that department officials gave to a minister from a previous government.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:59): Was there no handover? Were no records kept? Mr Gray said in his speech during the second reading debate:

I apologise because this oversight, this shortfall, this lack of consistent dealing consistent with the act's fine requirements, was first exposed to the government in 2011 and we, and I, did nothing to attend to it then, placing an onerous obligation on the current government to act in a legislative way …

So quite clearly the department knew about it in 2011. Does this happen frequently?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:00): Once again I must stress that I or the government cannot have knowledge about the advice provided to a previous minister in a previous government from a different side of politics. I am advised though that the issue here arose because of staff turnover in this particular area, so that corporate knowledge—and I have no knowledge of what was provided to the previous government—may have been lost to the department. In this government for this minister the issue first came to departmental officials' attention just before Christmas and the minister was only formally briefed that there was an issue on 19 January 2016.
Senator SIEWERT (Western Australia—Australian Greens Whip) (10:00): That raises a point. The fact here is that the department has not been carrying out the legislative requirements. Is that not what it boils down to?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:01): I think, Senator Siewert, we have been open and frank about the fact that there has been an oversight here. There has been a legislative requirement to seek the Minister for the Environment's approval for renewal or extension of these petroleum titles. That has not happened. We have been as open as we can be about why that has happened, due to the issues in the department. Obviously, as I said in my summing-up speech, we all make errors from time to time, including me. The best thing we can do is make sure we fix those errors when they are exposed. We have the expert legal advice from the Australian Government Solicitor about the best way to fix these problems while still maintaining our strong environmental protections.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:02): I agree that errors get made. I acknowledge that we all make mistakes. This is a very long mistake and it is about the implementation of Commonwealth legislation and environmental protections. How can the community be confident that there are no other oversights? I will add a supplementary question to that. Have you done a review to ensure that the legislation is now adequately being implemented? If you have, can that be made public?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:02): On the first question—can the Australian people be confident?—I certainly think they can be confident about our environmental protections and I think that is demonstrated by our strong environmental record as a country and as a nation, including in the protection of our offshore areas. That is the ultimate test obviously of whether our environmental protections are working.

This particular issue was an administrative requirement in the sense that we needed to receive approval from another minister for certain decisions to be renewed or extended. Those renewals and extensions were still assessed based on the requirements that go to the more substantive issues of protecting the environment in the act. That particular administrative check was not received in this case. We have discovered that and are seeking to fix it through this bill.

I am advised that the department is conducting a further comprehensive review to ensure that any other legislative requirements are adhered to. Of course I am confident that if any other issues are discovered through that process that the government will act quickly to rectify those issues, as it has in this instance where within a matter of months processes have changed and this legislation is here. I should add that I am advised that the Department of the Environment has established a new process to ensure that any further renewals or extensions of petroleum titles do receive approval by the Minister for the Environment or his or her delegate. Of course, this legislation affects only those decisions made before 1 January 2016. Decisions to renew or extend licences after that date will need to accord with the legislative requirement that exists to receive the Minister for the Environment's approval.

Senator IAN MACDONALD (Queensland) (10:04): This bill obviously corrects a mistake made by the previous government, but there is nothing—I do not attribute any blame in that. I am grateful that Mr Gary Gray, who was the relevant minister at the time, is, as
always, very frank and open about this. This is fixing an administrative error. As the minister has mentioned here, we all make mistakes. The important thing is to fix them as soon as possible. The minister in the other place clearly indicated that this was an oversight. There were reserves granted without ministerial approval, and this legislation, according to the minister's speech in the other place, is simply to backdate what would have been ministerial approval at the time.

I want to ask the minister a question generally about this area. Senator Siewert, in her speech, spoke often about marine protected areas, and I agree with most of what she said. Marine protected areas were introduced by a Liberal government, something the Greens political party have never acknowledged.

Senator Siewert: That's not true!

Senator IAN MACDONALD: Okay, you do acknowledge it. I simply want to make the point that any serious environmental legislation in this parliament has always been introduced by Liberal-National party coalition governments. Fraser Island, the environment department—I could go back for hours. We are never given credit for it, but then we are not here to get credit; we are here to do the right thing by the Australian environment.

Senator Kim Carr: You are hilarious!

Senator IAN MACDONALD: One of the reasons I am speaking today is because I am very proud of the record of Liberal-National party federal governments in the environment area. You can go back: Great Barrier Reef Marine Park Authority, Fraser Island, setting up the first environment department, the first environment minister—all Liberal government initiatives. Nothing has ever come from the Labor Party—very little, with respect, in the Labor Party, encouraged by the Greens. You can laugh all you like, but the facts are there. Unfortunately, we do not get the credit for it. If you talk about the environment, you think it is the Greens that do it, but every serious piece of environmental legislation that has come through this parliament has been an initiative of Liberal governments—not of the Greens and certainly not of the Labor Party. I want to make that point, as I often do, because we have a very proud record of environmental legislation and regulation. Unfortunately, the listening public—I notice we are on broadcast today—never appreciate that. We do not want thanks; we just want to do what is right, and marine protected areas are an example of that.

In fact, it was a Liberal government and a Liberal minister that first introduced an oceans policy. The first oceans policy anywhere in the world was done by a Liberal-National government—Senator Hill, in fact. That was a world first. And as a result of the oceans policy, we introduced a series of marine protected areas. Some people were a bit upset about that at the time, but we did it because it was right for the Australian environment. It is a proud record that we have. But in relation to marine protected areas, the basis upon which they were introduced is that they be multipurpose, that they address all of the issues that might happen in our ocean. Some of them are petroleum exploration. The plans of management that come under these marine protected areas are the important issues. Setting up the marine protected area is fine; it is the management plans that come under it.

I remember that the first one was in the southern seas between Victoria and Tasmania. It took a long time to get the management plans right, but eventually—and I have said this many a time in this place—all sides of the argument were 80 per cent happy; no-one was 100 per
cent happy, but all sides were 80 per cent happy. So, we had marine protected areas, but we allowed controlled fishing; we allowed exploration provided that it was done the right way and was very strictly controlled. That is why I wanted to say just a few words today, engendered by Senator Siewert's comments on marine protected areas. We have to make sure that the plans of management in marine protected areas do look after the oceans, as was the original intention of the Liberal and Nationals governments when this was introduced. But we have to make sure it is done sensibly. And as you would expect, as a Queensland senator living on the coast near the Great Barrier Reef and the Coral Sea I am particularly interested that the plans of management, particularly for the Coral Sea marine protected areas, are sensible—not doing what the Pew foundation would want.

You may know, but in case you do not, the Pew foundation is an American environment group, funded, I might say, by the oil industry in America, which apparently has a bad conscience about what the oil industry did in America earlier in the last century. So, the Pew group has now put a lot of money into this organisation. It is not too keen, it seems, about looking after the United States' problems but comes out here and tries to tell Australians how to look after our natural resources. I might say, just in passing, that I have as much respect for President Obama's entry into the environment debate in Australia as I do for the Pew foundation's entry into the debate! I will never forgive the American president for blowing into Australia and starting to lecture us about control and protection of the Great Barrier Reef when, again, Australia has a wonderful record in protection of one of the seven wonders of the world—the Great Barrier Reef. I wish the American president would look after his own backyard and not bother about giving us a lecture about our environmental control and management of some of the wonderful natural assets we have in Australia. In fact, as was mentioned earlier, it was the Liberal and Nationals governments that first set up the protections of the Great Barrier Reef—at a time, I might say, when there were also Liberal and Nationals state governments in Queensland, and of course they were very much involved in this.

So, I just want to emphasise that in dealing with marine protected areas—and this bill before us relates to that—we have to make sure that the management plans are right, and we have to make sure that we properly manage those marine protected areas. That means, particularly in relation to the Coral Sea, that fishing must be allowed, but in a controlled way. Fishermen more than anyone understand the importance of the ecology and of sustainable use of the environment. And it is very important that the department and the advisers and those who deal with these areas do not overlook the fact that you can have controlled and managed fishing operations in marine protected areas. Again, I am aware that in the marine protected areas and in the Coral Sea there are wonderful new initiatives for fishing—sustainable initiatives. Fishermen would be the first ones to say that they do not want to overfish, that they do not want to destroy the fish stock, because that is their livelihood.

And we have to get through to the Greens political party, to the Pew foundation and hopefully to the bureaucrats who administer these acts that it is important to have these marine protected areas in a multifaceted, multipurpose arrangement, and the management plans need to address that. I am particularly passionate about the fishing industry everywhere, but specifically in the north. As we all know in this chamber, most of the fish that Australians eat these days is imported, and very often we are not very sure what its origin is, how it has
been grown or how it has been caught. We do know about that in relation to the small amount of fish that we do catch or grow because we have a very strict regime of fisheries management in Australia. The Australian Fisheries Management Authority is a wonderful organisation made up of professional fish managers and scientists who look into these things. They determine the sustainability of any fishing in those areas, and they are far better placed to do it than the Pew foundation and some of the Greens political party.

I say 'some of the Greens political party' because I know that Senator Siewert was part of the Joint Select Committee on Northern Australia that has just tabled a report on aquaculture. It was a unanimous report, and I thank Senator Siewert for her contributions to that report, the same as I thanked, yesterday when I tabled that report, Ms MacTiernan, Mr Gray and Mr Snowdon, for their positive contributions to that report on aquaculture. I know that some in the Greens political party understand that you can have fishing, you can have aquaculture, providing it is properly controlled and managed.

In this committee stage of the debate my question to the minister, which is almost a rhetorical question, is: does this amendment act in any way impact on the other uses of marine protected areas, particularly in fishing? As I say, it is important that we have marine protected areas, but it is important that we, as a nation, manage them properly and do allow controlled exploitation of those areas that is done in a way that will not impact upon the ecology or on Australia's wealth.

I will leave that there. I obviously support the bill. It is an administrative bill correcting an oversight of the previous government and needs to be done. I just want to ensure that nothing in the bill, in any way, impacts upon the proper management and use of marine protected areas for other purposes.

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:17): I thank the senator for his contribution and I share his particular interest and concern for our fishing industry. I can confirm that this bill only relates to petroleum titles and, indeed, only to the renewal or extension of petroleum titles and not to their original designation. It only relates to an issue where petroleum titles existed in an area before a Commonwealth marine reserve came into force or overlapped with an area when a Commonwealth marine reserve area came into force. As you would have seen in other contributions in this debate, any renewal or extension of those originally designated petroleum titles does require the approval of the Minister for the Environment. That has not happened over the period from 2008 until late last year, and this bill seeks to rectify the issues with those renewals and extensions, but only for petroleum titles. It does not affect other activities that may occur in Commonwealth waters or our offshore waters including those relating to fishing.

If I can respond a little to the senator's contribution about the proud record of the coalition government in protecting the environment. As Senator Macdonald would know, it was a coalition government that introduced the EPBC Act and, of course, the requirement in section 359 for the Minister for the Environment to approve extensions or renewals for the petroleum titles is a requirement introduced by a coalition government. It is regrettable that that particular requirement has not been adhered to in these cases over this period of time involving both Labor and coalition governments, but we are committed to fixing it and, of course, we are committed to the proper environmental management of our offshore waters,
including making sure that we support environmentally sustainable activities such as fishing, that any newly designated marine reserves—I know the senator's interest in the review of Commonwealth marine reserves in his area—are properly assessed, and that we allow economic activities that are in concord with the protection of a strong environment and a protected Great Barrier Reef, in the case near Senator Macdonald's territory.

Senator SEWERT (Western Australia—Australian Greens Whip) (10:20): I want to return to the line of questioning that I was asking previously. I thank the minister for his answer in terms of the review that is being undertaken within the department. Part of that question—I know it was a triple-part question, so I should have waited to ask this one—was: will that review be released publicly?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:21): Sorry if I missed some of that previous question. I thought it was a double question, not a triple one. But the review that is being conducted is an internal review, as of course was the process which has led to these particular changes. That internal review is not expected to be made public, because it is a review of departmental operations and procedures. However, I am sure, as I said earlier, that any particular issues that arise from that review will be rectified by the government. If any of those issues lead to a need to change regulations or otherwise, they will, of course, be brought to this chamber for review and, of course, through the normal practices the senator and any other interested senators will be free to question the department and the government about these issues further in other committees and other avenues.

Senator SEWERT (Western Australia—Australian Greens Whip) (10:22): I am disappointed it will not be released publicly. I presume estimates in the future might be an interesting place to continue to ask questions about the progress of the review.

I just want to go back to the issue of how this oversight was identified and how it occurred. Was there a process of review? I understand you cannot answer the question around 2011. Obviously there was a process there that identified the problem. That seems to have disappeared. What led to it being identified now?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:22): I obviously did indicate earlier that it arose in a meeting between departmental officials. I am advised that that meeting was part of our due diligence process to ensure systems were working properly. Obviously it arose at that meeting. I was not at that meeting myself, and neither were any ministerial officials; it was a departmental meeting. But this issue arose. As soon as it did arise and came to the attention of departmental officials, they immediately sought to investigate further, including through expert legal advice in that process and that review of these issues. That legal advice has led to these particular changes we are proposing today.

Senator SEWERT (Western Australia—Australian Greens Whip) (10:23): Fair enough. That meeting is where everybody agreed there was an issue. Did either the Department of Industry, Innovation and Science or the Department of the Environment identify it as a problem at the meeting, or did they bring it to the meeting?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:23): I do not quite agree with the premise of that question. My
understanding is that, while the issue was raised at the meeting and identified, there was no agreement at that meeting that this particular legislation, for example, had to be introduced. They obviously felt that there was something worth investigating. As the senator might appreciate, some of these renewals and extensions go on a rolling basis, so they affect titles differently. So there were questions about whether the titles themselves will continue to be valid, regardless of the particular requirements in the act. So there was not necessarily an agreement by one set of officials or otherwise that this was going to be a problem that needed legislative correction. It was raised, in my understanding, as a matter of concern, and further work was done to decide exactly what needed to be done in response to that concern. That is why we are proposing this legislation now.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:24): I apologise if my question was not clear. I did not mean to imply that it was agreed at the meeting. The point I am asking is: was the particular issue of the oversight—in other words, that the requirements under the act had not been met—actually identified when they were going through the process at the meeting, or did one of the agencies identify it and bring it as an issue when they were at the meeting?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:25): I am advised that this particular meeting and these conversations were just part of normal practice and communication between the departments and that, through those conversations and discussions, this issue was identified as it arose.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:25): I understand there are 42 leases affected. Is that correct?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:25): Yes. My understanding is that there are 42 petroleum titles that are potentially affected by this oversight.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:26): Which marine reserves are affected, not just in the overall bioregion but in the actual reserves? Is there a list available?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:26): I can outline the marine reserves for the senator. I can also outline the numbers of reserves. Keep in mind that when you get these numbers they will not add up to 42 because some titles have been surrendered in the interim. My advice is that there are 33 active titles in these marine reserves. Two are in the south-east CMR network, nine are in the South-west CMR Network, 17 are in the North-west CMR Network and five are in the North CMR Network.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:27): Thank you for that; I appreciate it. I am actually after the specific reserves within the bioregion.

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:27): I can provide that level of detail as well. The two in the South-east CMR Network are in the Zeehan Commonwealth Marine Reserve. Of the nine in the South-west CMR Network there are six in the Great Australian Bight Commonwealth Marine Reserve, two in the Western Eyre Commonwealth Marine Reserve, and one in the Jurien Bay and Abrolhos Commonwealth marine reserves.
Senator Siewert: Abrolhos.

Senator CANAVAN: I will stand by your pronunciation in that part of our country, Senator Siewert! Of the 17 in the North-west Commonwealth Marine Reserve Network, there are three in the Kimberley Commonwealth Marine Reserve, three in the Argo-Rowley Terrace Commonwealth Marine Reserve, four in the Montebello Commonwealth Marine Reserve and seven in the Gascoyne Commonwealth Marine Reserve. The remaining five, in the North Commonwealth Marine Reserve Network, are all in the Oceanic Shoals Commonwealth Marine Reserve.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:28): I am wondering if the minister could table the list. It would be appreciated if he could.

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:28): I am happy to table this list.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:28): Thank you.

Are the BP permits or titles that are overlapping the Great Australian Bight Marine Park affected by this legislation?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:28): I can report that some titles provided to BP are affected by this particular issue. However, I would also stress that my advice is that all of the titles that BP are operating under are operating under an originally approved valid term. That means that they are still in the original time period of approval right now. Their activities are still originally valid from that time period. The renewals and extensions that they have sought which are affected by this decision would be for future periods beyond the current time frame.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:29): I thank the minister. If I understand what you have just said, in fact decisions were not made under the administrative oversight—that time period—on prior acreage.

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:29): Just to be clear, the renewals and extensions to the BP titles occurred over this 2008-to-2015 period. However, right now in February this year the BP titles are still in their original term. They have not completed their original term. But the renewals and extensions had already been granted in those previous periods and they will take effect once the original term expires.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:30): Thank you for that clarification. During the period of time this has occurred, have there been any reportable incidences in the effective marine parks?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:30): I am advised that there have been no reportable incidences over that time frame.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:30): In the process now, does the Director of National Parks have the right to refuse the granting of petroleum titles in Commonwealth marine reserves?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:31): I might just need to clarify with the senator what precisely she
means by that question. As I have said previously, future extensions or renewals of petroleum titles will require the approval of the Minister for the Environment. My understanding is that the delegate for the Minister for the Environment at the moment is the Director of National Parks. So they would need that approval going forward. Obviously this piece of legislation will make those renewals and extensions that occurred prior to 2016 valid, so the Director of National Parks will not need to formally extend or renew those titles. However, I can advise that the Director of National Parks has written to the minister and advised that, in his view, there would have been no barrier and he would have approved these renewals and extensions even if consent had been sought over this period from 2008 to 2015.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:32): During the period of time that this occurred, did the Department of the Environment or the Director of National Parks contact the relevant resource agency, whatever it happens to be called at the time, separately over any of these leases?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:33): My understanding from the information we have is that, no, there was no contact about any of the particular titles from the Department of the Environment or any of its agencies in regards to this issue prior to it being revealed to us as a government lease in December last year. I should also add that all of the activities that have occurred in these offshore areas under the petroleum titles issue have continued to remain compliant with the conditions and restrictions placed on those activities in these areas as it is now regulated by NOPSEMA and it was regulated by the joint authority before NOPSEMA was put into place. But we are not aware of the Department of the Environment or anyone else otherwise raising this issue to do with renewals and extensions of petroleum titles with us prior to December last year.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:34): I have a final couple of questions going back to the review. Is it possible to table the terms of reference for the review that is being undertaken?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:34): As I said previously, it is an internal review of the department. The government does not propose releasing the report itself or the terms of reference. As I said earlier, I think the parliament and the public can remain confident that, as we have dealt with this issue openly and quite quickly, we would do the same with any other issues that might arise through that review process.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:34): It was worth a try! Will the review be looking at the actual process now that is undertaken by the resources portfolio as it goes through the granting of petroleum titles in Commonwealth marine reserves and whether their extensions or renewals are in fact new titles?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:35): The review itself has obviously been initiated in response to this particular issue. It is of course focusing on this particular issue in proposed section 359. But it is also, I am advised, extending to review all of the legislative requirements that are placed on the Department of Industry, Science and Innovation in regards to the OPGGS Act and any other ancillary requirements that may relate to that act. I think the Senate can be confident that it will focus on all the potential issues. As I said, if there are any issues, problems or
errors, we will seek to bring those to the parliament's attention and do what we need to do to fix them.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:36): Will that include the process with the Department of the Environment?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:36): Where any of the requirements of the OPGGS Act relates to legislation administered by the Department of the Environment that consultation will occur, as it has in this case. I think we can also say that with any of the requirements that relate to other ministers or across portfolios we will ensure there will be consultation with other departments to ensure that processes are right and proper and adhering to the legislative requirements that were put in place by this place. This particular issue has arisen due to a cross-portfolio, cross-departmental requirement and oversight, so I am sure the review will make sure that it focuses on those particular issues that might arise in other requirements of this bill.

Bill agreed to.

Bill reported without amendments; report adopted.

Third Reading

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:38): I move:

That this bill be now read a third time.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:38): by leave—I ask that the Greens opposition to this bill be recorded rather than us calling a division.

Bill read a third time.

Narcotic Drugs Amendment Bill 2016

First Reading

Bill received from the House of Representatives.

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:39): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (10:39): 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—

NARCOTIC DRUGS AMENDMENT BILL 2016

CHAMBER
Introduction

The Narcotic Drugs Amendment Bill provides a clear national licensing scheme allowing the controlled cultivation locally of cannabis for medicinal and scientific purposes.

Importantly this Bill provides the critical 'missing piece' for the Commonwealth to enable a sustainable supply of safe medicinal cannabis products to Australian patients in the future.

This Government understands that there are some Australians suffering from severe medical conditions for which cannabis may have some application, and we want to enable access to the most effective medical treatments available. At the same time, it is important we maintain the same high safety standards for products derived from cannabis that we apply to any other medicine.

There is also significant support for the use of medicinal cannabis in the broader community. From the 2013 National Drug Strategy Household Survey, 75 per cent of people would support a clinical trial of cannabis to treat medical conditions; and 69 per cent would also support a change to the legislation permitting the use of cannabis for medicinal purposes.

At the state and territory level, the NSW Government is investing in clinical trials that will explore the use of cannabis and cannabis products in providing relief from a range of debilitating or terminal illnesses; and the Victorian Government is taking steps to make medicinal cannabis products available to help Victorians in exceptional circumstances.

Currently in Australia, there are systems in place to license the manufacture and supply of cannabis-based products in Australia; however, there is no mechanism to allow the cultivation of a safe, legal and sustainable local supply of cannabis raw material.

This has meant Australian patients, researchers and manufacturers have had to try to access international supplies of legal medicinal cannabis crops and products—limited supplies and export barriers in other countries have made this difficult.

The Government is concerned that some of these patients, or their parents, are seeking products from the black market, without appropriate medical supervision. This comes with risk of criminal prosecution, and also health risks because the safety of the supply cannot be guaranteed.

Under the United Nations Single Convention on Narcotic Drugs, 1961 (the Single Convention), Australia, through the Commonwealth Government, has an obligation to carefully control, supervise and report on various stages of cannabis cultivation, production and manufacture.

The purpose of the Single Convention is to establish a framework to both prevent abuse and diversion of controlled narcotics and to ensure the availability of such drugs for medical purposes. Within Australia, the enabling legislation for these obligations is the Narcotic Drugs Act 1967. This Act also regulates the manufacture of licit narcotics such as morphine, of which Australia is the world's leading supplier. This is based on nearly fifty years of operating a strong and secure regulatory system that has the confidence of the international community.

The requirements for cannabis cultivation under the Single Convention are quite different to those for poppies grown for non-opium (alkaloids derived from concentrated poppy straw) producing purposes because of the significantly different risks to public health from the diversion of crop.

Unlike poppies, cannabis can be used as soon as the plant reaches maturity. Because of this cannabis is treated differently under the Convention, and the Commonwealth must take sole responsibility for regulating cannabis cultivation rather than leave it a State and Territory responsibility.

Presently, the Narcotic Drugs Act 1967 does not allow for the granting of licences for the production of locally cultivated cannabis for medical use.

Cultivation in Australia without these proposed amendments to the Narcotic Drugs Act could put Australia in breach of its Convention obligations, which could have consequences for our established multi-million dollar opioid narcotic industry.
National Approach
It is imperative we have a clear national licensing system to ensure we maintain the integrity of crops for medicinal or scientific purposes. This national approach will allow the Commonwealth, acting with the States and Territories, to closely manage the supply of cannabis products from 'farm to pharmacy'.

Cultivation
The Bill provides two types of cultivation licences:

- one that allows for the cultivation of cannabis plants for the production of cannabis for medicinal purposes; and
- the other to authorise cultivation for research purposes related to medicinal cannabis such as strain selection and assay identification.

For both forms of cultivation activity, an applicant for a license to cultivate would have to be found to be a 'fit and proper person' (according to criteria set out in the Bill) and demonstrate that they can adequately manage the physical security of the crop.

Cultivation of cannabis carries a particularly high risk of diversion because the product can be readily used in its 'raw' state and is likely to be attractive to organised crime seeking to hide illegal activities under cover of a Commonwealth licence. The provisions in the Bill are designed to manage these risks.

It does this by ensuring that the applicant or licence holder (and any relevant business associates) do not have ties to criminal activity; has the financial resources to participate in the industry; as well as satisfy security and other requirements of the conditions of the licence.

The quantities and strains of cannabis that can be cultivated will be controlled through the combination of a licence and permit system. Where the cultivation is for production into medicinal cannabis products for supply to patients, these permits will be managed to ensure that the amounts of product manufactured are planned in advance, relative to proposed usage and do not exceed permitted limits.

The Government also wants to make sure that this approval and monitoring process for cultivation isn't fragmented across different jurisdictions and provides regulatory consistency.

Under the Bill, the supply of unregistered medicinal cannabis products for clinical trials and specific patients would continue to be managed in accordance with current provisions under the Therapeutic Goods Act 1989 and the registration of new medicinal cannabis products would also continue to be regulated by the Therapeutic Goods Administration.

Additional amendments to the existing manufacturing provisions contained within the Narcotic Drugs Act, which has not been substantively updated since introduced in 1967, are also necessary to ensure consistency across manufacturing for all narcotic drugs and to reflect regulatory best practice.

Penalty Provisions
Other changes introduced include updated criminal and civil penalty provisions to create consistency with other Commonwealth legislation while continuing to reflect the serious nature of any breaches of licence conditions and regulatory requirements.

Management of the Scheme
Article 23 of the Single Convention requires a single agency to manage the cultivation of cannabis. This responsibility will sit within my Department.

Creating one single, nationally-consistent cultivation scheme will ensure Australia could be confident of its compliance with international obligations under the Single Convention.
This Bill is not intended to override State and Territory legislation dealing with criminal activities associated with the cultivation and trafficking of cannabis that occurs outside the regulatory scheme established by this Bill.

**Reporting**

As with licit opiates, Australia must also report regularly to the International Narcotics Control Board, which oversees the implementation of the Single Convention, on quantities of narcotics produced, manufactured and used, with a view to preventing stock-piling of raw material beyond national and global needs. The legislation is designed to ensure the Commonwealth is able to fulfil this obligation.

**Export/Imports**

At this stage, the implementation of the new medicinal cannabis scheme will be domestically focussed with a provision for exports to be addressed at a later date when the scheme has demonstrated that it is sufficiently secure and robust to meet international and domestic expectations surrounding security and safety.

Cultivators will be authorised to import cannabis plants, including seed, and will access these through existing mechanism to import seed stock and other relevant materials through existing provisions of the *Customs (Prohibited Imports) Regulations 1958*. Imports will also have to comply with relevant biosecurity requirements, which are in place.

**Concluding remarks**

In summary this Bill, in conjunction with established mechanisms, provides a secure supply chain from 'farm to pharmacy', that will give patients access to medicinal cannabis products. The Bill is not about the legalisation or decriminalisation of cannabis for recreational use. Nor is this a discussion about making cannabis products available 'over-the-counter' or outside of a discussion with a qualified doctor or through an approved clinical trial.

It is important we maintain the same high safety standards for cannabis derived products that we apply to any other medicine. I know many Australians would be concerned if medicinal cannabis products were to be subject to lower safety standards than common prescription painkillers or cholesterol medications. It is important to note that the manufacture of medicinal cannabis products will be also subject to quality manufacturing requirements under the *Therapeutic Goods Act*.

This Bill, to allow the cultivation of legal medicinal cannabis crops in Australia under strict controls strikes the right balance between patient access, community protection and our international obligations.

**Senator Gallagher** (Australian Capital Territory) (10:39): I rise to give the opposition's support to the *Narcotic Drugs Amendment Bill 2016*. Access to medical cannabis is governed by a complex set of state and Commonwealth laws, regulations and international treaty obligations. The Single Convention on Narcotic Drugs, 1961 stipulates that the illicit use of narcotic drugs must be tightly regulated. The rescheduling of cannabis under the poisons act is another critical step to making medical cannabis available. This is not dealt with by this bill.

This Bill is in line with Labor policy, which is to work with state and territory governments to allow the licit access to medical cannabis, maintain Commonwealth regulation of medical cannabis and improve the scientific research of the drug. Labor's approach is driven by science and compassion. Australian Labor are committed to the approvals of therapeutic goods based on scientific evidence. We also recognise the very human need of thousands of Australians for access to medicine. Right now, families who are accessing medical cannabis products on the black market are at risk of being arrested and convicted. Unable to determine
the exact ingredients and the quality of the medicine they are taking, they are caught between the risk of criminal sanction and unreliable supply and knowing that their loved ones will suffer if something does not change. That is why Labor support access to medical cannabis. Our policy and our national platform clearly state our support for it.

The bill before us amends the Narcotic Drugs Act to permit the licensing of growers of medicinal cannabis in Australia and to provide for a 'fit and proper person' test to be applied to licensees by the Department of Health. There is broad public support for making cannabis products available for medical purposes. There is also broad support for our regulatory system, which ensures Australian medicines are safe. Currently, all therapeutic goods such as medicines and devices must be approved by the Therapeutic Goods Administration and listed on the Australian Register of Therapeutic Goods. Once listed on the ARTG, a product may then be considered for listing on the Pharmaceutical Benefits Scheme. In providing a licensing arrangement for medical cannabis products, the TGA regulatory system is left in place.

Three existing pathways are utilised to get medical cannabis to the patients who need it: by authorised prescribers, through the special access scheme and through clinical trials. An authorised prescriber can prescribe to their patients an otherwise unapproved medical product. They often have specialist knowledge of the drug or of a specific condition. The authorised prescriber must monitor the outcome of the therapy and report back to the TGA on their prescriptions. The special access scheme is another way in which people will access medical cannabis. Under the SAS, the patient's doctor, their regular GP, needs to apply to the TGA on a case-by-case basis. For these two pathways to occur, there really must be clear, nationally consistent clinical guidelines so that the products meet quality benchmarks and standards. Clinical trials also provide access to unapproved medicines. Trials are already underway in New South Wales, and the data collected by these will help researchers to better understand.

In this bill, two types of licences are created: an authorisation to cultivate cannabis for manufacture into medical cannabis products and an authorisation to cultivate cannabis for scientific research into the cannabis plant that is to be used for medical purposes. It is also proper that there be a 'fit and proper person' test and that anyone given a licence to produce medical cannabis fit the strict criteria of this test. There are strict and wide-ranging test criteria that will be applied to all licensees.

Australia has vast experience in managing controlled substances such as poppies. We have also learned from international experiences. Growers and manufacturers must be able to demonstrate their connection to the supply chain. The end product must be dispensed to the patient and still comply with the Therapeutic Goods Act 1989. This will have the effect of restricting the number of licensees. Strict security provisions will apply to licensees, ensuring the product is not diverted to illicit uses. Substantial penalties will apply for breaching licence conditions and for unauthorised activities. It is worth noting that the existing Criminal Code already captures offences such as cultivating cannabis without a licence.

I think we all agree in this place that no family should have to choose between getting their loved one the medicine they need and breaking the law. Where currently approved therapeutic goods cannot meet patients' needs, Labor is supportive of patients having access to medical cannabis therapies. But it will take some time for the system to come online. Medical cannabis will not be available tomorrow, as there is a lot more work to be done. But Labor is
keen to see access to these drugs as soon as practical. Patients who are suffering from a terminal illness or other serious medical condition should be allowed access to safe, reliable and legal medicinal cannabis if prescribed by their doctor. This bill will put in place the supply chain arrangements that will allow the licit production of medical cannabis products, and we believe, if passed by the Senate, will enable the Victorian government to meet their election commitment to make medical cannabis available in early 2017 for particular patients.

Labor would also like to acknowledge the work of advocates who have campaigned for this change. We do acknowledge the government in introducing the legislation, although we note that there has been a substantial delay in getting the legislation to this point. Had the bill been introduced last year, there would have been more time for scrutiny and enhancement. I also acknowledge the Victorian government, which early last year committed to legalising access to medicinal cannabis for children with severe epilepsy. It is this tight deadline that has driven the debate and the speed at which the parliament addresses this bill. I would also like to acknowledge Labor colleagues in the New South Wales parliament who pushed for the parliamentary inquiry into the matter which led to reforms in that state. The New South Wales government have also vigorously pursued medical trials of cannabis and provided law enforcement by depenalising offences relating to possession and use for particular classes of people.

Only the Commonwealth government can ensure that there is a national scheme which ensures equity of access and a safe and reliable supply. This bill deals with supply by establishing a tightly controlled supply chain with multiple security measures. It also deals with demand by allowing the prescription of these medicines by a doctor through the Special Access Scheme, the Authorised Prescriber Scheme and medical trials. This is not about allowing free access to a drug for recreational use. It is about ensuring that there is a legal and regulated market so that family members and carers are not forced to rely on the black market to relieve the pain of their loved ones.

The government has not indicated how it intends to deal with the existing black market supply of illicit medical cannabis products. We acknowledge that work is currently underway by the TGA to reschedule cannabis so that, subject to the passage of this bill, cannabis based medicines may become legal in all states and territories by the legal Special Access Scheme and Authorised Prescriber Scheme. Labor seeks leadership from the government to ensure that a patchwork of medical cannabis licit-access arrangements does not emerge across the various states and territories. We encourage the government to ensure that this happens in a timely manner.

Further, Labor acknowledges that all drugs accessed using the Special Access Scheme and Authorised Prescriber Scheme are not eligible for PBS listing. We are concerned that these drugs will remain expensive, potentially prohibitively expensive, for some families. The Australian government should monitor this but also provide national leadership to ensure a fair approach to access to this medicine is achieved. I commend the bill to the Senate.

Senator IAN MACDONALD (Queensland) (10:48): Today is quite momentous day for those who have been eagerly awaiting the first steps towards legalised cannabinoid treatments for medical conditions in Australia. I want to start by congratulating the Minister for Health, Ms Ley, her advisers and the department for moving as quickly as they have on this particular issue. It first came to my attention, would you believe, at a convention of the Liberal National
Party of Queensland—not always seen as the most progressive-thinking group around the country. But, long before it became a public issue, two motions were passed at a Liberal National Party state convention in Queensland supporting the use of medicinal cannabis. I want to say to those people involved in the LNP who first raised this that it really does show that the process works. It has taken some time, but it does work. It is interesting that ordinary people, through their own political parties, can raise these issues, which do, as in this case, lead to legislation starting the process.

I also want to give credit where credit is due to Senator Di Natale. Senator Di Natale also shared the view of the importance of medicinal cannabis, and, because things were not moving as quickly as he and others would have hoped, he introduced a private senator's bill, which was then referred to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry. That committee, which I had the honour of chairing, held a number of public hearings into medicinal cannabis in which Senator Di Natale and other committee members fully, enthusiastically and intelligently participated. We took an enormous amount of evidence from clinicians, from academics, from ordinary people—from people who came forward and confessed that they were breaking the law. As we do as a committee, we suggested to those people that they might want to give their evidence in camera, but all of them said no, that they were using cannabis because it was the only treatment that their family had been able to access that was effective in dealing with certain types of illnesses. Epilepsy was one of those illnesses. Those people were very courageous to come forward and give us evidence. To a degree, their evidence had an influence on the committee in recommending that something be done through legislation to allow for the use of medicinal cannabis. Senator Di Natale's bill was one that he prepared—with the help, I assume, of the Library and the Clerk's officers—but, of course, Senator Di Natale did not have the resources of the department to look into every aspect.

Whilst the committee supported the bill in the broad, the committee was persuaded by the department that there were certain issues in Senator Di Natale's bill which had not been looked into. The issues related principally to international conventions and international agreements on narcotic drugs. Senator Di Natale's bill, together with the committee's report, encouraged the government to move quickly. I want to thank again the minister, Sussan Ley, and the Prime Minister of the time, Mr Abbott, both of whom gave the idea of medicinal cannabis a very big tick. At the joint party room meeting where this was raised, both Mr Abbott and Ms Ley confirmed that this was something that had to be done but that it was complicated. I thank departmental officials and the parliamentary draughtsman for their speed in completing this bill. It is never easy when you are dealing with narcotic drugs to get the legislation right, making sure all the t's are crossed and the i's are dotted. Despite the comments of previous speakers, it is here in record time and all congratulations to the department, the draughtsman and the minister's office for achieving this.

I also note with a little surprise that the Labor Party, the Greens and the independents have not required this matter to go back to a committee. Had that been necessary, any committee hearing would have been very brief because the committee had already looked into the matter in some detail. It is here in the parliament; it has been passed in the lower house; it will be passed here; and it will eventually come into effect. It is a great example of how parliament can work effectively and quickly where there are issues which need addressing. As I say, the
issue originated in a state convention of the LNP in Queensland. I also want to thank the New South Wales government which appeared before the committee and gave very good evidence—not only the department, but also academics, scientists and clinicians researching the issue. They explained to us that they sometimes had difficulty in accessing the plant for investigative or research purposes; at times they were at risk of breaching the law. The New South Wales government actually made it a commitment at the last election and allocated—do not hold me to these figures—something like $60 million towards the research and the implementation. I note that the Victorian government is also doing something along similar lines.

It is important that the Commonwealth legislates, because the Single Convention on Narcotic Drugs is something that only the Commonwealth can deal with. We want to make sure too that any legislation in relation to the medicinal use of cannabis is national in scope so that trouble does not arise in various states from competing or contradictory legislation. I want to make it very clear that this bill has nothing to do with, and is diametrically opposed to, the recreational use of cannabis, which remains a criminal offence—and in my view so it should. A lot of the mental health problems that we see around our country today, I believe and evidence suggests, are the result of the early use of cannabis as a recreational drug. I emphasise that this bill will not make cannabis available for recreational use or for any other purpose other than strictly controlled medicinal use.

Whilst the legislation will pass through the parliament today, this is only the first step. Some will say that the process is convoluted but there is a lot of work to be done from here on in. Australian grown cannabis for medicinal use will not be available for some time. This bill creates a new agency, the Office of Drug Control and it will oversight the program. It will be very strict about the operational standards. In layman's language, this bill will eventually allow the controlled growing and processing of cannabis under strict conditions. As I understand the bill—and it is quite a big bill—not all doctors will be able to prescribe medicinal cannabis; only specialist clinicians will have the authority to prescribe it under certain controlled circumstances. I say again, cannabis is the most used illicit drug in Australia, and Australia unfortunately has one of the highest per capita rates of illegal cannabis use in the world.

Senator Ludlam interjecting—

Senator IAN MACDONALD: I wonder if Senator Ludlam knows too much about this drug! This is a serious proposal which, as I say, has cross-party support. I am surprised that Senator Ludlam would make light of it in view of the fact that his leader played a very significant role in getting us to where we are today. The National Drug Strategy survey said that 35 per cent of the Australian population reported having used cannabis at some time in their life, with 10 per cent having used it in the last month and 3½ per cent having used it in the previous week. So it is a problem. Chronic cannabis use can be associated with a number of negative health and social effects, including increased risk of respiratory diseases associated with smoking including cancer, decreased memory and learning abilities and decreased motivation in areas such as study, work and concentration.

The Australian government has made a commitment to work collaboratively with states and territories to not only share knowledge and information on the issues relating to the appropriate use of therapeutic products derived from cannabis but also consider health and
law enforcement concerns in the context of the Commonwealth authority and obligations to control the cannabis plant in Australia under the international convention. I repeat—I want to keep emphasising this—that in no way will this legislation provide for the decriminalisation of this drug, which many scientists say does have long-term health effects. I know from my own experience that there are a lot of forward-looking farmers who are keen to get involved in the growing of the cannabis plant under controlled conditions. We do that in Australia with the poppy, which is used in the manufacture of heroin for medicinal use. We have a very strictly controlled regime there. This will be a similar—not the same—control arrangement with the growing of the cannabis plant.

As I say, there are forward-looking, sensible farmers who are already seeing an economic livelihood in growing the cannabis plant under very controlled conditions. The plants that apparently grow wild—as I said jokingly, they are pretty prevalent in my home area of northern Australia—have been genetically modified over the years to have a higher proportion of the bad stuff and a lower proportion of the good stuff in them. The control of the growing will of course ensure that the plant is grown under very strict conditions to get the best outcome for medicinal purposes.

I mentioned the Single Convention on Narcotic Drugs, which does severely restrict what Australia, or any signatory to the convention, can do. This bill will require amendments to be made to the Therapeutic Goods Act to include regulation making power to provide for future flexibility, if needed, in relation to authorising medicinal cannabis. Cannabis cultivated in Australia will be able to be legally manufactured into products to be used to conduct clinical trials and to develop therapeutic products to be used in accordance with the Therapeutic Goods Act. It came as a surprise to me to find that presently doctors can prescribe cannabis, under very strict conditions. I do not think a lot of doctors are aware of this, and I even wrote to the AMA when I found out about it. It is a very convoluted process, but those who think they have a use for medicinal cannabis today should speak to their doctor who should speak to the department, if necessary, about the very restricted circumstances in which cannabis can already be used. This bill, however, will take the process a lot further. We will grow the plant in Australia, therefore we do not have to rely on imported product that we do not really know the origins of or how it has been grown or what its properties are. It is an important step forward.

In going through this rather lengthy process in double-quick time the government is conscious that the all-important issue is the safety of patients and the community, and that is why it is essential to have very high safety standards for medicinal cannabis products and very rigorous clinical controls on access to them. But it is a step in the right direction. I know from the committee hearing that a number of people in Australia will be delighted that this bill has reached the parliament today, and in all expectation will be passed today. As I say, there is still a way to go but it is the first step in making this drug available. The evidence given to the committee was quite clear. A lot of people did not know exactly why the cannabinoid drug worked, but the evidence was that it did work for certain illnesses. We now have a process beginning whereby those people who have been illegally using it in Australia will have it legally available. We did have evidence of some people having to fly to the United States twice a year to get their children access to medicinal cannabinoids, and those people will now have the ability in the months ahead, when this legislation is fully implemented, to get this treatment in Australia at a fraction of the cost that it has cost people in the past.
I am delighted to support this bill. I again give credit to Senator Di Natale for bringing this matter forward and I again give credit to the minister and her advisers and the department for moving as quickly as they have to make sure that this legislation is adopted by the parliament today so that the wonderful properties and the good use of this drug can be made available to Australians who desperately need it.

Senator LEYONHJELM (New South Wales) (11:07): I rise to support the passage of the Narcotic Drugs Amendment Bill 2016. I do so in the knowledge that I should not let the perfect be the enemy of the good. As most people know, legalising cannabis is Liberal Democrats' policy. And, yes, that includes recreational use. This bill is good, but is far from perfect. It amends the Narcotic Drugs Act 1967 to establish a national licensing scheme to allow the cultivation of cannabis for medical and scientific purposes. It will allow such cultivation to operate in accordance with Australia's obligations under the three UN drug control conventions. Those conventions—the bastard children of US prohibition and the war on drugs—mean that Australia is placed in the position where its new regime for the regulation of medicinal cannabis is onerous.

It involves an elaborate licensing regime: one form of licence authorises the cultivation of cannabis for manufacture into medicinal cannabis products; a second authorises research into the cannabis plant that is to be used for medicinal purposes. It also takes in a strict 'fit and proper person' test. This test will be applied to the applicant farmer or researcher as well as his relevant business associates. It involves consideration of a range of matters, including criminal history, connections, associates and family, financial status, business history and capacity to comply with licensing requirements. Licence holders will be expected to remain 'fit and proper persons', too. The regime is explicitly designed to ensure the exclusion of criminal elements, who may be tempted—we are told—to use the licence scheme as cover for illegal activities. In short, if you want to grow or research medicinal cannabis under the new legislation, you effectively let the government set up CCTV in your bedroom.

I recognise why the bill before us today is comprised almost wholly of red tape. Legalising cannabis for recreational use at the federal level would constitute a denunciation of the UN drug control conventions, and almost certainly would have a serious impact on Australia's legal opium poppy industry. Our opium poppy growers in Tasmania, who produce about half the world's legal medical opioids, depend on Australia complying with the UN drug control conventions or they risk their multimillion dollar international markets. Opium poppy growers already work under a licensing regime that mirrors the one this bill sets up for medicinal cannabis.

That said, it is becoming clear that legalising recreational cannabis at the state level in a federal system invites a lot of bleating and chest-beating from UN bodies like the International Narcotics Control Board, but not much else. After Colorado legalised recreational cannabis, the INCB thundered that the drug control treaties must be implemented by state parties, including states with federal structures. Last time I looked, cannabis was still legal in Colorado, Oregon, Alaska, Washington, and Washington DC, and the sky had not fallen, and yet the INCB's quick summary is: 'Drugs are bad, m'kay?'

Australia's fight for legalising recreational cannabis use, would seem, must largely be prosecuted at the state level. This serves as a reminder that a great deal of international law is nonsense and does not deserve our automatic respect. Legalising recreational cannabis use
would deprive organised crime, whether Middle Eastern crime gangs, Asian triads, bikie gangs, or relatives of Darth Vader, of a major source of income, and relieve police of the cost of finding and destroying illicit crops. Of the $1.5 billion spent annually on drug law enforcement, 70 per cent is attributable to cannabis. That is an expense we do not need.

Then there is the opportunity for increased tax revenue, which is something of interest to the big spenders on both sides of this chamber. If its consumption is legal, it can be taxed. I recently asked the Parliamentary Budget Office how much money the government could raise if it legalised and then applied the GST to cannabis. The answer was $300 million, and that is just in GST revenue. I did not ask them about other forms of revenue-raising, because I find high taxes obnoxious.

Finally, it is not legitimate use of government power to prohibit adults from doing something that does not harm others. It is irrelevant that it may not be wise to use a plant for recreational purposes. I neither endorse nor recommend recreational use. The point is simply that governments do not have the moral authority to ban something based either on disapproval or on a desire to protect people from their own choices.

It is also a basic reality that most people have tried it at some point, that includes President Obama and me. When the law says one thing and people do another, a free society changes the law. Medical cannabis is only half the answer. This bill is a step in the right direction, but only a step. It is high time we stopped using international law to justify interfering in adult choices. Government opinions are only relevant to those who are incapable of deciding things for themselves.

**Senator CAROL BROWN** (Tasmania) (11:14): I rise to speak on the Narcotic Drugs Amendment Bill 2016. I put on record my appreciation of Stephen Jones, the member for Throsby, for his work in this area and the work he has done on promoting the need for this important reform. This bill, as other contributors to the debate today have said, is an important part of the regulatory and legislative framework that will allow Australians to access the medicinal cannabis products that are available.

The simple fact is that we know these products work. We know that across this country there are people who are already accessing medicinal cannabis products, and these people are telling us that these products have completely changed their lives. These are people suffering pain or dealing with medical conditions who have sought relief from other medications that have not worked for them. However, to access these products, life-saving and life-changing products, these people have to get them from the black market. In doing so, they are at risk of being arrested and convicted. There are also unable to determine the exact ingredients and the quality of the product they are taking. People are caught between the risk of criminal sanction and unreliable supply, and knowing their loved ones will suffer if something does not change.

For this reason, I welcome this bill as a definite step in the right direction. No-one—no family, no parent—should be faced with making a decision about getting a loved one the treatment they need by breaking the law. But, as I have said, currently this is the decision many people have to make. This is because people who have debilitating and life-threatening conditions which cause unbearable pain and muscle spasticity cannot find relief from pain from existing therapeutic goods. Under the current law, people are expected to watch their child, partner or parent in immense pain, knowing relief is available but it illegal.
The establishment of a medicinal cannabis licensing scheme would give patients who are suffering from a terminal illness or other serious medical conditions access to safe, reliable and legal medicinal cannabis if prescribed by their doctor.

The bill before us today will put in place the supply chain arrangements that will allow the legal production of medicinal cannabis products. It is, as has been said today, the first critical step in allowing medicinal cannabis to be produced in this country. Primarily, the bill amends the Narcotic Drugs Act to permit the licensing of growers of medicinal cannabis in Australia. It also provides a fit and proper person test to be applied to licensees by the Department of Health. If the bill is adopted today, it will ensure that Australia remains compliant with its obligations under the single convention.

We know that there is broad public support for making cannabis products available for medicinal purposes. Survey after survey, poll after poll, have proved this point. But there is also broad public support for having a regulatory system which ensures that Australian medicines are safe. Labor is committed to working with the government and interested parties to ensure that the Commonwealth government can provide national leadership that ensures medicinal cannabis treatments are made available in a safe and legal way.

I want to pay tribute to two people in my home state of Tasmania who have worked tirelessly to see the use of medicinal cannabis legalised. Marilyn and Andrew Irving have led the campaign on this matter and have been nothing short of inspirational. Marilyn has a painful degenerative nerve condition. When I saw her in the week before Christmas I was pleased that, although she was in a wheelchair, she was in better health than I had seen her for a long time. Andrew, Marilyn's husband, was at his wits end, trying to ease Marilyn's constant pain and terrible tremors from her condition. He was desperate and so he turned to medicinal cannabis. He was 'blown away'—those are his own words—by what he calls the near miraculous effects of the cannabis oil on Marilyn. Andrew pays $280 a month for the cannabis drops but does not begrudge the money because it has helped Marilyn and helped transform their lives.

As I said, Andrew has become a really vocal campaigner on the need for this bill. In the words of Duncan Abey, a journalist with the Mercury newspaper, in his article on 20 December last year: 'Andrew has taken his campaign to the world by producing a digital newsletter called The Leaf, espousing the benefits of medicinal cannabis. Andrew says the aim of the newsletter is to increase education on the issue and to help reduce the stigma users encounter. All users want to be able to use medicinal cannabis within the law.'

Andrew has at times been left emotionally drained since he became an advocate for medicinal cannabis. He has had many calls and inquiries from people who are desperate. As Andrew says, 'It has been heartbreaking to hear people crying on the other end of the line. People are still suffering, people are still dying, people are still in pain.' As I said, this bill is an important first step to ensuring people like Andrew and Marilyn Irving are able to access safe and legally approved medicinal cannabis.

I turn to the work done by Tasmania's shadow Attorney-General, Lara Giddings, who this month has announced that Tasmanian Labor, when in government, will immediately decriminalise cannabis possession and use by Tasmanians suffering from a range of severe medical conditions. The Tasmanian legislation would decriminalise the possession and use of cannabis for medical purposes by people who suffer epilepsy, multiple sclerosis, cancer or...
HIV-AIDS and severe chronic pain. It would have to be approved by two medical specialists, and other medical conditions would be considered by an independent medical advisory committee. A Tasmanian Labor government’s legislation would also call for the licensing, cultivation, manufacture and dispensing of medicinal cannabis in Tasmania. A Tasmanian Labor government would also launch clinical trials of medical cannabis that complement those of Victoria and New South Wales, in conjunction with Tasmanian businesses in collaboration with the University of Tasmania. As Ms Giddings said, ‘The decriminalisation of cannabis is so important to so many Tasmanian families who are faced with the awful choice at the moment of having to either watch their loved ones suffer or break the law by providing them with cannabis.’

This bill is important in ending the delays for people who continue to suffer needlessly. This bill has, at its core, easing the suffering of those for whom medicinal cannabis can provide relief. I commend the bill to the Senate.

Senator XENOPHON (South Australia) (11:22): Today I join many of my colleagues in this place to express my support for the Narcotic Drugs Amendment Bill 2016. Earlier today I was at the first National Family Drug Support Day, and I want to pay tribute to the terrific work done by Tony Trimingham, the founder and CEO of Family Drug Support Australia. It is something that has multi-party support. Tony Trimingham tragically lost his son to a drug overdose a number of years ago. I think it is fair to say that it is an expression of his love for his son that he has continued to campaign for support for family members who have been affected by substance abuse. Congratulations to Tony Trimingham and his team for what they have done to reduce the shame, stigma and discrimination for families, to promote support services for families and friends affected by drug use and to promote harm reduction measures to reduce the harm and number of deaths from drug use.

This is very important in the context of this bill. This bill is not about the liberalisation of drug policy in Australia. This bill is about implementing a framework so that Australia can meet its obligations under the Single Convention on Narcotic Drugs 1961 when we embark on the process of cultivating cannabis for medicinal and scientific purposes. In no way do I condone so-called recreational drug use. Taking illicit drugs—and even some legal drugs—can be a very risky business. There is no such thing as the safe use of many of these drugs, whether it heroin, crystal methamphetamine or cannabis.

The National Institute on Drug Abuse in the United States has published a number of medical studies relating to the impacts of marijuana use. These studies have shown that marijuana use during development can cause long-term or possibly permanent adverse changes in the brain. Similarly, the Australian Medical Association warns that regular and prolonged cannabis use can lead to anxiety, insomnia, appetite disturbance and depression.

Adolescents are particularly vulnerable to harm. Medical imaging studies in adolescents show that regular marijuana users display impaired neural connectivity in specific brain regions. These brain regions are involved in a broad range of important functions such as memory, learning and impulse control. Furthermore, the research paper ‘Gone to pot: a review of the association between cannabis and psychosis’, published in 2014, showed that there is strong evidence supporting a link between marijuana use and psychotic disorders in those with a pre-existing genetic condition. So let me emphasise that the cannabis that will be
cultivated in Australia following the passage of this bill will be about its medicinal properties and the people with medical conditions that can be assisted by it.

The science in relation to the use of cannabis to treat debilitating illnesses is rapidly growing. Victoria, New South Wales and Queensland have already joined forces to take part in medicinal cannabis trials. I hope that South Australia will not be far behind with implementing its own trials, particularly in light of the survey conducted late last year which showed that 90 percent of South Australians believe cannabis should be made available for medicinal purposes. Without this bill, state governments will be forced to import cannabis rather than cultivate their own stocks.

It is well known that medicinal cannabis has been shown to treat a number of debilitating illnesses and conditions, including severe seizures from epilepsy. Right now parents of children with epilepsy that is unresponsive to conventional treatment face a heartbreaking choice. They can either attempt to obtain medicinal cannabis from the black market and risk being prosecuted or they can persist with drugs which can have devastating side effects on their children.

I have met with families in Adelaide who live in fear that their child's next seizure will be their last. Tragically, one of these families did lose their beautiful daughter to epilepsy in February 2012. In the months leading up to the fatal seizure, the family had been waiting and waiting to see a specialist in one of Adelaide's hospitals to talk about their concerns for their daughter. Despite being considered an urgent case, the family was told it could be more than a year before they could get in to see the doctor they needed. In a country like Australia, those sorts of waiting times should be unacceptable. So the more progress we make on medicinal cannabis the better.

I also want to make reference to Mark Elliott, who I know because of work that I have done with parents of children with epilepsy in South Australia. He is a very decent man and a loving father. Mark has spoken out in the media in Adelaide about his daughter Charlotte, who would now be 10 years old. And an article in The Advertiser by Elisa Black and Tessa Akerman said this:

Imagine, for a moment, watching your child suffer through dozens of seizures a week. Through the pain, the indignity, the fear. Then imagine hearing of a treatment sanctioned overseas that has worked wonders for children with epilepsy as serious as your little girl’s, so serious that conventional treatments and drugs offer little help. It has brought them back to life. Then imagine being told that if you use it you will go to jail. This is Mark Elliott’s reality.

It goes on to talk about his absolute dilemma in relation to this. Clearly, the medical evidence is in that his daughter can get the assistance she needs through medicinal cannabis that other medications cannot provide. That is why this bill is important for families such as Mark Elliott and his daughter Charlotte. By allowing cannabis to be cultivated in Australia for medicinal and research purposes, we are one step closer to bringing these families the relief they so desperately need.

I would like to briefly acknowledge that important safeguards have been built into this bill, especially around the licensing and permitting framework. A strong 'fit and proper person' test
will be applied to all licence applicants and relevant business associates. This test will look into factors such as criminal history, business history and also the capacity to comply with the licence requirements. These safeguards are necessary to ensure that those involved in organised crime do not try to hide their criminal activities through participation in this program. Other safeguards include controls on the quantities and strains of cannabis that can be cultivated under this program. Where cultivation is for the purpose of medicinal cannabis to supply to patients, the amount of cannabis that can be grown will be determined beforehand. This will ensure supply meets but does not exceed patient requirements. Taken together, the measures in the Narcotic Drugs Amendment Bill 2016 are an important first step in the advancement of Australia's medical treatment and research capabilities. I reiterate my support for this bill.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (11:29): I rise today to speak on the Narcotic Drugs Amendment Bill 2016. This bill amends the Narcotic Drugs Act to allow the licensing of growers of medicinal cannabis in Australia to establish a tightly controlled supply chain. I commend this move and recognise that in my home state of Tasmania we have already been safely and effectively growing poppies to produce opiates for many years, and I believe there is much to learn from this experience.

I would also like to recognise the government's agreement to create an expert advisory panel, which I hope will go some way to addressing the process questions that Labor has had with this bill. Labor is willing to work constructively with both the government and the Greens in the formation of this panel. However, I am still disappointed that this bill took so long to get to the parliament and that it will not be sent to a Senate inquiry for consideration. A short inquiry was Labor's preferred option. This was not to hold things up but to ensure there were no unintended consequences that could limit the effectiveness of the bill or lead to other unexpected issues. This is a complex legal area, with many impacting state and federal laws as well as international treaties. In this context, it is a shame that the government and the Greens have joined to reject a Senate inquiry which would have created an avenue for public input and expert advice that could quite possibly have resulted in better legislation at the end of the day. That being said, I would like to congratulate those of all stripes who have seen that medicinal cannabis is a health issue that should be elevated above partisan politics.

Access to safe, reliable, legal and affordable medicinal cannabis is something that I have personally been fighting for for a long time. Last year, I was very pleased that I was able to be part of the process of change as co-sponsor of the Regulator of Medicinal Cannabis Bill, which would have established a government body to manage the production and supply of this vital treatment. There is no doubt that cannabis has brought relief and dramatic reduction in pain and suffering to so many Australians. In my home state of Tasmania, I have personally met with many individuals who have seen their lives and the lives of their loved ones turned around through this treatment. Sadly, though, there are just as many heartbreaking stories of those who continue to suffer because they are unable to gain access to this treatment. And there are many others who are still branded criminals under Australian law for accessing and using this treatment, despite the incredible and proven health outcomes. For too long, Australians have been forced to navigate underground criminal networks in order to secure a medication that we know works. There is no doubt in my mind that change is desperately overdue. Today, I would like to recognise all the individuals who have been fighting through
every possible avenue to make this change happen. When medicinal cannabis is finally legalised, parliament may be the instrument but it certainly would not have happened without the tireless advocacy of so many special people—and they are very special people.

I would specifically like to formally acknowledge all the brave Tasmanians who have had the courage to go public with their own stories, despite potential personal risks, in order to mount the case for reform. People like Natalie Daley from Ulverstone, who has publically shared her very personal experience of the incredible change medicinal cannabis has made to her life since she was diagnosed with a rare form of cancer. There is Lyn Cleaver from Launceston. Lyn has fought tirelessly for change for her son Jeremy who suffers from severe epileptic seizures, which have been dramatically reduced through the use of cannabis. And Nicole Cowles from Kingston has been a fantastic advocate for change since cannabis turned her young daughter Alice's life around.

And I cannot forget Jessie from my home region of the north-west coast of Tasmania and her amazing little girl April, who is four and has started school for the first time this year. April suffers from Dravet syndrome, which causes her to have more than 1,000 seizures a day. At their wits end, Jessie and her partner, Paul, turned to cannabis oil in an attempt to contain April's attacks. It would not be an overstatement to describe April's turnaround as miraculous, with her attacks dropping from triple digits to as few as six. I would like to read a post that Jessie posted on her Facebook page just a week ago. She writes about April:

This girl has rocked my world. The love i feel for her is nothing i have ever experienced before. The journey i was signed up to since her birth was not one i ever asked for but one i was given. And i am so proud that it was me chosen to be her mummy, it was me that was to take part in such a horrific, scary yet wonderful journey! There have been so many close calls. So many times we were told her little life was coming to a end. We planned a funeral as we were told it was best for our family. We even had someone close record a written song for this. Just over a year ago her tiny heart stopped beating and it took 20 mins of non stop help by paramedics to get her back. Most would have stopped by that time. But the man that brought her back on this horrific day NEVER—

And she has emphasised 'never'—

stopped and if not for him i wouldnt have my April. All i remember was him telling her over and over "you dont give up princess you come back to me" i remember standing there watching him and screaming save her. Worst part was having—

my eldest daughter—

... standing next to me screaming " mum whats wrong with april" over and over. I could not comfort her, i couldnt speak to her. I was in such a state and was praying to god to save my daughter. April went 20 mins with not breathing. She suffered horrific brain damage and lost many skills but regained some over time. Thank god we have never had a similar experience since that day. I know dravet is a very bad disease. I no it claims the lives of so many little kids every day. I used to live my life thinking i would loose April. I never planned anything with her because we were told each day was a blessing. Not so long ago i chose not to live like that. I chose to believe my daughter would not die and she would live a long life. I started think different for her and for me and my family. There was no point in me falling to bits as despite Aprils illness i had three other tiny faces who needed me to be there mummy and needed me to be positive. I dont no what Aprils future holds! but none of us no what the future holds. So i just feel blessed she can go to school, that she is happy and i pray for her. I no every mother says this but i truely believe April is here to change the world. I need to believe she will go on to adult life and be fine. No way if i can help it will she leave this world before i do.
There are many others across the state and, indeed, across the country who have bravely and compellingly made the case for change. To all of those people, by putting a human face on this issue, you have helped to put medicinal cannabis firmly on the political agenda, and for this you should be congratulated.

The bill before us today probably would not have been the bill that Labor would have introduced, but we cannot let the perfect be the enemy of the good. We will not stand in the way of this legislation, because we do believe it is moving in the right direction. There is no doubt that the intent of this bill aligns with Labor Party policy. Last year, Leader of the Opposition, Bill Shorten, announced that a Labor government would commit to making medicinal cannabis available to those who need it.

There have also been some very progressive and positive moves in some states in this area. The Queensland Premier, Anastacia Palaszczuk, has thrown her support behind trials and law reform. The Victorian Premier, Daniel Andrews, went to the election promising to make medicinal cannabis available by 2017. New South Wales has held an inquiry and also committed to undertake trials. The 2013 inquiry in this state made a recommendation for a uniform national scheme, and this is what Labor would like to see also. In fact, federal Labor has already committed to developing a nationally consistent scheme where access to medicinal cannabis is not determined by your postcode and the vagaries of the laws in your state. Currently we have a system that criminalises those that take their health into their own hands. We have a system which sends otherwise law-abiding Australians to the black market to source what can be a life-saving treatment. Medicinal cannabis users are exposed to prosecution and further legal action, which can have serious implications for their family and working lives. And, because the only source of the product is through criminal networks, both supply and quality can be very unreliable. This undoubtedly leads to further health risks for people who rely so much on this treatment. We also have doctors who privately recommend the treatment to their patients, but are not allowed to put their recommendations on the official record formally for fear of the professional ramifications for themselves. As a result, medicinal cannabis cannot be taken into account as part of a holistic treatment regime. This is not right.

While I acknowledge the moves by some states for change in this area, it is clear that a federal framework is absolutely necessary and it is clear that people should not be criminalised for taking responsible steps to look after their health or the health of their loved ones. This is something that I am particularly concerned about, and I would like to see further detail on how this will work under the bill before us here today. We need to ensure that there are adequate safeguards within the legislation to ensure that people who use cannabis for legitimate medical concerns are not at risk of prosecution. While I understand it is proposed that patients will be able to access treatment on prescription, I would like to see a lot more detail on how this is going to work in practice. I understand that when this legislation passes, the TGA will move to make the product available through clinical trials, the Special Access Scheme and Authorised Prescriber Scheme. However, I would still like a guarantee from the government that Australians with legitimate health concerns will be able to access treatment within the law, regardless of where they live. In the meantime, those who are using cannabis
for medicinal purposes should be free from prosecution. National leadership and nationally consistent laws are absolutely vital so we do not end up with a patchwork legal landscape where you can be a criminal in one state but a legal user in the next one.

Another area that I think needs to be a key focus is affordability. Many users of medicinal cannabis are very unwell and often are only able to work a limited number of hours, if they are able to work at all. As a result, money can be incredibly tight. But this should not be an impediment to securing the treatment that they so dearly need. I would call on the government to ensure that affordability is a key goal of the implementation of this legislation.

In summary, while there are some details about how this bill will work in practice that I am cautious about, I recognise that it is a move in the right direction, and we are happy to support it in this place today. We need to guarantee that safe, reliable and legal medicinal cannabis is available affordably to those Australians who would benefit from its treatment. I urge the government to ensure that all of these key requirements are met as the bill proceeds into implementation. And I commend all of those who fought so hard to get action in this important health policy area.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (11:42): I rise today to speak in support of the Narcotic Drugs Amendment Bill 2016.

Dan Haslam was 20 years old when he was diagnosed with stage 4 bowel cancer. Just think about that: a 20-year-old boy diagnosed with bowel cancer with a terminal diagnosis in the prime of his life with a world of possibilities ahead of him. Dan went through hell. He spent years enduring chemotherapy treatment that made him nauseous. He lost weight. He was unable to eat. It impacted every aspect of his life. Dan developed something called anticipatory nausea. Nausea in and of itself is an awful symptom. It is debilitating. Those people who experience chemotherapy say that, of all of their symptoms, often it is the nausea that is the worst. Anticipatory nausea is where just the thought of going into having chemotherapy triggers nausea. So, without the drug itself, simply the notion that you are going to sit down and have a toxic drug injected into your arm will trigger nausea.

Dan was so unwell and he lost so much weight that it appeared that the chemotherapy would no longer be used. Then quite by accident Dan's family heard about medicinal cannabis. It is interesting. Dan's father is a law enforcement officer. His mother, Lucy, heard about it. Of course, like any desperate parents they did what they could. They thought this was a last resort. They tried medicinal cannabis. Initially, Dan smoked it, and the effects were profound. Dan developed an immediate response. His nausea settled, he had more of an appetite and it helped to give him some quality of life in those final few years.

Today marks one year since Dan's passing. It is a year today since Dan left us, and so it is incredibly fitting that we are here today marking the passage of this bill, standing in support of legislation that Dan and his family helped to drive forward. I know that Lucy Haslam wanted to be here today. Lucy, this would not have happened without your contribution. Unfortunately, things move quickly sometimes in this place; far too often they move slowly. On this issue, we are debating a piece of legislation that we thought might be in this parliament next week. I am sorry you cannot be here today. I know you wanted to be here and I know you will be watching from Tamworth. To you I say on behalf of the Australian Greens, on behalf of all of the people in this parliament: thank you for everything you have
done. I want to let you know that your family's grief, your family's pain and suffering, have not been in vain. This is a legacy that Dan will leave here in this parliament.

It is all too sad that there are many people right across the country who have to endure the same sort of pain and suffering that Dan and his family have had to endure or to be treated like criminals if they resort to what is now regarded as an effective medicine and an effective treatment for something like nausea, and indeed many other conditions, which I will come to in a moment. It was on the back of the Haslam family and their wonderful advocacy. I am always amazed by an individual who is confronted with such grief, pain and suffering who is able to turn that around and use it to make a positive contribution, to have the strength and the courage and the vision to be able to harness that grief in a way that makes an enormous positive contribution on something like this. It always amazes me. I do not think I would have the strength in those circumstances.

On the back of Lucy's family and the stories of families just like the Haslams, the Greens decided that we would introduce legislation to the federal parliament, legislation based on ensuring we had the production, manufacture, supply, use, research and importation of medicinal cannabis. That legislation is the genesis of this bill. But we recognised that this could not be seen as a partisan issue. What we are seeing today is this parliament at its best, when far too often we see this parliament at its worst. I acknowledge Melissa Parke and Sharman Stone, who are the co-conveners of the Parliamentary Group for Drug Policy and Law Reform—Melissa Parke is a Labor member; Sharman Stone is a Liberal member. Together we decided that this would be a priority for our group. We also acknowledged that we needed to introduce the legislation into one of the houses of parliament. We decided on the Senate and we sought co-sponsors for that legislation. I acknowledge Senator Urquhart for her contribution and her moving words just now, Senator Leyonhjelm and Senator Macdonald. Senator Macdonald and I are on opposite poles of the political spectrum but there are moments in this place when you put aside your partisan differences and recognise that it is important to work in the common good, in the national interest, to try and get something done.

I acknowledge Senator Macdonald and his involvement with the inquiry by the Senate Legal and Constitutional Affairs Legislation Committee that looked into this legislation. That inquiry into the Regulator of Medicinal Cannabis Bill had hearings in Brisbane, Canberra and Melbourne and heard from a range of people. We heard from experts—academics, doctors, scientists—and patient groups, but most importantly we heard from patients themselves. We heard evidence about the effectiveness of medicinal cannabis. Emeritus Professor Laurence Mather said quite clearly:

… this evidence inarguably demonstrates cannabis to be a useful medication, and ought to be available to … patients in need.

We heard from Dr Alex Wodak that the evidence is very clear that this is a useful medication.

There are many claims made about the effectiveness of medicinal cannabis. To be frank, some of them are still unproven. I suspect that some of them will not hold up to the scrutiny of evidence. It is not a cure-all for everything. However, it is a very effective treatment for a range of conditions and there is no reason why it should not be treated as medicine just like any other. We know that it is effective for chemotherapy induced nausea—you heard Dan's story. We know that it is effective for muscle spasms that are a consequence of multiple
sclerosis. In fact, there is a medication approved for that use. We know that there is evidence for its effectiveness for particular types of epilepsy, particularly among young children. There are miraculous stories about the benefit associated with use of that drug for those young kids, many of whom are not developing appropriately and are having seizure after seizure after seizure, causing incredible heartache within families right around the country. We know that for many conditions there is good evidence about this drug, and there is no reason why this drug should not be treated like any other medicine.

People are naturally concerned. They have heard stories about the impact of psychosis associated with the use of cannabis. We heard from Professor McGregor about some of the issues associated with that. Much of the psychosis associated with the recreational use of cannabis is likely to be attributed to the fact that because this is an illegal drug with very highly potent forms with high THC and low CBD we are seeing potential associations with psychosis for recreational users. But where we can have controlled production for medicinal purposes, where we have a higher ratio of what is called CBD, we know that that may be protective against psychosis. Interestingly, we heard from the inquiry that CBD, a component of cannabis, is now being researched as a treatment for psychosis.

We heard about the effectiveness of the drug and about its potency in responding to things like nausea and muscle spasm. But nothing can replace the words of patients about their experience with using that drug. We heard about the heartbreaking story of a young mother who saw her child having seizure after seizure, not responding to a cocktail of pharmaceutical anticonvulsants yet getting miraculous relief from medicinal cannabis. She spoke out about that publicly and what was she confronted with? A knock on the door from the police and an interview with the department of human services assessing her fitness to be a mother. Think about that. A mother who is providing her child with medication being interrogated about whether she is fit to be a mother because she is providing her child with what is an illegal substance.

That is why this bill is so critical. It gets us on the path to treating this effective medicine as a medicine. We also need to recognise that this bill has serious limitations. It is an important piece of the puzzle but it is not the missing piece of the puzzle, as it has been described. It is an important first step but there is a long way to go before this medicine finds its way into the hands of patients. That is ultimately the test of whether any legislation is successful.

As someone who suffers from chemotherapy induced nausea, multiple sclerosis and the muscle spasms that come from that, can I go to my doctor and be prescribed this medicine? That is ultimately the test. This legislation will not get us there on its own. It is an important reform but there is much more work to be done. It has taken a long time, almost two years, but we are relieved that the government has decided that it is time for a national approach. So we do welcome the passage of this legislation.

But what needs to be done now? Cannabis in all its forms, medicinal or otherwise, remains an illegal drug. I will say that again. Medicinal cannabis, as the law now stands, is an illegal drug. The technicality is that it is a schedule 9 drug—alongside cocaine, heroin and other illicit substances. That is where medicinal cannabis is classified in the classification scheme of all drugs. We need to change that. I understand that the TGA is currently going through a review process to look at the rescheduling of cannabis for medicinal purposes. That is a good thing and it is long overdue. When we first interrogated the TGA about that possibility we
were told that it was unlikely to happen. But I understand that there is now a review process, hopefully with the outcome of changing the scheduling around medicinal cannabis so that it is no longer an illegal substance.

We do need to ensure that the TGA does its work but there are also a whole range of questions around the supply chain. While this legislation creates the framework to grow and manufacture the drug, there is nothing to outline what happens in terms of the supply chain of that drug. Where does it go? How does it get there? What is the role of community pharmacies? Will this drug be dispensed through community pharmacies? We do not know. Will it be dispensed through hospital pharmacies? We are not sure. Or will there be some other process? That work still needs to be done.

Once this drug is made available—we hope through community pharmacies—then how will it be made available to patients? Will it be prescribed as per any other drug with a normal script? At the moment, it appears possible that there will be a special access program for particular patients and that doctors will need to achieve some sort of authorised prescriber status. But we are not sure, so that detail needs to be worked through. At the moment, this legislation allows us to grow and manufacture the drug but it is silent on the role of community pharmacies and the medical profession in terms of prescriptions. I understand work is being done there, but we do not know how much it will cost. As Senator Urquhart said previously, costs cannot be a barrier to access for this drug. We do not know what strains will be approved for use and so on. There is much more work needing to be done.

So in the spirit of making sure this was not a partisan issue we approached the government and said that, if we are to make progress on this, we need to see the establishment of an independent advisory body to provide some advice and input to the relevant departments who are proceeding through the next steps. And, to their credit, the government and the health minister have agreed to the establishment of that independent advisory body. I think that is important. It allows those people who work in this space to ensure progress is being made. The advisory body will have an independent chair and members of the states and territories. The Victorian government, the New South Wales government and the Queensland government have all been very important in helping to put pressure on so that we get a national framework because it is critically needed. We are going to see scientists with expertise in cannabis pharmacology and toxicology on that advisory body. We will see community pharmacy on that advisory body and also people with expertise in prescribing pain management and end-of-life care. There will be people on that advisory body with expertise in the horticulture aspects and law enforcement. Most importantly, there will be patient representatives on that advisory body. That is an important step. We acknowledge that the government has supported that initiative and we want to thank the government for ensuring that that happens. So this is significant progress but there is much more that needs to be done.

I am very proud to be part of a political party that for many years has had the courage to stand-up and advocate for this reform long before it became the flavour of the month, long before it was an issue that dominated state and federal parliaments. I want to pay special tribute to one of our state MPs, John Kaye, who is unwell at the moment. I hope you get better soon, John. John Kaye was instrumental in having this matter referred to the upper house of the New South Wales parliament for inquiry and ensuring that the matter was debated in the
New South Wales upper house. This gave impetus to many of the reforms that we are seeing in the New South Wales parliament.

I want to finish by congratulating the Haslam family for their tireless work. Your advocacy on this issue has been inspirational. The nation owes you a great debt. Many people right across the country will one day benefit from this medication in the same way they benefit from many other medications that are provided to them. They will not be made to feel like criminals. They will owe you a great debt. So thanks again to Lucy and the Haslam family in Tamworth. Your contribution here will be remembered always.

Ultimately, we will not rest until this final test is met: when someone goes to the doctor with a condition for which we know medicinal cannabis provides significant relief, will their doctor be able to prescribe it in a timely way so that they can get relief? That will be the conclusion of the debate that has started today. Along with many other Australians, we will welcome that day.

Senator SINGH (Tasmania) (11:59): I gladly rise to speak in support of the Narcotics Drug Amendment Bill 2016. Labor is supporting this bill which makes a medicinal cannabis licensing scheme legal in Australia. A number of Labor members and senators, and other senators in this place, have been pushing for changes to this law for some time. The Commonwealth parliament, through this bill, is very much playing its part in helping to ensure that families will no longer have to access medicinal cannabis products illegally or on the black market and to ensure we have a regulated licensing scheme in Australia. Why? It is because I and so many others have heard from families, sufferers and people in pain their personal stories of pain and relief, with medicinal cannabis providing that relief. Why are we having this bill? It is because families should no longer have to find themselves caught between the risk of criminal action on the one hand and using an unreliable supply on the other, all the while knowing that their loved one will suffer if something does not change.

So I rise to speak on this today in the hope that, in the coming months, states and territories in Australia will work together to ensure that medicinal cannabis is legal, safe and available to those in need. In passing this bill we are doing our part at the federal level but we also need the states to do theirs to make medicinal cannabis available to those families who need it most.

This bill is a very first critical step that will enable medicinal cannabis to be produced in this country. Primarily it amends the Narcotic Drugs Act to permit the licensing of growers of medicinal cannabis in Australia and provides a fit-and-proper-person test to be applied to licences by the Department of Health.

We know there is broad public support for making cannabis products available for medicinal purposes in Australia. There has been survey after survey and poll after poll that has proved that. But there has also been broad public support for having a regulatory system which ensures that Australian medicine is safe. I note that the AMA have previously called for a coordinated approach to medicinal cannabis and raised their concerns about previous bills.

The experience of watching a loved one suffer is soul destroying. We feel their pain and their exhaustion and are often powerless to help. After listening to the overwhelming evidence and the personal stories from families during the Senate inquiry that I participated in last year
with Senator Di Natale, Senator Ian Macdonald and Senator Urquhart, it was clear that legalisation was needed. So our laws need to change. Our current law does not reflect the reality that medicinal cannabis is already being used successfully as a form of pain relief and a means to control diseases, such as epilepsy.

Nor is medicinal cannabis a new or controversial treatment. Indeed, until the 1970s even it was available in Australia. Evidence suggests that its medicinal properties were well recognised in ancient China, where physicians recommended it for the relief of constipation, gout, malaria and loss of appetite as well as an aid to childbirth. Cannabis was widely used for a variety of ailments, such as muscle spasms, menstrual cramps, rheumatism, convulsions, rabies and epilepsy. It was also used to promote uterine contractions in childbirth and as a sedative to induce sleep. So it has a long history and should not be controversial.

As well, we can look at other jurisdictions internationally that have recognised the benefits of medicinal cannabis. Israel has a medicinal cannabis scheme under which medicinal cannabis is supplied to patients who are approved by the Israeli Ministry of Health through licensed growers in Israel who cultivate cannabis plants on a not-for-profit basis. Health Canada has granted access to cannabis for medicinal purposes to Canadians who have the support of their physicians. In the Netherlands, the government has licensed growers to produce standardised cannabis which is then prescribed by doctors and dispensed by pharmacists. So we can learn from other countries on how they have administered medicinal cannabis.

As I said, the community support is so significant in Australia for the medicinal use of cannabis that this change has to happen sooner rather than later. The 2013 National Drug Strategy Household Survey by the Australian Institute of Health and Welfare found that around 70 per cent of respondents supported a change in legislation permitting the use of cannabis for medicinal purposes and 74 per cent of respondents were in favour of clinical trials into medical cannabis.

Over the last 18 months I have been incredibly touched by the stories of patients using medicinal cannabis and those of their families supporting them. They are the human faces of devastating diseases who, for a variety of reasons, have found conventional medicines have not worked for them.

Daniel Haslam was one of those individuals. Dan was a courageous young man who advocated fearlessly for the use of medicinal cannabis right up until his death. He was diagnosed with terminal cancer at just 20 years of age. He dedicated himself to promoting a cause he believed could bring some relief to people suffering from painful, life-threatening diseases such as his. In doing so, he advocated that conventions have not kept pace with scientific progress. Lucy Haslam, Dan's mum, presented compelling evidence to the Senate inquiry into medicinal cannabis last year. She said:

I have spoken to cancer patients and I have spoken to people with MS who were ready to commit suicide but are now looking to go back to work.

Lucy Haslam, your tireless work has helped us get to this point today. We owe you a great debt and gratitude for all of your advocacy for your family, for Dan and for everyone in the community. You have touched the lives of so many, including so many of us here, and have helped us get to this point.
In my home state of Tasmania Nicole Cowles has also been an inspiring advocate on behalf of her daughter, Alice, who suffers from extreme seizures. Nicole testified to the significant improvement in Alice's condition after beginning treatment with medicinal cannabis. Her story joins many I have heard in Tasmanian of grandmas with severe back pain who no longer need conventional painkillers, of mothers with substantial shakes who have been able to reinvigorate their lives and of others who have experienced relief from pain, seizures, shakes, cancer and depression. I have sat with these people as they told me their remarkable stories. Some were brought back from the edge and are able to live again because of the benefits of medicinal cannabis. Listening to their stories reminded me of the pain and the suffering that my godmother, who had rheumatoid arthritis, suffered with for so many years. She passed away a couple of years ago now. I wonder what relief she may have found if medicinal cannabis had been available to her. In meeting mothers, fathers, sons and daughters who are risking their livelihoods and freedom to secure safe, consistent tinctures to alleviate the pain or symptoms of their loved ones, I thought to myself, 'I would do the same.' Part of the risk with medicinal cannabis has been sourcing reliable medicine. Tinctures can vary in quality and efficacy, with the added risk of dodgy dealers taking advantage of vulnerable individuals. Then there are the white knights who have worked tirelessly to produce quality tinctures and give them to patients. I commend their courage and advocacy. Because of their work, I can stand here today in the hope of a nationally consistent scheme bringing numerous benefits to both patients and the community.

It is critical for those patients who are suffering to be able to talk freely and openly with their medical practitioners about the benefits of this treatment. It also gives doctors further options for treatment in cases where conventional medicines have failed to work. This is highly beneficial not only for patients currently using medicinal cannabis but also for future patients. These may include people having cancer chemotherapy or suffering from HIV related illness, multiple sclerosis, spinal cord injury, epilepsy, diabetes, Alzheimer's or inflammatory bowel disease—the list goes on and on. There may be benefits that medicinal cannabis can provide to those suffering from disease and pain.

The Narcotic Drugs Amendment Bill 2016 will bring additional benefits with the national licensing scheme creating two classes of licence: medicine and research. The creation of the research licence will enable further research and clinical trials such as the one in New South Wales, which is co-sponsored by Victoria and Queensland. Clinical evidence will help solidify the significant anecdotal evidence which supports the benefits of medicinal cannabis. With the importation of plants and seeds into Australia, the opportunity to refine and understand the different strains and their properties will be provided. Our understanding of the benefits of medicinal cannabis for a variety of ailments will be furthered, and that is so important. Coupled with the national scheme of cultivation for medicinal purposes, we will be giving this industry the best chance of creating effective, consistent medication. The legislation introduced will decriminalise the manufacturing of medicinal cannabis, but it also has the potential to create an inconsistency with state and territory laws. Each state and territory has different criminal laws around the possession and use of cannabis. They need to come to the party and change their laws. Currently, the use, possession, supply and trafficking of cannabis are prohibited in all states and territories, as they are proscribed by the crimes acts, codes and poisons acts in those various states.
It is clear that, regardless of us passing this law today, it is only the first step. It still does not provide the treatment needed for those suffering pain in our communities. I urge the minister, after this part of the puzzle is solved, to take it up with those states and territories and get them on board. I certainly will do so in my own home state.

In the last year in this place, I think there has been a higher level of leadership from a number of MPs and senators on medicinal cannabis, and that national leadership is needed. A patchwork of access arrangements cannot emerge across different states and territories. That is the whole point of having a federally legislated approach. We need a uniform system of laws, both medical and criminal, in relation to access to this drug. We also need uniform clinical guidelines to be developed, guidance on what products are produced and national leadership to deal with problems as they arise.

Australia already has a vast experience in managing controlled substances such as growing poppies for the purpose of producing opiate based medicines. We also have the benefit and example of experience from our overseas partners, which I alluded to earlier. Growers' licences must be connected to the supply chain, meaning a grower will need to have an arrangement in place with a manufacturer in order to get a licence. Permits will be issued to control the amount of cannabis that is produced. The system will ensure that the oversupply of cannabis does not occur. The objective, of course, is to ensure that we do not have stockpiles of cannabis being produced and ending up being used for unlawful purposes. Similarly, a manufacturer must be able to demonstrate their connection to the supply chain, dispensing to the patient so that it is consistent with the Therapeutic Goods Act. We need the Commonwealth and the states and territories working together because they all have a role to play in ensuring that each aspect of the manufacture, use and possession of medicinal cannabis is legal.

Having said all of that, of course medicinal cannabis is not a silver bullet to all the ailments that people suffer, but it is definitely a potential source of alleviating pain. I have listened to so many stories from family members who have shared the incredible turnaround that their loved ones have experienced from the simple application of a tincture of medicinal cannabis each day. It is time for Australia to follow suit of other nations and provide this alternative treatment, legally, to help alleviate the suffering of our loved ones.

In closing, I would like to acknowledge some of the support that has already been given by state and territory leaders in our community, particularly by the former Premier in Tasmania, Lara Giddings, who has been tirelessly campaigning for medicinal cannabis at the Tasmanian level. She, like me, has seen the benefits it has provided to so many suffering in pain. I do not want all of that advocacy and leadership that has been on display by so many in those states and territories, particularly by Lara, to be in vain if we do not complete the puzzle that is needed to provide a federal legislated scheme. That is why it is so important that this bill is passed but that the states and territories then play their role.

Finally, in the words of Lucy Haslam: 'Every time somebody dies in pain, that is a travesty that should not be happening. We can do something about this.' Lucy, we are here with you, trying so hard to do something about this and to make medicinal cannabis available in Australia as soon as possible so that so many people who are suffering no longer have to take cannabis illegally and so that they can have it provided to them by a practitioner. It can be
another source of medicine that is available in our community. We already know the benefits that it provides, and we need it so much to be provided.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional Communications) (12:16): The Narcotic Drugs Amendment Bill provides a clear national licensing scheme allowing the locally controlled cultivation of cannabis for medicinal and scientific purposes. Importantly, this bill provides the critical 'missing piece' for the Commonwealth to enable a sustainable supply of safe medicinal cannabis products to Australian patients in the future. It is recognised that, while there are existing mechanisms by which medicinal cannabis from overseas can be accessed under Australian law, the problem is that limited supplies and export barriers in other countries have made this difficult.

Under this scheme, a patient with a valid prescription can possess and use a medicinal cannabis product manufactured from cannabis plants legally cultivated in Australia where the supply is appropriately authorised under the Therapeutic Goods Act 1989 and relevant state and territory legislation. Further, the health department has proposed down-scheduling cannabis for therapeutic uses to schedule 8 of the Poisons Standard, which would also simplify arrangements around the legal possession of medicinal cannabis.

The decision to treat any condition with a medicine is one that should be made in consultation with a medical professional who has weighed up the available medical and scientific evidence to determine if there is a likely benefit for their patient and whether that benefit outweighs the risks. The government's model puts the medical professional at the centre of clinical decision making, where they should be. This bill will allow medicinal cannabis products that are manufactured in Australia to be supplied for the purposes of clinical trials or to be prescribed for patients with particular conditions by medical practitioners authorised to do so by the Therapeutic Goods Administration.

The bill also enables research in particular clinical trials to expand the evidence base so that more products could potentially be approved through the medicines registration processes under the Therapeutic Goods Act, provided they meet efficacy, safety and quality standards required for prescription medicines. As that evidence base expands, it is possible that more patients will be prescribed medicinal cannabis products if their doctor considers it appropriate.

There are many advocates and everyday Australians who have played a tremendous and tireless role in bringing this important issue to the attention of the nation. I acknowledge my parliamentary colleagues from across the political spectrum who have come together in this place to work in a completely bipartisan fashion to ensure we are able to stand here on this historic day. I particularly want to acknowledge Senator Ian Macdonald for his tireless advocacy and also Kevin Anderson, the state member for Tamworth, for his dedicated work on this issue. I also want to acknowledge those in the department who have been tireless in working to bring this bill to fruition.

In summary, this bill, in conjunction with established mechanisms, provides a secure supply chain from 'farm to pharmacy' that will give patients access to medicinal cannabis products. The bill is not about the legalisation or decriminalisation of cannabis for recreational use. Nor is this a discussion about making cannabis products available over the counter or outside of a discussion with a qualified doctor or through an approved clinical trial.
It is important we maintain the same high safety standards for cannabis-derived products that we apply to any other medicine. I know many Australians would be concerned if medicinal cannabis products were to be subject to lower safety standards than common prescription painkillers or cholesterol medications. It is important to note that the manufacture of medicinal cannabis products will be subject to quality manufacturing requirements under the Therapeutic Goods Act. This bill, to allow the cultivation of legal medicinal cannabis crops in Australia under strict controls, strikes the right balance between patient access, community protection and our international obligations.

I know, for many, there have been so many frustrations along the way and even times when they felt progress was not being made. However, today's outcome is a demonstration of this parliament's commitment ensure not only that we get access to a safe, legal and reliable supply of medicinal cannabis products for Australian patients but also that we get it right.

I thank senators for their contributions to the debate on this bill.

Question agreed to.

Bill read a second time.

**Third Reading**

*The DEPUTY PRESIDENT* (12:21): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

*Senator NASH* (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional Communications) (12:21): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

**Social Services Legislation Amendment (Family Measures) Bill 2015**

*Second Reading*

Debate resumed on the motion:

That this bill be now read a second time.

*Senator MOORE* (Queensland) (12:22): Labor will not be opposing the two measures in this bill today, which is another part of an ongoing range of issues around family payments and government savings. This is one that Labor will be supporting, though it is not an easy decision. We listened to the evidence from a range of organisations and people who wrote into the very short Senate Community Affairs Committee inquiry, where we raised questions about the impact of the changes, particularly on families with lower incomes and about the way the government seems to be targeting family payments as it seeks to make savings. We have considered every element of savings proposals brought forward by the government. We have looked at them individually and also looked at their impact. As this Senate knows, there have been so many proposals on this rather complex area of family payments, which is quite confusing not only to people in the community but also to many of the senators.
The two proposals we have before us in this bill relate to family payments: the portability of the payment and abolition of the large family supplement. Turning to portability first, it refers to families who will be overseas for a period of time. The current system allows for a 56-week period of portability; from the evidence that our committee received, I can say that people considered 56 weeks as particularly generous, although they did not understand why that particular period was initially chosen. The government has brought forward a proposal for that period to be reduced to six weeks, which the committee found that to be a questionable period. The government has indicated that it brings it into line with other payments and signals that family payments are designed to support families in Australia. The Labor Party accepts that rationale, but we are very keen for the minister to have the discretion to consider requests for extensions. We would be uncomfortable if that particular element had not been included in the legislation. The portability of family payments will be for six weeks, but it will still be possible to put up special cases for a range of issues, including that families are caught out overseas with illness. On that basis, we are prepared to accept that part of the government's proposal.

The second proposal concerns the abolition of large family payments, which gave added payment for the fourth child and subsequent children in large families. Concerns were raised in the committee inquiry about the where the major impact of this particular saving would fall. Labor listened carefully to that evidence, and we still believe that, if you are actually taking the difficult decisions around where payments are best targeted, this was an area where we were prepared to support the government.

As we have said before, it is not easy to make these decisions, particularly in an environment where the government consistently attacks the Labor Party for blocking any changes that they bring forward. It is important that we reinforce the notion that we do not automatically block savings proposals that brought before us in this place and that every element is considered carefully on its own merits. We will be asked next week to support another range of government savings measures in the family space, and Labor will be opposing those, because we genuinely believe that the case has not been made that they are effective or reasonable cuts to family payments.

Another important principle is to put people and families first. We need to look at the way families can continue to budget and the way families which are totally reliant on the welfare system can be supported. We heard gut-wrenching evidence in our inquiry last week on the bill the government will introduce next week on another range of cuts. The absolute survival and livelihood of some families depend on the range of income support they receive. Any decision on changes to a payment needs to take into account the pressures imposed on families in certain circumstances. At this point I would like to acknowledge the evidence we
received from Children with Disabilities Australia, who consistently raised with us, and I am sure with parliamentarians across the country, the particular concerns of families raising children with disabilities—the added costs, the added pressures and the added demands placed on those families, which often mean deep stresses for those families that are rarely considered when looking at the general area of family payments. People who are raising children with disabilities are recipients of the standard family payments, and every dollar is important when it comes to the expensive special needs these children have. We do ask, as we always do, whether we could as a Senate at some stage get some information from the department about the composite impact of the range of changes being brought forward to families, in particular, as many of the savings elements the government has put forward relate to family payments—family tax benefit A, family tax payment B—and also the range of other welfare payments involved. Also, there is the element of people living in remote areas and the extra support that may be required in the area, as well as the ongoing stresses for single parent families. Again, evidence was brought forward to our committee about the effect of particular elements of family tax benefit changes—particular pressures they can have on single parent families, with the budget process also, with the range of changes that have been made with moving from family payment areas into Newstart and the loss of payment in that way.

They are general comments about the overall area of family payments. We can support the two measures that have come before us in this bill. As always, we say there needs to be ongoing monitoring of the impact on families and continuing modelling about exactly how all the payments work together. On that basis Labor will be supporting the two proposals before us in this bill, but we put on notice that we will continue to scrutinise every element of saving that is brought to us. Certainly, as the government well knows, we are not supporting the bulk of changes that are in the other family payments areas that will come up in future bills. We will continue to oppose those because we do not think they meet the fairness test.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:31): The Social Services Legislation Amendment (Family Measures) Bill 2015 is yet another round of cuts to family tax benefits. The bill continues this government's approach of looking at where they can make savings at the expense of some of the most vulnerable members of our community rather than looking at how they can make savings in areas that do not harm the most vulnerable. They also continue to refuse to look at effective revenue measures. We may now have a different Prime Minister than when the coalition government's attacks started on our most vulnerable in the 2014-15 budget, but many of the same measures, or versions of them, are still in place and we have the same sorts of attacks on Australian families. This bill contains measures that were introduced in the 2015-16 budget. We have a new Prime Minister, a new Treasurer and a new Minister for Social Services, but we have the same old approach—let's attack the social safety net of those people in our community who can least afford to be without that safety net. We know from NATSEM modelling, looking at the 2014-15 budget, that those the budget hurt the most were low-income families and single parents—those who could least afford it—while those on higher incomes suffered the least impact. We saw the same in the 2015-16 budget measures. The measures in this bill continue the attacks on the family tax benefit process. We are deeply concerned about the impact it will have on low-income families.
This bill reduces the portability of family tax benefit payments. Under the current system, family tax benefit A is paid at the full rate for six weeks when a family travels and a lower base rate is paid for another 50 weeks. The bill seeks to change that to a portability period of just six weeks. This matters not just for this payment; it has an impact on determining other payments as well. That adds to our concern about this measure. In making this change, the government is really cutting off a broader network of payments for families that travel overseas. This is a change that ignores the interconnected nature of Australian society. I would like to quote from the submission we received from the Welfare Rights Centre NSW:

This Bill ignores the cultural realities of a 21st century multicultural Australia, with many people having close and extensive ties to families living in countries outside of Australia. In the experience of the Welfare Rights Centre NSW, overseas travel can be required in family emergencies, in cases of illness, accident, natural disasters, and when care for relatives is required.

While some people need to travel to assist with caring duties, in some situations people travel overseas to be cared for, as there is no suitable carer in Australia, or for respite. We concur with the comments of the Welfare Rights Centre. There are many reasons why families travel overseas and, while maybe the issue around exemptions could provide relief for some families, I believe that the 34,200 families who will be affected by this measure will not have access. They simply will not be granted those exemptions, so this measure will have a significant impact on those families that travel overseas. It is those families who travel overseas for those requirements that will be greatest hit by this measure and do not necessarily have a lot of money. They are travelling overseas because of, as I explained, a family emergency—perhaps illness or accident—and this measure could have a significant impact. A family with one child could lose $5,000 or $6,000. We do not support this change.

The bill also cuts the large family supplement. This is an annual payment for eligible FTB recipients for the fourth and every additional child. It currently provides $324.84 annually. The government has argued that additional children do not cost as much, and modelling by NATSEM shows that is correct. However, NATSEM also pointed out that there are significant costs associated with additional children. A better understanding of the extent of these costs to families is gained by again looking at the proportion of total income that these figures represent. While the dollar amount spent on second and third children is less than that spent on the first child, the additional proportion of income spent on each additional child is still significant for families at each income level, with the proportion of income spent on three children being about 2.5 times that spent on one child.

Obviously, families with more children are actually going to have more expenses. More importantly, the cuts to the Large Family Supplement occur in a context where the coalition is trying to cut away large chunks of our social security system, our family tax benefits process and, in fact, our whole social safety net. In that context, we cannot support additional measures that leave particularly low-income families worse off. We know that other budget measures have left low-income families worse off.

The ACTU noted that 125,000 families would lose the supplement. The ACTU, along with several other organisations, opposed the change. The National Welfare Rights Network said:

This is another measure seeking savings from the family payments system which will impact disproportionately on low income and vulnerable families. It comes on top of a series of measures which have steadily eroded the adequacy of family payments, including critically the indexation of
Family Tax Benefit to prices not wages in 2009. Further changes that would reduce the level of support to low income families are currently before Parliament, including cessation of the end of year supplements.

I will speak a bit further about that shortly. The coalition is trying to argue that this is about sustainability. This is really part of the coalition's ideological obsession. It seems to us that it is about cutting support for low-income families. What else can justify the series of so many cuts this government has made to low-income families. I quote again from the National Welfare Rights Network's submission:

Both major parties have continued to foster a sense of crisis in relation to the cost of the family payments system which does not reflect the reality.

At the same time that there is talk of sustainability, the coalition is failing to take action on major issues on the revenue side, while constantly talking about savings that can be made. This is part of the coalition's consistent attack on the social safety net. This, in fact, has always been the plan. It was the plan under Tony Abbott, and now it is the plan under Malcolm Turnbull, our new Prime Minister. This reflects direct cuts on our social safety net, and a social safety net is fundamental to a fair society. The social safety net helps people who are having a rough go, struggling with illness and poverty, who are living in rental accommodation, who cannot find affordable accommodation, who are dealing with family break-ups and single parents who have had cut after cut. We are seeing more cuts to the next package the government will bring through. It is trying again to make significant cuts to the family payment system, which is already not supported by this chamber. I am hoping that the new cuts that come through will not be supported by this chamber, because they will have devastating impacts on those that can least afford it.

If we are going to reform the family tax benefit system, let us look at how to ensure that the most vulnerable in our community are not the ones that bear the brunt of the cuts. We cannot have a fair society if we do not have an adequate social safety net. We do not want to see bigger holes ripped into the social safety net and these measures are part of that. I am disappointed that the Labor Party is supporting the government on this. This is yet another part of the government's attack on the social safety net.

We will not be supporting the government's attempts to cut away more of our family payments system that helps and supports the most vulnerable members of our community. We oppose this bill. We want a strong social safety net in this country, not one that is full of holes which let people fall through them. If we are going to reform family tax benefits, we need a holistic approach that does not leave people behind. Clearly, the cuts that the governments wants and plans leave people behind. People will be worse off and those that suffer the most are those on the lowest income. We can do better than that in this country. We have to do better than that in this country if we are to address the issues of growing inequality, homelessness, people failing to find employment, because the jobs simply are not there and the poverty provides yet another barrier. We know from research that poverty is yet another barrier to employment.

While the government keep making grandiose claims about trying to help people into employment, they are actively undermining them by taking away, or cutting, these payments and by putting bigger holes in our social safety net and driving inequality. They undermine a person's ability to be prepared for and engage in employment. We know that the result of
increasing poverty and living in poverty is yet another barrier to employment. We do not support these changes. We will not be supporting the next round the government intends to bring in as early as next week.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (12:43): I thank my colleagues for their contribution to this debate. As my colleagues have covered, the bill does introduce two family related measures from the 2015 budget, which will simplify the family payment system and achieve combined savings of $219.4 million over the forward estimates subject to the final commencement arrangements. Firstly, from 1 January 2016, families will be eligible for family tax benefit and additional payments that rely upon family tax benefit eligibility for a period of up to six weeks when outside Australia. Currently, family tax benefit part A recipients who are overseas are able to receive their usual rate of payment for six weeks and then the base rate for a further 50 weeks. This change is expected to achieve savings of $42.1 million over the forward estimates. With that, I will continue later.

Debate interrupted.

STATEMENTS BY SENATORS

Royal Commission into Institutional Responses to Child Sexual Abuse

Senator HEFFERNAN (New South Wales) (12:45): I rise today for chapter 1 of what will take many hours. I recently have been given an order to produce documents to the McClellan Royal Commission into Institutional Responses to Child Sexual Abuse to justify my making a case to the royal commission, which is doing excellent work and is discovering things on the public record about the treatment of and behaviour towards children in our institutions—which a lot of us have known about for 50 years; most people have chosen to look the other way and ignore—that we have the same problem, I think, in the institution of the law as well as in the institutions of our churches et cetera.

I was given an order to produce, and I produced, documents to justify my case to the McClellan royal commission. I have some of those documents here. The notations from the royal commissioner are on the documents. This one I am holding up here, for instance, asks, about boys picked up by judge so-and-so, 'Were they Marcellin College students?' This is a police intelligence document that says, 'A certain judge used to pick up boys in the toilets opposite Marcellin College.' That particular judge, by the way, gave a sentence of 'found guilty till the rising of the court' to a person who was charged with serious sexual offences. He also allowed a father who was abusing his foster children and whom he found guilty in a closed court, with names suppressed, to go back to the family home. That is that particular judge.

I want to make the case that there is clearly a need—and I intend to get a senior legal opinion—for the inclusion in the terms of reference for the royal commission, under 'institution', the institution of the law. We also need a federal judicial commission. In estimates the other day, the Attorney-General said we do not need a federal judicial commission because there is no endemic corruption in the federal law system. I said to him, 'Well, does that mean there is in New South Wales,' because New South Wales does have the very, very successful Judicial Commission of New South Wales, which does everything from
educating judges on sentencing to being a speed camera in the system for this behaviour. Of course, I did not get a sensible response to that: 'It's a different jurisdiction,' et cetera.

Within the federal jurisdiction, I have pointed out the behaviour of one Dr Rikard-Bell, who has given 2,000 opinions as an expert to the Family Court. The Family Court system in Australia is broken. There are a lot of things that go on in there, with partners dividing and accusations of sexual misbehaviour within the family, especially the fathers. This guy, who has given 2,000 opinions as an expert to the court, says in an interview with the ABC, which I would like to table, that he has no real expertise. In fact, he was instructed by a man, Dr Richard Gardner—who has since suicided, by the way—that Dr Rikard-Bell recommends as an opinion maker, and who said:

… the child has to be helped to appreciate that we have in our society an exaggeratedly punitive and moralistic attitude about adult-child sexual encounters …

This is the guy giving advice to Dr Rikard-Bell. This Dr Rikard-Bell insists on interviewing children in front of the offending fathers. How is that for intimidation? And so it goes on.

So there is a serious problem in the Family Court. I now have on my desk in my office a pile which is nearly a foot thick of correspondence from parents, especially mothers, who have been mistreated, as they see it, in the Family Court. I just think the Family Court needs sorting out, but I do not have time to go through the particular detail.

I have here also police documents that every Attorney-General, from Philip Ruddock to now, has seen. The present Attorney-General has not been delivered these documents; he saw some of them in a Senate hearing in Melbourne, where I was not allowed to table them. This goes to why we need a federal judicial commission and why we should include the institution of the law in the terms of reference of the royal commission. This is a police document, from the Child Protection Enforcement Agency—I will not name anyone—to the Commissioner of Police New South Wales, with a date: 'The attached report relates to Justice'—the name is deleted—'who has emerged prominently during my investigations to date. Much of the information is hearsay and not capable of being sustained, but collectively it paints a disturbing picture of a senior member of the legal profession who may or may not have committed criminal offences but who certainly, in my view, is open to compromise,' which is the serious issue. It goes on: 'In the circumstances, I feel no alternative but to seek your permission to carry out a sustained surveillance operation against this target. I do not take this decision lightly in view of Justice'—deleted name's—'high profile, but I feel that based on similar evidence I would have little hesitation in carrying out such an operation against any other member of the public. For such reasons, I do not think that this particular person should be treated any differently, though I recognise the matter must be handled with acute sensitivity. I am of the view that such an investigation would serve a dual purpose. Primarily, it may provide evidence of criminal offences committed against young boys aged under 18. There is certainly strong suspicion of such activity. Secondly, it may yield evidence of inappropriate behaviour which, whether or not it constitutes a criminal offence, would leave the judge open to compromise and ought to be reported to the appropriate legal body'—very important words. It continues: 'Such consideration was singularly absent from the suspicion surrounding Justice Yeldham,' and I will name him, 'which consequently did not show either the police or the legal profession in a good light. I believe this action is defensible on those
grounds alone. Subject to your approval, I intend to take personal command of the operation under the auspices of Strike Force Cori.'

I also raised in estimates the other day another police document, with a list of people. I am not going to name anyone on this list. I note that royal commissioner Justice Wood said he does not recall this document at the time, even though it is his document, signed off by Gary Crooke QC. It is addressed to the New South Wales Police Service and it is a list of alleged paedophiles. A person known to the commission compiled the list involving paedophilia. The list details his knowledge of activities—these are only allegations—and at the back there are surveillance issues.

To give an idea of the intensity of this: the first person on the list is a former Prime Minister; the second person is a political party heavyweight; the next person is a very senior business person; the next person is a senior judge; the next person is a Supreme Court master; the next person is Justice Yeldham, who, sadly, has passed away. He should not have suicided. Everyone knew what he was up to. The next guy on the list is a local court magistrate; the next guy is a former president of the Law Society; the next one is John Marsden, who has passed away; the next one is a judge, the guy who used to go to Marcellin College; the next guy is a QC; the next guy is a barrister; the next guy is a barrister; the next guy is a QC; the next guy is a barrister; the next guy is a senior partner of a law firm; the next guy is a senior solicitor of a law firm; the next guy is a barrister's clerk—and so it goes on.

These are police documents. The Wood royal commission, in volume 4, said they were disturbed at the way files were mismanaged and the contents were lost. Sadly, I have a lot of the contents from the lost files and I have had them for some time. They were delivered to me on a bench in the botanic gardens. I think it is absolutely essential that we, the Australian people, give serious consideration to why we should have a judicial commission and why we should get the royal commission, which is doing a fantastic job, to include this in its terms of reference.

I have talked about Costello's, the boy brothel, and Porky's. Some of the people who attended those are noted here. The police were on the payroll. They would ring up Costello's, the boy brothel, and say, 'We're coming to raid you.' They were being paid. I can name the coppers that were getting the money. The police are seriously compromised. For someone like me, who has all this knowledge, even though you could get smashed for talking about—it would be derogatory—I do not think it would be responsible to not try and do something about it.

I have a police letter here saying that there was a guy who represented Philip Bell, a notorious paedophile, under a false name in court. I wrote to the police and said, 'Why haven’t you arrested him?' They said: 'It's only evidence from the royal commission. We would have to have another investigation. Evidence from the royal commission may not be admissible in a prosecution. We would have to have our own investigation.' I am advised the prosecution always retains a discretionary power not to proceed—in other words, a cover-up. This is a lawyer who represented—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Heffernan, your time has expired. You are seeking leave to table a document?
Senator HEFFERNAN: I seek leave to table a transcript of an ABC interview.

The ACTING DEPUTY PRESIDENT: Is leave granted?

Senator McEwen: I do not want to deny leave to Senator Heffernan but I have not seen the document. It has not been provided to the whips, which is the normal courtesy.

Tropical Cyclone Winston

Senator SINGH (Tasmania) (12:55): I rise to speak about the awful devastation wrought by Tropical Cyclone Winston on the people of Fiji and to offer my support to all the families who are suffering and have lost loved ones. Tropical Cyclone Winston is the most devastating storm, the fiercest cyclone, ever recorded in the Southern Hemisphere. The category 5 cyclone struck Fiji last Saturday, generating winds of up to 350 kilometres per hour that pulverised virtually everything in its path. It has killed 29 people, and that number continues to rise. It has destroyed homes. It has destroyed livelihoods.

Early estimates put the damage bill in the hundreds of millions of dollars. With power and communications still down across vast areas of Fiji, it will be some time before the full devastation is revealed. The Fijian government and aid organisations are now racing to protect families and communities from disease outbreaks, while grappling with the critical need for clean water, emergency accommodation and medical supplies. The United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, says whole villages have been destroyed. He estimates that more than 8,000 people are sheltering in about 70 evacuation centres, with concerns about sanitation and clean water.

For its part, the Australian government has offered an initial $5 million humanitarian assistance package, including Defence transport helicopters carrying personnel and equipment and two Orion surveillance aircraft. Australia's medical evacuation team will provide urgent support and supplies, including water and hygiene kits, medicines and access to shelter. Humanitarian agencies such as UNICEF Australia and CARE Australia are also at the front line of Australia's support. I would like to acknowledge the Australian aid organisations and NGOs who are working on the ground in Fiji. These organisations are on the front line of Australia's humanitarian response and assisting with the delivery of Australia's $5 million package.

Tropical Cyclone Winston serves as a reminder of why our aid program matters. Australia delivers $35 million a year in bilateral aid to Fiji. It is good and it is right that aid be delivered by Australian government officials and Australian aid organisations, and my support goes to those organisations. Labor welcomes the support the Australian government's initial contribution has provided but calls on it to urgently do more. The Minister for Foreign Affairs, Ms Bishop, has promised to 'stand ready to provide further assistance to support Fiji's relief and recovery efforts'. I welcome that commitment and strongly encourage the Australian government to keep monitoring the recovery effort and consider additional assistance to start repairing the likely hundreds of millions of dollars of damage.

I hope the devastating events wrought by Cyclone Winston in Fiji will go some way to highlighting the vital importance of a strong foreign aid budget. I also urge Australians to again show their generosity and make donations to support the people of Fiji. The Australian Council for International Development provides links on its website to Australian organisations running such appeals. The website of the Fijian High Commission in Australia
also has information on how to donate. In fact, in relation to immediate assistance, the Fijian High Commission has asked for donations of money towards relief efforts as it is the most effective form of emergency assistance. It will empower cyclone victims to purchase what they need the most—as they know what they need—and will also ensure that much needed foreign exchange is injected into the local economy. The High Commission goes on to highlight that the Fijian government itself has established bank accounts to receive financial donations in the wake of this crisis and that those funds will be used to directly benefit those Fijians who have been left homeless and without adequate food, water and essential services, especially those living in the most rural and maritime communities in Fiji. In Australia, Westpac and ANZ banks have waived international telegraphic transaction or TT fees for remittances and donations to Fiji, and the High Commission's website has listed those.

I have this morning spoken to the Fijian High Commissioner to Australia, Mr Yogesh Punja, to offer my condolences and support. Mr Punja is deeply concerned about events in Fiji and is working tirelessly to help co-ordinate support efforts and provide information to the Fijian diaspora here in Australia. The High Commissioner is also adamant that climate change contributed strongly to the severity and destructiveness of tropical Cyclone Winston. This continues to be an issue in the Pacific. I share Mr Punja's concerns. Scientists have continually warned that climate change is increasing the risk and severity of storms, cyclones and wildfires. The devastating events in Fiji serve as another warning for governments like the Turnbull government to finally get serious about tackling dangerous climate change.

The devastation inflicted by tropical Cyclone Winston on the people of Fiji is also deeply personal for me. My father is a Fijian-Indian and was born in Fiji, and my family still live there. Cyclone Winston came very close to family members on both Vanua Levu and Viti Levu. Roads and other infrastructure near my late-grandparents' property in Bua have been washed away. In particular, the cyclone travelled through the Bligh Water—the stretch of sea that separates the islands of Vanua Levu and Viti Levu. Lieutenant William Bligh famously saved himself and a group of loyal crewmen by navigating his seven-metre launch through this stretch of water and to eventual safety in the Dutch port of Timor. The strait therefore bears his name. As I discussed in my first speech in this place, Bligh Water is a deeply significant place for my family because my father survived a shipwreck there as a young child, with his grandparents and his two brothers. Dad's remarkable experience has shaped both his and my character and perspective of the world. His journey as a nine-year-old boy surviving a treacherous shipwreck in shark-infested Fijian waters to seeing his own daughter become the first person of south-Asian origin to sit in the Australian Parliament is a source of great pride and meaning for him. Fiji and the Bligh Water is therefore deeply special, and the impact of Cyclone Winston in that area is very significant. Our family has so much identity and belonging attached to the Fijian people and to those places affected so heavily by Cyclone Winston. Dad has been extremely busy contacting relatives and hearing the harrowing stories of terrifying winds, homes uprooted and carried away, as well as many near misses. I can understand his desire to be close to and actively support family in Fiji at the moment. The devastation and trauma of Cyclone Winston feels very close to home.

Of course, we have our own history of such events here in Australia. No-one will forget that Cyclone Tracy flattened Darwin in 1974. Such tragedies show that Australia is not immune to extreme events and the sort of crisis witnessed in Fiji last Saturday. More recently,
we have seen Hurricane Katrina and Hurricane Sandy savage coastal communities in the United States. As climate change intensifies, so does the risk and intensity of these natural disasters. The people of Fiji are experiencing that right now. So, in the immediate term, we must come together to support the people of Fiji—our neighbours—in rebuilding their homes and their lives, which will take some time yet to come. Just as importantly, we must, as a society, rise to the challenge of tackling dangerous climate change and making the world a safer and more sustainable place for our shared humanity.

My heart goes out to the people of Fiji, to those who have lost loved ones from the severity that Cyclone Winston left in its wake. I hope it is a stark reminder to all of us that we must do more to support our Pacific neighbours in any way that we can.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Before we go to Senator Rice, there was a request from Senator Heffernan to table a document.

Senator McEwen: The opposition will grant leave as long as the document tabled is just the transcript of the radio interview to which Senator Heffernan referred in his speech.

The ACTING DEPUTY PRESIDENT: Leave is granted, Senator Heffernan.

Education Funding

Senator RICE (Victoria) (13:06): I experienced one of my most moving days here in Parliament House on Monday. Parliamentary friends of lesbian, gay, bisexual, transgender, intersex and queer Australians hosted an amazing group of young trans people and their families. They were here to share with us their stories of the challenges they face to be accepted for who they are.

They told us they just wanted to be able to live normal lives, be accepted for who they are, and not have to continue to justify and fight to be accepted for who they are. They told us how having to seek Family Court approval for cross hormone treatment in their teenage years was a massive financial and emotional barrier, and it moved at a glacial pace, when they just wanted to be going through puberty with their peers, rather than having their life on hold, waiting for court hearings and court decisions. The kicker is that not once has the Family Court knocked back a young person's request for hormones where they, their family and their medical practitioners all agree that it is right for them. As one parent stated to us on Monday, the whole Family Court process is just an expensive, emotionally-draining and time-consuming rubber stamp. We need to change the law, to remove this rubber stamp.

Let me share with you what Isabelle, aged 12, shared with us. She said:

I am a girl, I was born a girl, not a boy who wants to be a girl. Unfortunately for me, I was cursed with some physical characteristics that don't match my identity as a girl. This has been very hard and very stressful. I have tried to hurt myself and have questioned whether I even want to be here in my darkest times.

She said:

I don't just want to access stage two treatment, I need to [have it] … so I can live my life and be happy.

Georgie, aged 15, who has been through the court system three times, said:

I'm a normal, cheerful, confident girl and I know who I am. But my exterior doesn't match my interior. It shouldn't be the court's decision. Only I have the right to decide what goes into my body.

Georgie's mother Rebekah Robertson agreed and expressed her frustration:
The court process is slow but biology is fast …

She described the pressure on young transgender people and their families as 'enormous and relentless', saying the court process is 'unnecessary and cruel'. These children just want to have a normal life, but they are having an extraordinary impact while they are at it. Dr Michelle Telfer, who does amazing work treating these young people at the Royal Children's Hospital in Melbourne, said that:

… because of social change, and also because we have medical treatments that we know are safe and effective, [there are] more and more young people who want treatment and need treatment.

She said:

The court process is currently standing in the way of a number of those young people actually accessing that treatment, and without access to treatment we know that the self-harm and suicide risks are much higher.

I tell you what I heard on Monday has made me passionate about redoubling my efforts to work with my colleagues across the parliament and get the law changed.

So I spent most of Monday on a high, feeling that positive change really was going to be possible. Then, just as I was about to leave for the day, Senator Bernardi spoke in the chamber, attacking the fabulous work of the Safe Schools Coalition—a program that has been proven to reduce the daily discrimination faced by lesbian, gay, bisexual, intersex, transgender and queer young people. Senator Bernardi's hateful, preposterous, inaccurate, diatribe was so completely at odds with the amazing people I had spent the day with. In the morning, Georgie's mother, Rebekah, told of the absolute love she had for her daughter. She said:

As parents, we walk ahead of our child like a landmine detector, clearing the path before them.

I am sure all the parents in this place can identify with that. But then we have Senator Bernardi insinuating that the Safe Schools Coalition is not to reduce bullying, but rather that it is really about deconstructing the moral and social fabric of our society, including the family.

That morning, I listened as Isabelle told us that she is:

… scared all the time about going through male puberty and not getting the right treatment that will help me have the body that I should.

But Senator Bernardi does not care about Isabelle's wellbeing, because he believes that Safe Schools:

… promotes a radical political and social agenda and seeks to indoctrinate students to make them its advocates.

Then it got worse. Yesterday we discovered that Senator Bernardi's speech was not just corralled as the late night ravings of a homophobic dinosaur, but that Prime Minister Turnbull had caved into him and other right-wing henchmen. Rather than showing vision and courage—

Senator O'Sullivan: Mr Acting Deputy President, I raise a point of order. The rules of this Senate are clear; those reflections upon Senator Bernardi are completely out of order—referring to him as a dinosaur and the like—and the senator should withdraw them.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator O'Sullivan, I have sat through many debates in this chamber, and this is probably one of the nicer references to some senators. There is no point of order.
Senator RICE: Rather than showing vision and courage and rising above such claptrap, the Prime Minister acted exactly as his predecessor Tony Abbott would have. This is in the face of the amazing and necessary work that the Safe Schools Coalition has done. It would not be an exaggeration to say that the Safe Schools Coalition has contributed to saving hundreds of lives. One in ten Australians are same-sex attracted. It is estimated there are 40,000 trans young people in Australia, and only a few hundred are supported at places like the incredible gender clinic at the Royal Children's Hospital in Melbourne. One in five gender diverse young Australians have experienced physical abuse; one in three have considered suicide.

I have shared the story of my and wife Penny's relationship in this place a number of times. I would be happy to stop talking about it. But every time I do talk about it, I get the most supportive feedback thanking me: thanking me for speaking out, thanking me for giving hope to trans people—to people's sons, daughters, friends—that a happy, fulfilling life for them is possible. Someone said to me, 'Janet, you don't know how many lives you have saved.' So I will keep speaking out—keep on being a role model. Think about the work that the Safe School Coalition does. Think about the incredible impact that their program All Of Us has on the lives of young same-sex attracted and gender diverse students.

Many students want to sing the program's praises, but, because of fear of a public humiliation encouraged by the likes of Senator Bernardi and his backwards honchos, they do not want to use their real names. But they are real people, so I am going to give them names for today—not their real names. Mel says:

I had been feeling kind of lonely, hopeless and isolated for what feels like a lifetime. To have the school take this step and to be a part of the Safe Schools Coalition means the world to me.

Jess says:

I've always felt safe and comfortable and had the ability to talk to my teachers and peers knowing that Safe Schools was there to back me up if I needed support.

And Ben says:

Safe Schools Coalition helped me during this darkest period of my life. They saved my life! No doubt that the amazing work they had been and are still doing helps save lives. Go Safe Schools!

Think of the lives that Safe Schools has saved.

I look at the incredible change that has occurred since I was at high school. I did not know anyone that I knew for sure was same-sex attracted. I certainly did not know any trans people. But they were there. I had 500 fellow students at my high school. The odds are that among us there were 50 same-sex attracted people and around five trans people. Conservatives want to deny their existence, but that is exactly what causes distress and self-doubt at best and emotional trauma, depression, anxiety, suicide at worst. In contrast, teenage kids today have the opportunity to be themselves, to reach their potential and to feel loved without fear of discrimination. The Safe Schools Coalition is such an important part of this.

By caving into Cory Bernardi's hateful, homophobic and transphobic agenda the government is putting all of this valuable work at risk and also putting the wellbeing of so many young Australians at risk.
Education Funding

Senator O'SULLIVAN (Queensland) (13:16): My contribution today is also on the Safe Schools Coalition program. I want to make the point that is perhaps lost on my colleague in the Greens that Senator Bernardi is not the only individual in this parliament—in this house or the other—who has serious concerns with respect to this program. In fact, without disclosing any of the content of any meetings that I may have attended with colleagues, the majority of my colleagues are very concerned about some, not all, aspects of this program. Of course, as we know, my friends in the Greens do not have often have regard to what the majority view might be with respect to a particular topic.

The Safe Schools Coalition program was awarded federal funding to the tune of about $8 million with a view to a national rollout. There are now some 500 schools that have the program, 27 of them in my home state. As I understand the intent of the funding, the program was initially set out to do with the issue of bullying in schools. Before I get any catch cries, I promise senators that every fibre of my body wants to see schools free of any type of bullying. I have been a student myself, as have we all. My children have been through school and my grandchildren are still in school. I have personally witnessed the anxiety that comes from bullying in schools. I believe the federal government, through funding grants, has a serious role to play in our education institutions around the country and in dealing with this issue.

Bullying comes in many forms. It can relate to an individual's ethnicity—we have heard reports of that in this place—their physical attributes, their learning and academic capacity, their socioeconomic circumstances, the very suburb they come from, what their parents do, the history of their families, their sporting prowess, their hair colour or their artistic interests. These and many more issues are the subject of bullying in schools. Sexuality and self-gender definition issues and the challenges those bring to young people are just one of the areas that we need to attend upon with respect to bullying. But was the funding devoted to that? Was the funding devoted to a very general in-principal education capacity to deal with people who are in the bullying situation? No. It was directed particularly at the unique cohort of people who are said to be suffering—and I accept they are—with respect to sexual confusion.

Mind you, I think every young person at some stage—and it was my own experience—has difficulty during that puberty. There is confusion and misunderstanding. They are scared. They can be confused. And all of the circumstances, particularly in their place of education, can contribute to exacerbating their position. But this program sets out almost exclusively, to use the words of Senator Bernardi, to deconstruct the general norms that reflect society with respect to these issues. In effect, if you look at the brochures that are distributed to children as young as 12 years of age, it introduces the question of sexual confusion during puberty. I accept that occurs, not in the manner that is described by the authors of this program, but I accept that there is confusion. Then they go on to provide some 13 alternatives—none of the options is heterosexuality. They go on to indicate that you can work your way through this list of experiences and the depositions that are provided by different individuals. All of it relates to this minority grouping of people—they are a minority grouping; I accept that—who are finding confusion about their gender identity and like issues.

I will give some examples. This is asking educators in schools to allow students to access unisex toilets or toilets of their choice. Can you imagine a combined school of 1,000 boys and
girls, and this program is encouraging people to go to whichever toilet they choose? It goes on to talk about when you are away on school camps, and says you should be able to demand that you are not gender divided. These are the teachings of the program, this is what has been introduced to the students in the context of anti-bullying. Somehow we are going to suppress bullying where a young man demands that he is going to sleep over in one of the other dormitories with the girls! They are told—and I do not know where this fits in with bullying—that others find that 'their sexuality is fluid and changes over time and that sometimes guys like guys more and sometimes guys like girls more'. They are told that 'looking at sexuality as something that is fluid and always changing is pretty cool'. Imagine introducing this information to 12 year-olds and 13-year-olds who are confused in relation to either their own sexuality or the question of sex generally! 'It is something that is fluid and always changing, it is pretty cool.' I used to say to my mother, who was a very staunch Roman Catholic—I accused her, on occasion, of being almost a bigoted Catholic—that had she been born in China she would have been a bigoted Buddhist.

This is a very impressionable period of time for young people in a confused state. We all know that, for the most part, if we are introduced to a religion in our youth it becomes the religion of our adulthood—some people change, but, by and large, that is true. We are introduced to a language and it is our language for life. We are introduced to cultural issues—some people change, and cultural issues develop, but, by and large, they are the cultural issues of our life. And here we have a program where young people in a very vulnerable state are being told: 'Here are your options. Like a Chinese menu, you can pick any one of the following options that you like. It is okay, it is all perfectly normal.'

I have no problem with any program that pursues the issue of bullying. I have great empathy for young people who, as was the subject of the senator's speech, find themselves confused in relation to this social issue. But there are many, many other social issues that confuse young people as well. I say that the federal government money that is set aside for bullying must be spent on a much more balanced program than what we are seeing with the Safe Schools Coalition program. I think that, in the future, any funding should be applied in ways that professional educators, mainstream representatives and, in particular, the parents of the children in schools have a say in.

One of the main authors in this was a woman called Roz Ward, who spoke at the Marxist conference in Melbourne. She talked about deconstruction. She spoke about the fact that everyone's ideals on gender positions need to be deconstructed and rebuilt in the framework of this program. I say to my colleagues in the Senate let's find some common ground that helps these people. I am all for it. I will be a major supporter of these young folk who are confused about this. But, equally, there needs to be some integrity applied to it so that we have an equitable program that looks after all of those other children in our mainstream education who are being bullied and affected by so many other things in our life, some that I have mentioned. I do not believe that we should continue to support a program where the money is spent on something that is so focused on such a minor group, important as it is, within our school system. I, along with others, have called on our government to review this program. That program is currently under review. I would urge senators to make a contribution to the debate so that we end up at with a more balanced program that will assist all students.
Economy

Senator KETTER (Queensland) (13:26): There has been much discussion and debate in the parliament and the media in recent times about the state of the economy. This is something that people in Australia are rightly concerned about: in which direction is our country heading in this regard? Australians are worried about the increasing gap between the rich and the poor, housing affordability, the cost of living and the inequities of our taxation system. And they are right to be worried. For the past 25 years, rising living standards in middle Australia strengthened our economy at a time when many countries saw a slow but steady erosion of real income among the middle and lower classes. But now we are seeing clear signs of rising inequality in our own country, and it would be folly for us to ignore them. Indeed, it is a matter of utmost urgency that the government take firm steps to maintain a robust and viable middle class because we know that inequality actually weakens the economy.

A discussion paper issued by the Chifley Research Centre last year, entitled Inclusive prosperity: Australia's record and the road ahead, looked at the challenges to our markets and institutions that arises when productivity growth is not matched by increases in real wages. The paper raises the question: why does inequality matter? It went on to explain that a major shift in the global political and economic debate has made it increasingly clear that inequality is an economic problem as much as a social one. The OECD has found that high wealth concentration both limits investment opportunities and weakens potential growth. Christine Lagarde, the head of the IMF, recently said that the fact that the world's 85 richest people control more wealth than the world's 3.5 billion poorest people casts a dark shadow over the global economy.

The term commonly used in discussion of this issue is 'inclusive prosperity'. It is a phrase that keeps cropping up. Just over a year ago the Center for American Progress published the Report of the Commission on Inclusive Prosperity. This was a report issued by the Commission on Inclusive Prosperity, which is co-chaired by Professor Lawrence Summers and the UK Shadow Chancellor of the Exchequer, Ed Balls. In that report Summer asserted that:

No industrial democracy will succeed unless its middle class enjoys sustained growth in living standards. This depends not only on strong economic growth but also on assuring that its benefits are widely shared.

Because rising inequality squeezes living standards in middle classes, exacerbates disadvantage and limits social mobility, it has enormous implications for Australia's future economic growth. So it is important that we understand what is happening and that we forge an assertive plan to help reverse the trend.

There are four significant changes in recent decades that have fundamentally altered the global economic landscape, squeezing middle-class workers and their families. These are: increasing global economic integration, resulting in more efficient and less costly business and trade relations; profound technological advancements, resulting in lowered cost for goods and services and the erosion or replacement of traditional middle-class jobs; changes in the structure of labour markets, with unions under pressure and many corporations subcontracting for basic functions; and, finally, increased pressure on corporations by shareholders who favour profits over loyalty to workforces and local communities.
We cannot stand idly by and allow these changes to continue their adverse effects on our way of life. As Professor Summer put it:

Left to their own devices, unfettered markets and trickle-down economics will lead to increasing levels of inequality, stagnating wages, and a hollowing out of decent, middle-income jobs.

Closer to home, Mr Wayne Swan has also argued that we need to actively pursue policies designed to limit inequality if we are to achieve wealth creation, job growth and economic growth in a globalised economy characterised by profound technological change. Reversing this trend towards greater inequality must be our goal not just because inequality is undemocratic and, I believe, morally wrong but because doing so is in our long-term interests. We can start by identifying the areas where we need to develop strong and progressive responses to these changes.

Firstly, we need to work towards a return to wage growth for everyone in a full-employment economy. Wage growth is an incentive for growth in productivity, and in Australia we see that wages have failed to keep pace with productivity improvements. Women in particular are paid less and have inferior employment agreements; in fact, the gender gap is widening. Australians with disadvantage are also being left behind. Workers and business alike are pushing for economic growth, and we have only to look to the USA to see the consequences of thinking this can happen by keeping wages low and profits high. So a strong industrial relations policy is essential. Industrial relations, as that phrase implies, is a two-way process. Workers need to be able to bargain with their employers, not just take what is given to them, whether they like it or not.

Secondly, to counter inequality we must increase educational opportunities for all ages, because in a world of technological change raising skill levels is critical to increasing growth in the long term. Good early childhood education, increasing the quality of our schools and reducing financial barriers to higher education are all important here, but I am thinking particularly of skills education and the urgent need to revive our once healthy but now seriously ailing TAFE system. Providing support for apprenticeship programs is critical to driving higher skill levels.

Thirdly, we must devise additional measures to support innovation and regional clusters. We know that innovation drives productivity and economic growth, and fostering a supportive environment for investment and innovation is central to having a dynamic and productive economy. As market failures in innovation are quite common, government also has a role in providing incentives for research and development and creating wider policies to support innovation, such as clusters.

The most innovative cities and regions tend to have higher social mobility and higher wages in lower skilled service sectors, so this is a key way to help promote inclusive prosperity. It is increasingly recognised that agglomeration effects tend to cluster industries and people with similar skills in particular locations, so it is important to support cities and regions in making their own local decisions to help drive growth.

A fourth point to bear in mind is that, whenever developing policies to reduce inequality, we must keep our focus on long-term economic growth rather than only on short-term returns. For example, investment in infrastructure can increase wages by creating jobs and enhancing productivity. By contrast, failure to invest leads to deteriorating facilities, unpredictable service disruptions, congestion and higher costs to businesses and households. So looking
ahead and investing in infrastructure is a way to provide strong and well-paid jobs and productive assets that will serve as the foundation for long-term economic competitiveness, increased prosperity and a high quality of life.

Finally, as the increasing inequality that is happening in Australia is part of a global trend, our work towards inclusive prosperity must also focus on international cooperation, global demand, trade, financial stability and corporate tax avoidance. Let me reiterate: the emerging inequality in this country is a serious threat to our future economic growth, and it is imperative that we take steps now to ensure inclusive prosperity for Australia in the years ahead.

Inglis, Mr Brad
Kulture Break
Ricky Stuart House
Canberra Grammar School
Adoption

Senator SESELJA (Australian Capital Territory) (13:36): Today I to rise to speak about some important local events and individuals. I recently had the opportunity to meet an up-and-coming local sports star, Brad Inglis. Brad was recently drafted to play baseball for the Boston Red Sox after being scouted by Australian baseball coach and Red Sox scout Jon Deeble. It really is fantastic to see a young born-and-bred Canberran who has just turned 18 doing so well in his sport of choice and making the transition into playing professionally on the world stage. Brad has played for Australia in numerous international matches and can throw a baseball at a phenomenal 141 kilometres an hour. He is known in Australia as a strikeout pitcher, and Boston liked his ability to throw a fast and strong curveball with good spin and his skill on a changer. Brad will soon be entering spring training in Florida as a rookie and will be training from 6 am till 5 pm daily. While he is there to break into the big league, he will also be training with a goal to represent Australia at the 2020 Olympic Games. I wish him well in that goal.

Brad started in Canberra and was selected to train at the Major League Baseball Australian Academy. He is an example of someone pursuing an interest and working hard to achieve. The hard work is going to continue. I wish Brad the best of luck, and we all look forward to tracking his progress as he does Australia and Canberra proud. I am not a massive baseball fan, but I had the opportunity to get out to the Cavalry game recently—it was a wonderful experience. I acknowledge that Brad is with us here today in the gallery. Well done, Brad. We look forward to seeing what you do in the future.

On 12 February, I was invited by Francis Owusu, a great Canberran and the CEO of Kulture Break, to help launch the Aspire sponsorship program. Kulture Break is a charity focused on providing community and art services to disadvantaged children and youth. In Canberra alone, there are more than 7,300 children and young people living in disadvantage who often feel disconnected and disengaged from their peers. Kulture Break's aim is to provide an environment for these disadvantaged children and youth. They do this by engaging young people in a safe, active and productive environment in a variety of ways. These include dance classes, mentoring programs, motivational speeches and other activities designed to affirm disadvantaged children and young people's abilities and capacities for their lives.
The Aspire sponsorship program hopes to sponsor 100 young people to assist them in attending Kulture Break's dance workshops for a year, training, a uniform, ongoing mentoring, an environment to make new friends and belong to a group, and access to tutorship support for their school education. Congratulations, Francis and his team. I think Kulture Break is a sensational organisation, and I am pleased to be one of its patrons. Francis is a person who has a great vision for helping young people with dance classes such as hip-hop and a whole range of other things. It is fundamentally about empowering young people. I commend him to the Australian people. I recommend that people get behind the Aspire program.

Another great Canberran I want to talk about today is Ricky Stuart. I had the opportunity yesterday to join with Ricky Stuart and representatives of the ACT government at the opening of Ricky Stuart House, which is a state-of-the-art respite centre for children with autism. The centre caters for children aged five to 12 and is located in the Canberra suburb of Chifley. The centre will be operated by Marymead, a fantastic ACT based community organisation, and will provide short-term respite for families with children with disability.

In 2012, we took a policy to the local ACT election to build Canberra's very first early intervention autism school. The school was to provide an intensive, full-time learning program for up to 40 children with autism spectrum disorder aged between 2½ and six years. Similar schools in Queensland, run by the AEIOU Foundation, have had staggering results, with 75 per cent of children who complete the program successfully transitioning into mainstream schools. The Ricky Stuart Foundation has committed to help fund the first Canberra school through proceeds raised by their annual foundation golf day. What has been delivered is not the early intervention program, but it is an amazing facility, and I think the Ricky Stuart Foundation should be commended. Ricky Stuart, along with his wife, Kaylie, have driven this. Anyone who knows Ricky has seen his passion. Ricky is a great footballer; there is no doubt he was one of our greatest footballers. He played for Australia in both Rugby Union and Rugby League, he was a great Raider, he went on to play for Canterbury, he coached the Roosters to a premiership and now he coaches the Raiders. What he doing, as a human being, to raise awareness and funds for autism services is outstanding. We should be very proud that he is one of our own. I am certainly very proud to call him a friend. Congratulations to Ricky and the family, the foundation and all the other Canberra businesses and organisations that get behind the Ricky Stuart Foundation.

In the time I have left, I want to make mention of a couple of other issues. Last week, I had the opportunity to attend Canberra Grammar School. I was invited by David Tonna from Canberra Grammar School to speak to the year 11 contemporary affairs class about immigration and asylum seeker policy. I was given the opportunity to speak about the government's policy and answer a number of questions on the matter. I was really impressed—I am always impressed when I go to Canberra Grammar; it is a wonderful school—with the quality of the contributions from the boys, the thoughtfulness of their questions and the way that they had really turned their minds to what is a very important, challenging issue in public policy. There were certainly a lot of differing views in the room, but I appreciated the way the boys handled themselves. Congratulations to Dave Tonna and also to the Canberra Grammar School more broadly.
I also want to reinforce the urgent need for reform in the out-of-home care and adoption systems in Australia, as I have on a number of occasions and will continue to do. Recently, I put a call out to my electorate as I want to hear from more Canberrans who have had experiences with the out-of-home care or adoption system. Whether they have adopted children, tried to adopt children or been foster carers, I wanted to hear their views to drill down further into this critically important issue. Time and time again, we hear of failings in this area. There have been times when the system has failed foster parents and parents, but, most importantly of all, our children. Only a few weeks ago, we heard the tragic story of a young boy we know as Max, a young boy of only 11 who has been charged with murder in Western Australia. As this case has begun to unfold, we are starting to hear of this child's dysfunctional upbringing. It is devastating to hear these stories and to hear about young people, in some cases, becoming perpetrators. In this case he is only 11, younger than two of my own boys, and he is now in jail.

I think back to the cases of Baby Ebony and of course Chloe Valentine, which I have raised in this place before—two young girls who both had their lives taken from them, in cases which have been proven failings of our care and protection system. This is not good enough. How many times do we have to see these tragic cases before we start to do things differently, before we break through the culture that in some cases still says that it is okay to leave a child in an abusive, neglectful or violent situation? It simply cannot continue. Those tragic cases that we read about and hear about which lead to death are the worst cases, but there are unfortunately so many others where kids are neglected, abused and left in those kinds of situations.

We as a nation have to do better. We cannot simply say, 'It is too hard.' The policy settings in a number of cases are simply wrong. In many cases we are giving primacy to the biological link over and above the best interests of children. I, for one, say that has to stop. I know that most Australians share that view. The vast bulk of Australians think we should be reforming our out-of-home care system and our adoption system. We should make it easier for children to be adopted and to have a permanent, loving home. That might be a controversial statement in some circles, but I think it is an absolute fact, and these tragedies simply reinforce it.

**Australian Embassy: Doha**

**Senator GALLACHER** (South Australia) (13:46): In my contribution yesterday, I put on the public record that in 2015-16 we expect to collect $405.4 billion, an increase of 5.5 per cent on 2014-15, and that expenses are expected to be $434.5 billion, an increase of 3.4 per cent on 2014-15. In relation to revenue, 47.9 per cent is from PAYE taxpayers, 17.6 per cent from company taxes and 15.2 per cent from sales tax, GST and the like.

A couple of concerned taxpayers contacted me and said, 'That is really good to hear, but what are you doing with the expenditure side of things?' So I thought I would take one small example from the 2014-15 budget and go into a bit of detail about the expenditure that is organised and approved through the Minister for Finance, through the Treasurer and through the normal appropriation processes. In the 2015 budget, $98.3 million was allocated to 'expanding Australia's diplomatic footprint'. About $20 million of that expenditure was allocated to the establishment of an embassy in Doha, the capital of Qatar. You could ask: why Doha? We have facilities in Abu Dhabi and in Dubai, but DFAT has decided that we need an embassy in Doha. You could say: 'Well, that is their job. That is what Foreign Affairs
and Trade do. They look around and see where we need a diplomatic footprint and they go ahead and do it. They have put a proposal, through the parliament, to the Public Works Committee, which has a process called 'medium works', which is for works of less than $15 million. The proposal is looked at and tested for being fit for purpose, value for money and in the public interest, and any revenue and the like that it may generate is examined—the normal common-sense test that should be applied to every taxpayer dollar that is spent.

Over the 15-odd years that I held the positions of director of a motor accident commission or trustee director of a superannuation fund, the really important message that came back to me time and again was: never put a dollar anywhere that you would not put one of your own. So, if it is not good enough to attract one of your own dollars, do not put anyone else's there. I think it is about time we started to look at expenditure in these terms.

We received a proposal to lease a floor in the Tornado building in Doha, in Qatar. It was a proposal to lease and fit out 895 square metres. The first submission was that the fit-out would cost $8.91 million. If you divide 895 to $8.91 million, you get a total of $9,955 per square metre—extraordinary! That is almost twice the cost of the fit-out of the CPO offices in the centre of Sydney. If you have been to the Commonwealth Parliament Offices in Sydney you will know that they are fitted out to an extremely high standard. There was a bit of discussion about that and, appropriately, a week later, the department submitted a revised costing. This time it came in at $7.036 million, which is $7,861.45 per square metre—a huge amount of money. Once again, that is far and away the most expensive fit-out per square metre that has ever been referred to the Public Works Committee.

The proposal is taking its course. But, as is often the case through estimates hearings or contributions in the chamber, interested taxpayers forward you information. I have had a number of emails from an interested taxpayer who has actually lived and worked in Qatar for the last four years. He says that you could get a villa in Qatar—as most embassies in Qatar are—at the high end for QAR$35,000 per month, which is around A$13,500. It would be cheaper if you were a good tenant—and I am sure the Australian government is a good tenant—and if you had a long-term lease—and we are looking at 10 years—you could probably do better than that.

Here we have a proposal for three Australian A based personnel, an Austrade officer and 11 locally engaged staff; we are paying $72,000 a month for the lease; $860,000 plus per annum for the floor space; and we are paying $7000 plus to fit it out. That is bad enough, but if you divide the people into the square area you come up with roughly four or five times the normal amount of space that is allocated. If you are fitting out of building you give each person 12, 13 or 14 square metres and that comes out quite nicely, but this is coming out at 60 square metres per person. The department, however, says, 'we do not need all the space, but it is the way they do things. We can only get the whole floor.'

A concerned taxpayer in Qatar says that that is quite wrong. He wrote to me that: Tornado Tower, The Gate Mall and the Burj Qatar are three of the most expensive office buildings in Qatar, there is plenty of cheaper office space in Qatar as it is a country with a penchant for building shiny new officers and not having tenants, a result of its oil & gas wealth.

He goes on to list an example of a building that has been completed for two years and still has no tenants—'a five-star building in a very good area but again, not in the city centre'.

CHAMBER
We have taxpayers from afar saying that this is not a good deal. We have genuine bipartisan concern on the Public Works Committee that the tests for fit for purpose, value for money, in the public interest, any revenue to be derived have not yet been met. The deliberations of the committee will continue. But throw into the mix the fact that we do nine times more trade with Mongolia than we do with Qatar—we do a little over half a billion dollars with Qatar—which will be reduced by about $58 million worth of motor vehicles very shortly. We do some live trade, some boxed meat, and we take some fertiliser and oil and gas from Qatar.

All this calls into question my original premise: if $20 million of taxpayers money is being spent, where were the finance minister and the Treasurer with their calculators and slide rules testing all of this for fit for purpose, value for money, in the public interest? Would they put one of their own dollars into a proposal like this? That is the question they have to answer. If it was a private sector business and there was ample opportunity to take advantage of vacancies in office buildings or to rent completely secure self-contained villas, as most embassies do, for a fraction of the cost, which decision would you make? Would you rent for $13,500 a month a secure private villa in the middle of the embassy precinct or would you rent for $72,000 a month, taking more space than you need, in the most expensive building in the city? That test is completely obvious to me, and I think every taxpayer out there is entitled to have every decision maker in this building treat every investment of their taxpayer dollars exactly the same as they would their own. If you would not put one of your own dollars into it, do not put a taxpayer dollar into it. Do not waste in any way, shape or form the largesse that comes in at $405 billion; we should scrutinise it to the nth degree and make the prudent and correct decisions. I sincerely hope that the Department of Foreign Affairs and Trade is listening to this, revises its project and finds a common sense solution.

Education Funding

Senator BERNARDI (South Australia) (13:56): In the few minutes that I have today I want to comment on what I find a really sad indictment on the character of modern political debate. It involves the Leader of the Opposition, unsurprisingly—perhaps the most shallow individual who makes a contribution to political debate. Mr Shorten and I have a particular disagreement about the Safe Schools Coalition program, as do some in this chamber have with me and my views on various other things. What I am critical of is the fact that those with differing opinion do not engage in the merits or the facts or otherwise of the debate in a respectful and serious manner. They resort to name-calling. We had Senator Rice earlier today refer to me as ‘a homophobic dinosaur’ or whatever it was, because she could not address the substance of the debate about the garbage that they are endorsing in our schools.

Then we had the circumstance where the Leader of the Opposition, Mr Shorten, had his Mark Latham moment today, where he proved how brittle and unhinged he truly is. Rather than engage in the merits of the debate, he has gone into full homophobic mode. This man is unfit to put forward an agenda on behalf of the Australian nation. He is unfit to lead a party that once had some substance and once had some dignity about it. He is the absolute hollow man that is characterised by the ABC show of the same name. This is a problem. We have a man who has a history of disloyalty to his union, to the workers of that union, to the leaders of his party and now he is taking them to an election. When confronted with the policy criticism of an agenda that he and his team implemented, the only thing he can respond with to those
who disagree with him is to say they are homophobes. What he has done today is to call the millions of Australian parents who are concerned about what is going on in their school system or the thousands of teachers who are worried about what is being said to our children and the psychologists and psychiatrists and others who are commenting on the merits of this program 'homophobes'. What a disgrace and what a shallow excuse for a policy agenda.

Senator McAllister: On a point of order, Mr President. It is my understanding that the standing orders prohibit adverse reflection on a member in the other place.

The PRESIDENT: I have been listening, Senator McAllister. Senator Bernardi, you have 19 seconds left.

Senator BERNARDI: It comes back to this: Mr Shorten refuses to engage in the merits or otherwise of the program that he has endorsed for a very long time—a program that many parents feel uncomfortable about, as do many teachers and psychiatrists. His only refuge is pejorative slurs.

The PRESIDENT: Order! It being 2 pm, I call on questions without notice.

QUESTIONS WITHOUT NOTICE
Taxation

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to comments this morning by his senior cabinet colleague, Ms O'Dwyer, who says that Labor's negative gearing reforms 'will increase the cost of housing for all Australians, for those people who own a home and for those who would like to get into the housing market.' Is Ms O'Dwyer correct?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): Thank you, Senator Wong, for giving me the opportunity to address that issue. I am aware of Ms O'Dwyer's remarks during the course of an interview this morning. What Senator Wong has not referred to, and what I would like to acquaint the Senate with, is a statement subsequently issued by Ms O'Dwyer, in which she says:

I would like to explain my comments on Sunrise this morning about Labor's reckless negative gearing policy.

The point I was making is that under Labor's policy there will be increased demand for new property, pushing up prices for new property.

It is clear from Labor's ill-considered policy that existing house prices will decline.

If opposition senators cared to look at the context of the questions Ms O'Dwyer was asked on Sunrise, it is as clear as day that Ms O'Dwyer was referring to new housing. She made that observation in the context of that reference to new housing. It is equally clear, and there has never been any doubt—you will not find an economist in this country who will gainsay the fact—that overall, as a result of Labor's negative gearing policy, the value of existing houses will fall sharply—as one would expect, if one takes up to one-third of investment out of the market.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. I refer to the minister's assertion that it is 'as clear
as day' that Ms O'Dwyer is referring to new housing. Can he explain, then, why she said that these reforms 'will increase the cost of housing for all Australians, for those people who own a home and for those who would like to get into the housing market.' Can the minister explain how 'those people who own a home' can possibly be a reference to new housing? (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:03): Senator Wong, because from the context of the discussion Ms O'Dwyer had with the journalist interviewing her it is plain that that is what she was talking about.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a further supplementary question. I also refer the minister to the Prime Minister's statement last week that Labor's negative gearing reforms will cause a decline in property prices. If the government's message is so incoherent that even cabinet ministers cannot follow it, how can the Australian people have any confidence in any economic plan the government pretends to have?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:03): The only people who do not seem to be able to follow a very straightforward proposition are Labor Party shadow ministers and senators and Labor members of parliament. The fact is, as Senator Wong knows, that approximately one-third of the housing market represents investment, almost all of which is constituted by people engaging in the perfectly respectable practice of negative gearing—not people from the top end of town, by the way, but nurses and policemen and teachers; ordinary middle-class Australians who simply want to get ahead so they have taken advantage of the opportunity to acquire an asset and in doing so contribute that asset to the rental market. If you take out one-third of the market, of course existing property values will collapse. If you want to have an argument at the forthcoming election about whether the Labor Party will cut the baggage out of Australia's housing stock, bring it on. (Time expired)

Tropical Cyclone Winston

Senator REYNOLDS (Western Australia) (14:05): My question is to the Minister for Defence, Senator Payne. Will the minister update the Senate on the situation in Fiji, including Defence's contribution to the Australian government's response?

Senator PAYNE (New South Wales—Minister for Defence) (14:05): I thank Senator Reynolds for her question, which follows up a question earlier in the week when the crisis first began. I particularly note the senator's longstanding interest in defence and her longstanding service in the Australian Army, in particular. Our thoughts continue to be with the people of Fiji, who really are facing a very significant humanitarian crisis. There are 36 confirmed deaths and there are approximately 35,000 displaced people in evacuation centres. I am pleased to say that Defence has been able to respond quickly to requests from the government of Fiji, and we are working closely with our international colleagues and other Australian government agencies to ensure the coordination of those efforts.

We have established Operation Fiji Assist 2016. Since I updated the Senate on Monday, four ADF C17 Globemasters have landed in Fiji. They are carrying helicopters, personnel and around 19 tonnes of humanitarian relief stores in support of the government of Fiji's efforts.
The stores include over 1,500 hygiene kits, 10 cartons of water purification tablets, and almost 600 tarpaulins and shelter kits for about 9,000 people. We have also taken in a six-person Australian medical assistance team, which includes doctors, nurses and paramedics. They are assisting the government of Fiji's efforts in assessments and delivery of medical assistance as required. The ADF flights into Fiji have also been able to carry support staff from the departments of Foreign Affairs and Trade and Immigration and Border Protection. Those staff in Immigration and Border Protection are involved in the process of assisting Australian travellers to depart from Fiji via commercial means and return to Australia.

Senator REYNOLDS (Western Australia) (14:07): Mr President, I ask a supplementary question. I thank the minister for her answer. I ask whether she can provide further information to the Senate about the ADF assets and personnel that are currently on the ground in Fiji and how they are assisting the humanitarian assistance and disaster relief effort on the ground?

Senator PAYNE (New South Wales—Minister for Defence) (14:07): In response to requests from the government of Fiji we are conducting daily C17 Globemaster flights from RAAF Base Amberley to deliver equipment, support personnel and supplies. We have established a joint task force, which consists of members from the Navy, Army and Air Force elements based in Suva, which is coordinating that surveillance activity and humanitarian assistance. We currently have 32 ADF personnel working in Fiji assisting with the relief efforts. There has also been an exchange of liaison officers to better facilitate effective coordination between the government of Fiji and Australia. Finally, our first of the MRH90 helicopters is expected to commence its operations in Fiji tomorrow, and it is assisting in the delivery of personnel and supplies, particularly to remote and very-difficult-to-access locations.

Senator REYNOLDS (Western Australia) (14:08): Mr President, I ask a further supplementary question. Can the minister also advise the Senate what additional Defence planning is currently underway to support the government of Fiji as the impact of the disaster becomes clearer?

Senator PAYNE (New South Wales—Minister for Defence) (14:08): Again, I thank Senator Reynolds. There have been two recent further requests from the government of Fiji for additional support. Yesterday, the government of Fiji requested the deployment of HMAS Canberra to assist in the relief operation. The ADF is undertaking some quite detailed preparations to deploy HMAS Canberra, and she is anticipated to arrive on or around 1 March. It is worthy to note that there is a cyclone of varying degrees between us and Fiji still, so that is a detailed process. This would be the first deployment of HMAS Canberra in support of a humanitarian and disaster relief operation overseas. Following a further request from the government of Fiji, a P3 Orion surveillance aircraft has now also been tasked to assist in the damage assessment. I refer to the work of the New Zealand Defence Force and one of their Orions earlier in the week. And, of course, we stand ready to respond to any further requests for assistance. (Time expired)

Education Funding

Senator DASTYARI (New South Wales) (14:09): My question is to the Minister representing the Prime Minister, Senator Brandis. Does the Prime Minister agree with the Minister for Education, Senator Birmingham, that the Safe Schools program has 'perfectly
reasonable objectives', and does the Prime Minister also agree with Senator Scott Ryan who, when launching the Safe Schools symposium, said, 'Every student has a right to feel safe at school?'

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:10): Senator Dastyari, I am sure the Prime Minister agrees with both of those eminently sensible propositions, as do I. Of course both of those propositions are sensible and all members of the government would be glad to be associated with them.

Senator DASTYARI (New South Wales) (14:11): Mr President, I ask a supplementary question. Considering the Prime Minister supports those eminently sensible statements, does the Prime Minister also then agree with Senator Bernardi that the Safe Schools program, 'Encourages children to become advocates for the homosexual cause'?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:11): Senator Dastyari, I have not seen Senator Bernardi's statement to that effect, so I am not going to comment on a statement I have not seen. I think people are entitled, in good faith, to make comments and criticisms of the design of any government program, and no member of the government has asserted that the Safe Schools program is perfect in its design. But the proposition, which all members of the government support, is that a government program to deal with the question of bullying, particularly bullying of people on the grounds of their sexuality and particularly of children at schools on the grounds of sexuality or gender identity, is a good thing.

Senator DASTYARI (New South Wales) (14:12): Mr President, I ask a further supplementary question. Is the Prime Minister aware that a beyondblue study has found that 70 per cent of same-sex-attracted and gender-diverse people, who have experienced abuse or discrimination, have harmed themselves? Why is the Prime Minister putting the interests of young Australians behind the political interests of conservative hardliners in his own party?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:12): Senator Dastyari, I thought your first two questions—if I may say so—seemed like reasonable inquires, but the innuendo you make against the Prime Minister at the end of your second supplementary question is absolutely disgraceful. There are no two people in this parliament who have done more to protect Australian children from the effects of homophobic bullying than the Prime Minister and the Minister for Education, Senator Birmingham. For you to impeach either of them is disgraceful.

Education Funding

Senator SIMMS (South Australia) (14:13): My question is for the Minister for Education and Training, Senator Birmingham. I refer to the comments made by your colleague Senator Bernardi in the media yesterday, where he said, 'Schools should be places of learning, not indoctrination'. In response the Prime Minister ordered an investigation into the Safe Schools program, a program that is not about indoctrination, but rather about supporting LGBTI young people and preventing bullying. If the government is so serious about ending indoctrination in schools, will it be conducting an investigation into its multimillion dollar
chaplain program that has the effect of promoting one particular religious perspective over others?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (14:14): I think there are a number of elements to that question, many of which are incorrect in their assumptions. It is of course completely correct that schools should primarily be places of learning. It is essential that schools be effective places of learning, that students feel safe in those schools and that students are supported in those schools. They are the objectives of the Safe Schools program and a number of other initiatives that the government support to help students in those environments, and what we want to do is make sure that those objectives are being met.

Senator Dastyari, you tried to extrapolate your own view in relation to the School Chaplaincy Program. It is very clear that proselytising in schools is not permitted under the School Chaplaincy Program. The guidelines for that program are crystal clear in that regard. In fact, it is another complementary measure that helps to support school environments to provide assistance to students, particularly students who may be at risk of bullying for all manner of reasons. All of these measures should be looked at as measures to make school environments safe places of learning.

**Senator SIMMS** (South Australia) (14:15): Mr President, I ask a supplementary question. In light of the public backlash against the Prime Minister's captain's call on Safe Schools—indeed, a petition from the Greens already has 10,000 signatures to support the program—will the government drop this pointless investigation and instead focus on how it can support LGBTI young people and promote safety in our nation's schools?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (14:15): I would hope that, at the end of what will be a fairly quick process, we can all have confidence that this Safe Schools program is meeting its objectives, that the content of the resources that are produced under this program is age appropriate and that it is in accordance with the national curriculum; and, most importantly, that parents and school communities are aware of the resources that are being used and have confidence in the resources that are being used in those schools. I think that is what is important: to ensure we have that degree of confidence that the objectives of this program—which I think, Senator Simms, you and I and, I trust, every member of this chamber, as Senator Brandis rightly said, share support for—to ensure tolerance in schools are being met and are being met effectively and that everybody has confidence that that is in fact the case.

**Senator SIMMS** (South Australia) (14:17): Mr President, I ask a further supplementary question. My final question is a matter of clarification. Can the minister clarify who precisely is in charge of the government? Is it Prime Minister Malcolm Turnbull or is it Senator Cory Bernardi or is it former prime minister Tony Abbott? Who is running this show?

*Honourable senators interjecting—*

**The PRESIDENT:** Order! Senator Simms, your final supplementary question was not strictly a supplementary question. I invite the minister to answer any portion of that that he wishes to.

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (14:17): What a pathetic and juvenile question that was—a pathetic and juvenile question that
belongs somewhere back in your university politics days, Senator Simms. This is an important issue. It is an issue that is too important for you to play such cheap games with. You can have no doubt that I am committed, Prime Minister Turnbull is committed and the government is committed to ensuring this program meets its objectives, meets its objectives in an effective manner and, in meeting those objectives, provides the resources and support to schools across Australia to ensure that they are able to support students, whatever their challenges may be, to operate in a safe learning environment. Frankly, I think the discussion and debate on this program deserves far more respect than the type of question you just asked, Senator Simms.

Building and Construction Industry

Senator LINDGREN (Queensland) (14:18): My question is to the Minister for Employment, Senator Cash. Is the minister aware of any instances of bullying, harassment or intimidation in the building and construction sector which should be condemned by all Australians but which, sadly, are not?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:19): Unfortunately, yes, I can—and, quite frankly, they are disgusting and should be condemned by all of us. Recently, in Senate estimates, we heard that CFMEU organiser Michael Greenfield allegedly made sexually derogatory comments to a female worker on the Barangaroo site in Sydney. Mr Greenfield allegedly said to the woman, who was to meet with Fair Work building inspectors: 'I hope you brought your knee pads; you're going to be sucking off those dogs all day.'

In another case against the CFMEU, the Federal Court found that union official Mark O'Brien taunted a foreman, saying, 'Hey scabby, gay boy, gay boy, gay boy, scabby.' At the same time—

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order.

Honourable senators interjecting—

The PRESIDENT: Order! Just a moment, Senator Moore. Order, on both sides!

Senator Moore: I know the minister is making direct quotes. I understand that, but I am deeply concerned about the language that was used both then and now in this place.

Government senators interjecting—

The PRESIDENT: Order!

Government senators interjecting—

The PRESIDENT: Order, on my right! Just a moment, Senator Moore. I want to listen to the point of order in silence.

Senator Moore: I am concerned about the language that has been used in this place and also yesterday; in the extract from the minister's contribution yesterday it was the same thing. I understand she is making a point, I understand she is doing quotation, but I am deeply concerned by what is taking place in this place.

Senator Conroy: Which is actually on TV.

Honourable senators interjecting—
The PRESIDENT: Order! I am going to take advice from the Clerk first and then I will address further points of order. I will listen to further points on this point of order.

Senator Brandis: Mr President, on the point of order: the question was about conduct, and the conduct included threats of physical violence and vulgar abuse—sexist abuse and homophobic abuse. It is entirely appropriate for the minister, in responding to that question, to quote the very words that comprised the conduct which was the subject of the question. I point out that, shamefully, notwithstanding the gravity of the sexism and homophobia that was evident, Senator Cameron and Senator Collins were laughing aloud during the answer.

Honourable senators interjecting—

The PRESIDENT: That is not part of the point of order.

Honourable senators interjecting—

The PRESIDENT: Order on both sides! If you want me to determine a point of order, I need to listen to the points of order. Senator Cameron, on the same point of order.

Senator Cameron: Mr President, on the point of order: the Attorney-General, of all people, was misleading you and misleading the Senate. He stated that these were facts. These were allegations. Allegations being treated as facts in this place is not correct, and we should not be using this place as a kangaroo court.

Senator Cormann: Mr President, on the same point of order: Senator Moore expressed concerns about the language being used. We share that concern. It is highly inappropriate language. But, exercising our freedom of speech in this parliament, in order to make the point to substantiate what a serious concern there is in relation to these matters, the minister needs to quote what actually happened. The minister should be allowed to proceed with her answer.

Honourable senators interjecting—

The PRESIDENT: Order! I have listened to the points of order. I will make two comments. Firstly, just because you state something in parliament does not shield you from the fact that the language could be inappropriate. That is the first point I make, and I took that advice from the Clerk. Secondly, I am concerned about the language that is being used, but I am also concerned about the rights of individual senators to be able to express what they want to express in response to an answer. With the indulgence of the Senate, for the remainder of today's question time I would ask that the language be contained to what we would consider to be appropriate language. I am going to reflect on this and report back to the Senate tomorrow in relation to how language will be used in questions in the future.

Honourable senators interjecting—

The PRESIDENT: Order! I have made my ruling. Senator Brandis

Senator Brandis: Mr President, given that you have foreshadowed that you are going to reflect upon the matter, will you be prepared to take submissions on the point, perhaps by writing? This is a very important question: should senators have the right, as Senator Cormann has said, of freedom of speech to quote language—not language of their own, but language in direct speech—to directly make the very point that they seek to make in their answer?
The PRESIDENT: Yes, I will take submissions from senators if they wish to conduct those submissions to me prior to tomorrow morning. Senator Cash, with those remarks could I ask you to exercise the concerns that I have at the moment.

Opposition senators interjecting—

The PRESIDENT: Order on my left! You are asking me to do things and now you are not giving me the chance to actually implement what you are asking. I expect a little bit more respect. Senator Cash.

Senator CASH: I would make the point that, in the second case, I was quoting from a decision of the Federal Court that found that union official Mark O'Brien did taunt a foreman by saying, 'Hey scabby, gay boy, gay boy, gay boy, scabby.' That was a finding of the Federal Court. At the same time—

Senator Wong: Mr President, on a point of order—

Government senators interjecting—

The PRESIDENT: Order, on my right! Senator Wong, I heard what Senator Cash just said. She did not use language that I considered to be inappropriate on that occasion. Senator Cash.

Senator CASH: Mr President, do you know what I find quite disgusting? These instances in this place are findings of the Federal Court. It is disgusting. I think it is disgusting. What is so horrifying is the reaction of those on the other side. Have a look at the questions that you asked this side today. You did not like our responses. They were about what you say is bullying, intimidation and harassment of kids in workplaces. Yet when we stand here on this side and put that same behaviour back to you on the other side, you sit there and make fun and defend your mates. Then Senator Wong will stand up and say, 'But Senator Doug Cameron—'. He is one of the biggest defenders of the CFMEU. For once just listen to what these people say and condemn it. (Time expired)

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Government senators interjecting—

The PRESIDENT: Order on my right!

Honourable senators interjecting—

The PRESIDENT: Order! I know tensions are high, I know this is an awkward issue, but let's just exercise some restraint.

Senator Cameron interjecting—

Senator Ian Macdonald interjecting—

The PRESIDENT: Senator Cameron and Senator Macdonald!

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator Cameron interjecting—
Senator Seselja: Mr President, I rise on a point of order. Senator Cameron used quite unparliamentary language just then in referring to the Attorney-General. I am not going to repeat it but I think he should be asked to withdraw.

The PRESIDENT: Senator Cameron, if you feel inclined to withdraw that comment it would assist the chamber.

Government senators interjecting—

The PRESIDENT: Order on my right!

Senator Cameron: If it would please the Senate, I withdraw.

The PRESIDENT: Thank you, Senator Cameron.

Senator LINDGREN (Queensland) (14:28): Mr President, I ask a supplementary question. Given that the minister has raised the matter of Mr Luke Collier, can the minister update the Senate on the outcome of any proceedings involving this particular CFMEU official?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:28): In relation to bullying, harassment and intimidation in the workplace Mr Luke Collier is an official whose pattern of behaviour demonstrates that he is no stranger to this type of behaviour on building sites. He allegedly spat at an inspector's feet on the Barangaroo site and called her something quite disgraceful. Given your ruling, Mr President, I will not repeat it, but it is certainly something that should be condemned by all of us. At a meeting of workers at the same site Mr Collier announced a building inspector's name and his mobile number and invited workers in the crowd to 'call him and let him know what they thought'. At a recent Senate estimates hearing, it was revealed that Mr Collier is now serving a jail term for assault and entering premises with intent to commit an indictable offence. Those of us on this side of the chamber do not like having to come in here and reveal this type of conduct—(Time expired)

Senator LINDGREN (Queensland) (14:30): Mr President, I ask a further supplementary question. Is the minister aware of any comments which would suggest certain union officials have contempt for the law?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:30): Unfortunately, yes, I am. In February 2013 the WA secretary of the MUA, Chris Cain, addressed the MUA's militancy conference in Fremantle and boasted 'laws need to be broken, you're going to get locked up'. In another example, yet again showing complete contempt for the law, senior Victorian CFMEU official Derek Christopher, while addressing a large crowd on a megaphone at a CFMEU blockade, with police officers only metres away, said as follows: 'There's 11,000 coppers in the country and there's 30,000 members of the CFMEU, and greater amongst the other unions when we call on their support. So we're up around the 50,000 mark. So bring it on. We're ready to rumble.' These are just some examples of union members in Australia who have complete, total and utter contempt for the law. None of us are above the law, including officials in the union. (Time expired)
Meat Industry

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (14:31): Mr President, my question is to Senator Canavan, representing the Minister for Resources, Energy and Northern Australia. Given the recent downturn in the domestic meat processing industry and the stand-down of local workers at meat processing plants in Rockhampton and Townsville, can you outline what steps the government has taken or is planning on taking to protect the jobs of those affected in those communities?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (14:31): I thank the senator for his question. What has happened in our meat industry and for meatworkers in particular in the last year is unfortunate, and it is concerning. It is an unfortunate legacy of the most severe drought that we have had in Queensland for many years. During the drought there was not enough grass for our graziers and farmers and there was a large turn-off of cattle in North and Western Queensland. At the height of the drought, there were record numbers of cattle going through our meatworks. It peaked at more than 8½ million head through our meatworks a few years ago. That created a lot of work for our meat industry and a lot of work for meatworkers; but, of course, because so much production occurred back then, there is now a reduction in production, and that is having these impacts in terms of lower employment at our meatworks.

What this government will not do is help one group of Australians by penalising another group of Australians. The way to help this industry is not to hurt another group of Australians. One of the groups of people that have been most affected by the drought have been our graziers and producers. If we were to introduce caps or regulations which would hurt their ability to sell their cows—their heifers, their steers—for the best price possible, that would hurt the very people that have been hurt the most by this drought. So what this government is focused on is making sure that our red meat industry has access to markets, that it can maximise its price. The Chinese free trade agreement itself, which has just been concluded, will help remove an $800 million-a-year tax on our red meat industry. That is how much Chinese tariffs cost our red meat industry every year. Through the conclusion of the Chinese free trade agreement that tax will be removed from our industry. That is the way we are going to help our red meat industry. That is the way we are going to help to get more work for our meatworkers and support all of our Australian industries.

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (14:34): Mr President, I ask a supplementary question. Given that more than 8,000 Queenslanders are employed in meat processing in Queensland, what is the government doing to prevent further job losses in the industry in my home state of Queensland and across the country more generally?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (14:34): Senator Lazarus is right that our meat industry, our beef industry, is a major employer in our north. Of course, it is not the only industry facing reductions in jobs in North and Central Queensland. The coalmining industry in my area alone has had job losses of 21,000 in the last two or three years—21,000. I have heard before Senator Lazarus call into question the merit of our coal industry and whether it should be supported. If we are going to support employment in North and Central Queensland, we need all industries to thrive. We need a diverse economy. We need a strong beef sector. We need a
strong coalmining sector. We need a strong tourism sector. That is why the government is focused on initiatives like our north Australia plan, which is seeking to invest in all of those industries—more than $1.2 billion of initiatives, a $5 billion low concessional plan. That is how we are going to create jobs in North Queensland and across our entire economy.

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (14:35): Mr President, I ask a further supplementary question. An employer involved in this downturn, Theiss Australia, has stated that increased demand for live exports has been a cause of this downturn. Does the government stand by the Prime Minister's statement that free trade agreements such as the TPP are the 'foundation stones of future prosperity for Australians'?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (14:35): I note the comments that Senator Lazarus has made about one particular meat processor but that is certainly not the view of the entire industry. I might quote Senator Lazarus a submission from JBS, another major employer in my town, Rockhampton. They made a submission to a Senate red meat inquiry, which I would suggest the senator should get involved in. That submission said:

As an industry based on free market principles we do not need more government intervention or costs in the red meat supply chain. There is a role for government in ensuring the integrity of the red meat product for domestic and export markets. In addition, to drive competitiveness and profitability requires commitment, action and above all cooperation from all stakeholders in the supply chain—from the farm gate to processors and up to the Commonwealth Government.

I would suggest the best way we can help our red meat industry is that the entire supply chain work together, not to try and hurt some and penalise others to help some in Australia—that is not our approach. We reject what Senator Lazarus is suggesting.

Child Care

Senator SESELJA (Australian Capital Territory) (14:36): Mr president, my question is to the Minister for Education and Training, Senator Birmingham. Will the minister update the Senate on what elements of the jobs for families package will support Aboriginal and Torres Strait Islander children and their families?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:37): I thank the senator for his question. Indigenous children are under-represented in the current childcare system, and the government is committed to increasing their participation, just as we are committed to increasing school attendance and, of course, workforce participation in Indigenous communities. The current system of funding for Indigenous focused childcare centres is historical and outdated. It does not respond to changes in communities or the increasing number of children attending child care.

The majority of Indigenous children that do attend child care attend approved childcare services as part of the mainstream childcare services, but around a third of Indigenous children who attend child care do so through services funded via the Budget Based Funded Program, or BBF. This program is a capped and closed program, meaning that new services are unable to be established in regional or remote communities where there may be demand or need. Historical inequities in the funding base of this program also mean that funding is incredibly skewed within it. Some services receive as little as $35 support per child per year, while others get up to $54,000 support per child per year. Families using BBF services are not eligible for any government assistance, such as the childcare rebate or childcare benefit. But,
importantly, under our proposed childcare reforms those families will become eligible for the new childcare subsidy. They will be for the first time able to receive assistance for their childcare costs and they will be additionally supported through the $178 million Additional Child Care Subsidy, which provides a 120 per cent subsidy for at-risk children or parents experiencing temporary financial hardship, or additional assistance to parents transitioning to work. Further, the services themselves will benefit through the $271 million Community Child Care Fund, which can assist those services, including Indigenous services, to provide quality child care to children in these regional and remote areas in particular. (Time expired)

Senator SESELJA (Australian Capital Territory) (14:39): Mr President, I ask a supplementary question. How will the government support providers as they transition to the new arrangements?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:39): As I was saying, the childcare reforms of our government will provide those providers with more flexibility and more support. For the first time ever, those services will be able to increase their income by expanding their service delivery instead of being constrained by a fixed amount of grant allocation. This expansion, of course, sits alongside the rights of parents accessing those services to be able to access government support for their childcare costs for the first time ever. The education department is already providing support to BBF services to enable them to transition to the new childcare system. All of the 300 or so BBF services have already been contacted and are being provided with regular information. Specialist consultants will provide one-on-one support to help services develop transition implementation plans and will fund the resources and provide training to support BBF services to connect with the new mainstream childcare system and the IT system as part of that. We want to support these services during this transition, to ensure that they are able to benefit from the full range of our childcare reforms. (Time expired)

Senator SESELJA (Australian Capital Territory) (14:40): Mr President, I ask a further supplementary question. Is the minister aware of any reports that misrepresent the proposed changes and might mislead families?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:40): Today, the Secretariat of National Aboriginal and Islander Child Care released a report commissioned from Deloitte. Unfortunately, this report looks at only one element of the comprehensive childcare package the government has released and disregards key areas. In fact, the report itself acknowledges:

... it does not present a comprehensive picture of the impact of the reforms once all resulting changes have been taken into account.

That is because the report only considers the potential impact from the childcare subsidy and ignores the significant support available through the $858 million Child Care Safety Net, including the support available via the $178 million Additional Child Care Subsidy, the 120 per cent subsidy available for children at risk or parents experiencing particular hardship—

Senator O'Neill interjecting—

Senator BIRMINGHAM: And ignores, as the senator opposite likes to ignore, the $271 million Community Child Care Fund, which will assist services, including those Indigenous
services, to be able to provide quality child care to those communities. We are committed to working with these services to make sure the transition is successful. (Time expired)

Liberal Party

Senator LEYONHJELM (New South Wales) (14:41): My question is to the Minister for Finance and the Special Minister of State, Senator Cormann. It concerns liberal values, as do my supplementary questions. Last week the Treasurer said:

So, if anyone thinks that higher taxes … is a pathway to prosperity, you're dreaming.

This week, the Liberal Party is shepherding bills through the Senate that increase taxes by more than $600 million over the forward estimates period. Given this, how can the public trust you to represent liberal values?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:42): The public can absolutely trust us to represent liberal values, because right now taxes as a share of GDP are well below what they would have been if Labor had stayed in government. We delivered a tax cut for small business in last year's budget. We abolished Labor's disastrous carbon tax—many, many billion dollars worth of taxes taken out of the economy to help make our economy more competitive internationally and to help families and small business—and, of course, we got rid of Labor's disastrous mining tax. We have made a whole series of changes to our tax system to ensure it is more growth-friendly. We always would like to do more. We always would like to deliver even more tax cuts. But, of course, in the end, we have to make judgements. Given the fiscal mess that Labor left behind, we have to make judgements on how we can best get our budget back on a sustainable foundation for the future. These are judgements that we are making all the time.

We are focused on controlling expenditure. We are focused on making sure that the expenditure is as high as it needs to be; as low as it can be; and as efficient, as effective and as well-targeted as possible so that the taxes can be as low as possible. We are focused on making sure that the necessary revenue for government is raised in the best, most efficient and least-distorting way in the economy and in a way that is also fair. We are always focused on lower, simpler, fairer taxes. And, of course, at the next election the Australian people will have the opportunity to pass judgement on who they trust with managing the economy and who they trust with managing the budget. Those on the Labor side, who left behind a fiscal mess? Those on the Labor side, who are making unfunded promises galore again? Those on the Labor side, who have got more than $50 billion in unfunded spending promises on their books and who have a strategy of taxing more to spend more and always playing catch-up with their high levels of debt? Or those on our side, who are working in a steady, orderly and methodical fashion to get our budget back on track and get spending under control? (Time expired)

Senator LEYONHJELM (New South Wales) (14:44): Mr President, I ask a supplementary question, also on liberal values. Prior to the last election the Liberal Party promised to defend free speech by repealing section 18C of the Racial Discrimination Act. After the election the Liberal Party decided to retain 18C, and it remains a legal wrong to say something that someone is offended by on the basis of race. Given this, how can the public trust you to represent liberal values?
The PRESIDENT: Senator Leyonhjelm, I know you prefaced your primary question by saying your questions were going to be about liberal values. I think you are really stretching the friendship in relation to supplementary questions. Secondly, I really fail to see how that fits within the minister's portfolio. I will invite the minister to answer any part of that if he wishes to.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:45): All of us on this side of the chamber, of course with the exception of our friends and colleagues in the National Party, are ministers for liberal values. Our friends in the National Party are ministers for national values. Together we are a coalition. We are a strong and united family of coalition senators in this chamber. Let me say that all of us on this side of the chamber are strong supporters of freedom of speech. I do not have portfolio responsibility for the specific matter that Senator Leyonhjelm has raised, so I would encourage him to direct the question to the appropriate minister.

Senator LEYONHJELM (New South Wales) (14:46): Mr President, I ask a further supplementary question, again on liberal values. I seek the minister's indulgence to answer as much of it as he likes. Rather than put the issue of marriage equality to a vote in your party room or to a vote in the parliament, the Liberal Party has decided to spend millions of dollars putting it to a plebiscite some time after the next election so that straight people will be able to vote on the rights of gay people. Given this, how can the public trust you to represent liberal values?

The PRESIDENT: Again, Senator Leyonhjelm, it is really stretching the supplementary question boundary. I invite the minister to answer any part of that question he wishes to.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:46): I fully support the policy position adopted by the coalition. The policy position is reflected, as appropriate, in the announcements we have made in relation to it.

Defence Procurement

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:47): My question is to the Minister for Defence, Senator Payne. Is it correct that the participants in the future submarine competitive evaluation process were required to submit their final bids on 30 November 2015? Is it also correct that in January of this year Defence issued a data item description that altered the contractual requirements of the process and gave the participants an opportunity to revise their bids?

Senator PAYNE (New South Wales—Minister for Defence) (14:47): To the best of my recollection, Senator Conroy was in estimates when this matter was discussed and explained in some detail by Rear Admiral Greg Sammut, the head of the Future Submarine office. Yes, the responses from the international participants were received by the government on 30 November last year. The discussion in relation to the updates that the senator has referred to did occur in January, yes.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:48): Mr President, I ask a supplementary question. Minister, why was it necessary for Defence to change the contractual requirements for the future submarine competitive evaluation process
after final bids were received? Was it the case that one of the participants did not meet the original contractual requirements of the competitive evaluation process? If so, which participant was it?

Senator PAYNE (New South Wales—Minister for Defence) (14:48): Senator Conroy, in response to your question I would indicate again that Rear Admiral Greg Sammut went through this in some detail with you in the committee in estimates. I do not regard it as a change in contractual requirements. I have nothing further to add to the discussion that was held in some detail in estimates.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:49): I note that the minister did not answer the question of whether one of the participants did not meet the original contractual requirements. Mr President, I ask a further supplementary question. Can the minister name another multibillion dollar defence procurement where the criteria have been modified after final tenders were received to ensure a participant was able to meet Defence's requirements? Minister, how can the Australian public have confidence in the probity of this process if the government is changing the criteria after it is closed?

Senator PAYNE (New South Wales—Minister for Defence) (14:49): I go back to what I said. I do not agree with Senator Conroy's premise that the data item descriptions constitute a change in the contractual arrangements and I am most certainly not going to canvass the contributions of the participants. This is a competitive evaluation process which is underway and upon which the government will make a decision in due course in 2016.

Domestic and Family Violence

Senator RONALDSON (Victoria) (14:50): My question is to the Leader of the Government in the Senate, the Attorney-General, Senator Brandis. This is a very serious issue, and I hope colleagues will resist the temptation to interject. Will the Attorney-General advise the Senate what the government is doing to address the problem of elder abuse and raise community awareness of this important issue?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:50): Mr President, I wonder if I might beg indulgence of the chamber to make a couple of remarks—I know this is a little unusual—before I begin responding to Senator Ronaldson's important question. As honourable senators are aware, Senator Ronaldson announced his intention to resign from the Senate at the end of last year, and this will be his last week among us as a colleague. He has chosen not to give a valedictory speech; I think he has already given one valedictory speech in another place. It may be, I think in fact this is, the very last occasion on which we will have the joy of hearing his rich, deep, reverberant baritone resonate across the chamber. This will be very last occasion on which we will have the pleasure of being enlightened by his penetrating intelligence and wisdom.

Senator Ronaldson has been a very, very well liked senator. He has served with distinction as a minister of the Crown. He has been an important part of the life of this chamber. He has friends from all parties and in every corner of this chamber. He has had a long career—12 years in the House of Representatives and 10 years and eight months in this place—and he has seen more of politics than most do. He has been through the highs and lows. He has borne the lows with dignity and he has enjoyed the highs with grace. Ronno, you have been, if I
may say so, a perfect gentleman and a perfect senator, and all of us wish you well in your retirement.

Senator Wong: Mr President, I seek leave to make a statement.

The PRESIDENT: Senator Wong, I am sure leave will be granted.

Senator Wong: I thank the Senate. I associate the opposition with the remarks made by the Leader of the Government. We have had some ding-dong battles with Senator Ronaldson, but he does understand the difference between what happens inside the chamber and outside it. For that we thank him. I thank him, and we wish him well. He has served the public in many capacities over many years and we wish him all the best for the next stage of his life.

Senator BRANDIS: I thank the chamber for its indulgence on this special occasion. The government is taking significant steps to put the rights of older Australians on the national agenda. As part of that, we are recognising and seeking to raise public awareness of the problem of elder abuse, which is a human rights issue and a social problem which should resonate with all of us. Earlier today, in Melbourne, I opened the 4th National Elder Abuse Conference, and I took the opportunity to announce that I have asked the Australian Law Reform Commission to conduct a major inquiry into the laws and frameworks that safeguard older Australians from abuse. That was a reference I sent to the Australian Law Reform Commission yesterday. That inquiry will assist the government in identifying best practices for protecting older Australians, while promoting respect for their rights and choices. I have asked the ALRC to report by May 2017.

I am sure all honourable senators would join me in believing that all Australians have the right to make their own decisions, to live self-determined lives, to live free from indignity, exploitation, violence and abuse, and that those rights do not diminish with age. The abuse of older Australians—psychological abuse, physical abuse and even, on occasion, sexual and financial abuse—is a deep problem for Australian society. It is, as I said a moment ago, an insufficiently appreciated problem. It can be addressed partly through the legal system, but at a deeper level it needs to be addressed by a change of attitudes and a change of culture. That is what the government seeks to lead, and I am sure that in doing so we will have support across party lines.

Senator RONALDSON (Victoria) (14:55): Mr President, I ask a supplementary question. What are some of the other measures that the government has taken to address elder abuse issues?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:55): Senator Ronaldson, today I also released a report by the Australian Institute of Family Studies, which I commissioned last year, which is a scoping study to define the nature and scope of the problem of elder abuse in Australia. The institute examined Australian and overseas research to develop a picture of the nature of the abuse of older people. This work identified elder abuse in financial, physical, sexual and psychological forms. That includes mistreatment and neglect. That report adds to another initiative that the government took, and that is the decision last year to ask the Hon. Susan Ryan AO, the Age Discrimination Commissioner, to conduct an inquiry into employment discrimination against older Australians. Ms Ryan's report is due in May.
Senator RONALDSON (Victoria) (14:56): Mr President, with your indulgence can I thank the Attorney-General and Senator Wong for their very generous comments. This is the last time I will rise. I did not think it was appropriate to have another valedictory; in fact, it would have been self-indulgent. I wish all colleagues long health, happiness and, certainly on this side, electoral success! Over the last 22 years it has been an extraordinary honour for me to serve my local community, the nation, the parliament—in both chambers—and my party. I thank colleagues most sincerely for your good wishes. And now I had better ask the supplementary question, I suppose! Will the Attorney-General outline some of the additional steps the government is taking on the issue of elder abuse?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:57): Senator Ronaldson, in addition to the measures I announced today, the government has of course already engaged in a range of initiatives to respond to this problem. We fund the MoneySmart website, which is maintained by the ACCC; the Aged Care Complaints Commissioner; and a range of community services, including legal services, which provide other avenues of assistance to older persons. These initiatives, together with the ALRC inquiry, the Human Rights Commission inquiry and the Australian Institute of Family Studies scoping study demonstrate the commitment of this government to dealing with and raising the profile of the problem of elder abuse and changing the attitudes and culture of the Australian people to older Australians. Older Australians have the opportunity to live rich and self-determined lives and we must support them in doing so.

Higher Education

Senator KIM CARR (Victoria) (14:58): My question is to the Minister for Vocational Education and Skills, Senator Ryan. Is the government considering placing a cap on the size of loans charged to students under a revamped VET FEE-HELP scheme? Minister, what has changed since December, when the government voted against Labor's amendments to cap the costs for students?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (14:59): I thank Senator Carr for his question, and I am aware of an article in *The Australian* this morning that alluded to a number of these issues. The article is incorrect in making the assertion that this was under consideration by me. I stated yesterday that, as part of taking over this portfolio, I have recommitted to the review of the VET FEE-HELP system that was announced by the government last year. I am being briefed, and I am discussing a number of options, but at no point have I got to actually considering specific options. I look forward over the coming weeks to meeting a number of the key stakeholders in the sector. I am keen to listen to their views. I am keen to hear all views about how to make this system more financially sustainable as well as to increase the mechanisms by which the Commonwealth can undertake compliance. I think the senator will appreciate that it would be foolish of me to state that I have any preferred options after six days in the role.

Senator KIM CARR (Victoria) (15:00): Mr President, I ask a supplementary question. Minister, can you confirm that the private VET sector insurance scheme will almost certainly be inadequate to face the college collapses that are expected to occur in the near future as a result of the government's policy decisions that were announced in December? How many students is this government predicting will be affected by the collapse of private VET colleges
in the next 12 months? And how many of these are eligible for VET FEE-HELP loan waivers?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (15:00): Senator Carr, I disagree with your assertion in the first part of the question that the challenges this sector is facing are as a result of changes and policy implemented last December by the coalition government or indeed earlier last year by the previous minister, Senator Birmingham. All VET providers are required to have tuition assurance arrangements in place under the Higher Education Support Act, except those who are exempt. In almost all cases tuition assurance is provided by the two tuition schemes currently approved. They are administered by the Australian Council for Private Education and Training and TAFE Directors Australia. ACPET and TDA have the full details of the tuition assurance coverage of their members. It is only for students currently enrolled in units of study. My department undertakes compliance monitoring of the tuition assurance status of the providers. It is currently involved in a number of major compliance investigations but it would be premature to comment on the details at this stage.

Senator KIM CARR (Victoria) (15:01): Mr President, I ask a further supplementary question. Minister, how can the VET sector, TAFEs, students and the taxpayer have any faith in your government's capacity to deal with this crisis given the blowouts, the fraud and the corruption that have occurred since the Abbott-Turnbull government was elected? Isn't this a symbol of the dysfunction and the chaos at the core of this government?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (15:02): I am happy to address that, because the problems in this sector occurred under policies that were put in place under the watch of the previous government. And, quite frankly, as I said yesterday, the substantial and unprecedented growth that I have not seen in another government program has partly come about, along with some of the problems, because of my early view that there is a flawed legislative framework for this program. I have made this and will make this my highest priority, because this is an important sector to Australia and, in fact, some of the problems in the VET FEE-HELP system are, in my view, unfairly impacting on the reputation of the much larger vocational education sector.

Senator Carr, it is disingenuous in the extreme, given legislation put in place by your previous government, for you to assert that the problems that have arisen as a result of that are in any way attributable to this government, which under numerous ministers has actually taken substantial measures to address the flaws you left in place.

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

PARTY OFFICE HOLDERS

Nationals Whip

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (15:03): I wish to advise the Senate that Senator O'Sullivan will be replacing Senator Canavan as Nationals Whip in the Senate. I would like to take the opportunity to thank Senator Canavan for the excellent job he has done in representing the Nationals in his position of Whip since September last year and to congratulate him on his appointment to the ministry as the new Minister for Northern Australia. We are all very much
looking forward to working with Senator O'Sullivan once again as Nationals Whip. Senator O'Sullivan has previously done a great job in this important role, and I know he will continue to serve regional Australia, the Nationals and the Senate once again in this role.

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 2642 and 2907

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:04): Pursuant to standing order 74(5), I ask the Minister representing the Minister for Resources, Energy and Regional Australia, Mr Frydenberg, for an explanation as to why answers have not yet been provided to questions on notice No. 2642 and No. 2907. For 2907, notice was given on 19 January of this year, so I acknowledge that it is only a matter of a week or so overdue. It relates to the transportation of radioactive materials through Australian ports from overseas. Notice of question 2642 was given on 24 November 2015. That is now months overdue. The question was around shipments of radioactive waste from France that have since returned to Lucas Heights in Sydney. I am seeking some explanation as to why answers to these questions are so vastly overdue.

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (15:05): I thank the senator for the advance warning, before question time, of this issue. I have asked the Minister for Resources, Energy and Regional Australia and his office to come back with some information about the delay on these questions, and I am happy to provide that information to Senator Ludlam as soon as it is available.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:05): I move:

That the Senate take note of the minister's failure to provide either answers or an explanation.

I would like to briefly take note of Senator Canavan's response. I thank him for that. I also understand that there has been a bit of churn in that portfolio, and maybe Mr Frydenberg has taken time to get his head across the issues. Nonetheless, these are immensely serious issues regarding the return of Australian obligated nuclear fuel or reprocessing wastes from nuclear reactor and research reactor operations here in Sydney from reprocessing plants in Europe and elsewhere. I do not propose to detain the chamber for long, but I think it does go to the bigger picture of what is occurring here. And Mr Shorten, the Leader of the Opposition, apparently, rather than outright condemning and putting to rest propositions not just to import Australian obligated nuclear materials from overseas but also to turn outback South Australia into the world's radioactive waste dump—rather than putting Premier Weatherill in his box, in the public interest, and ruling out any proposition to do such a thing—is in fact entertaining the notion.

Senator Edwards: Absolute nonsense!

Senator LUDLAM: It is good that Senator Edwards is still here, because in some ways Senator Edwards has been leading the debate, and I acknowledge Senator Edwards's longstanding interest in this issue and the fact that he is leading the debate and has put quite a detailed submission to the South Australian royal commission led by Mr Scarce. I will make a couple of remarks on that basis before I close this afternoon. The fact is that Australia has for decades been unable to figure out how to handle the relatively small by international standards inventory of radioactive waste from our research reactor operations at Lucas
Heights. I am not attempting to minimise the sheer volume or activity of the waste that is being generated in Australia, but compared to that which is produced by commercial nuclear reactor operations in countries around the world who went down the nuclear power path, Australia has a relatively small inventory of waste. It has waste from the 10 megawatt and then 20 megawatt research reactors that have operated in Sydney. Yet, look at the multi-decade rolling debacle of attempting to site this radioactive waste at some remote location in Australia. And compare that with the remarkable consistency of the Australian experience of trying to find somewhere to dump radioactive waste in jurisdictions overseas. Just to give one example—what is consistent between the Australian experience and the experience in the United States? It is that remote Aboriginal communities have been asked to bear the brunt of the world's and the nation's most dangerous categories of waste. And you have to wonder why it is. I asked ANSTO couple of years ago and their answers were surprisingly consistent with those contained in a promotional video by Pangea Resources that provoked debate in 1999 about the importing of radioactive spent fuel from overseas for dumping in Australia.

In fact Mr Scarcce's royal commission uses very similar language as well. Why is it that the nuclear industry here and globally looks for high-isolation sites, stable geology, very deep groundwater with low movements, low seismic activity, distance from agricultural areas, distance from mineral resources and, most importantly, distance from population centres? Why is it that they seek such sites and then shortlist places like south-west South Africa, Mongolia or inland South Australia? Why is it that the nuclear industry looks for these remote high-isolation sites? The Scarc royal commission gives it away in one sense. For each facility, hypothetical facilities in this case, they propose, 'In these facilities the risk of the radionuclides migrating into the environment is managed by the geology in which the facility is situated, as well as its engineered barriers.' A little bit later, and I am reading from the executive summary here, it says, 'Each facility is sited in geological conditions that naturally limit the potential pathways for migration.' What is that code for, colleagues? It is that the engineered containment will fail, and when the engineered containment fails and the facility begins to leak they want to be as far from it as possible. They want that stable geology so that when their radioactive waste dump leaks it is a long way from them. That was in the Pangea video, and I thought that was a remarkable moment of honesty.

I had a similar moment of honesty from ANSTO at a Senate committee hearing a couple of years ago. Here it is again in the royal commission's findings—'Geological containment: when our waste dump leaks we want it to be out there in the middle of nowhere.' As those proponents from the Howard government and then Minister Martin Ferguson and more recently, Mr Ian Macfarlane, discovered when they prosecuted their case, going back to Senator Minchin, but particularly from the Muckaty experience, when you try to dump this material in the middle of nowhere you find people speaking up for that country. You find people who have occupied that country for tens of thousands of years, who put very strongly that they are not in 'the middle of nowhere'. In fact, if it is so dangerous that it needs to be moved as far from human habitation as possible then dumping it on an Aboriginal outstation or a cattle station in the Barkly region is in fact totally inappropriate. No wonder the people at the six sites around the country are discovering, now responsibility for this issue has passed to Minister Frydenberg, that people do not want this stuff. And it is very easy to understand why not. If it is so urgent to move the stuff from Lucas Heights because it is unsafe, how can you
then make the case to the local people who you are asking to host this material that it is suddenly safe?

Senator Edwards has upped the ante on the debate somewhat by going even further than Mr Scarce has done in his South Australian royal commission—which, by the way, effectively pronounced the uranium industry moribund, correctly. It pronounced the global nuclear power industry moribund, correctly, and it correctly acknowledged that there were simply no possibility of a commercial nuclear power industry getting on its feet any time soon in Australia. It pronounced correctly that the reprocessing market is overdone and that there is no market for fuel enrichment in this country. Nevertheless, it left the door open for the import of spent fuel.

Is there a market for spent fuel that would allow you to adequately figure out what kind of price we could get for importing this poisonous material from jurisdictions overseas? No, there is not, so in the absence of a market and in the absence of any kind of international experience around price they have just made up some numbers. They made numbers up, and they have no idea what kind of revenues you could get from hosting international nuclear waste. They ended up with half a trillion dollars. How on earth do you arrive at a figure like half a trillion dollars, from various other countries putting this stuff on ships and it somehow magically arriving in outback South Australia? How do you get a number like that? The way that they did it was by saying you get $5 billion in annual revenues every year for the first 30 years. They just made that figure up by inventing a per tonne figure and then rounding up. And with 390,000 tonnes of spent fuel around the world, you end up with 60-odd thousand tonnes of the material landing in outback South Australia. Then you put the profit in a sovereign wealth fund, and over 120 years or so you will end up with this imaginary half trillion dollar figure. Senator Edwards has then leveraged these ideas and gone even further and said, 'What if we took 4,000 tonnes of that material and fed it into imaginary prism reactors that do not exist, and will not exist until at the earliest 2040?'

Senator Edwards: That's not true.

Senator LUDLAM: Senator Edwards might want to enlighten us either now or at another time on what he proposes happen to the other 56,000 tonnes, because we have no idea. Apparently it is just left in some kind of outdoor car park in remote South Australia, sitting on the surface. The costs of a secure, dedicated port are not included. The costs of a dedicated rail corridor to inland South Australia are not included. The costs of the radical increases in security that you would need to safeguard this material from mishandling or misadventure are not included. The cost of safeguarding it for 300,000 years is not included. The costs of dropping it a mile below the desert in South Australia in 100 years time are not included.

How on earth has the debate come to this, where the best the major parties appear to be able to offer up for the people of South Australia as the economy slowly caves in is hosting the world's radiotoxic waste? How on earth has it come to this?

This parliament and the South Australian parliament should have ruled this out. Mr Scarce has done us something of a favour. I must admit that I was a sceptic. I did not think that using a royal commission for something like this was the right vehicle to do some taxpayer funded industry research. Nonetheless, they have come back and said: 'The industry is stuffed. It's barely viable, but why don't we—on the basis of completely imaginary fabricated economics—take the world's most lethal garbage and stick it in a parking lot out the back of
South Australia? Instead of repudiating that proposal, Mr Shorten is entertaining it. Mr Weatherill is entertaining it. Mr Turnbull is entertaining it. This debate should have been closed at the point at which the industry admitted that the reason it wants remote sites is that its engineered containment barriers will leak.

Surely we can do better than that for the people of South Australia. I look forward to getting some answers from the minister on the questions that I have raised.

Senator EDWARDS (South Australia) (15:16): I rise to speak on the motion of Senator Ludlam, and of course it behoves me to refute most of the issues which Senator Ludlam has raised. I understand that Senator Ludlam is ideologically opposed to this industry. It is what his brand is built on. It is what his trademark is. And his very small percentage of followers in the world who subscribe to his beatnik politics would subscribe to it. I do not know where you have been locked into, Senator Ludlam, but there is no higher inquiring authority in this land than a royal commission. To completely denigrate the findings of a royal commission, with the resources it has, in the way you have in the 12 minutes that I heard you speak is somewhat abusing the whole way in which our democracy and this government are run. You tell me a higher authority than a royal commission. I would be very interested.

Senator Brandis: The parliament.

Senator EDWARDS: There is the parliament. You can come to the parliament and you can debate this, which you are.

I will put what I know on the record. The suggestion and your inflammatory language, which is flowery and purposeful, about 'putting waste in a car park out the back of South Australia' just put your intellectual rigour which you have applied to this in perspective. You have not applied it. Have you actually read—and I would love an indication; I will take your interjection—my submission to the royal commission from cover to cover?

Senator Ludlam: Yes, you provided me a copy not that long ago.

Senator EDWARDS: Yes. Have you read it, Senator?

Senator Ludlam: No, not cover to cover.

Senator EDWARDS: So you have not read it. Through you, Deputy President, I would inquire whether Senator Ludlam read the full findings of the royal commission before his contribution today.

Senator Ludlam: I've read their summaries that they provided.

Senator EDWARDS: Oh, you have read the summary. I have read every word of the royal commission preliminary findings, and I found them to be quite encouraging. What we have now is a report on the table. Senator Ludlam and his assertions—the Greens political party can make a submission to the royal commission and put their contentions, and they can refute the facts of that royal commission that they believe are non-factual. They can tear down the findings of the royal commission, like Senator Ludlam has attempted to do in this chamber today.

He can do his own economic modelling. Senator Ludlam can do his. I have done mine. Mine also is vindicated by the findings of the royal commission. I had my paper peer reviewed around the world by a dozen different groups, scientific and economic. I am wondering whether Senator Ludlam has brought the same intellectual rigour to his submission
here today in this chamber. I suspect not. I suspect the royal commission have also had their findings tested by eminent scientists and by people who have a background in economics, unlike what he has here today.

Also, there is this whole sense of fearmongering that goes with the contribution that was made by Senator Ludlam, whose trademark is opposing any progression in this area. He is now conflating the issues of low-level medical waste—medical waste which will come about as a result of one in two people in this country having an interaction with oncology services in this country. What we are doing by pulling these two together is subscribing to the Greens' fear and loathing of this whole policy position, which I suspect that in their heart of hearts they do not really believe, but they are so entrenched in this policy now that they cannot step away from it. They are so entrenched in it that they cannot stop it. Even the eight per cent of people who might vote for them around this country—

*Senator Brandis interjecting—*

**Senator EDWARDS:** They are just dogmatists in this whole debate. They just cannot move, because they think that if they do they will give up part of their branding.

What do we do then with all of the nuclear medical waste which is stored in 100 sites around this country? Just leave it in the basements of hospitals, shall we? Shall we not take it into a managed, controlled space where we can responsibly handle this? Your inflammatory language of, 'Oh, we'll put it in a car park out the back of South Australia,' demeans you, and it demeans the mentality of the debate which we are supposed to be having.

We are talking about a world-class arrangement, and Australia has been rated No. 1 in terms of regulation and governance of its nuclear facility. You heard that yourself, Senator Ludlam, at the last estimates. We are No. 1—ANSTO, our facility; in regulation; and the way in which we operate our nuclear science technology. That is no mean feat. I want to let anybody listening to this contribution know that, of the G20 countries, Australia is only one of two that are not nuclear nations—us and Italy, and Italy will be going down that path very soon.

*Senator Ludlam:* No, they got out. They closed theirs down.

**Senator EDWARDS:** And now they are buying coal fired power. You failed to embrace the imperative in this. You claim to stand for zero carbon emissions. I ask the Greens political party: what is the only power source that will provide baseload energy to this country at an internationally competitive rate? There is only one answer, and it is nuclear power generation. I repeat: zero carbon emissions and the only thing that will provide the baseload energy. My home state of South Australia has the third highest power costs in the world. We are trying to invigorate that state. How on earth can we do that when we are competing with other countries that are nuclear countries? How are we ever going to be able to contemplate doing that?

The royal commission could not have been more unequivocal in leaving the door open. The royal commission was not an entrepreneurial vehicle. That is my job. My job is to provide government with an option to provide nuclear power and to speak to the countries that will become customers of this country. We are geographically placed on an island in a part of the world that is geologically stable and geopolitically stable. That combination, Senator Ludlam, puts us in the best position in the world to take advantage of this most lucrative opportunity.
You deny the people of South Australia through your scaremongering, your fear and loathing, your politics of envy or whatever you want to call it. It is scientific bluster because you have not put one bit of evidence on the table that suggests that the royal commission is wrong in saying that the risks are manageable. With the record that we have, Senator Ludlam, you are doing this country a great disservice when you denigrate our science capacity—CSIRO, ANSTO and everything like that. I cannot wait to see the scientists front up at the next budget estimates to take your questions.

You are out of your depth. You should spend some time in this place. You should go around the world. These facilities are pristine in every respect—the way they are governed, the way they are regulated and the way they are operated. But you have not, Senator Ludlam, because you will not. Lucas Heights will accept a visit from any of you at any point in time. What do you have against saving people's lives? What do you want to sustain? There are 100 sites around this country holding medical waste, and all we want to do is put that in a safe container.

Senator Ludlam said that we are going to put nuclear waste in canisters that are going to leak. That implies to everybody listening that nuclear waste has leaked. I ask Senator Ludlam to come up with proof that nuclear waste storage around the world has at any time ever leaked. You provide that information to the royal commission. You flesh out your scientific evidence for why your contribution previous to mine is credible in any way, shape or form. It is not. We just heard scaremongering in that contribution. That was the most profoundly irresponsible contribution I have ever heard Senator Ludlam make in this debate.

There are no voices of science or of economics that have come out since those royal commission preliminary findings. This has suffered scrutiny all over the world. Everybody in the science world and in the nuclear science world is interested in this. If there were one flaw in the science or one flaw in the economics, don't you think we would have heard about it already? All we have is the Australia Institute, who are employed by the South Australian Conservation Foundation, saying, 'Maybe this was a stitch up from the start.' That was the only voice we had heard until today when we have had this. I encourage every scientist and every person involved in nuclear science that understands the economics of nuclear science and what it can do for this country to take Senator Ludlam's contribution, pick it apart and copy me in on the email of where he has gone wrong, where he is not right and why he should come back into this chamber and address the contentions he has made.

Senator IAN MACDONALD (Queensland) (15:28): What a wonderful speech by a serious adult and effective senator from South Australia. Senator Edwards, I congratulate you on that and thank you for putting some clarity into a debate that I and I suspect other senators might have needed. I will not keep the Senate long. For as long as the Greens continue this process of having a debate other than taking note of answers I intend to contribute as well.

I want to alert the Greens political party to what is happening in Europe. You would probably be aware that after Fukushima the German government, quite curiously I thought, started cutting down on their nuclear power. Instead, they just brought it across the border from France. Nevertheless, it gave the Greens equivalents in Germany some comfort that Germany was no longer using nuclear power—they were just buying it from France across the border!

So I am sure Senator Ludlam would have been happy about that.
But, of course, the hypocrisy of the Greens political party again comes to the fore, because Senator Ludlam would probably be aware—and if he is not he should look into this—that Germany is now building one of the biggest coal-fired power stations anywhere in the world. So here are the Greens. They do not want nuclear power, but what is replacing it? The largest coal-fired power station in the world, being constructed in Germany. So where is the Greens policy consistency on that? Yes, get rid of uranium and nuclear power but encourage coal-fired power stations. I am glad that Germany is going that way.

Similarly with China, I was at a presentation earlier today where it was stated that there are literally hundreds and hundreds of coal-fired power stations being constructed in China at the moment. They are mostly using the cleaner coal that Australia produces, and because of that the lessening of the CO$_2$ emissions from these coal-fired power stations is very considerable. I might add—and I will give Senator Ludlam the statistics shortly—that the amount of reduction in CO$_2$ from all the European emissions trading schemes is infinitesimal compared to the reduction in CO$_2$ emissions from these clean coal power stations in China and elsewhere in Asia.

So again I thank Senator Edwards for clarifying that. I add to the debate again just to highlight—if any highlighting is necessary—the Greens' complete hypocrisy in their approach to issues of energy.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Taxation

Education Funding

Senator DASTYARI (New South Wales) (15:32): I move:

That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Senators Wong and Dastyari today relating to negative gearing and to the Safe Schools program.

What an incredible time to be alive! What an exciting time to be alive! We had the Assistant Treasurer this morning appear on the Sunrise program. Boy, what a performance that was! With this government, you get it all. Property prices are apparently going to both go up and go down as part of the government's new scare campaign about Labor's negative gearing policy. It is bring your own scare campaign day at the Australian parliament. Anything goes. Any plan goes. Any fear goes. Any scaremongering will work. At the same time, simultaneously, we are going to have a policy that is going to both make houses unaffordable and make everyone poorer by reducing the value of their home.

Frankly, if you want to run a scare campaign—I do not know if I should be telling the government how to do this—pick a side. Make one decision. Clearly the Assistant Treasurer was not at the meeting at the Liberal Party head office when they decided which scare campaign they were going to run, or she had an earlier memo. But you have to pick a side. You have to pick one scare campaign and just stick with it.

I have to say I was wrong about the Prime Minister. I have been wrong about Mr Turnbull. I thought Mr Turnbull was this brilliant Bond villain and was going to be some kind of evil genius. It turns out the Prime Minister is Dr Evil. We all thought he was this genius with this
secret plan. It turns out the Prime Minister has no idea what he is doing and that he is just making it up as he goes along.

The fact is that Australians already have spent a long time watching a group of out-of-town, born-to-rule types lounge around without any real idea of what they are doing next. At least *Downton Abbey* had a plotline. This government does not even have a plotline. It does not have an agenda. It does not have a point. What you have is a government running around in circles. There is no policy. There is no initiative. There is only a handful of tactics, and even the tactics are not very good. It is a scare campaign a week. It is bring your own scare campaign day. It is a government that is already falling apart at the seams, and its internals are ripping it apart.

You have seen the chaos where you have the education minister and the VET minister talk about this fantastic program, the Safe Schools Coalition, and then you turn around and you have the Prime Minister getting browbeaten by Senator Bernardi into starting to abandon it. It is chaos. It is madness. It is government in disarray. This is a government that is more chaotic than Kanye West's Twitter feed. This government has descended into an episode of *Keeping Up with the Kardashians*. It is a bunch of super-rich people—all of whom, I may add, seem to think they are more attractive than they actually are—sitting around doing nothing and pretending that somehow that is a real job. It is not. They have a responsibility. They are not meeting it. The only thing we need to top off the insanity that has become this government is Scott Morrison tweeting Mark Zuckerberg and asking for a billion dollars so that he can produce a budget. It has gone mad. It has gone crazy. This government has started to all apart.

Frankly, when you have a good policy proposal and you put up a good idea, a big idea, like the idea around negative gearing, what you get is a scare campaign. Let's be clear. What is going on here is that this is a desperate government. It is a lost government. It is a hopeless government, and it does not actually have a solution to what is going on in the housing market. A Saturday morning in Sydney is like *The Hunger Games*. A bunch of young families are going out there, battling each other, trying to get into the housing market and buy their first home, and it is becoming harder and harder for them to do that. And why is it harder? Because you have government incentives that are about the investors. An investor getting their seventh property should not have more incentives or financial benefits to do it than someone trying to buy their first home. You have the Prime Minister sitting in the Capitol like President Snow in *The Hunger Games*, just saying: 'Oh, all hell will break loose. There will be madness if we address some of these problems.' It is a joke. It is a fraud. This government is falling apart. *(Time expired)*

**Senator ABETZ** (Tasmania) *(15:37)*: The simple fact is the Labor Party chewed off far more than it could swallow in relation to its so-called negative gearing policy. Just a few facts: 840,000 Australians earning less than $80,000 per annum invest and negatively gear. They are not the filthy rich to whom Senator Dastyari refers. Indeed, 73 per cent of Australians who negatively gear have only one house investment. Another 18 per cent have only two houses. In other words, 91 per cent of our fellow Australians who negatively gear have a maximum of two houses. So where is this assertion of seven properties being owned? That might be by a very small proportion of nine per cent.

What the Australian Labor Party will not tell you is that out of the people who negatively gear 39,500 are nurses, 53,800 are teachers and 52,000 are retail workers. Why doesn't the
trade union movement support these workers? No wonder the trade union movement is losing numbers and supporters day after day, because the Labor Party and the trade union movement simply cannot understand that there are good, hardworking Australians who are aspirational and who are willing to take short-term pain for longer-term gain for themselves. What this is by Labor is a mad rush for tax revenue today on the basis of greater welfare payments in the future and less tax revenue in the future, because the construction sector will not be as vibrant. This is typical of Labor's short-term politics: trying to rake in the money today and forget about tomorrow. Exactly what they did with Gonski. Exactly what they did in their previous term of government. They have no memory of the disaster that they left behind. It is as though they did no wrong in the last six years when they were in government.

In my home state of Tasmania, a state with some of the lowest incomes in the country, 18,000 of our fellow Tasmanians are involved in negative gearing. They are not the filthy rich. They are just hardworking decent Australians who are saying: 'We will forego lifestyle today for the benefit of self-reliance and self-sufficiency in the future. We will take the burden off the next generation when we get to retirement.' Let's not forget that the Australian Labor Party fiddled with this in the past. In the Hawke/Keating era they thought this was a bright idea and they abolished negative gearing. This has been part of our taxation regime for over 100 years but for that little hiatus when Labor experimented, and what did they find? If people could not negatively gear and have their gain later on, then what did the property owners do? They immediately jacked up rents, and what did that do? The low-income earners who rely on rental properties were confronted by huge rental hikes and as a result the Labor Party, quite properly, retreated, as they should have done.

They learnt their lesson in the Hawke/Keating era but what does Mr Shorten do but dust off a failed policy. Having promised us that 2015 would be the year of ideas for Labor, they came up with nought. He starts off 2016 with the dusted-off, old Labor policy that was absolutely repudiated by the real experience of getting rid of negative gearing. This is the politics of class envy. This is the politics of class warfare. This is the politics of division. This is the politics of seeking to ensure that the aspirational are stifled. We as a coalition support the aspirational.

Senator SINGH (Tasmania) (15:42): We know that the far-right of the government are the ones who are in control today. We know that Malcolm Turnbull, the Prime Minister, has no control over the government that he leads. In fact, it is the Cory Bernardis of this world who are running the show, because the Prime Minister, in requesting an investigation into a program helping LGBTI students, is showing his true colours. They are not the colours of tolerance, they are not the colours of inclusiveness and they are not the colours of diversity. They are the colours of supporting right-wing ideology—that of Cory Bernard, which we know is incredibly homophobic because he has made that very clear on so many fronts before.

Yet when my colleague Senator Dastyari asked Senator Brandis, the Leader of the Government in this place, whether he agreed that the Safe Schools program has perfectly reasonable objectives, as Senator Birmingham has said, he said yes. When again he was asked if he agreed with Senator Ryan, who said when launching the Safe Schools Coalition that 'every student has a right to feel safe at school', he also agreed. On the one hand you have the Leader of Government here in the Senate agreeing to the basis of the Safe Schools program
and the Prime Minister of the day doing something completely different and completely undermining it.

Where are we at? Who are we to believe? Are we to believe Senator Brandis or are we to believe the Prime Minister? Are we to believe Senator Bernardi or are we to believe Senator Scott Ryan? They are all over the place. Who is to know who and is to believe what? The Australian people are completely confused on what this government is about and it is not just in the space of looking at this particular program; however, I highlight this program because it is an absolute disgrace what this government and this Prime Minister has done by wanting to have an investigation. If you want to have an investigation, why not have it on something that actually needs it and on something important?

This program is doing its job effectively. The Safe Schools Coalition Australia’s government website makes that very clear. It says that almost 500 schools have opted into the program and more than 15,000 teachers have accessed its tools and resources. It is doing its job. It is the only program of its kind in this country. Yes, it was set up by a Labor government. It is doing its job to break down intolerance of diversity in our schools and provide support to end bullying and victimisation as needed.

*Senator Bushby interjecting—*

**Senator SINGH:** What is needed, if we are going to have investigations—and Senator Bushby would be well aware of this as a motion on this went through this place this week having been moved by me and Senator Nick McKim—is an investigation into Tasmania’s wilderness World Heritage area. That is something that this government did not oppose. That is an investigation worth having—looking at the effects of climate change and global warming on wildfires in our wilderness World Heritage area. Why not invest your resources where they are needed rather than attacking an important program that is doing its job so effectively and so well? And, as I said, it was made very clear by Senator Ryan that every student has the right to feel safe at school and that is exactly what this program addresses. That is what he said at the launch of the Safe Schools Coalition back in 2014.

It is clear to me that the only reason why the Prime Minister would want to have an investigation into a very successful taxpayer funded program that is supporting LGBTI school students is to appease one person—or maybe a couple who are part of his cabal—and that is Senator Bernardi. Who is running this government? Is it the far right of the Liberal Party? Is it the Senator Bernardis of this world? Or is it the Prime Minister? No-one has any faith at the moment in the Prime Minister’s ability to run this country. Everything that this government is doing is a shamozzle. It is all over the place. This investigation into the Safe Schools program is just another example of that. Labor will stand by this program. We will stand by the right of children to go to school and not be bullied and not be intimidated like this by Senator Bernardi. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) *(15:47)*: Labor members find it impossible to comprehend that in the coalition we actually have policy debates. We have meaningful discussions. We are not told by the union movement and the factional bosses, ‘This is what you will do.’ What did Senator Cameron famously say a few years ago? He talked about ‘lobotomised zombies’. He said those opposite were not allowed to have any discussions in their party room, according to their bosses—which I take to be the union movements that run the Labor Party. If the leading unions say, ‘This is the issue,’ according to Senator Cameron,
the lobotomised zombies are just not able to put a view or an argument that is in any way contrary.

Today we had in question time questions about capital gains tax. It is a bit like how for three or four weeks Labor and the ABC ran—I have to say, very cleverly—this 15 per cent GST campaign. As I always suspected, there was nothing in it from the government side, as Senator Cormann and others have said time and time again. In the coalition, we look at a broad policy range. We look at all aspects of areas on taxation matters—as we should. Some you land on and some you discard. That is what we do. We consult and we have these policy discussions both within the coalition parties themselves and with relevant and interested stakeholders. The capital gains tax furphy that Labor are now embarking upon, having lost the 15 per cent GST debate, is just like the GST debate. It is a figment of the Labor Party's imagination. They work on the basis that if you say it often enough and keep repeating it someone out there might actually think for a moment that the Labor Party are telling the truth. But as these things always show, as with the GST, these are just furphies and figments of the Labor Party's fertile mind.

The Labor Party have been looking seriously at a 15 per cent GST so that they can pay for some of their unfunded promises they have already announced for the next election I did not get the figures. Senator Cormann, was it $50 million—

Senator Cormann: Fifty billion dollars!

Senator IAN MACDONALD: There has been $50 billion worth of unfunded promises suggested by the Labor Party so far. One can only imagine that perhaps the Labor Party are looking at a 15 per cent GST to fund these $50 billion worth of unfunded promises already made. We have a few months to go until the election.

On the other issue that the previous senator was talking about, as I say, these are matters that are discussed maturely, in an adult fashion, by the coalition party room. When all people's views have been heard—the views of many others besides Senator Bernardi and from both sides of the equation—decisions will be made by an adult, mature government taking into account everything.

As Senator Brandis rightly said at question time, there would not be a person in this chamber who would in any way countenance anything but a campaign against bullying children or, indeed, anyone. Like Senator Ronaldson said, there is bullying of older people too. I think that is equally important. I declare an interest in that. Bullying in any form and in any category should not be encouraged. In fact, it should be stamped out as best it can. I am sorry that the Labor senators who have spoken do not seem to understand the real issues. I am pleased to be a member of a government that discusses these particular problems and issues in a mature way. (Time expired)

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:52): I too want to take note of the answer given by Senator Brandis to the question asked by Senator Dastyari about the Safe Schools program. That was an attempt by Senator Dastyari to find out the position of the Turnbull government on this really important program in our schools for our children—in particular, our children who are gender diverse. It is a program that is well accepted, has been running, has been successful and, until this week, had the support of the whole of this parliament. We know that Senators Birmingham and Ryan supported the
program, but this week we have seen that the ultra right-wing cohort of the Turnbull government—especially Senator Bernardi and, today, Senator O'Sullivan—want to defund this program so that it ceases to exist. They have managed to convince the weak and pathetic Prime Minister Turnbull to exercise yet another backflip on policy. We are used to it in taxation and other issues like that, but in the matter of a social policy such as this one, which is so important to some of our children in our schools, you would think that Mr Turnbull would have shown some spine and stood up to those ultra right-wing homophobes in this place—as my leader, Bill Shorten, said this morning—who use every opportunity to denigrate and marginalise children, and Australians generally, who are gender diverse.

It is a very sad thing to come into this chamber and this parliament to hear this relentless attack against people. By doing this, all we do is contribute to the bullying of LGBTI persons in Australia and, in particular, children, who we know suffer terribly from bullying because they are not attracted to persons of the other sex. We have seen the Turnbull government kowtow to the hard right when it comes to marriage equality and insist on having a ridiculous plebiscite which is not even going to be binding. That is one thing, but this particular program—the Safe Schools program—is directed at young people. We know that, from a university survey of over 3,000 Australian LGBTIQ young people aged between 14 and 21, more than 60 per cent reported having experienced homophobic abuse. Over 18 per cent reported physical homophobic abuse, and a further 26 per cent reported being victims of other homophobic abuse, including rumours, graffiti and cyberbullying. We also know that 80 per cent of this abuse of our children occurs at school.

When the Labor government introduced the Safe Schools program, it was to target that unrelenting attack on our children. We know that these children are the ones who are most likely to suffer from anxiety and depression and who are three times more likely to attempt suicide. Surely, all of us in this place must do everything we can to prevent that happening to our children. It is a good initiative. It is implemented in schools by agreement of the schools. Parents are consulted about what is in this program. It is rolled out in schools with the sole purpose of making a school safe and free from bullying for all children. There are 495 government and private schools, including Christian schools, across the country educating 400,000 of our children. This particular program has a very strong track record.

I am very tired of what goes on in this chamber with regard to the abuse of people who are gender diverse or same-sex attracted. I am tired of the people who send me emails which are vile and homophobic as well. I can tell these people that I am harvesting all of your email addresses, and I will go back to you every time a gender diverse or same-sex attracted student in our schools harms themselves because of your attitude towards them. I am going to send you an email and tell you about it because I am fed up with having to put up with your abuse of our young people. (Time expired)

Question agreed to.

Education Funding

Senator SIMMS (South Australia) (15:58): I move:

That the Senate take note of the answer given by the Minister for Education and Training (Senator Birmingham) to a question without notice asked by Senator Simms today relating to the funding of school programs.
I asked Minister Birmingham about Senator Bernardi’s comments in relation to schools being a place of learning, not indoctrination. I asked him whether the government would be looking at the chaplaincy program in light of this fact because it has received $243 million over the last four years. This can be compared to the $8 million funding for the Safe Schools Coalition—that is, the chaplaincy program receives 30 times the level of funding than the project which Senator Bernardi argues is indoctrinating our children.

The response I received from Senator Birmingham indicated that there is no plan to look at the chaplaincy issue. I merely point this out because it highlights the complete inconsistency in the government’s thinking on these issues. The way that the chaplaincy program operates sees federal funds being given primarily to an organisation called the Scripture Union that organises chaplains to go into schools in Queensland, Tasmania and Victoria. Funding also goes to a range of other religious organisations in different states. I went to the website of the Scripture Union earlier today to learn a little bit about this organisation. It says:

Scripture Union (SU) is a Christian organisation which works with churches throughout Australia and the world to make God’s Good News known to children, young people … to encourage them to become followers of God through regular Bible reading and prayer and also to link up with their local church.

This is a message that is going into our schools. Well, if that is not indoctrination, I do not know what is. It is promoting a particular religious message to schoolchildren and doing so with a huge amount of government funds.

I want to make it very clear that the Australian Greens have been arguing for many years that we should have more support for young people within schools but that this should come in the form of secular counselling, not chaplains that are aligned with any particular religious organisation. So why is it, when we are talking about providing information to students about issues of sexual difference or gender identity, that that is somehow indoctrinating people? Why is it that that is seen as being indoctrination? We know why that is, and Senator McEwen touched on it in her contribution: it is because of the brazen homophobia we see by those on the opposite side. They have this ridiculous idea that, if you talk about differences in sexuality, you are somehow going to convert people. What an absolutely absurd proposition that is, a crazy proposition, but that is the kind of view held by those opposite.

As a student of Australian politics before I entered this place, I did think that the Abbott government looked a lot like Jurassic Park. But, when Malcolm Turnbull moved into the Lodge, I thought that was the end—

Senator Williams: Mr President, I raise a point of order. Could you ask the speaker to please refer to those in the other place by their correct title?

The President: Thank you, Senator Williams. I will remind all senators that they need to refer to people in this chamber and the other chamber by their correct titles or names. Senator Simms, you have the call.

Senator SIMMS: When Prime Minister Turnbull became Prime Minister, I had hoped that that was the end of ‘Jurassic Park’, but, no, there is a sequel: ‘Jurassic World’ is here. Malcolm Turnbull is in the Lodge but ‘Jurassic World’ is here. Dinosaurs walk among us. He is one now.

Senator Williams: Mr President—
The PRESIDENT: Thank you, Senator Williams. Senator Simms, I did remind all senators to refer to people in the other place, particularly the Prime Minister, by their title. Senator Simms, you have the call.

Senator SIMMS: Mr President, I apologise: Prime Minister Malcolm Turnbull. Prime Minister Malcolm Turnbull has found himself in a sequel, 'Jurassic World'. If only Chris Pratt were part of it as well—but alas not—and then it might be doing better at box office than the government is currently doing. This sequel seems to be a bit of a flop, because we are seeing the same tired old policies being reignited. And we are seeing that now with his crusade against the Safe Schools Coalition.

We know that the Liberals want to push their particular ideology, their particular world view, within our schools. There are people in the party that hate the idea of talking about diversity and hate the idea of actually recognising the reality of the world in which we live. Well, this is 21st-century Australia, and LGBTI young people and children have a right to feel safe and respected at school. It is appalling to see Prime Minister Turnbull caving in to the kind of bigotry and nonsense that we have seen on the conservative side of politics this week. He needs to show some spine; he needs to show some backbone. The Australian people want better from their Prime Minister.

Question agreed to.

NOTICE

Presentation

Senator WILLIAMS (New South Wales) (16:03): I give notice of my intention, at the giving of notices on the next sitting day, to withdraw:

Business of the Senate Notice of Motion No. 1, standing in my name for 10 May 2016, proposing the disallowance of the Charter of the United Nations (Sanctions—Syria) Regulation 2015 [F2015L01463];

Business of the Senate Notice of Motion No. 2, standing in my name for 10 May 2016, proposing the disallowance of the Charter of the United Nations (Sanctions—Iraq) Regulation 2015 [F2015L01464]; and

Business of the Senate Notice of Motion No. 1, standing in my name for 21 June 2016, proposing the disallowance of the International Organisations (Privileges and Immunities—Asian Infrastructure Investment Bank) Regulation 2015 [F2015L01734]

Senator Cameron to move:

That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes. Fair Work Amendment (Protecting Australian Workers) Bill 2016.

Senator Di Natale to move:

That the Senate notes that:

(a) in the past 20 years, Australia has an excellent record of achievement in the prevention of disease through immunisation;

(b) in the most recent annual data records (2012), there were 1,897 adverse events following immunisation;

(c) a no-fault vaccine injury compensation system would provide critical cover for those exceptionally unfortunate instances where a patient experiences an adverse event with a vaccination;

(d) nineteen other countries, including the United Kingdom, the United States of America and New Zealand, have a no-fault vaccine injury compensation system, and such a scheme would enable
Australia to compensate the families where there is this extremely rare instance of long-term vaccine injury; and

(e) high rates of immunisation reflect public trust in its benefits, and such trust would only be strengthened by the knowledge that the community will look after the few unfortunate casualties of a highly successful immunisation program.

**Senators Moore and Siewert** to move:
That the Senate—

(a) acknowledges Australia’s National Breastfeeding Hotline which:

(i) provides invaluable advice to 80,000 mums every year, and is run at an extremely modest cost to taxpayers due to the fantastic work of hundreds of volunteer counsellors who answer up to 6,000 calls every month, and

(ii) requires long-term funding to provide certainty for this vital service for Australian mums; and

(b) notes that:

(i) the benefits of exclusive breastfeeding requires strategies to share maternal lactation costs more widely, such as additional help with caring for children, enhanced leave and workplace lactation breaks, and suitable child care, and

(ii) although the World Health Organization recommends babies are exclusively breastfed for the first 6 months of their life, by 3 months of age, 60 per cent of Australian babies are getting some formula milk.

**Senators Day and Leyonhjelm** to move:
That the Senate notes the Turnbull Government’s failure to uphold free speech.

**Senator Muir** to move:
That the Senate—

(a) notes that:

(i) the Lane family has transformed Coolcalalaya Station into:

(A) a holiday destination for thousands of families each year,

(B) a property with tourist infrastructure, such as a licensed restaurant, campgrounds, accommodation and hundreds of kilometres of 4WD tracks, ranging from scenic to challenging,

(C) a location that now hosts local events which draw tourists into the region from all over Australia,

(D) a location used by schools located in the midwest of Western Australia for school camps, and

(E) a retreat where service members suffering mental health issues can stay free of charge to help with their recovery,

(ii) the Lane family has also built an off-road driver training business based around this property that:

(A) teaches the ethics and responsibilities in relation to off-road driving, and

(B) delivers nationally-accredited training via local technical and further education to: the general public, the Western Australia Department of Agriculture and Food, and State Emergency Service volunteers,

(iii) on 15 September 2015 the family was advised from the Pastoral Land Board that they needed to cease trading immediately and remove all possessions and all trace of their business by 30 June 2016, and

(iv) the Lane family state that they have the support for their activities from: members of the local Indigenous community, Northampton Shire, the Federal Member for Durack (Ms Price), the state
Member for Geraldton (Mr Blayney), the state Member for Pilbara (Mr Grylls), the state Member for Moore (Mr Love), and the Western Australian Deputy Premier (Ms Harvey); and

(b) calls on the Federal Government to:

(i) acknowledge the positive social and economic benefits the Lane family contributes to their local community, and

(ii) request Western Australian coalition senators to contact the Mr Redman MLA and ask that he grant a section 91 licence to allow the Lane family to remain at Coolcalalaya Station while the issues surrounding the general lease application are resolved.

Postponement

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

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Environment and Communications References Committee, postponed till 16 March 2016.

General business notice of motion no. 1026 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Minister representing the Minister for Infrastructure and Regional Development, postponed till 25 February 2016.

Senator SIMMS (South Australia) (16:05): by leave—I move:

That business of the Senate notice of motion no. 2 standing in my name for today, proposing a reference to the Education and Employment References Committee, be postponed till 29 February 2016.

Question agreed to.

MOTIONS

Steel Industry

Senator XENOPHON (South Australia) (16:05): I, and also on behalf of Senators Carr, Lazarus, Madigan and Muir, move:

That the Senate—

(a) notes:

(i) the importance of Australia's steel industry, not only in terms of revenue but also jobs and the economic value created through the multiplier effect,

(ii) the recent announcement by Arrium OneSteel that unless operating conditions improve at their steel manufacturing facility in Whyalla, thousands of jobs could be lost in the region, and

(iii) actions by the United States of America, India and Canada in recent weeks, in relation to imposing duties on steel dumped in those markets, as well as a current investigation by the European Commission of imported steel in the European Union;

(b) calls on the Government to:

(i) uphold the provisions of the Australian Jobs Act 2013 and the 'Buy Australian at Home and Abroad' principles, and

(ii) urgently uphold procurement rules that recognise the economic value and contribution to the Australian economy of local production of steel, including the positive impact on small- and medium-enterprises in the Australian steel industry supply chain when compared to using imported steel, and taking this into account:

(A) seek to maximise the use of locally-milled and locally-fabricated steel in federally-funded infrastructure and construction projects where possible, and
(B) ensure all taxpayer-funded infrastructure and construction projects be supplied with steel made to the Australian standard, and refer to the South Australian Government’s policy as a best practice model for third party certification to ensure that steel procured for public works is independently tested and certified to Australian standards; and

(c) expedite the Australian Dumping Commission’s investigation into allegations of steel being dumped in Australia, and, if need be, provide additional resources to the Commission to effect this.

Question agreed to.

DOCUMENTS
Commonwealth Scientific and Industrial Research Organisation

Order for the Production of Documents

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (16:06): I move:

That there be laid on the table by the Minister representing the Minister for Industry, Innovation and Science, no later than 9 am on 3 March 2016, the following documents in relation to the restructuring of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Oceans and Atmosphere division reported on 4 February 2016:

(a) the written briefing prepared in December 2015 by Dr Ken Lee, Director of the CSIRO Oceans and Atmosphere division for submission to the CSIRO executive for the ‘Deep Dive’ meeting;

(b) documents from November to December 2015 demonstrating the consultation that was undertaken with the Oceans and Atmosphere Flagship Research Program Leaders in preparing the above briefing;

(c) any written communication from Dr Alex Wonhas or Dr Larry Marshall to the CSIRO Oceans and Atmosphere division subsequent to the briefing mentioned in paragraph (a) requesting a proposal for more extensive restructuring;

(d) documents from January 2016 demonstrating any consultation that was undertaken by Dr Ken Lee with the Oceans and Atmosphere Flagship Research Program Leaders in developing the proposal for more extensive restructuring;

(e) all written communication from December 2015 until the present between the CSIRO Oceans and Atmosphere Flagship and either Dr Wonhas or Dr Marshall in relation to any proposed more extensive restructuring, including:

(i) communications detailing the scope, rationale and implications of the restructuring,

(ii) guidelines or criteria to be used in choosing specific areas to be restructuring,

(iii) the rationale for a reduction of 100 equivalent full-time staff, and

(iv) the decision to proceed after the CSIRO executive meeting on or around 27 January 2016;

(f) documents from December 2015 until the present demonstrating the consultation process that is being undertaken with the Oceans and Atmosphere Flagship Research Program Leaders, including guidelines or criteria being used, to determine the specific research groups and teams to be restructured;

(g) any written briefings for Dr Wonhas or Dr Marshall for the CSIRO executive meeting on or around 27 January 2016 concerning proposed restructuring in the CSIRO Oceans and Atmosphere Flagship;

(h) the minutes or other records of any CSIRO board meeting which considered the restructuring of the Oceans and Atmosphere Flagship;
(i) all project description and project budget documents for projects concerning the Cape Grim observing station and the associated Gas Lab analysis, for the past 5 years, up to and including 2015-16; and

(j) any written communication between Dr Marshall and CSIRO staff concerning clean coal technology from November 2015 until the present.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (16:06): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: The government opposes this motion. The documents are not in the possession of the minister.

Question agreed to.

MOTIONS

Anti-Protest Laws

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:07): I move:

That the Senate—

(a) notes that three United Nations human rights experts have urged the Parliament of Western Australia not to adopt new anti-protest laws which would criminalise legitimate protests, including those by environmentalists and human rights defenders;

(b) recognises the important role public protest and free speech have played, and continue to play, in a healthy democratic society; and

(c) calls on the Government of Western Australia to abandon these divisive and unnecessary laws.

Question agreed to.

COMMITTEES

Electoral Matters Committee

Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (16:07): I seek to add the names of Senators Muir, Leyonhjelm, Lazarus, Madigan, Wang, Day and Lambie to the motion.

The PRESIDENT: So added.

Senator McEWEN: At the request of the Senators Muir, Leyonhjelm, Lazarus, Madigan, Wang, Day and Lambie and also Senator Wong, I move:

That the provisions of the Commonwealth Electoral Amendment Bill 2016 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by 12 May 2016.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (16:08): I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator CORMANN: The House of Representatives agreed on 22 February that the Commonwealth Electoral Amendment Bill 2016 would be referred to the Joint Standing Committee on Electoral Matters and report by no later than 9 am on 2 March 2016. During its
inquiry into the 2013 federal election, the Joint Standing Committee assessed in great detail many of the reforms that are proposed in this bill. It reported on these matters in its interim and final reports of 9 May 2014 and April 2015 respectively, and as a result the government believes that the reporting date agreed by the House will give the committee sufficient time to properly inquire into the reforms proposed in this bill.


The PRESIDENT: Leave is granted for one minute.

Senator RHIANNON: This motion is another attempt to protect backroom deals to determine preference flows and to deny voters their rights to allocate preferences in line with their values. You do not need to join many dots to understand how deferring the reporting date by two months is designed to scuttle Senate voting reform. The senators involved in this motion would know that the Australian Electoral Commission needs many months to prepare new IT counting systems and to educate voters in the new system. That is urgent work. Many people have commented on the need for thorough education. Labor's pushing for a later reporting date shows that it will try every parliamentary trick in the book to knock off this important reform. This proposal should be reported in its original form—the reporting date was taken in a responsible way.

The PRESIDENT: The question is that the motion moved by Senator McEwen be agreed to.

The Senate divided. [16:15]

(The President—Senator Parry)

Ayes ....................26
Noes .....................38
Majority ...............12

AYES

Bullock, JW
Carr, KJ
Dastyari, S
Gallacher, AM
Lambie, J
Leyonhjelm, DE
Ludwig, JW
Marshall, GM
McEwen, A (teller)
Moore, CM
O’Neill, DM
Sterle, G
Wang, Z

Cameron, DN
Conroy, SM
Day, RJ
Ketter, CR
Lazarus, GP
Lines, S
Madigan, JJ
McAllister, J
McLucas, J
Muir, R
Singh, LM
Urquhart, AE
Wong, P

NOES

Abetz, E
Bernardi, C
Canavan, MJ
Di Natale, R
Fawcett, DJ
Fifield, MP

Back, CJ
Bushby, DC (teller)
Cormann, M
Edwards, S
Fierravanti-Wells, C
Hanson-Young, SC
Question negatived.

**MOTIONS**

**Liquor Licensing**

**Senator RHIANNON** (New South Wales) (16:18): I move:

That the Senate—

(a) notes that:

(i) on 3 February 2016, the Senate referred the ‘need for a nationally-consistent approach to alcohol-fuelled violence’ to the Legal and Constitutional Affairs References Committee,

(ii) late night violence and alcohol abuse has terrible consequences and is putting health and law enforcement services under tremendous pressure,

(iii) other large cities have retained a vibrant night life by providing 24 hour public transport, a range of support services and policing, and diversity in the density of licensed premises,

(iv) since the Sydney CBD entertainment precinct’s lockout laws commenced there have been huge costs to creative communities, live performances have declined by 40 per cent, jobs have been lost and dozens of venues have closed,

(v) on Sunday, 21 February 2016, about 15 000 people protesting in Sydney against the lockout policy of the New South Wales Liberal/National Government singled out job losses, the lack of personal freedoms and lost opportunities for young people as key concerns, and

(vi) residents and visitors to Sydney’s entertainment precinct should not be punished due to the behaviour of a small minority, and local communities should have a right to choose whether or not to have state lockout laws imposed on their localities; and

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CHAMBER
(b) calls on the Federal Government to urge the New South Wales Government to work with the community and key stakeholders to find innovative and integrated long-term solutions that will keep Sydney vibrant, open and safe.

The PRESIDENT: The question is that the motion be agreed to.

The Senate divided. [16:20]

(The President—Senator Parry)

Ayes .................. 14
Noes .................. 38
Majority ............... 24

AYES

Di Natale, R
Leyonhjelm, DE
Madigan, JJ
Muir, R
Rice, J
Simms, RA
Waters, LJ

Hanson-Young, SC
Ludlam, S
McKim, NJ
Rhiannon, L
Siewert, R (teller)
Wang, Z
Whish-Wilson, PS

NOES

Abetz, E
Bernardi, C
Bushby, DC
Carr, KJ
Cormann, M
Edwards, S
Fierravanti-Wells, C
Gallacher, AM
Ketter, CR
Lines, S
Macdonald, ID
McAllister, J
McKenzie, B
Moore, CM
O’Sullivan, B
Reynolds, L
Ruston, A
Singh, LM
Urquhart, AE

Back, CJ
Bullock, JW
Cameron, DN
Conroy, SM
Dastyari, S
Fawcett, DJ
Fifield, MP
Heffernan, W
Lazarus, GP
Ludwig, JW
Marshall, GM
McEwen, A (teller)
McLucas, J
O’Neill, DM
Parry, S
Ronalson, M
Ryan, SM
Sterle, G
Williams, JR

Question negatived.

COMMITTEES

Education and Employment References Committee

Reference

Senator MADIGAN (Victoria) (16:22): I, and also on behalf of Senators Leyonhjelm, Lambie, Muir, Wang, Lazarus, Day and Xenophon, move:
That the following matters be referred to the Education and Employment References Committee for inquiry and report by 30 June 2016:

The ramifications for professional sports people of Australia’s participation in the international sports anti-doping framework, with particular reference to:


(b) the operation in domestic professional sports of the:
   (i) Australian Sports Anti-Doping Authority Act 2006 (the ASADA Act),
   (ii) National Anti-Doping Scheme, and
   (iii) National Anti-Doping Framework;

(c) the investigatory powers of ASADA in comparison with similar bodies in other jurisdictions and conventional law enforcement agencies;

(d) the judicial process provided for under the ASADA Act, including, but not limited to, the rights accorded to accused sportspersons and others during the investigatory phase, the rules governing admissibility of evidence at each stage of the process, the standard of proof applicable at each stage of the process, and rights to appeal any finding of guilt or associated penalties;

(e) how professional sporting competitions have responded to the obligations imposed by the World Anti-Doping Agency (WADA), and the effects on the individual sports person;

(f) the effect on domestic professional sporting competitions of the regulation by WADA and the rulings of the Court of Arbitration for Sport; and

(g) any related matters.

The question is that business of the Senate motion No. 3 moved by Senator Madigan be agreed to.

The Senate divided. [16:23]

(The President—Senator Parry)

Ayes ...................... 18
Noes ...................... 39
Majority .................. 21

AYES

Day, RJ
Hanson-Young, SC
Lazarus, GP
Ludlam, S
McKim, NJ
Rhiannon, L
Siewert, R
Wang, Z
Whish-Wilson, PS

Di Natale, R
Lambie, J
Leyonhjelm, DE
Muir, R
Rice, J
Simms, RA
Waters, LJ
Xenophon, N

NOES

Abetz, E
Bernardi, C
Bushby, DC
Cash, MC

Back, CJ
Bullock, JW
Cameron, DN
Conroy, SM

CHAMBER
Question negatived.

Select Committee on the establishment of a National Integrity Commission

Appointment

Senator WANG (Western Australia) (16:26): I, and also on behalf of Senator Madigan, move:

(1) That a select committee, to be known as the Select Committee relating to the establishment of a National Integrity Commission, be established to inquire into and report, on or before 22 September 2016, on the following matters:

(a) the adequacy of the Australian Government’s legislative, institutional and policy framework in addressing all facets of institutional, organisational, political and electoral, and individual corruption and misconduct, with reference to:

(i) the effectiveness of the current federal and state/territory agencies and commissions in preventing, investigating and prosecuting corruption and misconduct,

(ii) the interrelation between federal and state/territory agencies and commissions, and

(iii) the nature and extent of coercive powers possessed by the various agencies and commissions, and whether those coercive powers are consistent with fundamental democratic principles;

(b) whether a national integrity commission should be established to address institutional, organisational, political and electoral, and individual corruption and misconduct, with reference to:

(i) the scope of coverage by any national integrity commission,

(ii) the legislative and regulatory powers required by any national integrity commission to enable effective operation,

(iii) the advantages and disadvantages associated with domestic and international models of integrity and anti-corruption commissions/agencies,

(iv) whether any national integrity commission should have broader educational powers,

(v) the necessity of any privacy and/or secrecy provisions,

(vi) any budgetary and resourcing considerations, and

(vii) any reporting accountability considerations; and
(c) any other related matter.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, and Senators Wang and Madigan.

(3) That:

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

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

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate.

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

(6) That Senator Wang is appointed chair.

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

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has the casting vote.

(10) That 3 members of the committee constitute a quorum of the committee.

(11) That the committee have power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(12) That 2 members of a subcommittee constitute a quorum of that subcommittee.

(13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

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

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

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

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (16:26): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.
Senator RYAN: The government has a zero tolerance approach to corruption and is committed to stamping out corruption in all its forms. We have a multifaceted approach to combating corruption. We are always looking at how we can strengthen that, rather than throwing the whole system out based on the presumption that a national anticorruption commission will be more effective. The Australian Commission for Law Enforcement Integrity is responsible for preventing, detecting and investigating serious issues of corruption in federal law enforcement agencies. Furthermore, the Commonwealth Ombudsman performs an important function in investigating and auditing various agencies and functions. The Australian Federal Police also play a fundamental role in investigating serious corruption issues. The government will continue to take a strong approach to tackling corruption in all forms.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:27): I seek leave to amend the motion.

The PRESIDENT: Senator Siewert, just to assist the chamber, you may wish to flag the nature of your amendment.

Senator SIEWERT: My amendment is to change the number of senators that will make up the committee to seven, to include a Greens member.

Leave not granted.

The PRESIDENT: The suggestion from the government is that, if there is consent to postpone the motion, we could deal with it tomorrow. But it is up to the mover of the motion—if the mover wants to postpone the motion till tomorrow, if the amendment curries favour with the mover.

Senator Wang: I wish to move the motion today, Mr President.

The PRESIDENT: The question is that the motion moved by Senator Wang be agreed to. The Senate divided. [16:28]

(The President—Senator Parry)

Ayes ......................37
Noes ......................27
Majority .................10

AYES

Brown, CL
Cameron, DN
Conroy, SM
Day, RJ
Gallacher, AM
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludlam, S
Madigan, JJ
McAllister, J
McKim, NJ
Moore, CM
O'Neill, DM
Rice, J

Bullock, JW
Carr, KJ
Dastyari, S
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Lines, S
Ludwig, JW
Marshall, GM
McEwen, A (teller)
McLucas, J
Muir, R
Rhiannon, L
Siewert, R
AYES
Simms, RA
Sterle, G
Waters, LJ
Xenophon, N

Singh, LM
Wang, Z
Whish-Wilson, PS

NOES
Abetz, E
Bernardi, C
Canavan, MJ
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Lindgren, JM
McGrath, J
Nash, F
Parry, S
Reynolds, L
Ruston, A
Seselja, Z
Williams, JR

Back, CJ
Bushby, DC (teller)
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
McKenzie, B
O’Sullivan, B
Payne, MA
Ronaldson, M
Ryan, SM
Smith, D

PAIRS
Bilyk, CL
Collins, JMA
Peris, N
Polley, H
Urquhart, AE
Wong, P

Scullion, NG
Birmingham, SJ
Brandis, GH
Cash, MC
Sinodinos, A
Colbeck, R

Question agreed to.

DOCUMENTS
Government Departments: Outsourcing to Foreign Businesses
Order for the Production of Documents

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (16:34): I move:
That there be laid on the table by each Government minister, no later than 4 pm on Thursday, 12 May 2016, any documents relevant to the outsourcing of work by their government departments and associated agencies (including any commissions, bureaus and corporations), to foreign businesses (including wholly-owned foreign businesses, companies registered in Australia with a foreign parent company/companies and foreign companies with a majority shareholding held outside of Australia), specifically:

(a) the name and location of each government department and agency that is party to a procurement contract with a foreign business (contract);

(b) the number of contracts that currently exist between each government department and their agencies and foreign business;
(c) for each foreign company/business engaged by government departments and their agencies pursuant to contract, the foreign company/business name and the country in which their office is located and/or is operating;

(d) the date each contract commenced, and the date that contract is due to be finalised or reviewed for the purpose of further negotiations;

(e) the nature and scope of works required to be performed pursuant to each contract, including:

(i) where the works are managed and performed,

(ii) the composition of the workforce, including whether Australian workers are required to be engaged by the contract,

(iii) the number of Australian workers engaged by the contract, and

(iv) the monetary value of each contract; and

(f) prior to the commencement of each contract, information as to:

(i) whether the requirement for goods and/or services previously existed,

(ii) whether the provision those goods and/or services were performed by the Government, or

(iii) whether the provisions of those goods and/or services was managed and performed on the Government's behalf, and, if so, the name and location of the business responsible for the provision of those goods and/or services.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (16:35): I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator CORMANN: The government opposes this motion. This is a very significant information request and would be a considerable drain on the resources of agencies. Details regarding the locality of works for each contract, workforce details and the histories of previous contracts would require a very significant and unreasonable diversion of resources.

This information is not reported on AusTender and would need to be requested of each Commonwealth entity separately by portfolio.

The PRESIDENT: The question is that the motion moved by Senator Lazarus be agreed to.

The Senate divided. [16:37]

(The President—Senator Parry)

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

AYES

Brown, CL .............................. Bullock, JW
Cameron, DN .......................... Carr, KJ
Conroy, SM ............................ Dastyari, S
Di Natale, R ............................ Gallagher, AM
Gallagher, KR .......................... Hanson-Young, SC
Ketter, CR ............................. Lambie, J
Lazarus, GP ............................ Lines, S
Ludlam, S .............................. Ludwig, JW
Madigan, JJ ............................ Marshall, GM

CHAMBER
Question agreed to.

MATTERS OF URGENCY

Donations to Political Parties

The PRESIDENT (16:39): I inform the Senate that I have received the following letter, dated 24 February 2016, from Senator Siewert:

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

"The need for immediate action on political donations reform, to address the corrupting influence of political donations, including from property developers and fossil fuel companies."

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 for today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clocks accordingly.

Senator RHIANNON (New South Wales) (16:40): At the request of Senator Siewert, I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for immediate action on political donations reform, to address the corrupting influence of political donations, including from property developers and fossil fuel companies.

There is systematic failure in the electoral funding system in Australia today. It breeds corruption and it must change. Electoral funding laws are broken. They are broken because they do not work. They do not work for the community and they are deeply damaging to our democracy. They do not work because large donations can be disguised. They can be disguised by a whole range of methods that further undermine the public's confidence. They are also not working because of inconsistencies in disclosure. Transparency is not working. You cannot say that there is transparency when there is such deep inconsistency, often in the order of hundreds of thousands of dollars, between the disclosure of companies and the disclosure of the parties and the candidates who received the money. The result is that the big donors—powerful players—are perceived to buy influence. Sometimes they appear to buy influence, and that perception is damaging our democracy. It certainly encourages the notion that politicians are for sale.

The public deserve honesty. They deserve honesty in terms of how our funding laws work. Again, the culture is one of dishonesty. It is dishonest because so much is not disclosed, and what is disclosed barely helps inform the public and those who are trying to understand how the current system works. This has been identified very clearly by Transparency International. In a very important report into political funding that they released in 2015, they found:

Australia’s high disclosure threshold on financial contributions to political campaigns means that loopholes can be easily abused.

Those loopholes exist because of a number of factors. One very big one is that, at the moment, you do not have to disclose that you are giving money at a federal level if your donation is under $12,800. But you can give that $12,800 in every state and territory. Multiply that amount eight times and it comes to about $100,000 that you can give without disclosing it.

Our system is also broken because there really is no comeback for people who do the wrong thing. The AEC has not prosecuted anyone under the AEC laws on electoral funding over the past seven years. We can also see how serious this is from a lot of the incidents that were exposed in New South Wales at the Independent Commission Against Corruption, our New South Wales corruption watchdog. Often when I have spoken on this issue people say: 'That is a New South Wales problem. We do not have it at a federal level.' We do not know what we have at a federal level because we do not have a commission to expose it. That is the essence of it, and that is why the New South Wales ICAC has done such an outstanding job.

It is worth sharing some of the examples. They are very worrying. There was a sham company called Eightbyfive. It was run by Tim Koelma, a former staffer of Liberal Party minister Chris Hartcher. He issued false invoices for consulting services to disguise
donations. In that period about $400,000 came to the Liberal Party. The Free Enterprise Foundation launders—

Senator Heffernan: Mr Acting Deputy President, on a point of order: the Liberal Party pinged him.

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

Senator RHIANNON: Then there is the Free Enterprise Foundation—and I do not think this one has been pinged—where we again have the laundering of illegal donations. It has been reported that Paul Nicolaou, the former New South Wales Liberal chief fundraiser, appears to have come up with the idea of exploiting a loophole so that banned developer donations could be accepted by funnelling them through the federal branch. Westfield gives $150,000; Brickworks, $125,000; and the Walker Group, $100,000. Again, this is exploiting loopholes when we had worked to really clean up the laws in New South Wales with regard to electoral funding. There are so many ways in which this deeply undermines the confidence that people have in the political process. It damages not just those who are involved in these scams but all political parties—the very institutions that we work in and all members of parliament, because people become deeply cynical about how the political process works.

I would like to refer senators to a very important High Court case—it is very relevant to this debate—where the court identified how serious the problem of political donations was. They talk about corruption and that there are two forms of corruption. There is the quid pro quo corruption, as they refer to it, where money is directly handed over for a result—maybe a special development or a mining application. Then they talk about the more subtle kind of corruption where a culture develops whereby those who receive the money feel they need to accommodate that industry, and over time one finds that there is a weakening of the laws. So there is an urgent need to address the whole issue of the corrupting influence of political donations. It is deeply damaging to our political process, to our democracy, and it needs to change.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:46): I rise to address this matter of public importance because a lot of the assertions that have just been put forward by Senator Rhiannon are not actually borne out in fact. I would like to address this at a number of levels: firstly, why people make donations; secondly, the mechanisms put in place to provide transparency and accountability around those donations; and, thirdly, the practical outcome in terms of the decisions that are made, particularly at a federal level. I accept that there have been examples. In fact, in Sydney at the moment, with the Auburn council some very clear examples of a conflict of interest with property developments and the decision makers. That accusation has been made, and it appears as though there is a body of evidence to support it. But many of the decisions that are made by federal government do not go directly to property developers. So the three areas I would like to cover are those.

In terms of the motivation, I have been involved with politics as a member of parliament and now as a senator since 2004. One of the things that struck me is that, whilst there are many people in the Australian community who do not get engaged in politics or, indeed, in the workings of the parliament—and I would have to say that I was one of those before I joined the Liberal Party in 2004 and became a member of parliament—there are some people who care deeply about the direction of this country. It is not about their personal interest.
Many people who donate do not have business interests. Many people who have large business interests do not donate or seek to influence outcomes specifically for themselves, but they care about the philosophy of the people who are running the country. So, in this year, an election year, it should be no surprise that there are people in our country who are saying, 'Do we want more of the socialist compact between the Labor Party and the Greens that looks at having big government and that seeks to diminish individual responsibility and reward for effort and to be the nanny state dictating the distribution of other people's money, or do we want a government that actually provides incentive and opportunity and that encourages people and, indeed, allows people to be rewarded for innovation and excellence and hard work?' They are two quite distinct approaches to providing government.

Many people say that there is not a lot of difference between the coalition and the Labor Party when it comes to politics, but at its heart the difference between the coalition and those on the opposite side is the view about the role of government in people's lives as opposed to individuals. And there are many people—businesses, corporations and private individuals—who feel passionately enough about wanting to see government in the flavour and character that suits their own ideology, but it is not about their individual interests; it is about the interests of the nation—and that is not just true for the coalition. If we have a look at the CFMEU and the donations they have made to both the Labor and the Greens, we see large amounts of money being donated—for example, here in the ACT, $50,000 from the CFMEU to the Greens party; and, in Victoria, $1.6 million from the unions to the state Labor Party. Why? Because clearly people on the left of politics—and many people in the unions are in that position—want to see a government run by the Labor Party. That is their right. They have every right to raise money to increase the opportunity of people from that political party getting their message out. Unlike the accusation from Senator Rhiannon, that is not corruption; it is actually about engaging in the political process and trying to provide the opportunity for political parties to make their point.

So my first rebuttal of the urgency motion that has been put forward by Senator Rhiannon today is around the issue of motivation. I would argue that certainly in my experience people who provide donations to political parties, whether they be unions, individuals or corporations, do so because they believe in the values of the party that they are donating to. There are others whom I have seen donate to both major political parties and, in fact, to the Greens sometimes. This is because they believe that the system of government we have here is worth supporting. They recognise that it is expensive to run campaigns, it is expensive to communicate with people, and they provide that funding.

Australia rates very well on any international scale in terms of transparency and lack of corruption. Part of the reason for that is that we have good governance in place and the Australian Electoral Commission has very clear procedures around people who have donated. They need to disclose names, who it was donated to and amounts. So we see that there are procedures in place for that. In fact, one of the things that Joint Standing Committee on Electoral Matters looks at often is this very issue around funding for electoral campaigns and whether or not there should be more federal funding or there should be bans on fundraising. It has even been proposed previously that there should be bans on fundraising so that people do not have to pay for TV advertising. In fact, once there was a proposal put forward in legislation to ban TV advertising in the lead-up to, and through, the election. That was struck
down by the High Court. Why was that struck down? Because the High Court recognised that, constitutionally, there is an implied freedom of speech that says that as we approach an election the people who are seeking to stand for election must be free to communicate with the public, put forward their ideology and their policies, and build the case as to why people should be voting for them.

We do not only have the transparency of the Australian Electoral Commission and all of the reporting and disclosure that goes with that. We also have decisions of people like the High Court and reports from people like the electoral matters committee, who have looked at electoral funding and decided that not only do we have systems to keep it transparent and to keep corruption out of it but that, importantly, constitutionally it is an essential part of our democratic system, for our people to have free speech and to put forward the case to the elector as to why they should be in public office and help form the government.

So my first and foremost rebuttal is motivation, and we see that that is above the board for people who donate. Second is around the fact that any donations that are given are part of a transparent system. The third part I come to is in the order of influence. There is an accusation when you talk about corruption that decisions are being bought. I certainly know that people supported my campaign when I was running as the member for Wakefield. But, as a back-bench member, I was not directly making decisions. Those decisions were made by ministers, with all the probity of departments that goes into that.

One of the things that I have often advocated to people who want to talk to the government is that the committee system of the parliament is the place to come and make their case if they want to see changes in policy. The committee system is open, it is on the public record and it is transparent. On any given policy area, as legislation comes through—particularly in the Senate with the legislation committees or the references committees—the committees are the place where they can come and make their case and there is absolutely no way that you can make accusations of things like corruption.

So I completely refute the basis of the urgency motion that has come forward today. No matter which way you look at it, at a federal level people like property developers just do not come into the equation of our decision making. In terms of the transparency and the system, there are mechanisms in place that have been upheld through multiple reviews as well as by the AEC, a completely independent commission who look after our electoral system. As I said, there are people, corporations, and organisations such as unions who want to see people elected who will govern the country in the way that they believe is good for the country's interest, and they are prepared to donate money to allow them to communicate. That basic premise has been upheld by the High Court, who said that the implied freedom of speech required through the Constitution means that that kind of funding needs to be able to continue.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (16:56): What a great opportunity it is to speak today to demonstrate the complete hypocrisy and the complete cowardice of the Greens party. They have gone from being a claimed party of principle to a party that is more interested in maximising the number of Green bums on Senate seats. That is what is going on in this chamber today. The Greens are so embarrassed by their filthy deal with the government to eradicate all voices on the cross benches of the chamber other than their own. They have entered into a filthy deal with the government.
Let me read to you from the constitutional reform and democracy platform of the Greens. Under 'Principles' it states:

4. The Constitution should express our aspirations as a community and define our rights and responsibilities …

5. Parliament is the central authority of representative and responsible government.

And here is the cracker:

6. The composition of Parliament should reflect the diversity of opinion within society.

Well, tell me this: how can you live up to that principle of your policy when you are introducing a system that you know is absolutely about eliminating the votes of 25 per cent of Australian voters, who did not vote for us, who did not vote for the coalition and who did not vote for you or Senator Xenophon? Twenty-five per cent of voters are going to be excluded.

I want to thank my colleague Gary Gray for circulating this document, because if any document circulated by Gary Gray recently demonstrates what is really going on in this debate, this document does it. Tragically, it does not support Gary's own arguments, but I suspect he did not bother to read too much of it. It says 'Australian voters have spent over 30 years voting 1 above the line, and it does seem reasonable to assume that many people will continue to do so.' What you are introducing is a first-past-the-post voting system, and you are legalising it. You may be happy with that, but let us go to why. This document is the analysis from the Parliamentary Library circulated by Gary Gray, who thinks it supports his arguments. It goes on to say: 'The obvious way to approximate the new system is to first look at how many quotas are achieved by each party as a primary vote. This will indicate how many seats the party is guaranteed to win and may account for four or five of the six vacancies at a normal half Senate election. The remaining seats will be determined either by preference flows or by whichever party has the largest remainder after the full quota is allocated to elected candidates.' Here is the scam: according to the Parliamentary Library, the only parties that could be reasonably expected to transfer preferences at sufficient numbers to elect another candidate are the larger parties—the Liberals, the Nationals, the Labor Party and those down in that corner, the Greens.

The Parliamentary Library has belled the cat. The Greens have done a deal to breach their own constitution, their own principles that they set out. The only parties that could reasonably be expected to transfer their preferences in sufficient numbers to elect another candidate are the larger parties. It goes on to discuss 'the limitations of this approach,' because he has been asked to model this by Gary Gray: 'Whilst the 2013 Senate election is the most recent guide to the will of the voters it was unusual in a number of ways, which will not likely be replicated in future elections.' This is the Parliamentary Library's analysis—

**Senator Rhiannon:** Mr Acting Deputy President, a point of order on relevance: I certainly want the senator to expand on his current subject but also be relevant to the issue of donations.

**The ACTING DEPUTY PRESIDENT (Senator Back):** You are debating, Senator Rhiannon. At the moment I am happy with Senator Conroy's presentation.

**Senator CONROY:** I can understand why you don't want this read in the parliament. He says of the 2013 election: 'Most apparently the Palmer United Party and the Liberal Democrats won substantial votes and won Senate seats that they are not likely to be able to
replicate in future elections'—my apologies, Senator Leyonhjelm; he does not realise the impact you have made, but that is what the Parliamentary Library said—’due to lost electoral support evident in recent polls and by-elections.’

He goes on to model it and, believe it or not, comes up with: 'The Palmer United Party are going to win a quota again.' Nobody on the planet believes that; even he does not believe that. He actually writes earlier that that is not the case. So what will happen to those votes in this system? We know what will happen. They will go back where they came from, mostly from the Liberal Party. If he is right about Senator Leyonhjelm they will probably return to the pretence of the Liberal Party called the Liberal Party. That is what this debate has always been about—Greens bums on seats. (Time expired)

Senator LEYONHJELM (New South Wales) (17:01): I thank the Greens Party for today's opportunity to talk about the need for urgent action on political donations. You ought to be congratulated, just like Goodman Fielder, the producers of my favourite margarine, MeadowLea. I enjoyed my MeadowLea on toast this morning, so allow me to also acknowledge George Weston Foods—good on you mum, Tip Top's the one.

The Liberal Democrats agree there needs to be urgent action on political donations. This can be achieved by sending cheques made out to us directly to PO Box 636, Drummoyne NSW 1470 or through our web page at ldp.org.au.

While enjoying my Nescafe coffee this morning—thank you, Nestle—I reflected upon the fact that at the last election Australians were forced to hand over $58 million to the greedy major parties. This paid for wasteful advertisements that drove us all crazy. Even the Greens produced enough junk mail to create a bare patch in the Amazon rainforest about the size of the ACT. That is why long-suffering taxpayers should welcome anything to ease this burden—donations given willingly by individuals and corporations. So long as this process is transparent it is something to be encouraged. The Liberal Democrats certainly encourage it, which is why we regularly check on the contents of PO Box 636 at Drummoyne NSW in the postcode 1470.

Speaking of transparency, the Liberal Democrats were proud to receive our first major corporate donation from Philip Morris International, in 2013. I do not recommend smoking but I do support the right of people to choose to smoke. I would like to thank Philip Morris for their generosity to my party and remind other tobacco companies, chop-chop merchants and smokers that we are still waiting for a donation from them. We also welcome all donations from developers and alcohol, gambling and mining companies.

As the Greens rightly point out, this is now a matter for urgent action. It can be addressed by sending a cheque made out to the Liberal Democrats at PO Box 636, Drummoyne NSW 1470. I must leave now to quench my hard earned thirst, for which I thank Carlton and United Brewers, a subsidiary of the Foster's Group.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:04): I am pleased also to rise and speak to this motion which concerns itself with the allegedly corrupting influence of political donations. It seems that, in the eyes of some in this place, when it comes to political donations some donations are more corrupting than others. What is most interesting about this motion is what is not in it.
The motion appears to suggest that the 'corrupting influence' of donations pertains only to those 'from property developers and fossil fuel companies'. That is a ridiculous assertion. This government does not believe it is appropriate to create particular classes of citizens or professions and ban them from participating in the political process. So long as the rules are clear, the process is transparent and the rules are consistently applied, then our present regime for the disclosure of donations represents an appropriate balance between transparency and enabling Australians to participate in the political process.

I understand that some in this place have a certain world view—namely, that property developers and fossil fuel companies are engaged in some sort of Dickensian villainy on a massive scale. Clearly that is not a view I share, nor is it one shared by most sane Australians. But I would just mention, most especially to the Labor Party senators here this afternoon, whose Senate representatives have also been making contributions on this subject today, that if you want to have an ounce of credibility on this subject, it is important to start in your own backyard or, more accurately, in your own bank accounts. I would venture to suggest that if you spoke with most ordinary Australians and did a word association test putting to them the word 'corruption', the most likely response just now would not be 'developer' or 'fossil fuel company'; it would be 'union'. Eight weeks ago, we had the release—

Senator Lines: What an outrageous statement to make! What about the 500 Club in WA?

Senator SMITH: The best is yet to come, Senator Lines. The best is yet to come. Eight weeks ago, we had the release of the final report of the Royal Commission into Trade Union Governance and Corruption. The report found a pattern of widespread pattern of corrupt and disturbing behaviour across Australia's trade union movement, with some of the most egregious examples occurring in my own state of Western Australia. I know that Senator Lines is here in the chamber.

The Labor Party and ACTU leadership have been at pains to suggest that what has been uncovered represents just a few bad apples. Well, the royal commissioner dismisses the notion in the introduction to his report.

Opposition senators interjecting—

Senator SMITH: For those Labor senators who have not laboured over it, let me read what the royal commissioner had to say:

You can look at any unionised industry. You can look at any type of industrial union. You can select any period of time. You can take any rank of officeholder, from Secretaries down to very junior employees. You can search for any type of misbehaviour. You will find rich examples over the last 23 years in the Australian trade union movement.

He went on to say:

These aberrations cannot be regarded as isolated. They are not the work of a few rogue unions, or a few rogue officials. The misconduct exhibits great variety. It is widespread. It is deep-seated.

Yet when we look at the text of this particular motion, which is supposedly about the corrupting influence of political donations, do we find any reference to the corrupting influence of union donations? Of course we don't.

If debates such as these are going to have any credibility, we cannot just cherry pick particular types of donors. In particular, we can hardly leave out the unions, given what emerged during the Royal Commission. Bear in mind also that the royal commissioner said that what had been
found through that process in relation to corruption was 'the small tip of an enormous iceberg'.

The final report paints a picture of a disturbing culture. Let me quote again:

Whistleblowers are unlikely to be found for various reasons including a well-founded fear of reprisals. The same is true of misconduct on building sites and other aspects of the misbehaviour that has been revealed. The very existence of a Royal Commission tends to cause a temporary reduction in misconduct. But it is clear that in many parts of the world constituted by Australian trade union officials, there is room for louts, thugs, bullies, thieves, perjurers, those who threaten violence, errant fiduciaries and organisers of boycotts.

It is worth recalling that the movement being characterised here is the chief source of both funding and personnel for the Australian Labor Party—a party that paints itself as the alternative government in Australia. The movement funneled almost $6.5 million to the Australian Labor Party in 2013-14. In fact it has been estimated that, over the last 10 years, union contributions to the Labor Party have been over $98 million. Two of the worst offenders when it comes to the corruption uncovered by the royal commission were the Construction, Forestry Mining and Energy Union and the Maritime Union of Australia. Of course, it is also proposed that those two unions, the CFMEU and the MUA, soon merge. They are to be joined together in unholy matrimony, two like-minded souls joining together to wreak havoc on the nation's industrial landscape. I just hope there are no awkward scenes or battles ahead between Labor parliamentarians about which one of them gets to serve in the wedding party. Certainly the Leader of the Opposition would hate to be included, but there are some Labor senators who faithfully troop into this chamber and earnestly read union authored talking points. I just hope they have not forgotten where those invitations have been issued.

Let's not forget that the royal commission also found multiple instances where the Australian Labor Party had failed to declare donations from trade unions, including an instance where the Leader of the Opposition himself failed to declare such a donation. So if we want to have a discussion about the corrupting influence of political donations, maybe we should start by looking at donations from unions which are themselves engaged in corrupt behaviour. Just this week we have seen more trouble with the CFMEU. The national secretary of that union, Michael O'Connor, was one of 13 officials who allegedly ran an illegal blockade campaign last year—that is, trying to prevent workers from going onto a site to do their job. The union officials are accused of obstructing trucks and subcontractors from going onto construction sites and calling them a variety of foul names—charming behaviour. But, again, as the final report of the royal commission says, these are not isolated instances. In fact, there are currently around 73 CFMEU representatives and officials before the courts around Australia.

What makes this week's report of particular concern, of course, is that Michael O'Connor is the brother of the opposition's industrial relations spokesperson in the other place, the member for Gorton. I am not one to get personal, but given all the hysteria we heard from those opposite about Commissioner Dyson Heydon's alleged conflicts, I would have thought that it was a much greater concern that, if those opposite win the election this year, the person in charge of dealing with union corruption will be the brother of someone who now stands accused of it. It is difficult to conceive of a greater conflict of interest, and I cannot understand why the Leader of the Opposition has not taken steps to deal with it.
The government believes that our present disclosure laws are working well. They are overseen by an independent body, the Australian Electoral Commission, and the details of donations are reported and accessible to members of the general public. Yes, the system relies on people and entities making honest disclosures about the donations they receive. Yet the most troubling evidence we have seen of noncompliance in recent times did not come from the property developers or from fossil fuel companies; it came from the Leader of the Australian Labor Party, who failed to disclose a $40,000 donation from his union mates. If we are going to have this debate, we need to start with those areas where the problem actually exists.

Senator CAMERON (New South Wales) (17:13): It is interesting to note that Senator Smith could not even get through his allocated time because his speaking notes from head office ran out. I want to deal with this urgency motion about the corrupting influence of political donations. This is a pretty typical of the Greens. A lot of public grandstanding, but political incompetence, is what we are seeing here from the Greens. They do a backroom deal with the Liberals and completely disenfranchise millions of Australian voters. They are denying individuals—that is, potential senators—the opportunity to do what Bob Brown did years ago, and that is actually get into parliament. That is what they are doing. They are denying people an opportunity to get into parliament. They have put their own narrow self-interest before democracy.

The Greens in this place are a real political soft touch. They are so naive when it comes to negotiating with this government. On carbon pricing, they gave the Libs what the Libs wanted. On multinational taxation, they gave the Liberal Party what they wanted. On electoral reform, they have given the Libs exactly what they want.

Senator Rhiannon interjecting—

Senator CAMERON: If you were actually serious, Senator Rhiannon, about dealing with a corrupt system, you would have said to the Liberal Party, 'Unless you deal with corruption in the system, we are not going to cave in to your agenda on electoral reform.' You would have actually stood up for what you claim is your principal position, and that is dealing with electoral donations. But you did not. You just caved in in an amateurish, naive way. You have disenfranchised millions of Australians.

What we heard from Senator Smith here was just pathetic. At least Senator Fawcett tried to deal with the issue in an intellectual way and did not just run the spin line and the lines that were put out by head office. If you want to know what is going on with any of their policies, you have to look at the Liberals' political donations. When it comes to the GST, they are from big business. That is where they get their donations. A lower corporations tax and higher executive salaries are being paid for every time an Australian goes to the supermarket. Where was that driven from? It was political donations to the Liberal Party from big business.

There have been political donations from developers and construction companies to drive out the right for workers to be able to collectively bargain effectively in the building and construction industry. On penalty rates, again, it is about big business transferring workers' wages to more profit. That is what you have to look at. You simply have to look at where the donations come from to the Liberal Party to understand what their political agenda is. On climate change, it was the miners driving the Liberal Party's political agenda. On negative gearing, it is the Property Council. We know exactly what is going on. On capital gains tax, it
is the Property Council making donations to the Liberal Party. That is where the money is coming from, and that is where the Liberal Party's interests are. If you want to know what they are doing on policy, follow the money. That is how you will know what the Liberal Party are doing.

They run the argument that it is just about these bad unions putting money into the Labor Party. What about the Enterprise Foundation? What about the brown paper bag in the front of the Bentley up in Newcastle where there were party members picking up $10,000 in cash off property developers? Do not tell me there is no corruption coming through in the Liberal Party from property developers. What about the Platinum forum? What about Parakeelia Pty Ltd? What about the Liberal 500 Club?

When we win this next election—and we will—the first thing I will be doing in the Labor caucus is arguing for a royal commission into the corrupt behaviour of the Liberal Party and their donations. That would be the first cab off the rank.

Senator MADIGAN (Victoria) (17:18): Last year I moved a motion to establish an inquiry into political donations. I did this because the current regulatory framework is profoundly inadequate. As it stands, there is no limit on the amount private donors can give to politicians. Nor are there restrictions on who can donate, leaving it open to gaming operators, alcohol and cigarette companies, property developers, miners, banks, environmental groups and anyone else interested in influencing the political system to throw money at politicians in the hope they will do possibly do their bidding.

I will state that the vast majority of donors—individuals, companies, unions et cetera—are ethical and reputable, but some may not be. Although we have disclosure laws, the current threshold of around $13,000 is absurdly high and the timing over which disclosures must be made is way too slow. Furthermore, there are numerous loopholes allowing political parties and their benefactors to avoid disclosure. The outcome is a political system in which almost all players are funded by a combination of big business, unions, activist groups and a few wealthy Australians—that is, by sectional interests.

To think major donors may expect nothing in return is possibly naive. At the very least, they expect to have the ear of politicians. Ultimately, they are seeking influence over political decision making. This is plainly undemocratic. It renders what should be government for the people and by the people something else. Australians deserve transparency, not trials by innuendo about alleged behaviour. As the High Court observed recently, it compromises the expectation fundamental to representative democracy that public power will be exercised in the public interest. It is corruption of the political process, pure and simple.

As a result, the people we represent are rapidly losing confidence in our capacity to improve their lives. They think we have been bought. In 2014, the Lowy Institute found less than two-thirds of Australians and less than half of 18- to 29 year-olds thought democracy was 'preferable to any other form of government'. Furthermore, nearly a quarter of young people thought that 'in some circumstances, a non-democratic government can be preferable'. When asked why they did not see democracy as the preferable form of government, more than two-fifths said this was because 'democracy only serves the interests of a few and not the majority of society'. In a system that derives its legitimacy from the will of the people, this trend, if left unchecked, is an existential threat. Despite this, federal politicians have
repeatedly failed to put a stop to this cancer on our democracy. Unfortunately, here, the fox is in charge of the hen house.

There is some hope for change. Sufficient numbers of my fellow senators voted to pass the motion I moved last year establishing an inquiry into political donations. The inquiry was referred to the Joint Standing Committee on Electoral Matters, where it remains. However, to date, JSCEM has failed to call for submissions on the critical aspects of the inquiry it was commissioned to undertake. I have sought answers as to why this is the case but have been frozen out of the process. The terms of reference are clear. Their proper examination requires the committee to call for submissions and hold public hearings. Anything less would be a betrayal of the will of the Senate and, ultimately, of the people we all purport to represent.

Senator LINES (Western Australia) (17:23): It was really interesting to listen to Senator Smith talk about corruption today. He did not mention his friend from the Liberal Party Mr Damien Mantach pleading guilty to massive amounts of stealing. Let's not forget that.

Let's look at what the Labor Party have done. Our policy states that we want to regulate political donations. Our policy states that we want to reduce the cap in the donations disclosure law. When last in government, we put up electoral reform that included looking at political donations. What happened? The Liberal-National Party, along with some of the crossbench senators, knocked that on the head. So do not come to us talking about corruption and political donations.

Let's look at where we are up to with this grubby little deal and what the Greens have traded away. Recent history demonstrates that, when it comes to deal making and economic credentials, the Greens party has well and truly got its L-plates on. They dipped their toes in murky water in a grubby deal with the government to disenfranchise around 330,000 part-pensioners. The Greens changed the asset test for these pensioners, cutting their household budgets, meaning they have less to live on.

On the last day of sitting in 2015, another dirty deal was done on the cheap with the government on company tax. Despite their rhetoric of being tough on tax, the Greens failed to gain any tangible transparency in their deal. It increases the threshold for companies, allowing them to continue to trade behind closed doors and avoid paying their fair share of tax. The explanation from the Greens leader was interesting. He said it was the best deal they could do at the time. The government was desperate to get that bill through, but the Greens failed to take advantage of that and settled for an inadequate deal. I would like to hear from the Greens about when they think the Australian parliament might have a better chance of getting a fair and transparent deal, in fact, the deal that Labor wanted to hold out for. Surely, that time is when the government is desperate to get a bill through. Quite frankly, I think a two-year-old having a tantrum would be a better negotiator than the Greens.

This latest dirty deal enables the government to pull the DD trigger and wipe out the crossbench. This deal will actually disadvantage the millions of Australians who choose to vote for Independents and small parties. There is nothing honourable in this bill, which has incorrectly been titled 'electoral reform'. There is only one change in this bill, and that is to gerrymander Senate voting.

Once again, the Greens have shown themselves to be either inept negotiators or so drunk on power that they missed the obvious opportunity for real electoral reform in the bill of the
same name. Today they have the gall to front the Senate with their matter of public importance, and, guess what, it is about electoral reform! Suddenly, after the Greens had done their dirty deal with the government to wipe out crossbench senators, they come into this very place with an urgency motion calling for immediate action on political donations. I do not know how they can lie straight in bed at night! Perhaps not all of the Greens were in on the dirty deal with the government, but, however they played it with the government, they should have included this alleged urgent action on political donation reform in their dirty deal in return for supporting a move to wipe out the crossbench.

This stunt today by the Greens party, trying to salvage some political capital after they sold their souls to the devil on a bill which locks out any minority view other than their own, will be seen by the Australian public for what it is. It is a grab for power and a dirty deal done with a government that are clearly frustrated with the crossbench and Labor. It is much harder to get rid of us. It is easy to get rid of the crossbench in a dirty deal with the Greens, who cannot even negotiate to put political donations reform into the package they did with a government desperate to do a deal. Once again, they fail. They get a little way along, and then they just cave in. Well done to the government! They will not love you in the morning; they do not even love you now! I say to the Greens: you have been hoodwinked once again on major reform. You simply caved in. You sold your soul to the devil, and Australians will see straight through it.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (17:28): I have been in this place for almost five years. I was an environmental lawyer for almost 10 years before coming here. The commonality between both of those roles has been what I think of as the corrupting influence of the big mining sector. I have often pondered why that is. When you look at the actual contribution that that sector makes to our employment, it is about two per cent, if that. The contribution it makes to GDP is minuscule. Why do these people have so much influence? I ponder that.

Every year, of course, we get the donations disclosure. We have heard that, in the last three years, both big parties have received $3.7 million from the fossil fuel sector—the big miners, the coal seam gas companies, you name it. That is only federally. There are more donations at the state level. We know that, at the federal level, Labor has received about $1.1 million over the last three years, the Liberals have got $3.3 million and the Nationals have got about $200,000. As I say, it does not include the $200,000 given by Santos to the Nationals in South Australia. What do the mining companies get for these generous donations? Well, they get their approvals, don't they? I have been tracking this. There has not been a coalmine refused under our federal laws in history. That has not been a coal seam gas project refused under our federal laws in history. You have to wonder why, given that the science is perfectly clear: we are in an age of global warming. These industries are damaging our land and our water. They are ripping apart our communities and they are threatening communities' health. Yet we have fantastic clean energy alternatives that are job-rich and do not trash the place. So why? Well, those donations speaks volumes. You have to wonder, if the renewable energy sector donated half as much, whether we would have seen the renewable energy target slashed in this place, with both parties ganging up to vote for that.

What else do they get for their donations? They get a massive pay-off. They get billions in fossil fuel subsidies. They get taxpayer handouts to the tune of about $14 billion over four
years. They get cheap fuel. You and I do not get that; the big miners get that. They get accelerated depreciation on their assets and they get a tax break to do production and exploration. If you tally that up, you get about $14 billion over four years. That means that, for every dollar they are donating to the big parties, they are getting more than $2,000 back from the taxpayer purse. What a lark!

Of course, we want to abolish those fossil fuel subsidies and use that money for something useful, like health, like education and like acting on global warming. But it begs the question: what do the political parties get out of this cushy arrangement? Well, they get their multimillion-dollar war chests that they can use to fight elections to try to pretend they have some values or some principles, and of course they get the cushy jobs once they leave this place. I have a depressingly long list here of jobs held by former politicians who now work for the big mining sector. John Anderson, former Nationals leader and in fact Deputy Prime Minister, went to be Chairman of Eastern Star Gas. Mark Vaile became a director and Chairman of Whitehaven Coal. Martin Ferguson is now on the APPEA Advisory Board—that is the coal seam gas lobby group. Craig Emerson now works for Santos, another big coal seam gas company. Greg Combet went to be a consultant to AGL. Sadly, I am running out of time, but the list goes on.

What are we going to do about this? Ban political donations. They are corrupting the system. We have a bill before this place that I hope to bring on and debate very soon—and I hope we get some support, but I am not holding my breath—to ban donations from the mining sector, from property developers, from the alcohol industry, from the tobacco industry and from the gambling industry. Our democracy needs to be beyond reproach and, sadly, these donations are corrupting the system and leading to an absolute lack of faith amongst the public. That is why the vote for the major parties is so down.

Senator McALLISTER (New South Wales) (17:32): I rise to support the urgency motion, but, like my fellow contributors to this debate from the opposition benches, I also note that we are debating this issue today as part of a desperate attempt by the Greens political party to distract attention from the fact that yet again they have done a deal with the Liberal Party. Last time it was to let companies off the hook when it comes to tax transparency. This time it is to disenfranchise millions of voters. To distract us, they want to talk about political donations.

I will be really clear: I support reforms that make our political donations system fairer, that give voice to ordinary Australians and to the groups that represent them, and that lead to decision making that preferences the interests of the nation over sectional interests. That is not what the Greens stand for, however. It pays to remember during this debate what the Greens did the last time they had a hand in redesigning a system around donations, and that was the time they did another deal, on that occasion with the O’Farrell Liberal government in New South Wales.

In 2011 the Greens supported the Election Funding, Expenditure and Disclosures Amendment Bill in the New South Wales parliament. This legislation would have allowed only individuals to make donations, not organisations. The Greens like to talk up the fact that the consequence of this legislation was that it limited corporations' donations. However, everybody should understand that it also had hidden provisions that stopped not-for-profit organisations, member based organisations and sporting groups from participating in the
political process. It meant that organisations like Unions New South Wales, like the Council of Social Service in New South Wales and like the Australian Industry Group were unable to allow their members to express a view in the context of a political debate.

One really wonders about the motivation of the Greens in signing on to legislation of that kind. What this legislation was really about was preventing organisations from running political campaigns against the government. The legislation would have hampered campaigns exactly like the Your Rights at Work campaign, where the union movement stepped up to protect workers' wages and conditions from an ideological attack by an arrogant government, an arrogant Liberal government. The legislation would have made it more difficult for nurses groups, for instance, to wage a campaign about the government's plans to cut health funding.

We need to understand the context of this, because we should be concerned about the influence of money on Australian politics, but collective action and collective campaigns are some of the only ways available for ordinary people to make their voices heard. The Greens New South Wales legislation would have allowed individuals to make donations of $2,000. Well, that is terrific—it is great for those individuals that have $2,000 sitting around. But let us be very clear: the nurses, the firefighters, the ordinary Australians that choose to take part in Australian trade unions do not have that amount of money sitting around—a lazy $2,000—waiting to donate it to politics. Instead, they pool what little money they have, what little they can spare, and they use unions and their member organisations to amplify their voices, to make sure the voices of the small people are heard in a very big national debate. The High Court recognised this and it struck down the Greens supported legislation as being an impermissible burden on the constitutional right to political communication.

I want to reiterate in closing that of course people on this side of the chamber are committed to a political system that is fair, transparent and modern and that gives people a chance to make themselves heard on the issues that impact on them. In my home state of New South Wales, our leader, Luke Foley, has taken decisive action, and New South Wales Labor will become the first Australian political party to disclose political donations as they come in, with that system to be up and running in 2017. There have been many problems in New South Wales—people on both sides of the aisle have compromised themselves—and that action is urgent and necessary. Corruption and influence-peddling is always unacceptable, but we should not forget that, when the Greens last looked at this issue, their answer was an unconstitutional attempt to deny— *(Time expired)*

**Senator LAMBIE** (Tasmania) *(17:37)*: I am encouraged by the fact that ordinary Australians are now just starting to understand how thoroughly corrupt politics in Australia has become.

I recently met the Prime Minister and when I raised the issue of establishing a federal commission against corruption, a federal ICAC, he dismissed the idea by trying to tell me that a federal ICAC was not warranted because there were not many opportunities in federal politics, compared with state politics, for corruption to occur. I almost believed that nice story from our PM—and I mean who wouldn't? As I looked deeply in the PM's eyes, he said with that low deep voice with that nice smile repeat after me: 'There's no corruption in federal politics—only in state politics. There's no corruption in federal politics—only in state politics. I was left with that fuzzywuzzy feeling of hope for a few days after my meeting with the PM that there's no corruption in federal politics—only in state politics.'
And then—what do you know?—Veterans Affairs Minister Stuart Roberts was forced to resign; we found out about the rich Chinese businessman having drinks with Liberal Party members and the $10,000 watches that were given out as gifts.

The same sort of thing happened after I wrote to former Liberal PM Abbott asking him effectively whether any people associated with the Liberal Party and mentioned in the Heydon Royal Commission secret reports were corrupt. And PM Tony Abbott wrote back to me, essentially saying that no-one in the Liberal Party was corrupt; and then seven days later we found out the Liberal Party President in Victoria had defrauded their members to the tune of about $1.5 million.

Senator Jacinta Collins: And that was the second time!

Senator LAMBIE: The Liberal Party of Australia is treating the people like fools on a whole range of issues, including corruption. They think that, because we did not go to their private clubs and do not wear the same school ties, we are not qualified—that we are idiots to be exploited, to be stolen from, spoken down to and ignored. I may not have the same qualifications that Senator Cash has, but I have every right to be in this place and I can spot and smell corruption a mile off and the stench which comes from those opposite, as Kenny would say, outlasts religion.

It is a well-known fact that the Liberals have taken millions of dollars from people closely connected with the Chinese communist government in election funding. The sale of iconic Tasmanian Dairy Company VDL to the Chinese company linked to the Chinese government shows a corrupt and negligent government process. When it comes to offshore corruption, the Liberal government have made the FIRB blind. Everyone knows after an ABC Four Corners report that our FIRB has failed to do its job properly and turns a blind eye to corrupt money.

I am calling on Labor to act in a principled manner and preference independents, including the JLN, before the Greens. That way, Labor, you will not only be talking the talk, you will finally be walking the walk.

Question agreed to.

DOCUMENTS
Consideration
Government documents tabled today were called on but no motion was moved.

COMMITTEES
Scrutiny of Bills Committee
Report

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:41): On behalf of Senator Polley, the chair of the Standing Committee for the Scrutiny of Bills, I present the second report and Alert Digest No. 2 of 2016 of the Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.
Regulations and Ordinances Committee

Delegated Legislation Monitor

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:42): On behalf of Senator Williams, the chair of the Standing Committee on Regulations and Ordinances, I present the Delegated Legislation Monitor No. 2 of 2016 of the Standing Committee on Regulations and Ordinances.

Ordered that the document be printed.

Human Rights Committee

Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:42): On behalf of the Parliamentary Joint Committee on Human Rights, I present the 34th report of the 44th Parliament, Human rights scrutiny report. I seek to have the tabling statement incorporated into Hansard.

Leave granted.

The statement read as follows—

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Thirty-fourth Report of the 44th Parliament.

The committee's report examines the compatibility of bills and legislative instruments with Australia's human rights obligations. This report considers bills introduced into the Parliament from 2 February to 11 February 2016 and legislative instruments received from 11 December 2015 to 21 January 2016. The report also includes the committee's consideration of twelve responses to matters raised in previous reports.

Thirteen new bills are assessed as not raising human rights concerns and the committee will seek a further response from the legislation proponents in relation to two bills. The committee has also concluded its examination of four bills and eight regulations.

As Senators would be aware, the committee's reports generally only include matters that raise human rights concerns and the committee is typically silent on bills and instruments that are compatible with human rights. This means that the often good work of ministers in ensuring the compatibility of legislation with human rights goes unnoticed. In that context, I draw Senators' attention to an instrument recently made by the Minister for Employment, Senator Cash, titled Social Security (parenting payment participation requirements – classes of persons) Specification 2016 (No. 1).

This instrument limits certain parenting payments to particular classes of persons, with the objective of encouraging them to progress towards and achieve beneficial education and employment outcomes. The statement of compatibility for the instrument identifies the limits this places on the right to social security and other rights, and provides an informative and evidence-based analysis that clearly addresses each element of the committee's analytical framework.

A statement of this quality allows the committee to accept the conclusion that the instrument is compatible with human rights without the need to write to the minister seeking further information. I encourage ministers and legislation proponents to consult this statement of compatibility as a fine example of how to use the committee's analytical framework to assess and provide justifications for measures that limit human rights. I commend the minister and her department for their engagement with human rights considerations and the work of the committee.

The report includes the committee's final consideration of a number of pieces of migration legislation. These are: the Migration and Maritime Powers Amendment Bill (No. 1) 2015, the Migration
Amendment (Complementary Protection and Other Measures) Bill 2015, and the Migration Amendment (Conversion of Protection Visa Applications) Regulation 2015. This legislation makes a number of technical changes to clarify the extent to which various protection claims will be allowed to be made under the Migration Act. While recognising the importance of Australia's border protection policy and the humanitarian imperative of saving lives at sea, the committee makes a number of findings of incompatibility with human rights in relation to these pieces of legislation. One of the central issues is the extent to which it is compatible with Australia's human rights obligations to remove statutory protections and replace them with administrative safeguards and the minister's non-compellable powers. The legal advice to the committee is that administrative processes alone are insufficient to meet international human rights standards.

I must say that I think it is important to distinguish between the powers and obligations of a minister accountable to parliament and that of a minister in a government without the robust democratic system and standards of governance that exist in Australia. However, human rights law does not make those distinctions, and this is reflected in the report's conclusions. Where those conclusions do identify concerns, the report usefully provides suggestions as to how the migration bills may be improved to better meet Australia's international human rights obligations.

As always, I encourage my fellow Senators and others to examine the committee's report to better inform their understanding of the committee's deliberations.

With these comments, I commend the committee's Thirty-fourth Report of the 44th Parliament to the Senate.

Ordered that the report be printed.

**Senator SMITH:** I move:
That the Senate take note of the report.

Question agreed to.

**Economics References Committee**

**Report**

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (17:43): On behalf of Senator Ketter, the chair of the Economics Reference Committee, I present the report of the Economics Reference Committee on the scrutiny of financial advice, together with the documents presented to the committee.

Ordered that the report be printed.

**Senator BILYK:** I move:
That the Senate take note of the report.

I seek leave to continue my remarks.

Leave granted.

**Government Response to Report**

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (17:43): I present the government's response to the report of the Economics References Committee on its inquiry into the need for a national approach to retail leasing arrangements. I seek leave to have the document incorporated into Hansard.

Leave granted.

*The document read as follows—*
Australian Government response to the Senate Economics Committee report:
Need for a National Approach to Retail Leasing Arrangements
February 2016

Introduction
The Australian Government welcomes the Economics References Committee (the Committee) Report into the Need for a National Approach to Retail Leasing Arrangements.

This report complements previous reviews by the Productivity Commission on retail tenancy in 2008, 2011 and 2014. The Productivity Commission made recommendations consistent with this report in areas related to improving transparency, disclosure, dispute resolution and greater national consistency.

The Competition Policy Review, led by Professor Ian Harper, examined competition laws and barriers to competition stemming from planning and zoning regulation. The final report was provided to Government in March 2015. On 24 November 2015, the Government released its response to the Competition Policy Review.

This response outlines the Government's views on each of the Committee's recommendations and the recommendations put forward in the dissenting report from Senator Xenophon.

Response to the Committee's Recommendations

Recommendation 1
The Committee recommends that the Australian Government give due recognition to, and wherever possible support, the work of the small business commissioners with the aim of strengthening their role and encouraging the establishment of small business commissioners in all states and territories.

Response to Recommendation 1
The Australian Government supports the recommendation.

The Government agrees that the establishment of small business commissioners or similar arrangements provides an affordable, less onerous and less time consuming dispute resolution mechanism. The Government is creating an effective Australian Small Business and Family Enterprise Ombudsman with the independence of a statutory appointment. The Ombudsman will be a Commonwealth-wide advocate for small business and family enterprises and will also be a concierge for dispute resolution, referring matters to appropriate agencies that can more conveniently or effectively deal with them.

Recommendation 2
The Committee recommends that National Retail Tenancy Working Group (NRTWG) be re-established to develop a national disclosure statement, taking note of the lessons learnt from its previous attempts, and ensuring vital stakeholders are actively involved in any consultation processes.

Response to Recommendation 2
The Australian Government notes the recommendation.

The Australian Government encourages all states and territories to move towards mechanisms that improve the transparency of retail lease information noting that transparency is a key element of a functioning and effective market. Lease registers are one mechanism to help improve transparency, but are currently only employed in New South Wales, Queensland, the Northern Territory and the Australian Capital Territory, and is a voluntary industry-led measure in Victoria.

The Government notes that previous attempts to develop a national disclosure statement through the NRTWG resulted in only limited take up of disclosure statements in jurisdictions. The Government would consider re-establishing the NRTWG to develop a national disclosure statement if there were strong support from all jurisdictions. Mechanisms that may guard against tenancies being obliged to open/operate when it may be uneconomical to do so may also be canvassed if there is strong support to do so by all jurisdictions.
Recommendation 3
The Committee recommends that the Commonwealth take on a greater leadership role in encouraging the States and Territories to move towards a harmonised approach through the COAG process.

Response to Recommendation 3
The Australian Government notes the recommendation.

The Productivity Commission identified that improvement in state regulations, notably 'removing those key restrictions in retail tenancy legislation that provide no improvement in operational efficiency, compared with the broader market for commercial tenancies', should precede the move towards a nationally consistent commercial leasing framework.

In addition, the Productivity Commission has previously highlighted the importance of reform to planning and zoning regulation, and noted that imbalances of bargaining power between landlords and tenants may be lower in some cases where a more liberal approach is taken by states and territories to planning and zoning regulation.

The Competition Policy Review also saw planning and zoning regulation as a priority area for review and noted that planning and zoning requirements can restrict competition by creating unnecessary barriers to entry. The Review recommended state and territory governments should subject restrictions on competition in planning and zoning rules to a public interest test, such that the rules should not restrict competition unless it can be demonstrated that the benefits of the restriction to the community as a whole outweigh the costs, and the objectives of the rules can only be achieved by restricting competition. The Government's response to the Competition Policy Review supports this recommendation, noting this is an area of state responsibility. The Government encourages the states and territories to review planning and zoning regulations and include competition principles in the objectives of planning and zoning rules so that they are given due weight in decision making. The Government will continue discussions with states and territories on ways to promote these reforms.

Response to Senator Xenophon's Dissenting Report

Recommendation 1
That rights of renewal be enshrined on a national basis, using the Tasmanian Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 as a template.

Response to Recommendation 1
The Australian Government notes this recommendation, and will raise it with jurisdictions should there be strong support for the reestablishment of the NRTWG.

Retail tenancy legislation is administered by the states and territories and as such, enshrining of the first rights of renewal is a matter for each jurisdiction to consider.

Recommendation 2
An industry code of conduct in respect of fair, effective, and cost efficient dispute resolution be implemented, to be managed by the ACCC.

Response to Recommendation 2
The Australian Government does not support this recommendation.

The industry codes framework under the Competition and Consumer Act 2010 is reliant on the Corporations power and would therefore not provide sufficient coverage for the majority of small businesses. In addition, the Australian Government notes the availability of cost efficient dispute resolution services offered in every state and territory. The Australian Government also notes the existence of Small Business Commissioners who provide mediation and dispute resolution services to small businesses on a range of issues, including retail tenancy. As such, whilst the Australian
Government supports the provision of cost efficient dispute resolution services, it views that the services are already in place.

**Recommendation 3**

Ratchet clauses be excluded from retail leases, unless expressly agreed to by the tenant.

Response to **Recommendation 3**

The Australian Government notes this recommendation, and will raise it with jurisdictions should there be strong support for the establishment of the NRTWG.

Retail tenancy legislation is administered by the states and territories and as such, excluding ratchet clauses from retail tenancy legislation is a matter for each jurisdiction.

**Recommendation 4**

Whatever the terms of the lease are at the time it is entered into ought to continue for the full term of the lease, unless explicitly agreed to otherwise.

Response to **Recommendation 4**

The Australian Government notes this recommendation, and will raise it with jurisdictions should there be strong support for the establishment of the NRTWG.

The Australian Government views lease terms are a private matter between businesses to negotiate, governed by retail tenancy law administered by the responsible state and territory jurisdictions. To ensure both parties have sufficient information to negotiate the best outcome, state and territories can encourage further transparency in the retail tenancy market.

**Recommendation 5**

Bank guarantees on tenants be limited to 28 days.

Response to **Recommendation 5**

The Australian Government notes this recommendation, and will raise it with jurisdictions should there be strong support for the establishment of the NRTWG.

The Australian Government understands the constraints bank guarantees can have on cash flow particularly in the early stages of a business. However, the Australian Government views bank guarantees as a private matter between businesses to negotiate, governed by retail tenancy law administered by the responsible state and territory jurisdictions.

**Recommendation 6**

An organisation such as the Australian Property Institute (Valuation Division), in consultation with tenant and landlord stakeholders, should develop a standard form to be completed by landlords when entering into a lease. This form should require the disclosure of the commercial terms of the contract, including all incentives offered to the tenant.

Response to **Recommendation 6**

The Australian Government supports this recommendation in-principle.

The Australian Government notes that disclosure statements and standard forms are useful tools for presenting information about key lease terms and conditions and that the harmonisation of disclosure statements could provide efficiencies for businesses, including those operating across borders.

The Government notes that previous attempts to develop a national disclosure statement have resulted in only limited take up in jurisdictions. Implementation progress and considerations will be raised with jurisdictions should there be strong support for the establishment of the NRTWG.

The Australian Government views incentives as a private matter between businesses. If incentives were to be made public, the Australian Government views it should be done in a way to protect business confidentiality.
Recommendation 7
A code of practice that incorporates the broad reporting of sales and occupancy costs in Australian shopping centres be finalised and implemented as soon as practicable. Such a code should prohibit specific commercial-in-confidence sales and occupancy data being provided to landlords.

Response to Recommendation 7
The Australian Government partially supports this recommendation.

The Australian Government views that any Code of Conduct should be led by industry. The Australian Government notes the work of the Shopping Centre Council of Australia, National Retail Association, Australian Retailers Association and the Pharmacy Guild in designing a code of practice governing the provision of sales information by retailers. The Australian Government views the finalisation of the code of practice will relieve the associated tensions between shopping centre landlord and tenants.

The Australian Government does not support the notion that a code of conduct should prohibit specific commercial-in-confidence sales and occupancy data being provided to landlords. The Australian Government understands the need for shopping centre landlords to have the right tenancy mix and sales and occupancy data is required to ensure viability of the shopping centre.

The Australian Government notes that the provision of data by retailers should be complemented by improved transparency of leasing information by landlords, and will raise it with jurisdictions should there be strong support for the establishment of the NRTWG.

Recommendation 8
The cost of fit-outs ought to be a factor in determining the length of the lease.

Response to Recommendation 8
The Australian Government notes this recommendation, and will raise it with jurisdictions should there be strong support for the establishment of the NRTWG.

The Australian Government understands the terms of a lease may not provide sufficient time to write-off the cost of a shop fit out. However, the Australian Government views businesses are in the best position to negotiate the terms and conditions required for their business, including the length of the lease.

COMMITTEES
Membership

The ACTING DEPUTY PRESIDENT (Senator Back) (17:44): The President has received letters requesting changes in the membership of various committees.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:44): I seek leave to vary the memberships of committees.

Leave granted.

Senator RUSTON: I move:

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

Electoral Matters—Joint Standing Committee—

Discharged—Senator Ketter

Appointed—

Senator Conroy

Participating members [for the purposes of the committee’s inquiry into the Commonwealth Electoral Amendment Bill 2016]: Senators Bilyk, Bullock, Cameron, Carr, Collins, Dastyari, Gallacher,
Gallagher, Ketter, Lines, Ludwig, Marshall, McAllister, McEwen, McLucas, Moore, O'Neill, Peris, Polley, Singh, Sterle, Urquhart and Wong

Environment and Communications References Committee—

Appointed—

Substitute member: Senator Simms to replace Senator Waters for the committee’s inquiry into oil or gas production in the Great Australian Bight

Participating member: Senator Waters

Health—Select Committee—

Appointed—

Substitute members:

Senator Cameron to replace Senator McAllister on 7, 8 and 22 March 2016
Senator McLucas to replace Senator Moore on 7 and 8 March 2016
Senator Dastyari to replace Senator McAllister on 23 March 2016

Participating members: Senators McAllister and Moore.

Question agreed to.

BILLS

Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016
Parliamentary Entitlements Amendment (Injury Compensation Scheme) Bill 2016

First Reading

Bills received from the House of Representatives.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:45): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (17:45): 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—

DAIRY PRODUCE AMENDMENT (DAIRY SERVICE LEVY POLL) BILL 2016

As requested by the Australian dairy industry, this Bill amends the Dairy Produce Act 1986 to remove the requirement to conduct a dairy levy poll every five years.
In 2015, Australian Dairy Farmers, the industry representative body, and Dairy Australia, the industry research and development corporation, conducted an independent review of the dairy levy poll process. This review followed concerns raised by dairy levy payers about the cost of conducting a levy poll every five years which is estimated to be up to $1 million.

Under the current legislation, the dairy industry must hold a poll every five years to seek the views of levy payers on whether changes should be made to the rate of the dairy services levy. This levy is used to fund the activities of Dairy Australia.

Dairy Australia’s role is to help farmers adapt to a changing operating environment, and strive for a profitable and sustainable dairy industry. This is achieved through investment in research, development and extension activities, and provision of services such as farm accounting systems, dairy industry forecasts, and information on farm management practices.

The recommendations of the review supported a flexible, streamlined poll process where a dairy levy poll would only be held if a change in levy rate is being considered. The amendments in the Bill will provide industry with more flexibility around the levy poll.

In September 2015, Australian Dairy Farmers with the support of Dairy Australia and the state dairy farming organisations, embarked on a program of national consultation with dairy levy payers regarding the proposed changes to the dairy levy poll process.

Every Australian dairy levy payer was contacted at least once through the consultation period and provided with opportunities to provide feedback on the proposed changes, including by formal vote.

Consultation with dairy levy payers has demonstrated support to simplify the levy process.

The Bill complements the government’s commitment to creating a stronger business environment for the agricultural sector by reducing unnecessary regulatory costs imposed on individuals, businesses and community organisations.

Subordinate legislation will be developed which removes the five year timing of the dairy levy poll; establishes an advisory committee to consider the dairy levy rate every five years; and includes a mechanism for Group A members of Dairy Australia to request a poll if they disagree with the levy poll advisory committee’s decision not to convene a levy poll. This proposal must be supported by at least 15 per cent of levies paid by Group A members.

Dairy Australia has two categories of membership. Group A members are dairy farmers, who pay the dairy levy. Membership is voluntary and entitles members to vote at Dairy Australia annual general meetings. Group B membership covers the peak dairy organisations. Australian Dairy Farmers and the Australian Dairy Products Federation are Group B members of Dairy Australia.

This approach is deregulatory, reduces red tape and focuses levy funds on growing an even more productive and profitable dairy industry.

The issue of levy payer polls has also been investigated by the Senate Rural and Regional Affairs and Transport References Committee in the report of its inquiry into agricultural levies. The government will provide a response to the Committee's report in due course.

The dairy industry has been in a structural transition since deregulation in 2000. The number of farms has more than halved from 12,896 in 1999-2000 to around 6,100 in 2014–2015 and volatility in the international market and a weaker Australian dollar have challenged the industry.

Despite these challenges, the dairy industry has improved productivity and has demonstrated a willingness to embrace new technologies and implement new farming practices.

The Bill will enable the dairy industry to redirect investment into research and development priorities to allow the industry to progress its goals of profitability, productivity and sustainability.
For 14 years federal parliamentarians have had no cover for injuries and illnesses suffered in the course of activities as a parliamentarian. Our profession remains one of the few in this country that offers no protection for workplace accidents.

In the 2015-16 Budget, the Government announced that it would address this lack of coverage by establishing an injury compensation scheme for parliamentarians. The Parliamentary Entitlements Amendment (Injury Compensation Scheme) Bill 2016 establishes such a scheme.

The bill establishes the parliamentary injury compensation scheme by inserting provisions into the Parliamentary Entitlements Act 1990. The bill provides authority to the Minister to determine the scheme's benefits in a legislative instrument, which as much as possible will match the compensation entitlements of Commonwealth employees by incorporating the provisions of the Safety, Rehabilitation and Compensation Act 1988. The scheme will provide coverage for injuries or illnesses which occur on or after 1 January 2016.

The bill and subordinate legislative instrument will also provide compensation coverage for the spouse of the Prime Minister for injuries or illnesses arising out of the spouse's official activities.

Determining the scheme's benefits in a legislative instrument, which either house of the Parliament may disallow, will allow the parliamentary injury compensation scheme to keep pace with any changes to Commonwealth employees' compensation. At the same time, it will ensure there is appropriate oversight of the scheme's benefits.

Functions and powers to administer the scheme are conferred on Comcare under the Bill and necessary changes are made to the Safety, Rehabilitation and Compensation Act 1988 to enable Comcare to undertake this administration.

In addition to compensation, the scheme will provide parliamentarians and the spouse of the Prime Minister with work health and safety services, facilities and equipment intended to eliminate or minimise health and safety risks that arise in the workplace. This element of the scheme will be administered by the Department of Finance.

This is a necessary measure that is long overdue.

Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day

**Family Law Amendment (Financial Agreements and Other Measures) Bill 2015**

**Report of Legislation Committee**

**Senator SMITH** (Western Australia—Deputy Government Whip in the Senate) (17:46): On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Macdonald, I present the report of the committee on the Family Law Amendment (Financial Agreements and Other Measures) Bill 2015, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**Social Services Legislation Amendment (Family Measures) Bill 2015**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (17:47): I got a start on my summing up before other matters intervened, and I will now continue. The first measure that the Social
Services Legislation Amendment (Family Measures) Bill deals with will align the portability rules for family tax benefit part A with those for family tax benefit part B and most income support payments. It is consistent with the principle that the primary purpose of family assistance payments is to assist Australian families with the costs of raising children in Australia. Strengthening family tax benefit residence requirements will better ensure that family assistance payments are targeted to those families who have a stronger residence connection to Australia. At the same time, the government acknowledges that families have business to attend to overseas from time to time, such as going on vacation and visiting family members, and therefore families will still be allowed an appropriate length of time overseas while retaining eligibility for their payments. Family tax benefit recipients who stay overseas for more than six weeks will have their payments stopped. Family tax benefit recipients who return to Australia within 13 weeks of their payment being stopped may have their payment restored without the need for a new claim. However, FTB recipients will not be back paid for any period of overseas travel in excess of the six-week portability period.

Importantly, this change will not affect individuals who are members of the Australian Defence Force or the Australian Federal Police deployed overseas, individuals assisted by the Medical Treatment Overseas Program or those unable to return to Australia for a specified reason, such as a serious accident or natural disaster. The Secretary of the Department of Social Services will retain discretion to increase the six-week time frame up to three years. This ensures that those serving the nation overseas, travelling for medical reasons or delayed for reasons not of their own making are not unfairly impacted by these changes. Equity does remain at the heart of our social security system and we are seeking to provide peace of mind for those most in need. In particular, we are ensuring that the families of people serving our nation overseas will not be worse off while that service is performed.

This measure will have flow-on effects to other payments that rely on family tax benefit eligibility, including the childcare benefit, the childcare rebate, the double orphan pension, the schoolkids bonus and the single income family supplement, if the family is outside the portability period. Family tax benefit recipients who temporarily leave Australia before 1 January 2016 and remain overseas can be paid under the previous 56-week portability rules for that trip.

The second measure in this bill will remove the large family supplement from 1 July 2016. This will help the government achieve savings of $177.3 million over the forward estimates. The large family supplement is a small component of the overall family tax benefit part A, currently around $12.46 per fortnight, or $324.85 per annum, for the fourth and each subsequent family tax benefit child in a family. Evidence from the National Centre for Social and Economic Modelling in 2002, 2007 and 2013 has consistently found that each additional child in a family costs less than a first child. The most recent research found that on average a second child costs 83 per cent of the cost of the first while a third child costs 69 per cent of the cost of the first. The reason for this is that families experience economies of scale in which fixed costs are spread among more children. After the first child many items have already been purchased and can be reused subsequently. This highlights the appropriateness of this modest change to the family tax benefit part A payment structure.

In 2010 the Henry tax review recommend that the large family supplement be abolished as the policy rationale behind the payment was not strong. The National Commission of Audit
reiterated this position in 2014 by stating that the basic rates of family tax benefit part A payment were sufficient for the costs of raising children. Ceasing the large family supplement delivers on the recommendations of both of these reviews, and therefore achieves the legitimate objective of better targeting family payments to those most in need of assistance by removing a non-essential component of family tax benefit part A. This reinforces the logical and evidence based approach that we do seek to bear.

Importantly, this change is also in line with the recommendations of the McClure review. As I noted, this change removes a non-essential component of Family Tax Benefit Part A which is at the very heart of what the McClure review stated. The removal of even one supplement helps to simplify what is a complicated system. Families are often left confused about what social security payments they are eligible for. While this is a small start, it highlights the government's commitment to undertaking meaningful welfare reform and simplifying the system. This will ensure those eligible for income support payments, family assistance payments and other forms of social security will be able to better understand this system.

Despite the reduced costs associated with successive children, the government does acknowledge the significant costs incurred in raising children, therefore most families affected by this change will continue to receive per child Family Tax Benefit Part A payments. This will continue to help cover the costs associated with raising children. Family Tax Benefit Part A is currently paid at a maximum rate of $179.76 per fortnight for each family tax benefit child up to 12 years of age, and $233.94 for each child aged 13 and over until the end of the calendar year in which the child turns 19 and is in secondary school. The base rate of Family Tax Benefit Part A is currently $57.68 per fortnight. Those families who will no longer receive Family Tax Benefit Part A as a result of this change would only be entitled a small amount of payment of less than the value of the Large Family Supplement.

These two budget measures, along with the reform package introduced recently through the Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill, will improve the sustainability of family payments while providing continued support to those most in need of assistance. In 2015-16 the government will still provide around $19 billion in family tax benefit payments. This is the second biggest item of expenditure within the Social Services portfolio and the fourth biggest in the Commonwealth budget. A modest saving of $177.3 million is a reasonable and prudent measure to help ensure family tax benefit remains affordable, and that the government can continue to assist families in raising their children.

It is useful, I think, for colleagues to listen to the evidence found within the Henry tax review and the audit report, and to look to the recommendations of the McClure review to help ensure sustainability of our system. I will shortly move amendments, or a colleague on my behalf will if I am not here, to change the commencement arrangements for both measures in this bill, notably because the portability of family tax benefit measure has gone past its intended implementation date of 1 January 2016. I note the views and recommendations expressed by the Senate Community Affairs Legislation Committee in its inquiry into the bill and I welcome the recommendation of its majority report that the bill be passed and I accordingly commend it to my colleagues.

Question agreed to.
Bill read a second time.

In Committee

Bill—by—leave—taken as a whole.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (17:56): I table a supplementary explanatory memorandum relating to the government's amendments to be moved to this bill. I move government amendment (1) on sheet JC283 that has been circulated in my name:

(1) Clause 2, page 2 (table items 2 and 3), omit the table items, substitute:

2. Schedule 1 The first 1 January or 1 July to occur on or after the day this Act receives the Royal Assent.

3. Schedule 2 The first 1 July to occur on or after the day this Act receives the Royal Assent.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with an amendment; report adopted.

Third Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (17:59): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Tax Laws Amendment (Implementation of the Common Reporting Standard) Bill 2015

In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Reynolds) (17:59): The question is that the bill stand as printed.

(Quorum formed)

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (18:03): Last night I took a while explaining to the Senate the government's amendments and our position on the opposition's amendments—and I am pleased to remind the Senate that we are supportive of the opposition's amendments. Unsurprisingly, we are also supportive of the government amendments. I seek leave to move government amendments (1) and (2) on sheet GB134 together.

Leave granted.

Senator BIRMINGHAM: I move:

(1) Schedule 1, item 15, page 16 (after line 21), after subitem (2), insert:

High Value Accounts
(2A) For the purposes of subsections 396-105(1) and (2) in Schedule 1 to the *Taxation Administration Act 1953*, as amended by this Schedule, an account maintained by a Reporting Financial Institution on 1 July 2017 is treated as being a Reportable Account (within the meaning of the CRS) on that day if the account:

(a) would be a Reportable Account (within the meaning of the CRS) on that day if the Reporting Financial Institution applied the due diligence procedures described in the CRS in relation to the account on or before that day; and

(b) is a High Value Account (within the meaning of the CRS) on 30 June 2017.

(2) Schedule 1, item 15, page 17 (line 1), after "subitem", insert "(2A) or".

I remind the Senate, as I explained last night, that the government is introducing these amendments in order to ensure that the provisions operate as intended. These changes correct a technical anomaly in the original bill so that statements relating to pre-existing individual accounts that are high-value accounts as of 30 June 2017 must be reported to the tax commissioner by 31 July 2018. It ensures that this timing is required regardless of whether the reporting financial institution conducts its due diligence procedures of these accounts between 1 July 2017 and 31 December 2017 or between 1 January 2018 and 31 July 2018.

The timing provisions in the bill have been carefully crafted to ensure that we align with OECD guidance on collection, review and exchange of information, noting that some of that may be influenced by the opposition amendments that we are willing to accept. I commend the government's amendments to the Senate.

**Senator MOORE** (Queensland) (18:05): I advise that Labor is supporting the government's amendments.

Question agreed to.

**Senator MOORE**: by leave—I move opposition amendments (1) to (6) on sheet 7840 together:

(1) Schedule 1, item 13, page 7 (after line 20), insert:

This Subdivision also requires the Commissioner to report on certain Reportable Accounts that are maintained by Australian Reporting Financial Institutions.

(2) Schedule 1, item 13, page 14 (after line 14), after section 396-135, insert:

396-136 Report on Reportable Accounts maintained by Australian Reporting Financial Institutions

(1) This section applies if:

(a) the Commissioner receives one or more statements under subsection 396-105(2) in relation to:

(i) the 2018 calendar year; or

(ii) a calendar year commencing after 2018; and

(b) the statement contains information about a Reportable Account (within the meaning of the CRS); and

(c) the total number of accounts of the kind mentioned in paragraph (b) for a jurisdiction (other than Australia) that is a Reportable Jurisdiction (within the meaning of the CRS) (the *relevant jurisdiction*) for the calendar year is 6 or more.

(2) The Commissioner must, no later than 31 December of the year following the calendar year, prepare and give to the Minister a report that sets out for each relevant jurisdiction in relation to the calendar year the following information:

(a) the total number of accounts of the kind mentioned in paragraph (1)(b);
(b) the sum of the amounts in those accounts.

(3) The Minister must cause a copy of the report given under subsection (2) to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

(4) The report given under subsection (2) is not a legislative instrument.

(3) Schedule 1, item 14, page 15 (cell at table item 6, column 2), omit "2019", substitute "2018".

(4) Schedule 1, item 15, page 16 (after line 21), after subitem (2), insert:

Preexisting Entity Accounts

(2B) For the purposes of subsections 396-105(1) and (2) in Schedule 1 to the Taxation Administration Act 1953, as amended by this Schedule, an account maintained by a Reporting Financial Institution on 1 July 2017 is treated as being a Reportable Account (within the meaning of the CRS) on that day if the account:

(a) would be a Reportable Account (within the meaning of the CRS) on that day if the Reporting Financial Institution applied the due diligence procedures described in the CRS in relation to the account on or before that day; and

(b) is a Preexisting Entity Account (within the meaning of the CRS).

(5) Schedule 1, item 15, page 16 (lines 22 to 33), omit subitem (3), substitute:

Statements

(3) Despite subsection 396-105(6) in Schedule 1 to the Taxation Administration Act 1953, to the extent that a statement under subsection 396-105(2) in that Schedule for 2017 relates to an account that is a Lower Value Account (within the meaning of the CRS), the statement must be given to the Commissioner no later than 31 July 2019.

Note: Section 388-55 in that Schedule allows the Commissioner to defer the time for giving an approved form.

(6) Schedule 1, item 15, page 17 (line 1), after "subitem", insert "(2A) or".

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (18:06): As I indicated before, the government is happy to support these opposition amendments. In the spirit of helpfulness I advise that, as we understand it, Labor has proposed amendments to require the Commissioner of Taxation to publish an annual report providing aggregated, de-identified data on the financial holdings of foreign nationals in Australia. The de-identified data will indicate the aggregate number of accounts held by nationals of each country and the aggregate dollar value of holdings in the accounts.

The Labor Party is also proposing an amendment that varies commencement dates. The original time frame proposed by the legislation arose as a result of the agreement between OECD countries. The amendment is similar in form to the amendment that was tabled when this bill was debated in the House. However, having sought some further clarification, the government is happy to support that amendment, which will bring forward from 31 July 2019 to 31 July 2018 the deadline for reviewing entity accounts to be finalised and align it with the time frame outlined in the bill for high-value, individual accounts.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.
Third Reading

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (18:09): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Omnibus Repeal Day (Autumn 2015) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAROL BROWN (Tasmania) (18:10): Today was a glorious Canberra summer day. In just over a week it will be March, and autumn will be upon us. The leaves will change colour and start their descent to the ground. The flame tree in the courtyard here at Parliament House will dramatically alter its hue just in time for budget day. And who knows, maybe there will even be an election campaign in the offing. It is easy to get sentimental about autumn. It is a beautiful season. But just as another autumn is almost upon us, I am pleased to be able to stand before the Senate today and relive the autumn of last year in all its glory—because here we are debating the Omnibus Repeal Day (Autumn 2015) Bill 2015.

Introduced in the other place on 18 March 2015, the bill is indeed a reminder of another era. Mr Abbott was Prime Minister, and the biannual repeal days were his signature contribution to microeconomic reform. Back in the old days, when we had the first red tape repeal day, the former Prime Minister himself used to introduce the legislation. The other place would dedicate an entire day to debating the bills. My colleague the shadow minister for finance, Mr Burke, described it as 'a festival, a bonfire of bits of paper and regulations that were going to be destroyed'.

Now look what it has come to. It is such an urgent piece of legislation—which will relieve the businesses and people of Australia of such burdensome regulation—that six months elapsed before the bill was even debated in the other place. That's right, after all the fanfare of repeal day it took the government until September 2015 to bring on the debate in the other place! I am pretty sure that when the government decided to call this bill the 'Autumn 2015' bill, they were doing so based on the timing of the Australian seasons, not the advent of autumn in North America, Europe or anywhere else.

Once the bill eventually passed the House of Representatives, it was rushed up here to the Senate and immediately used as a backstop in government business on the weekly program week after week after week. The bill was introduced here on 12 October 2015, and on the Thursday before every sitting week we would see it come up on the list—only for it to never see the light of day. The government must have finally run out of legislation, because here it finally is.

We know that there has not been much urgency from the government to move ahead with debate on these bills. We also know the real reason for this. The problem for the government is that, among these bills, there is not much red tape being repealed. There is a lot of fanfare
and excitement but, as Mr Burke wittily put it, it is sort of like that moment at the end of *The Sound of Music* where they announce the Trapp Family Singers and no-one walks in: they announce it two or three more times and then they went off in a chase scene trying to find them. But they had been duped.

Each time the government announces repeal day, they say there is all this regulation that that they will be getting rid of for small business. Red tape will be obliterated. But what do we end up with? Bills that are already obsolete being removed, punctuation changes going through, committees being abolished that already have no members and programs being removed that already have no funds. That is what is left. That is why Red Tape Repeal Day has gone from being something that the government would get front-page stories on. There would be a big build-up and it would be part of their economic narrative to being like so many of their other policies—just a fizzer. It is just a situation where they are committed to going through the motions. So we go through the motions of it, and no-one’s heart is in it anymore.

I understand the responsible parliamentary secretary, Mr Hendy, has recently announced that the government will be discontinuing the biannual repeal days that gave rise to legislation such as that which we are debating today. Given the extent to which the government has been shown to have no economic narrative over the last week, with its failure to present a decent critique of Labor's positive plans in the area of negative gearing, for example, along with the Treasurer's embarrassing, rambling performance at the National Press Club, perhaps it might not be too long before these repeal days are revised. Obsolete repeal days might be the best plan they have!

Nearly 12 months have gone by since the bills were initially introduced. We are now debating them. I remind the Senate that one of the previous bills, the Omnibus Repeal Day (Spring 2014) Bill 2014, has still not passed the parliament. It is languishing in the other place. No-one has really noticed, because none of it really matters; but some of that legislation that had all the fanfare back then is still parked in the lower house. No-one talks about it being a double-dissolution trigger because nothing rests on it anyway.

Today we have the Omnibus Repeal Day (Autumn 2015) Bill 2015. It contains seven schedules reflecting amendments in the portfolios of Agriculture, Environment, Health, Indigenous Affairs, Social Services, Treasury and Veterans' Affairs. All of it is reasonable stuff to do, but it is a bit weird to get excited about it. It is delusional to think that this is an answer for small business, that it is something that shows this government is committed to abolishing red tape. The majority of the items do not have any deregulatory savings attached. Two items supply the total deregulatory savings in this bill. There are changes to the Health and Other Services (Compensation) Act 1995 to remove requirements relating to compensation recipients submitting statutory declarations about benefits provided estimated to lead to $41.4 million in deregulatory savings. In addition, changes to make it easier for the public to access aggregate data relating to social security, family assistance, student assistance and paid parental leave legislation that does not disclose information about a particular person are estimated to lead to $3,000 in deregulatory savings. I will repeat that, lest any senator may be concerned that I may have misspoken: just $3,000 in savings.

**Senator Birmingham:** It's still $3,000.
For the benefit of Senator Birmingham and for the Senate, I am pleased to outline each of the measures proposed in this bill and their impact. Schedule 1 relates to the Agriculture portfolio and contains no deregulatory savings.

Repeals of acts: items 1 to 7 of the schedule relate to the repeal of the following acts. The Dairy Adjustment Act 1974 was enacted to provide financial assistance for the purposes of dairy adjustment programs, allowing agreements to be made with the states to make payments. The last agreement came into effect in 1976, and the period for the approval of these new agreements lapsed in 1977. There are no agreements currently in place and all loans, payments and repayment obligations have been finalised. The Domestic Meat Premises Charge Act 1993 provides for the imposition of a charge payable by an operator or owner of certain accredited killing or processing plants. The Department of Agriculture deregistered the last two meat establishments that were covered by this act on 12 June 2009.

The Meat Export Charge Act 1984 was enacted to impose a charge on applications for the inspection of export meat and meat products. As part of the Export Certification Reform Package we implemented when we were in government there were new arrangements that covered this. Cost recovery arrangements are set out under the Australian Export Meat Inspection System and fees are collected under other legislation. The Meat Export Charge Collection Act 1984 was enacted to provide for the collection of the charge implemented under the Meat Export Charge Act 1984. The Meat Inspection Act 1983 was enacted to provide for the domestic inspection of meat intended for human consumption or for use as animal food. None of the activities covered by this act are currently carried out by the Commonwealth. Domestic meat inspection is carried out by the states and territories under their own statutes. The Meat Inspection Arrangements Act 1964 was enacted to enable the Commonwealth to enter into arrangements with the states for Commonwealth inspectors to inspect meat for consumption in Australia. As the Commonwealth no longer employs any domestic state meat inspectors, which is done at the state and territory level, this act is redundant. The Primary Industry Councils Act 1991 was enacted to establish industry councils for primary industries. There are no industry councils established under the act that exist, and none have been established since 1993.

There is the abolition of the Australian Landcare Council. Items 8 to 16 of the schedule relate to the abolition of the Australian Landcare Council. The plan was to consolidate the Australian Landcare Council and the Natural Heritage Trust Advisory Committee into the National Landcare Advisory Committee. There are currently no members on the Australian Landcare Council. In other amendments, items 17 to 30 of the schedule relate to amendments that are consequential as a result of the proposed repeals of acts in this schedule.

Schedule 2 relates to the Environment portfolio and has no deregulatory savings. There is the abolition of the Natural Heritage Trust Advisory Committee. This committee is being merged with the Australian Landcare Council to form the new National Landcare Advisory Committee. Membership of this committee lapsed in 2007. Items 7 to 12 of the schedule will remove duplicative exemptions covering Heard Island and McDonald Islands relating to protected area management plans. They are covered by exemptions covering the Heard Island and McDonald Islands Marine Reserve. In relation to director's functions and powers, item 13
repeals a redundant section in the Environment Protection and Biodiversity Conservation Act 1999 that relates to the portion of the Australian National Botanic Gardens that is in the Jervis Bay Territory.

Schedule 3 relates to the Health/Human Services portfolio and contains $41.4 million deregulatory savings. This schedule relates to amendments to the Health and Other Services (Compensation) Act 1995. It removes the requirement for claimants to sign a statutory declaration when submitting a compensation claim, and removes the requirement for both the compensation payer and claimant to sign a notification to Medicare of the settlement of the compensation claim. The claimant will instead be able to declare that the information provided is true and correct using existing forms required for the process. In terms of signing the notification to Medicare, only the compensation payer will need to sign the form, which will reduce the burden on the payer and reduce the risk of non-compliance.

Schedule 4 relates to the Prime Minister and Cabinet and Indigenous Affairs and contains no deregulatory savings. It repeals the Aboriginal Affairs (Arrangements with States) Act 1973. This act enables persons employed by the states to be appointed to the Australian Public Service and Australian Public Service permitted persons to perform functions under the laws of the states relating to Indigenous Affairs. A similar arrangement already exists under the Public Service Act 1999. The Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975 will also be repealed. This act was enacted to supersede certain Queensland state laws that discriminated against Aborigines and Torres Strait Islanders. The Queensland laws have since been repealed.

Part 2 of schedule 4 contains consequential amendments on repeal of acts. Item 3 repeals section 16 of the Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self-management) Act 1978 as it will be made ineffective upon the repeal of the Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws) Act 1975. Schedule 5 relates to social services and contains $3,000 in deregulatory savings. In relation to the use of protected information, part 1 of schedule 5 makes amendments to the A New Tax System (Family Assistance) (Administration) Act 1999, the Paid Parental Leave Act 2010, the Social Security (Administration) Act 1999 and the Student Assistance Act 1973, to facilitate greater access to aggregated information that does not disclose information about a specific person. Previously, you could only access the information if the purpose was one that satisfied the relevant act. The amendments will allow greater access to data for use by researchers and the public. These amendments are estimated to generate $3,000 in savings.

Part 2 repeals spent indexation provisions from the A New Tax System (Family Assistance) Act 1999 and the Social Security Act 1991. These provisions have passed their date of effect. Part 3 repeals the Retirement Assistance for Farmers Scheme and the Retirement Assistance for Sugarcane Farmers Scheme from the Social Security Act 1991. These schemes closed in 2001 and 2007 respectively. Part 4 repeals spent savings, transitional and application provisions from the Social Security Act 1991. These provisions relate to rules that were required to deal with former amendments dealing with persons transitioning from one set of arrangements to another. They have no effect as they deal with circumstances that can no longer occur—for example, a clause dealing with the transition arrangements for people who were receiving rehabilitation assistance before 20 March 1994 and two other
clauses relating to provisions for payments, which contained end dates of 30 June 1999 and 30 June 2003, are being repealed.

Schedule 6 relates to Treasury. The Income Tax (Withholding Tax Recoupment) Act 1971 will be repealed. The act imposes a tax on interest from borrowings that received a particular exemption from withholding tax. Owing to changes to the tax law in September 2006, such borrowings can no longer arise, and so this act is redundant. The International Monetary Agreements Act 1959 will also be repealed. This act related to an increased quota in the International Monetary Fund, and an increase in the capital stock of the International Bank for Reconstruction and Development. As these transactions have been completed, the legislation is no longer required.

The Occupational Superannuation Standards Regulations Application Act 1992 will also be repealed. This act modified the time at which the Occupational Superannuation Standards Regulations 1987 were taken to have commenced. As these regulations were repealed in 2013, this act is no longer required. The States Grants (Aboriginal Advancement) Act 1972 is another act that will be repealed. This act provided for the payment of grants to the states and territories in the 1972-73 financial year. All grants under the act have been paid and therefore the act is no longer required.

The Taxation Laws (Clearing and Settlement Facility Support) Act 2004 will be repealed. This act was introduced following amendments to the Corporations Act relating to the transfer of responsibility for providing financial backing for parts of the clearing and settlement support system from the National Guarantee Fund to ASX Clear Pty Ltd. As the transfer of responsibility has been completed, this act is now redundant.

Other amendments in schedule 6 repeal sections 23E and 23J of the Income Tax Assessment Act 1936. Section 23E provides that an amount received by a person upon the redemption of a Commonwealth special bond—other than an amount paid as accrued interest—is not assessable income and not exempt income. The Commonwealth no longer issues these special bonds and all such bonds that were issued have matured. Section 23J provides similar treatment for many types of securities that were issued at a discount prior to 1982. Section 26C of the Income Tax Assessment Act 1936 will also be repealed. The section provides a tax concession for certain securities which is currently available under the general tax law. As such, it can be repealed. Paragraph (c) of the definition of ‘traditional security’ in subsection 26BB(1) of the act will be removed. As section 26C is being repealed, the reference to section 26C in the definition of traditional security is also being repealed.

Subdivision CB of division 3 of part III is proposed to be repealed as no entity has sought to have the Treasurer make a determination under this part of the act to entitle them to deductions relating to pre-establishment expenditure. That is because in 1999 the rules around this type of expenditure were changed so that it was available to all taxpayers.

Items 12 to 15 in this schedule deal with consequential repeals of references to section 26C. Items 16 to 18 make repeals to the Income Tax Assessment Act 1997 as a result of the repeals to the Income Tax Assessment Act 1936 relating to section 26C and subdivision CB of part III.

There are others, but I would like to end my remarks by saying that what we are dealing with here today is, rather than hundreds of millions or even billions of dollars in savings, a
minuscule percentage of the total deregulatory savings that the government would want to claim. It is a saving of just $47.1 million, which is less than 10 per cent of the government's claimed $475.7 million in savings that have been reported between the spring 2014 bill and this bill. Serious deregulation can be done, but the government should not be pretending that it is making a difference when it is not actually getting rid of regulation in any real way.

(Time expired)

Senator RICE (Victoria) (18:30): It is indeed a pleasure to rise to speak on the Omnibus Repeal Day (Autumn 2015) Bill 2015, a week out from Autumn 2016. I certainly concur with Senator Brown that it has been a long time coming. This bill does not seem to have been a priority of the government. I am so glad that we are actually here. This is the third day this week that the bill has been listed on the Notice Paper, so I am very pleased that we have finally got to it.

These omnibus repeal days are presented by the government as an opportunity to get rid of red tape, to fix up little bits of legislation and to be just generally smoothing legislation out. I am rising to speak to this bill tonight to add to it. I will be moving an amendment to this bill. These omnibus repeal bills give us the opportunity not just to repeal little bits of legislation but also to add bits of legislation. The amendment that I am going to be moving tonight will add a small amendment to the Infrastructure Australia Act 2008, which was removed very sneakily by the government last year.

As Senator Brown outlined in her contribution, this omnibus repeal day covers, I think, seven different areas of government, so adding in consideration of the infrastructure act is quite appropriate. I also think it is quite appropriate that, given that a lot of the focus in infrastructure is on transport, we are talking about an omnibus bill—omnibuses and buses and trains and trams and public transport and all of that.

The amendment I will be moving will reinsert a provision that was added to the Infrastructure Australia Act in 2014. The Infrastructure Australia Amendment Act 2014 inserted part 3A, Planning and Reporting, to the Infrastructure Australia Act. That part did a number of things but in particular specified some things that needed to be included in the annual report of Infrastructure Australia. The key aspect of that amendment to the Infrastructure Australia Act that I am focusing on tonight was that the annual report must include:

(d) details of each method of preparing cost benefit analyses approval of which was in force under subsection 5B(3) at any time during the year, including the weight required to be assigned to each factor the method required to be taken into account.

Basically, that said cost-benefit analyses are really important when you are considering, judging and trying to work out which bit of infrastructure we are going to invest in, but a cost-benefit analysis by itself, without any information about how it was undertaken, can be meaningless. We have to have that information so that we know whether we are comparing apples with apples, so that we know that the cost-benefit analysis that has been done actually stacks up. So this was a very important provision that was inserted into the Infrastructure Australia Act in 2014.

However, last year, under new legislation, the Public Governance and Resources Legislation Amendment Act (No. 1) 2015, this part of the Infrastructure Australia Act was repealed and the section of the act was replaced. The result is that section 39C, which
contained all the information about cost-benefit analyses, just disappeared, and all that then had to be included in the annual report was that it must:
… include details of any directions given to Infrastructure Australia by the Minister …

The revised explanatory memorandum made very little reference to the rationale for change except to say that this relevant provision would bring it into line with the Public Governance Performance and Accountability Act. So very sneakily there was removed from the act a provision requiring the explanation of what type of cost-benefit analyses were going to be done.

It was a small thing, but it resulted in a big reduction in the transparency and accountability of the work that Infrastructure Australia was doing. That is so critical when we are making decisions about where to invest our precious taxpayer dollars in infrastructure. We need to know how various projects stack up against each other. We need to know that we can compare on the basis of one methodology—or at least to know what the methodologies are—so that we know whether, when we are looking at a road project here and a rail project there, the cost-benefit analyses are comparable. This information is critical because otherwise we can have a cost-benefit analysis that is essentially just a black box and we are told, 'Oh, a cost-benefit analysis has been done and it has returned a benefit to cost ratio of just over one.'

There are a couple of projects I am particularly interested in at the moment in Melbourne. One is the Western Distributor road project. We are told that that has a benefit to cost ratio of 1.1. We had the announcement of the Melbourne Metro Rail tunnel, which we are told also has a cost-benefit analysis of 1.1. But we need to know, when we are looking at those two projects and trying to decide which of them is of more benefit to the community, how those cost-benefit analyses were done, what methodology was used.

The amendment I am moving today is simply to have the need for inclusion of the methodology of the cost-benefit analysis reinserted in the Infrastructure Australia legislation. I am hoping that this will not be a controversial thing. I am hoping that it will have the support of my parliamentary colleagues across the parliament, because I think it is really in the interests of transparency, accountability and making good decisions about our infrastructure that this be done. This bill, the omnibus repeal day bill, gives us the opportunity to fix small things up, to make small tweaks and changes to legislation, so that we ensure that the legislation is of the most benefit to the community.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (18:37): I am delighted to close the second reading debate on the Omnibus Repeal Day (Autumn 2015) Bill 2015. I am terribly excited to speak about this bill, notwithstanding the cynicism that Senator Brown displayed in her remarks—though I am pleased, Senator Brown, by your remarks about the wonders of autumn, which left a warm inner glow that I am sure all in the chamber benefited from. We do look forward to the onset of autumn—a wonder of living in a nation with such wonderful seasons which are, of course, distinct between the northern and southern parts. Enough about the weather; that is my old portfolio. This bill also is not in my portfolio but still I am delighted to be summimg up the debate in relation to this bill.

As many in the chamber have alluded to, the government has sought to make sure that regulatory and red tape reduction has been central to the activities of government. I am sorry that Senator Brown seems to be so dismissive of even minor savings that can be achieved.
Senator Brown spoke almost with contempt at the idea that $3,000 of regulatory savings could be achieved somewhere. Well, I think if $3,000 of regulatory savings can be achieved somewhere then $3,000 of regulatory savings should be achieved somewhere. And of course, overall, I think the $41.7 million of regulatory savings attached to this bill are worth achieving because they are a good strong step in the right direction.

Senator Brown did kindly go through in extensive detail many parts of the measures that are proposed, so I do not intend to repeat all those. I would simply highlight the fact that the bill does amend or repeal 14 acts across a number of portfolios. Yes, some of them are spent and redundant and have remained on the Commonwealth statute books for some time; and others have been amended or repealed but have provisions that have been superseded by other pieces of legislation. But, importantly, there are measures that do have real savings, and the largest of those relates to one particular measure that results in over $41 million of deregulatory savings.

These amendments to the Health and Other Services (Compensation) Act 1995 will remove the requirement for compensation recipients to separately submit a statutory declaration when submitting a claim for benefits provided under Commonwealth programs for Medicare, nursing home, residential care and home care services. This will be of benefit and will reduce the regulatory burden on both compensation payers and around 50,000 claimants per year and allow automation of certain compensation recovery procedures for the government. That is one example of a very worthwhile change that is contained within the bill. There are, as I indicated, changes that reduce the number of unnecessary agencies that are defined within legislation or committees or advisory bodies or the like and a range of other changes.

Senator Brown suggested that, in some instances, the bill might correct punctuation. Whilst I do not hold myself up to be the nation's great and virtuous guide on appropriate punctuation, as Minister for Education I do at least think that is a worthwhile objective to pursue when you have the opportunity. To be serious, I commend the bill to the Senate. It adds further to the government's deregulation agenda and, most importantly, in doing so reduces real costs across government as well as for those who have to deal with and respond to government legislation.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator RICE (Victoria) (18:42): by leave—I move Australian Greens amendments (1) and (2) on sheet 7769:

(1) Clause 2, page 2 (table item 4), omit "Schedule 4", substitute "Schedules 3A and 4".
(2) Page 13 (after line 28), after Schedule 3, insert:

Schedule 3A—Infrastructure and Regional Development

Infrastructure Australia Act 2008

1 Section 39C

Repeal the section, substitute:

39C Annual report
The annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must also include:

(a) details of any directions given to Infrastructure Australia by the Minister under subsection 6(1) of this Act during the period; and

(b) details of each method of preparing cost benefit analyses approval of which was in force under subsection 5B(3) of this Act at any time during the period, including the weight required to be assigned to each factor the method required be taken into account.

These amendments, as I outlined in my speech in the second reading debate, are to change the *Infrastructure Australia Act 2008*, repealing a section and replacing it with a section which means that, in the annual report of *Infrastructure Australia*, there have to be details of any directions given to *Infrastructure Australia* by the minister and details of each method of preparing cost-benefit analyses, approval of which was in force at any time during the period, including the weight to be assigned to each factor and the method required to be taken into account. Essentially, this measure increases transparency and accountability and reinserts a measure that was in the *Infrastructure Australia* legislation until last year.

**Senator CAROL BROWN** (Tasmania) (18:43): Labor supports this amendment. This amendment was legislated, as Senator Rice has mentioned, as part of the package of amendments to the *Infrastructure Australia Act* that passed the parliament in 2014. In a welcome show of bipartisanship, the Senate amendments, mainly authored by Labor but with input from the Greens and crossbench, were accepted by the government. This amendment was sought to require that *Infrastructure Australia* publish annually all methods it uses to evaluate cost-benefit analyses. This is an important element of transparency and allows those who wonder about how projects are evaluated to have an insight into how recommendations are arrived at. Following the passage of the *Infrastructure Australia Bill* in its amended form, this new clause was omitted in the process of general amendments to many acts to incorporate governance changes under the *Public Governance Performance and Accountability Act 2013*. This amendment merely restores the status quo. Labor notes that *Infrastructure Australia* has, notwithstanding the absence of this clause in its act, proceeded to publish recently its new assessment framework guidance. This followed a review last year and contains detailed technical advice on how to work up a business case, including a cost-benefit analysis.

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (18:45): The government does not support the amendment. I am advised that part 39C(a) is already provided for in the act under 39C of the act and 39C(b) of the amendment is already provided for under subsections 5B(3), 6, 7 and 8, which require *Infrastructure Australia* to approve the cost-benefit analysis methodology to be used, review the methodology regularly and make the report of the review available on its website within 14 days.

*Infrastructure Australia* include in their evaluation templates the cost-benefit methodology requirements and, as Senator Brown acknowledged in her contribution, this information is already publicly available on its website. So it is the government's view that this is not necessary and would merely add to the legislation in a manner that is not required and would not deliver anything that *Infrastructure Australia* is not currently already doing.

**Senator RICE** (Victoria) (18:46): Information on the cost-benefit analyses, as you say, is on the website. However, my understanding is that the detail that is required to enable the cost benefit analyses to be compared is not there. Particular details include the weight required to
be assigned to each factor of the method. This sort of detail, assessment and analysis of the cost-benefit analysis is critical, because you can have cross benefit analyses but this level of information that is on the website is very different to the level of information that was required and that was included in the legislation until 2014. It was included there for a purpose. It was included so that we could have transparency. It was so not just people within Infrastructure Australia who knew what the cost-benefit analysis was and what the methodology was. It was so we could all have that information. The community was able to assess that information. That level of detail is required.

That level of detail was previously in the legislation. We feel it was inappropriate that it was removed. It was removed without any fanfare and without people knowing it was being removed in the changes to the legislation last year. My question to you, Minister, is this: can you confirm that the details, including the weight given to each factor in the cost-benefit analysis, is not available in the information Infrastructure Australia publishes on its website?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (18:48): No, I cannot confirm, Senator Rice, exactly what is or is not on the Infrastructure Australia website. I am advised that their evaluation templates around cost-benefit methodology requirements are available on the website. The granularity of that information is not something that I can provide to the Senate this instant. I am sure that the minister—I think it would be Mr Fletcher in this case—would be happy for his office to talk through with you and your office any particular additional information that may be required if that is information that can be provided without excessive additional work for its generation.

Senator RICE (Victoria) (18:49): I am very happy to have that further discussion with Minister Fletcher, but I think that can be after we have this amendment put into the legislation. This is a very useful opportunity while this legislation is before us tonight to do exactly the thing that these omnibus repeal days are set out to do—make some fine tweaks to legislation to improve it. I know the government's position is that those fine tweaks involve removing what they called red tape, but so often one person's red tape is another person's very important and critical piece of regulation that enables better governance, transparency and accountability.

There are people who are interested in how these decisions are being made, as we are spending billions of dollars. The cost-benefit analysis and ending up with that final benefit-cost ratio, whether it is 1.1 or 0.9, can make the difference between whether we spend billions of dollars on one project or another. If we do not have that granularity, if we do not have all that detail of information, it is obscure and there is no opportunity for peer review, for the experts in the community to do the assessment and say, 'Ah, yes. This is how they got to their figure of 0.9 or 1.1.' It is really important that we have that level of detail and all of that detail.

I think it is really important that that detail ends up being in the annual report of Infrastructure Australia. Infrastructure Australia was set up to be an organisation that was meant to take the politics out of decision making and meant to be assessing the information objectively so that we knew we had reliable, objective information about our infrastructure requirements. But in order for the community to be assured that that objectivity is there, we need to have this level of information.

If Infrastructure Australia is doing its job correctly and if it is supplying the cost-benefit analyses equally and objectively across all projects and if in fact the proponents of the various
projects have cost-benefit analyses that are comparable, there is nothing to hide. The details can be made public. It is not a big thing to do. Those details can be made public and then we can all see how the decisions are being made. It is really only by having that information and those details that it can be made clear and that the community can have faith and can trust that decisions are being made completely transparently and completely objectively.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (18:52): Senator Rice, I suspect we will have to agree to disagree to some extent. I think it is odd that you would want to pursue this via an annual report in any event. It is obviously far more timely for the type of information you are seeking to be available on the website, which is where, as I understand it, the bulk of information is provided. As I indicated before, if you think what is provided on the website can be enhanced, then I am sure the government will be happy to have those discussions and consider any practical suggestions that you may make.

You suggested that the removal of some of these requirements from previous legislation snuck through without people seeing them. I make the general observation that my recollection is that some of the objects around the PGPA Act, as it passed through, were to try to better align some of the requirements for annual reports across different agencies and entities of the government. Obviously, this would be a regressive step in what is meant to be a simplified and more consistent process around annual reports.

There are other means to get the type of information that you claim is unavailable. I will take you at your word, but certainly my understanding is that we publish the methodology, it is reviewed regularly, there is a report made available within 14 days following the review and evaluation templates are published on the website already. In the end, regardless of how much of that sort of information is provided, sometimes you would still need to take the time to drill down in estimates or elsewhere with the agency about what some of the underlying assumptions are. There would be many assumptions in such modelling. It may not be the case that they will be neatly spelt out in the consistent manner that you are seeking, which is why all of the other avenues for scrutiny exist across the government.

Senator RICE (Victoria) (18:54): I am very happy if Infrastructure Australia make all the information, in all of its fine details and all of its granularity, available on the website. At every estimates session that I have attended since I have been in the Senate, I have taken the opportunity to question Infrastructure Australia about things such as their cost-benefit-analysis methodology and the other ways that they are making judgements. The critical thing is that requiring this detail of granularity in the annual report in the legislation means it has to be there. We know that there is no statutory authority to present this information on their website. We know that public servants at Infrastructure Australia do a very good job of only giving just the right amount of information that they want to give at estimates, of not knowing things, of having to take things on notice, of not giving the answers to those questions on notice until the day before the next estimates session and of not giving the detail needed in the answers to those questions on notice. Hence, the cycle goes on: you ask more questions at estimates, and then three months later you get another tiny sliver of information. Hence, there is the requirement, in the interests of transparency and accountability, that the annual report have the full level of detail so that the community can share that information. It is so we can make our own assessments and the transport experts around the Australian community can
make well-informed assessments about the cost-benefit analyses and the appropriateness of investing in various different bits of infrastructure.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (18:57): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Omnibus Repeal Day (Spring 2015) Bill 2015

Second Reading

Senator CAROL BROWN (Tasmania) (18:58): The Omnibus Repeal Day (Spring 2015) Bill 2015 was introduced as part of the fourth so-called red-tape repeal day in the life of this government. How far it has come! Back in the old days, the former Prime Minister Mr Abbott gave the ministerial statement to a packed chamber, and debate followed a week later. There was even a gag motion put on that prevented government members from talking about red tape. Now, after a ministerial statement given by the third parliamentary secretary looking after deregulation policy, it seems to go by unnoticed. The Omnibus Repeal Day (Spring 2015) Bill 2015 is one of the three so-called repeal day bills that were introduced, along with the Amending Acts 1990 to 1999 Repeal Bill 2015 and the Statute Law Revision Bill (No. 3) 2015. These combined three bills contained $6.9 million in deregulatory savings. It is the second lowest amount of deregulatory savings contained in a set of these bills that have been brought forward by this government. When the government talks about its $4.5 billion figure in deregulatory savings, it is clear that the legislation introduced on these repeal days has not contributed much to them at all. In fact, the four sets of repeal day bills have a combined $63.6 million in deregulatory savings. Out of the $4.5 billion figure, that is 1.4 per cent of the total amount.

In the Omnibus Repeal Day (Spring 2015) Bill, out of a total 37 measures, only four have deregulatory savings attached, totalling $6.2 million. Quite simply, the bill, like previous bills, is filled with measures that have no deregulatory savings attached. For example, in the Agriculture portfolio, there is the repeal of an advisory body, the Fishing Industry Policy Council, which has actually never met since it was enacted in 1991. In the Finance portfolio, there is the repeal of seven old appropriations acts from the 2012-13 financial year and eight old appropriations acts from the 2013-14 financial year. Given these financial years have come and gone, these acts can be repealed. But, again, there are no deregulatory savings attached. In the Industry, Innovation and Science portfolio, there is the repeal of the Patents Amendment (Patent Cooperation Treaty) Act 1979; the act amended the Patents Act 1952. As an amending act, it became spent as soon as it amended the principal act. Furthermore, the
principal act was repealed in 1990 and replaced by the Patents Act 1990. So this is getting rid of a piece of legislation that had ceased to have any practical effect for decades.

There are even some provisions that are familiar, some contained in previous omnibus repeal bills that, for one reason or the other, have not yet passed the parliament. For example, there is the repeal of the Skilling Australia's Workforce Act 2005—originally in the Omnibus Repeal Day (Spring 2014) Bill 2014—which has not passed the parliament because the government will not accept our amendments in relation to the Future Submarine project tender process and whether the successful tenderer would give an undertaking that the building, maintenance and sustainment of the submarines would take place in Australia, with the majority of the work on the build undertaken by Australian labour and the majority of the materials used sourced from Australian suppliers.

Similarly there is the Patents Amendment (Patent Cooperation Treaty) Act 1979 repeal, amending the Stronger Futures in the Northern Territory Act 2012, the repeal of the Papua and New Guinea Loan (International Bank) Act 1970, the repeal of the Customs (Tariff Concession System Validations) Act 1999—I could go on, but you get the hint—which were originally found in the Omnibus Repeal Day (Spring 2014) Bill 2014. In total, there are actually 19 measures that have been recycled from the spring 2014 bill. So, far from any new reforms or new repeal type measures, the government has resorted to filling up this bill with recycled measures in an attempt to get it through the parliament.

There are four measures that do have deregulatory savings attached—and, ironically enough, two of these are recycled measures. Firstly, there is the repeal of section 19AD of the Health Insurance Act 1973, which removes the requirement for a five-yearly review of the operation of the Medicare provider number legislation. There have been no issues or unintended consequences found in the previous reviews, and so the legislative requirement is deemed to be no longer required. This has $3,000 in deregulatory savings attached.

Secondly, there is the repeal of the requirement to use administrator/adviser panels to assist approved aged-care providers under sanction. Other guidelines exist that put restrictions on who can be appointed an administrator/adviser, and so this requirement is deemed to be no longer required. This has $5 million in deregulatory savings attached.

Thirdly, there is amendment of approved provider obligations for an approved provider of aged care to notify the secretary of changes to any of its key personnel. The requirement would be where the change would materially affect the provider's suitability to be a provider of aged care. This has $1.2 million in deregulatory savings attached, but, importantly, this is a recycled measure from the spring 2014 bill.

Fourthly, there are amendments to the Social Security (Administration) Act 1999 that would allow a person to disclose, or further use or record, protected information that has been disclosed to them for the purpose of research, statistical analysis or policy development, where it is consistent with the purpose of the initial disclosure. Given that the information has already been disclosed to them, there is no need for a public interest certificate process or to seek a further decision from the secretary in order to further disclose the information. This measure has $5,000 in deregulatory savings, but, like the third measure with deregulatory savings, this is a recycled measure from the spring 2014 bill.
So, out of the $6.2 million of deregulatory savings, $1.2 million are actually recycled measures. Notably, there is a section in this bill that makes a series of amendments to Commonwealth legislation to recognise the fact that there is self-government in the Australian Capital Territory. While some modifications were incorporated into relevant Commonwealth acts, some were not. The amendments in this bill are intended to make the remaining modifications to fully ensure that Commonwealth laws are applied in an appropriate manner to the ACT, following the ACT's move to self-government—which occurred in 1988.

However, there are some concerns with the repeal of the National Rural Advisory Council in the agriculture section of the bill and the removal of the consultation requirements in the communications section of the bill. We also have concerns with some of the proposed amendments to the Environment Protection and Biodiversity Act 1999. Since being passed by the Howard government 15 years ago, the EPBC Act has been the overriding national environmental protection law. Since being elected, the coalition has made numerous attempts to weaken the EPBC Act. Labor will always support common-sense improvements to our environmental regulatory system, such as the streamlining of assessment processes and the removal of errors and elements that lead to unintended impacts.

What we will not support is the weakening of environmental protections, reducing transparency or limiting the community's right to challenge government decisions. We will refer the bill to the Senate Finance and Public Administration Committee for an inquiry to work through the issues that we have.

These repeal day bills have been far from the mark when it comes to the government's deregulatory agenda. When we were in government we repealed over 16,000 acts and legislative instruments—16,794 to be precise—and cut costs to business by $4 billion per year through the Seamless National Economy reforms. This was done without too much of the noise and fanfare the government has attributed to these days. Let us call this for what it is: these repeal days are nothing more than the ordinary routine business of government and they should never have been given the hype and fanfare that they were in the first place.

Within the area of agriculture, we have the Agriculture and Water Resources Repeal of the Rural Adjustment Act 1992: the act contains provisions relating to the Rural Adjustment Scheme and the Farm Business Improvement Program, which ceased in 1997 and 2008 respectively. The act also established the National Rural Advisory Council, which effectively ceased operations in June 2015. Then there is the repeal of the Wool International Act 1993: the act provided equity to wool growers regarding contributions made to WoolStock Australia Limited. The act is redundant, given that WoolStock Australia Limited ceased operating in 2001. With regard to the repeal of the Wool International Privatisation Act 1999, the act was to privatise Wool International and set up WoolStock Australia Limited—the privatisation has occurred and the new entity ceased operating in 2001. There were amendments to the Natural Heritage Trust of Australia Act 1997 subsequent to the repeal of the Rural Adjustment Act 1992, along with punctuation and heading changes; amendments to the Agricultural and Veterinary Chemicals Code, so that information required to be provided under the Agvet Code will be limited to the names of the active constituents of the chemical products, which reflects the standard set in the Maximum Residue Limits Standard; and amendments to the Australian Meat and Live-stock Industry Act 1997 to repeal obsolete provisions that provide for payments to industry marketing and research bodies which were repealed in 1999. Various
bodies have been abolished: the Australian Pesticides and Veterinary Medicines Authority Advisory Board; the Fishing Industry Policy Council, which has not met since legislation for its creation was enacted in 1991.

Within the Attorney-General's portfolio, the Ordinances and Regulations (Notification) Act 1978 has been repealed, as the publication of legislative instruments is now dealt with by the Legislative Instruments Act 2003.

Redundant provisions in the Broadcasting Services Act 1992 have been repealed, since the SBS has assumed television production and supply activities previously undertaken by National Indigenous TV Limited. Other provisions have been repealed in the following acts: the Interactive Gambling Act 2001, the Radiocommunications Act 1992, the Telecommunications Act 1992 and the Telecommunications Act 1997 that require the Australian Communications and Media Authority to undertake consultation with specified parties before taking certain action. This is because there are provisions in the Legislative Instruments Act 2003 that require consultation to be undertaken prior to making a legislative instrument. These changes mirror similar changes that were in the Omnibus Repeal Day (Autumn 2014) Act 2014. Amendments have been made to the Broadcasting Services Act 1992 that would allow ACMA to notify stakeholders of certain matters via its website and other accessible forms.

In the realm of education and training, the Skilling Australia's Workforce Act 2005 has been repealed; the act was the vehicle for the previous National Training Arrangements and, given this function has now been superseded by the National Agreements for Skills and Workforce Development, the act is redundant. The Social Security Act 1991 has been amended in relation to the definition of a VET provider in line with the repeal of the Skilling Australia's Workforce Act 2005.

Returning to the environment, the Carbon Credits (Carbon Farming Initiative) Act 2011 has been amended so that consent requirements of projects that can create carbon credits under the Emissions Reduction Fund only apply to consents from eligible interest holders and are only required for sequestration offsets projects as opposed to all area-based offsets projects. The Environment Protection and Biodiversity Conservation Act 1999 has also been amended to remove the reference to strategic assessments being a process that occurs after a controlled action decision. The strategic assessment process works differently—in a different part of the act—and does not include a controlled action decision. Other amendments to that act change the definition of 'assessment documentation' so that it accords with the actual documentation that is required to be produced by a proponent for an assessment on preliminary documentation. Another amendment to that act removes the requirement to publish or give notice of a decision to accept a referral under subsection 74A(1) of the act. The minister actually does not make a decision to accept such a referral under the legislation, and therefore the provision is redundant.

In the area of finance, seven old appropriations acts from 2012-13 and eight old appropriations acts from 2013-14 have been repealed.

In the health portfolio, the Medical Training Review Panel has been abolished, since the members of the panel have agreed that it could be wound up and its previous roles handled by the National Medical Training Advisory Panel. There have been amendments to the Health Insurance Act 1973 to remove the requirement for a review of the Medicare provider number.
legislation every five years; three previous reviews in 2003, 2005 and 2010 have not identified any anomalies or unintended consequences, and previous reviews have indicated a general acceptance and satisfaction by stakeholders of how the legislation is operating. The provision for the minister to provide a report regarding this review will also be removed. This measure has $3,000 in deregulatory savings.

Amendments to the Aged Care Act 1997 have been made to remove the requirement by the secretary to approve advisers who assist with conducting care recipient appraisals. Instead, there would be restrictions on who can be an adviser, and these are set out in the Classifications Principles 2014. The changes would also remove the adviser and administrator panels currently used when approved providers are given a sanction. Instead, there will be restrictions on who can be an adviser or an administrator which would be set out in the Sanctions Principles 2014. This measure has $5 million in deregulatory savings.

There are amendments to the Aged Care Act 1997 to amend approved provider obligations for an approved provider of aged care to notify the secretary of changes to any of its key personnel—the requirement would be where the change would materially affect the provider's suitability to be a provider of aged care. This measure has $1.2 million in deregulatory savings.

There are amendments to the Health and Other Services (Compensation) Act 1995 and the Health and Other Services (Compensation) Care Charges Act 1995 to take into account amendments made in 2011 to the National Health Act 1953. The 2011 amendments removed the concepts of 'nursing home care' and 'nursing home benefit', but the changes were not reflected in the two health and other services compensation acts.

There is the repeal of the Customs (Tariff Concessions System Validations) Act 1999—the act was to validate decisions in relation to the making of tariff concession orders that were based on incorrect delegations or the lack of appropriate delegations. These decisions were made between 1996 and 1999. The act is now obsolete.

We have the repeal of the Patents Amendment (Patent Cooperation Treaty) Act 1979—the act amended the Patents Act 1952. As an amending act, it became spent as soon as it amended the principal act. Furthermore, the principal act was repealed in 1990 and replaced by the Patents Act 1990.

There are amendments to a series of acts to incorporate modifications made by the ACT Self-Government (Consequential Provisions) Regulations. The ASGR made modifications to a number of Commonwealth acts following the establishment of self-government in the ACT. While some modifications were incorporated into relevant Commonwealth acts, some were not. The amendments in this bill are intended to make the remaining modifications to fully ensure that Commonwealth laws are applied in an appropriate manner to the ACT, following the ACT's move to self-government—which occurred in 1988.

With the repeal of the Council for Aboriginal Reconciliation Act 1991, the act established the Council for Aboriginal Reconciliation, which produced its final report in 2000, and there are no ongoing arrangements, appointments or other measures still active in relation to this. There are amendments to the Australian Human Rights Commission Act 1986 to take into account the repeal of the Council for Aboriginal Reconciliation Act 1991. There are amendments to the Aboriginal and Torres Strait Islander Commission Amendment Act 2005
that would allow the appropriate consenting authority to waive the exercise of its statutory consent power by providing written notice to the organisation concerned that consent is no longer required.

There is an amendment to the Classification (Publications, Films and Computer Games) Act 1995 to repeal section 114, providing for an independent review of the operation of the 'prohibited material' measure in part 10 of the act. This measure was part of the package of measures relating to the former National Partnership Agreement on Stronger Futures in the Northern Territory. The government views this provision as redundant—but could not repeal it until a formal independent review of the act had been concluded. The final report was tabled in the parliament in mid-September of 2015, and so this section can be repealed.

There are a number of other sections that I do not have time to go through. In conclusion, this bill again represents a facade of action on savings and deregulation rather than real measures that make a difference for industry and business in Australia. Once again we have a government that spends more time paying lip service to savings rather than actually finding them.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (19:18): I rise to speak on the Omnibus Repeal Day (Spring 2015) Bill. We just had the autumn bill; it seems we have all seasons in one day. That is very interesting, because the bill, with one key exception, does not really do anything and one wonders what the government is going to put to this chamber. Are we going to see any substantive legislation this week? Who knows. Anyway, this is certainly not it. There is one sting in the tail, though. There are a handful of amendments to our environmental laws. As people know, this is an area I have long viewed as weak and needing reform. Sadly, the reform that has been proposed in this handful of amendments would further reduce community notice and community participation and then the community right to enforce laws before the court. So once again we see environmental rights being attacked by this government.

This has been a bit of a recurring theme over the last 2½ years. The latest attack is of course to not tell the community when the minister has made a decision on what is called a staged referral or a split referral. When a developer wants to do a development and they think they do not really want to have to get federal permission, because the feds only need to approve an impact that is significant on matters of national environmental significance developers can stage their development to try to avoid that threshold, the minister needs to turn his or her mind to whether that is being deliberately done and needs to tell the community when he or she has made the decision.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Seselja) (19:20): Order! It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

Indigenous Affairs

Senator LINDGREN (Queensland) (19:19): In 1964 and 1965, Charlie Perkins and students from the University of Sydney organised a series of freedom rides inspired by the American freedom rides to end segregation. Segregation of Aboriginals from other
Australians included divided movie theatres, bans at some swimming pools and Indigenous ex-service personnel being unable to enter some RSLs—the list goes on. Today, Australians would be horrified if those restrictions were reintroduced, yet over 50 years after the freedom rides we see segregation of another form. We still see races being kept apart for so-called do-gooder reasons supported by intellectual elites. To those who support this new form of segregation, I support your right to speak about it but I do not support any kind of segregation whether it is at university, in classrooms or in any other forum, for that matter, and nor do I support the constant hiding behind section 18C of the Racial Discrimination Act and the constant use of racist tags against those who oppose your ideals.

Fifty years ago, there was much to do and it was being done by visionary people on both sides of politics. Those who instigated the reforms should be remembered proudly. It was a time that many in this chamber are too young to remember or to have been involved in. I was not even born when the coalition made changes in 1962 to the Commonwealth Electoral Act cementing Indigenous voting rights and the 1967 referendum. These were great reforms and those who fought for them and those who introduced them have much to be proud about. We are lucky to live in a country that is the product of those reforms. But it seems to me that there are those who have heard the stories of those heady days and seen the successes and now want to emulate them. They want the euphoria that went with those successes. The problem is there are fewer and fewer reforms needed so they have to invent new ones, many that are quite frankly not needed. Are some reforms being pushed for real reasons or because of someone’s ego and their desire to be seen as a reformer?

One of the most insidious mantras to support segregation was the catchcry 'equal but separate.' This catchcry is now being seen, despite it not being obvious to you and me, on the surface. Some universities appear to be now promoting segregation albeit for different reasons. When I attended university I identified as an Aboriginal and I was proud to do so. I sought no special treatment from my university. I used the same library, the same computers and the same lecture theatres. Like other university students, I accessed the university’s tutors for guidance as I was the first one of my immediate family to go to university.

Yes, there was an Indigenous unit at the university that I accessed, but my non-Indigenous friends were also welcome there. It was not only for Indigenous students to use, despite the Indigenous name. The Aboriginal unit was inclusive and supportive of all of those who sought its assistance. I ask: how do we break down racial barriers when some modern institutes are keeping people apart? For every non-Indigenous student who interacted with me and other Indigenous students, it became harder for them to accept any negative views of Indigenous people that may have been held by previous generations.

There may be good or at least some well-meaning reasons behind some forms of new-age segregation such as support services and computer rooms specifically for Indigenous students at universities, but when any criticism or debate is stifled by screams of racism and section 18C of the Racial Discrimination Act is held up as a shield, we will never be able to promote the positives of this support. Imagine the surprise of a young man who went into a computer room only to find out that it was segregated and now finds himself embroiled in a legal saga because he voiced his opinion. I have to ask the question: if computers were not being used, why couldn't any student wander in and use them? How do Indigenous and non-Indigenous
students form study groups and potential friendship groups when sitting apart? How do we build on the great work of those who have paved the way to end segregation?

Fifty years ago many non-Indigenous Australians supported the need for reforms, so much so, there was overwhelming support for the coalition's 1967 referendum, because they saw the need, and they voted for change. They made those changes without the onerous restrictions of freedom of speech. I would say that unfettered freedom of speech brought about the changes.

What was once held up as quite acceptable is now seen as unacceptable. Hopefully today's attacks on freedom of speech under the guise of being enlightened will one day been seen as unacceptable. Today, many younger and new Australians may see these Indigenous support systems as contentious or difficult to understand. We will not change that understanding if we keep people apart and stifle debate, and that is what the current wording and use of section 18C of the Racial Discrimination Act does. We will create battle lines when people do not have the opportunity to debate freely and feel that they have valid grounds to complain.

The insidious nature of these university sponsored attitudes to race issues was displayed by the banning of Country Liberal, Bess Price MP of the Northern Territory Legislative Assembly from visiting an Indigenous support unit of a Queensland university for having different views to them. She has expressed the view that many urban Aboriginal people do not fully comprehend the situation of outback Aboriginals. Without debating the rights or wrongs of her views it was simply absurd that she could not speak to students and educators at a leading innovative university. It was even more insidious that someone who was closer to the subject—in this case an Aboriginal woman born and raised on a remote community—was banned as she challenged the views of those who had little direct knowledge or experience. I am left wondering who section 18C would have protected in this case. I will add that I was responsible for organising the visit of Bess Price MP, so I can speak with some authority on that issue.

It is now the case that some universities want to promote and retain a particular view of race issues and will avoid the authoritative real-life experiences of the situation. They wish to continue to believe that Indigenous people lack the skills and intellect to manage university life without their benevolence. One of the consequences of this excessive paternalism is that it can and does devalue the achievements of Indigenous people. I know this first hand. I earned my degree like many other students by study, part-time employment and sacrifice, yet I have heard it being referred to as a 'tick-in-the-box degree'. I do acknowledge that some students need support and a computer room may be part of that support, but labels are not needed.

For those who harbour internal guilt due to past injustices or those who think they are doing good, let me say this: you are creating division and resentment. The gaining of my degree, my appointment to the Senate, did not remove any past injustices to my forebears and it never will. They exist as a reminder of past injustices. What it did prove was that Aboriginal Australians are more capable of taking their place in all parts of Australian society. We need to remember that most Australians of today are not responsible for the past. Yes, they live in its shadow and there is a definite need to be aware of it, so we do not repeat past mistakes. I back realistic, proactive support for Indigenous students but not enforced segregation, and I scorn the constant hiding behind section 18C of the Racial Discrimination Act with chants of racism.
Mining

Senator DASTYARI (New South Wales) (19:28): I want to take this opportunity to raise what I think are some very serious concerns about the conduct of a Hunter based mining company, Yancoal Australia. I am concerned that they are setting up structures with the sole intention of ripping off and taking advantage of their own workers. I am concerned that they are gaming the system and treating their staff poorly. Frankly, it raises some serious concerns about what the Senate needs to do and what the parliament needs to do about this kind of behaviour.

The background is that, in November 2015, Yancoal Australia Ltd set up a shelf company, which they named Yancoal Mining Services, but they did not advise any of their staff of this new company. It is something they kept completely secret. Two months later, on 14 January 2016, they told staff about the secret shelf company and told them they had 10 business days to move to the new company on lesser conditions or be sacked. By the way, they did not transfer any of their actual assets to this new company except for the mining equipment. Yancoal operate the three affected Hunter Valley, New South Wales mines: Abel, Austar and Ashton.

This new entity they have created will employ 181 staff only—supervisory, technical, engineering and administrative employees, not the production workers themselves. Let us be clear. These are workers who stuck by this company, who did not go out west for much bigger pay and different opportunities during the mining boom a decade ago and who stayed—again, we are not going to have time to talk about this tonight—after the fatalities that occurred in 2014. After years of making massive profits, the second that Yancoal hit any type of international and financial difficulty, they planned to rip off their own workers.

As part of the creation of this new shelf company, they have advised their 181 staff that as a condition of their employment they must transfer onto new employment contracts with lesser conditions or they will be sacked without retrenchment pay. Redundancy pay, accident pay and personal leave payouts are some of the entitlements that are going to be affected.

I think this raises some very serious questions about the conduct of Yancoal and some broader questions about the legislative framework we are currently operating in. The current Fair Work Act mandates that awards and agreements transfer to new companies but is silent on safety net contracts. Yancoal are exploiting this loophole in current business laws.

There are some questions we need to ask. How can a foreign company such as Yancoal Australia Ltd create a new company and, as a condition of employment, require workers to transfer to that company on lesser conditions or they risk being sacked without retrenchment pay? Why is there no barrier in the Fair Work Act to prevent this from occurring? What protections are there for workers when an employer makes it a condition of ongoing employment that they transfer to a new company with reduced conditions and no guaranteed assets backing their entitlements? How can phoenix companies be set up without first guaranteeing workers' conditions and guaranteeing assets to back those conditions? Why is the government considering enterprise contracts when the Yancoal example highlights the problems that can already occur when employees are unilaterally issued new contracts without any form of regulation or safeguards?
This is appalling behaviour. This is exploitation. This is taking advantage of hardworking Australians, and their families, who have done nothing but stand by this company. It is behaviour that is unacceptable. I believe Yancoal has a responsibility to its employees and to the Hunter community. It is not good enough for a company that has made the massive profits that Yancoal has made over the past years through Australian resources, the second things get a little bit tough, the second it hits any kind of hardship, to cut workers loose and cut the community loose. I think this is the type of behaviour we have a responsibility to protect against. It is the type of exploitation that we have a responsibility to act against.

The board of directors of Yancoal need to be held to account. They need to answer some serious questions. I note that there are two people on the board I am familiar with. Dr Geoff Raby, a former Australian Ambassador to China, sits on the board. Also, a Vincent O'Rourke is a director of Yancoal. According to the Yancoal website, he is chair of Queensland's Workplace Health and Safety Board, which is a government board, but I believe he may no longer hold that position. The board needs to be held to account. The company needs to be held to account.

It is simply not good enough that 181 professional staff are going to be treated in this way, exploited in this way, used and spat out in this way, and that the Australian parliament stays silent. This is not just about Yancoal, though Yancoal's behaviour is appalling. This is about the laws, the structures and the system that allow this to happen. When money was being made in the good times—during the mining boom, when the price of coal was as high as it was—there were no complaints from Yancoal. But, the second things get a little bit tough, it is cutting its costs, but ripping off its workers to do it is not the way forward.

This is an important issue. This is an issue I intend to pursue. I put Yancoal on notice: you are not going to get away with this behaviour.

**Commonwealth Scientific and Industrial Research Organisation**

**Senator WHISH-WILSON** (Tasmania) (19:35): Many Tasmanians as well as me and many Australians who care about climate change, and, in fact, thousands in the international community and science institutions everywhere have been watching the CSIRO's recent decision to restructure and lay off 350 scientists—many of them, potentially, from your home town of Hobart, Mr President—unfurl like a train wreck.

We heard at the recent estimates that CSIRO science partners, like the Bureau of Meteorology, the Australian Antarctic Division, the Department of the Environment itself and even the Chief Scientist, got next to no notice of these cuts. But in a media release shortly afterwards, in defending his decision Larry Marshall said the decision was made with 'deep consultation and research'. These partners are not simple stakeholders with a passing interest in what CSIRO does, especially in the area of climate and environmental science; they are long-term partners and collaborators with shared facilities and shared projects. They form part of the science community. Each organisation plays to its strengths in terms of the type of funding cycle, expertise and infrastructure it has. They collaborate on long-term integrated global projects.

This is especially the case in Tasmania, in terms of the Hobart Antarctic and Southern Ocean climate community, where I have met some of my best friends over recent years. We have multiple institutions such as IMAS at the University of Tasmania, the ACE CRC,
CSIRO and the Australian Antarctic Division working on collaborative projects in the Southern Ocean and on the highest possible priority projects relating to climate change research that have decade-long time frames. The capability we have in Tasmania is world class. Our closeness to Antarctica and our decades of experience in the field gives us global competitive advantages. As the Vice-Chancellor of the University of Tasmania, Professor Peter Rathjen, said recently, once you have earned a global reputation, you don't throw it away lightly.

I have been disappointed in the response from the state and federal Liberal governments to this supposed operational decision by CSIRO management. We heard in question time yesterday that perhaps Minister Pyne is going to do something to reverse this reprioritisation within CSIRO, and I certainly hope that is the case. The community in Tasmania—let alone the science community internationally and in Australia—cannot afford to lose some of the best ocean and atmosphere modellers and researchers that we have. As far as the state Liberals go, the Premier, Will Hodgman, said that he left a message on Mr Pyne's mobile phone a few weeks ago. I hope they have now had some active discussions and some fruitful conversations. Given that Antarctic and climate science is supposedly one of the prime economic strategies for our state of Tasmania, I would expect that we would be seeing more pressure brought to bear on CSIRO for this ridiculous decision.

The head of CSIRO, Dr Larry Marshall has, in the eyes of many in the science community, displayed a fundamental ignorance about the role these climate and environmental scientists have played and the value of their work. He seems to place low importance on the need to examine how the climate is changing and how those changes translate at a local level. He also seems to think that we do not need to keep improving our understanding of climate science over time. In other words, he puts little economic value on this information. I want to highlight one very clear example tonight of why I think Dr Marshall is wrong.

Tasmania is currently in an energy and water crisis. An incredibly dry period has meant average water levels have dropped to 16.8 per cent of capacity and the levels are still falling—although my wife did tell me tonight that they have had some rain in the last 24 hours. A fault with Basslink and an inability to increase local renewable energy capacity has meant the state faces power shortages. Plans are underway to shut down major industrials and to run massive diesel generators at an estimated cost of $11 million a month. I want to point out how Hydro Tasmania introduced this problem in their latest update:

The combination of a strong El Nino and a positive Indian Ocean Dipole (IOD) event in Spring 2015 led to extremely low rainfall in Hydro Tasmania’s catchments since September 2015…

The onset of the positive IOD was both extremely strong and very sudden, and this severity was not predicted—

The record dry in Spring 2015 saw inflows of less than half the previously worst result in the past 30 years on record for that period.

So this massive social and economic problem in Tasmania, which is costing the state millions, was not predicted.

Hydro Tasmania incorporates CSIRO modelling and seasonal forecasts into its water level predictions. CSIRO modelling has already been used to downgrade the long-term energy generating capacity of Tasmania’s dams due to climate change because of CSIRO’s climate models. But, in this case, the event was worse than the models predicted. This is exactly
why we need to keep investing in developing these models and the science that is forthcoming from these models. I know that some of the people involved in the oceans and atmospheres work are working to improve these models. To cut these researchers is to put Tasmania's economic future at risk.

The clear impression that a number of stakeholders got, perhaps from some very simplistic statements by Dr Marshall, was that we now know climate change exists and, because we know it exists, we need to focus more on mitigation and adaption. We absolutely do need to focus on mitigation and adaption. But as became very clear, I hope, to Dr Marshall during recent estimates, you cannot mitigate and adapt successfully unless you monitor, observe and model what is going on in the climate. The two are the same thing. This example with Hydro Tasmania is a classic case study of why we need to keep enhancing our scientific understanding. We do not know everything about climate change. We know it is a risk, but those risks still need to be researched and managed.

In Tasmania at the moment we have a beekeeping industry, which is saying that the loss of over 100,000 hectares of working forests, native forests, national parks and other categories is potentially going to be devastating to the industry. We have a wine industry that is very nervous, especially in the Tamar Valley, about smoke taint. Smoke is still hanging around after weeks as we go into veraison and get ready for harvest. Some of the small vineyards in the north of Tasmania would not recover from the loss of an entire crop.

We have an oyster industry which, for the first time ever, is facing the warmest temperatures on record at this time of the year. It is potentially going to lose 90 per cent of its capacity in the next 10 years if this virus gets a hold—and, sadly, it looks like it is. We have a salmon industry that is expanding on the east coast of Tasmania, which is the most at-risk industry in warming waters off the east coast. Of course, we have tourism and the issue of cancelled bookings associated with the potential damage to some of our world-beating World Heritage areas, which we know people come to Tasmania for. It is what they want from our state.

Recently, someone I know quite well, who has been a climate campaigner, sent me an email in which he said: 'I'm an optimistic person, but I'm actually scared for the first time ever. My friends and I always used to joke that, if the proverbial hit the fan, we'd all move to Tassie.' But if you look at what is going on in Tasmania at the moment, there are extreme weather events, with half the state flooding and half the state burning. These are the kinds of things that we are going to deal with more in the future, if you believe the research that CSIRO and other scientific institutions have been providing.

Now is not the time to be cutting research into climate science. It is going to be devastating for the community in Hobart, which relies on these scientists. Some of these scientists have moved from all around the world and chosen Tasmania to be their home. Many hundreds of them, and their families, are part of communities and are an important part of the economy. The work they do is absolutely crucial for industries right across the state. The economic value that their work creates is going to be difficult to measure. Dr Marshall needs to understand that and not put that at risk.

I hope that, very soon, I be will be able to take a select committee down to Hobart and Melbourne to further examine the cuts that are planned for CSIRO and call witnesses to give
evidence on why this work is important and why this decision should be reversed. We are hoping to do that in the first week of March.

**Senate adjourned at 19:45**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk pursuant to order:

- Entity contracts for 2015—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—
  - Immigration and Border Protection portfolio.
  - Prime Minister and Cabinet portfolio.

**Tabling**

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

- Treaties—List of multilateral treaties under negotiation, consideration or review by the Australian Government as at 17 September 2015.