The Journals of the Senate are available at
Senate_chamber_documents/Journals_of_the_Senate

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

**SITTING DAYS—2020**

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<th>Month</th>
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<td>December</td>
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**RADIO BROADCASTS**

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

- **ADELAIDE** 972AM
- **BRISBANE** 936AM
- **CANBERRA** 103.9FM
- **DARWIN** 102.5FM
- **HOBART** 747AM
- **MELBOURNE** 1026AM
- **PERTH** 585AM
- **SYDNEY** 630AM

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http://reception.abc.net.au/
FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

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

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

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

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

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</table>

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

(5) Chosen by the Parliament of South Australia to fill a casual vacancy (vice C Bernardi), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
CA—Centre Alliance; CLP—Country Liberal Party; IND—Independent;
JLN—Jacqui Lambie Network; LNP—Liberal National Party;
LP—Liberal Party of Australia; NATS—The Nationals;
PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—C Surtees
Secretary, Department of Parliamentary Services—R Stefanie
Parliamentary Budget Officer—J Wilkinson
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<td>Prime Minister</td>
<td>The Hon Scott Morrison MP</td>
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<tr>
<td>Minister for the Public Service</td>
<td>The Hon Scott Morrison MP</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon Marise Payne</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service and</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Cabinet</td>
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<tr>
<td>Minister for Indigenous Australians</td>
<td>The Hon Ken Wyatt AM MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister and Cabinet</td>
<td>The Hon Ben Morton MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Infrastructure, Transport</td>
<td>The Hon Michael McCormack MP</td>
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<td>and Regional Development</td>
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<tr>
<td>Minister for Agriculture, Drought and Emergency Management</td>
<td>The Hon David Littleproud MP</td>
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<tr>
<td>Minister for Communications, Cyber Safety and the Arts</td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon Alan Tudge MP</td>
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<tr>
<td>Minister for Regional Health, Regional Communications and Local</td>
<td>The Hon Mark Coulton MP</td>
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<tr>
<td>Minister for Decentralisation and Regional Education</td>
<td>The Hon Andrew Gee MP</td>
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<tr>
<td>Assistant Minister for Road Safety and Freight Transport</td>
<td>The Hon Scott Buchholz MP</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon Kevin Hogan MP</td>
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<tr>
<td>Assistant Minister for Regional Development and Territories</td>
<td>The Hon Nola Marino MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Josh Frydenberg MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon Michael Sukkar MP</td>
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<tr>
<td>Minister for Housing</td>
<td>The Hon Michael Sukkar MP</td>
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<tr>
<td>Assistant Minister for Superannuation, Financial Services and</td>
<td>Senator the Hon Jane Hume</td>
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<tr>
<td>Financial Technology</td>
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<tr>
<td>Minister for Finance</td>
<td>Senator the Hon Mathias Cormann</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<td>Assistant Minister for Finance, Charities and Electoral Matters</td>
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<td>Assistant Minister for Waste Reduction and Environmental Management</td>
<td>The Hon Trevor Evans MP</td>
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<td>Minister for Trade, Tourism and Investment</td>
<td>Senator the Hon Simon Birmingham</td>
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<td>(Deputy Leader of the Government in the Senate)</td>
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<td><strong>Minister for Youth and Sport</strong></td>
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<td>The Hon David Coleman MP</td>
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<td><strong>Assistant Minister for Customs, Community Safety and Multicultural Affairs</strong></td>
<td>The Hon Jason Wood MP</td>
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<tr>
<td><strong>Minister for Education</strong></td>
<td>The Hon Dan Tehan MP</td>
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<td><strong>Minister for Employment, Skills, Small and Family Business</strong></td>
<td>Senator the Hon Michaelia Cash</td>
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<td><strong>Minister for Decentralisation and Regional Education</strong></td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Ministers are sworn to administer the portfolio in which they are listed under the 'Minister' column and may also be sworn to administer other portfolios in which they are not listed. Assistant Ministers in italics are designated as Parliamentary Secretaries under the **Ministers of State Act 1952**.
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The **PRESIDENT** (Senator the Hon. Scott Ryan) took the chair at 10:00, read prayers and made an acknowledgement of country.

**DOCUMENTS**

**Tabling**

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

**COMMITTEES**

**Select Committee on Administration of Sports Grants**

**Meeting**

The **Clerk**: Proposals to meet have been lodged as follows:

Administration of Sports Grants—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 12 pm.

The **PRESIDENT** (10:01): I remind senators that the question may be put on any proposal at the request of any senator. There being none, we will move on.

**BILLS**

**Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019**

**Second Reading**

Consideration resumed of the motion:

That this bill be now read a second time.

**Senator GALLAGHER** (Australian Capital Territory—Manager of Opposition Business in the Senate) (10:01): I rise to speak on this important private senator's bill, the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019, which, if passed, would improve accountability and transparency in government operations. The Public Governance, Performance and Accountability Act, the PGPA Act, is the key piece of legislation underpinning the financial framework and governance architecture of the Commonwealth. It applies to all Commonwealth entities and companies. The establishment of the PGPA Act was done during the term of the previous Labor government, in 2013. It replaced the Financial Management and Accountability Act and the Commonwealth Authorities and Companies Act, both of which had been in place since the late 1990s. The PGPA Act was designed to establish the framework necessary for a modern public service. The act, along with the necessary governance and accountability aspects, also contains provisions for the granting of discretionary financial assistance to members of the public.

The bill before us today deals with two aspects of this discretionary financial assistance: waivers of debt and act-of-grace payments. Section 63 of the PGPA Act authorises the finance minister, on behalf of the Commonwealth, to waive a debt owing to the Commonwealth. This waiver extinguishes the debt, meaning the Commonwealth cannot pursue the debt at a later date—even if the financial circumstances of the debtor, person or organisation change for the better. These debts relate to non-corporate Commonwealth entities, so it would relate to the debts owed to the tax office or to Centrelink. Debt waivers are granted when the decision-maker—the finance minister for debts over $100,000, and Finance officials for amounts below that—considers that recovering the debt would be inequitable or would cause ongoing financial hardship and that other debt treatment options are not deemed appropriate. Financial hardship, as stated by the Department of Finance, would exist where payment of the debt would leave some unable to provide food, accommodation, clothing, medical treatment, education or other necessities for themselves or their families or other people for whom they are responsible.

The PGPA Act also provides the finance minister with the power to provide act-of-grace payments. Section 65 of the PGPA Act authorises the finance minister, on behalf of the Commonwealth, to make payments to a person if they consider it appropriate to do so because of special circumstances. These special circumstances are not defined in the act; however, the Department of Finance cites examples where such circumstances may exist, such as where a non-corporate Commonwealth entity has taken action or failed to take action which has caused an unintended or inequitable result for someone, or where Commonwealth legislation or policy has an unintended, inequitable or otherwise unacceptable impact on someone. Like waivers of debt, the provision of an act-of-grace
payment is discretionary. Each request is treated individually, at the full discretion of the relevant decision-maker, and does not create a precedent for future requests.

While this bill covers both act-of-grace payments and waivers of debt, I want to particularly focus on the waiver-of-debt aspect. At Senate estimates in October last year, it was revealed that the Tasmanian housing debt worth $157 million was waived under the waiver-of-debt power in the PGPA Act. Finance officials also stated that these debt waivers and act-of-grace payments are not reported publicly. Of course, the waiver of the Tasmanian housing debt was a measure in the MYEFO of that year, but I find it interesting in terms of government accountability and transparency that there is no requirement at all for reporting on these debt waivers and act-of-grace payments. After all, we're talking either about taxpayers' money being given in a discretionary fashion to people or organisations, or about debts owed to the Commonwealth—that is, the taxpayer—being waived at the stroke of a pen. This is extremely pertinent, particularly as we now understand the government has to repay debts to the value of $721 million as part of the illegal robodebt scheme. While anyone of course can ask through the estimates process or questions on notice for an update on these figures, governments are not required to and do not voluntarily put that information out into the public domain.

When you look back at what has happened over the term of this government, it's interesting to see that, from 1 July 2014 to 30 June 2019—so, over that five-year period—there were 723 decisions made by finance portfolio ministers or appropriate delegates to waive debts owed to the Commonwealth with a total value of $159.9 million or an average of $220,608 per decision. From 1 July through to October 2019, just in those four months, there were 26 decisions to waive debt with a total value of $158.6 million—so, almost exactly the same total as over the previous five years—and the average skyrocketing to $6.1 million per decision. But note this is in the period of time that the Tasmanian housing debt was being waived. By March this year, those waivers had increased to 62 decisions, with a total value of $159.4 million. So over that 5½-year period, almost six-year period, we saw almost $320 million of taxpayers' funds being waived through the waiver-of-debt process.

I'd also note, and this has come to me through questions on notice, the status of other housing debts in the pipeline. After Tasmania had their housing debt waived—if senators recall, for the vote of Senator Jacqui Lambie for the government's tax legislation which actually passed tax cuts, which passed by one vote in this place, the price was $158 million to Tasmania—as you'd expect, the other states with housing debts to the Commonwealth have all sought to have their debts waived and to renegotiate their loans from the Commonwealth. We know that New South Wales has a $838 million debt in relation to housing debts; Queensland, $278.5 million; Western Australia, $343.2 million; the ACT, $114.9 million; and Northern Territory, $190.5 million. Presuming that these loans were engaged in similar ways to Tasmania's and that all state governments have similar arguments about the fairness or otherwise of those loans, and Tasmania have had theirs waived, you would think the other states would have equally strong arguments on the same grounds. If those grounds were applied as they are required to be under the PGPA Act, there will be more waivers of debt coming our way for the finance minister to sign off in the not-too-distant future. Indeed, when I pursued this at estimates in March this year, Treasury confirmed that they had provided advice to the government on state housing debt forgiveness in relation to the further applications they've had, but the Treasury is unable to comment on the specific nature of the timing of the advice or indeed, I presume, when the government will make a decision on that.

I can certainly say from the ACT government's point of view, when engaging with the Commonwealth on loans, that my experience is they haven't been as generous as they've been with Tasmania in any way—perhaps because they know my vote doesn't count as much as Senator Jacqui Lambie's does for the purpose of particular legislation. I presume that's the reason why they haven't waived the ACT's debt. When we negotiated with them about the asbestos dump and the houses riddled with asbestos in this town from when they actually administered the territory, they wouldn't even give an inch on that loan. In fact, it's a billion-dollar loan which the current Chief Minister has paid out after going and getting cheaper debt from the private sector because of the terms of that loan. The Commonwealth has been reluctant to waive debts for any other state government in any other situation other than what it serves their purpose to get one vote in this chamber. All of a sudden, the waiver of debt requirements have been met and the debt is washed away with the designing of an instrument. Tasmania is certainly better off for it, but all the other struggling state governments with similar debts are left to manage their debt with the Commonwealth with a closed ear, it would seem.

This bill would improve in a small but important way the level of accountability and transparency to the creating of debt waivers and act-of-grace payments. I think accountability and transparency are issues that this government has a problem with. We know this from all the OPDs that've come back that have been mostly ignored. We know from the committee processes that we're involved in how often cabinet-in-confidence is used or how questions come back from the Public Service not answered or answered in a way that doesn't provide any information. So we know this government doesn't like providing information to the parliament and therefore to the
This is an important way of requiring that. We shouldn't have to pursue it and wait 30 days. This is information that the community is entitled to. It is the community's money. It is not the government's money to do secret deals with and hide away and hope people don't ask about. It's the community's money, and it should be reported. That is what this bill seeks to do.

It increases transparency without infringing on the privacy of individuals and organisations. I know that would've been a response from the government—that you can't identify who you are providing debt waivers or act-of-grace payments to, and fair enough. That's why this bill has been drafted in a way that would require the Department of Finance to report in its annual report the number of debt waivers made during the period that the annual report covers, the total dollar amount that was waived as a result of those debt waivers, the number of act-of-grace payments made during the period the annual report covers and the total dollar amount that was paid as a result of those act-of-grace payments. As the explanatory memorandum to the bill states, I would anticipate this looking like, for example, 'In 2019-20, X debt waiver authorisations were made with Y in debts waived and, in 2019-20, X act-of-grace payments were made totalling Y.' And then, if people have further questions about that, of course they can pursue it. It's simple, straightforward and adds a layer of accountability but, importantly, sends a message to the Public Service and to executive government that this is information that is legitimately in the public interest and should be provided as a matter of course, as other details are in the annual reports. Given that all the bill is asking for is for the publication of aggregate or global figures for the total amount, no private information would be made public and the identities of recipients of a debt waiver or act-of-grace payment would not be made known.

When you look back at the last six years of decisions made under this government, we know that the total involved is about $320 million. It's not a small or insignificant sum by any means. We know that the applications keep coming in. We know that the Tasmanian housing debt was one of them. We know that there are applications in from five other jurisdictions to have their housing debts waived. So, potentially, this is going to be a mechanism that is used to offset in excess of $1 billion—$1.3 billion worth of loans. It's only appropriate that the government report this clearly and that it become standard practice in terms of information that is required to be put in the public domain. It's not controversial. I can't see any reason why any senator in this place wouldn't support it. It's about providing taxpayers with a level of transparency they don't have at the moment. It also requires a more open government in terms of information that is provided to the community. These are both positive initiatives. Hopefully, the Senate will support this bill.

**Senator SESELJA** (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (10:15): The purpose of the opposition's bill is to amend the Public Governance, Performance and Accountability Act 2013 to increase transparency in government operations relating to act-of-grace payments and waivers of debts. It would require the Department of Finance to include in its annual report details of decisions made under the act to authorise act-of-grace payments or to waive debts owed to the Commonwealth. I note that, in recognition of privacy and confidentiality concerns, the bill only seeks that the total number of matters authorised and the total value of those authorisations be published.

The act-of-grace and waiver-of-debt powers exist under the PGPA Act to enable the consideration and resolution of matters that fall outside the usual legislative frameworks. They're intended to be exercised as a last resort as they provide flexibility for the Commonwealth to deal quickly and effectively with issues where special circumstances arise. The government does not use these powers lightly, but they are a necessary capability to respond to fast-moving events where existing legislation may not be able to be used. For example, these powers are an important part of the government's response to COVID-19, enabling the waiver of annual levies in the fishing industry and the waiver of the Commonwealth Register of Institutions and Courses for Overseas Students levy in the education sector to help support those sectors in this challenging time.

In considering this bill, it is important to note that there is already a robust system for the exercise of these powers. Debt waivers and act-of-grace payments are discretionary: there is no automatic entitlement. Each claim is carefully assessed on its merits. The Department of Finance consults broadly and confidentially with the applicants and impacted Commonwealth agencies to ensure that decision-makers have all the relevant information in considering each claim. Further, consideration of the exercise of these powers for amounts over $500,000 can only occur after an advisory committee has been established and provided advice to the Minister for Finance or the Assistant Minister for Finance. The advisory committee is comprised of relevant public servants with knowledge of both the process of debt waivers and act-of-grace payments, as well as specialist knowledge of the policy issue.

There is some merit in the disclosure of some data of payments made under the PGPA Act provided that individual payments are not able to be identified. Indeed, the Minister for Finance has reported some aggregate data in answers to questions on notice. Most recently, debt waiver data was provided in response to a question
from Senator McAllister during the October 2019 Senate estimates. Many payments are to individuals, small businesses or small organisations. Sometimes the value of payment can pertain to sensitive information such as the value of lost income. We therefore need to be very careful about how any data is released to ensure the privacy of applicants is maintained.

That being said, amending the PGPA Act, as proposed by this bill, to mandate disclosure in Finance's annual reports is an unnecessary and inflexible expansion of the PGPA Act. The normal approach is for annual report requirements to consist of fixed requirements that do not change from year to year. That model for reporting is, however, too rigid for discretionary payment data, where some years can yield relatively few discretionary payments and a risk can therefore arise that the value of an individual payment could be deduced.

There is also the issue here of ensuring appropriate consultation. Ordinarily, annual reporting requirements are not changed without consultation with the Joint Committee of Public Accounts and Audit. If the JCPAA had been consulted, they might have suggested that the intent of this bill could be better addressed through an amendment to the PGPA annual reporting rule or through a direction from the Minister for Finance to our department to make this information available while taking into account the risks of disclosure and amending the presentation of data to reduce that risk.

Requests for act-of-grace payments or waiver of debts are made with the utmost privacy and confidentiality. This bill creates the risk that, in those years where there are a small number of matters authorised, rigid reporting, as is envisaged by the proposed bill, could serve to identify a particular claimant. There are no safeguards in the proposed bill to protect against this possibility. Rather than the approach in the proposed bill, it is preferable that the government release data in a way that ensures there are no inadvertent disclosures that may compromise the Commonwealth's commitment to treating claims in confidence. As such, the Minister for Finance has directed our department to commence disclosure of annual and five-year aggregate data in relation to act-of-grace payments and debt waivers, including for the 2019-20 financial year. There are sufficient payments in the 2019-20 year that there is not a concern about privacy. I understand that this data will be made public on the transparency.gov.au website later this calendar year.

This bill is an unnecessary and inflexible expansion of the PGPA Act and has not been considered by the relevant joint committee of parliament. This government strongly believes in transparency in government operations. That is why the Minister for Finance has directed our department to release the information that the proposed bill is seeking in a manner that is flexible enough to ensure the privacy of applicants is maintained.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (10:21): I rise to make a contribution to the discussion of the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019. This bill requires the Department of Finance to include information about debt waivers and act-of-grace payments in its annual report. It requires the department to report on the total number of debts waived and act-of-grace payments made. The Minister for Finance already has the power to extinguish debts owed to the Commonwealth, including ATO and Centrelink debts. This bill would provide for additional transparency by requiring the department to report on those figures. However, this bill would not fix the robodebt mess or deliver justice for robodebt victims, and it shouldn't distract from the bigger problems at hand.

The robodebt debacle highlights the need for transparency. The fact that members of this place and members of the Community Affairs References Committee have not been able to find out some very basic details about robodebt and the way the government has handled it is a very good example of the need for increased transparency. It demonstrates the way the government hides behind its public interest immunity claims and privacy claims and its lack of accountability measures. That's why the Greens think it's very important for this sort of information to be released. This bill is a step in that direction.

Over many years, the government has been absolutely intransigent on releasing critical information about robodebt and admitting that they got it wrong—that the debts were illegal. They put a machine in charge and continued to claim that, yes, there was human oversight. But the debts still kept going out to people; they were still wrong, and they were still based on income averaging. The government said debts were eyeballed before they went out, but either they weren't doing it properly or they didn't actually do it, instead relying on the algorithm to be right every time. Quite clearly it was wrong on many occasions, but, most importantly, it was illegal. The government has finally admitted that, by now saying they'll refund some of the debts—but only if you've got a debt past 2015.

It's impossible to put a dollar figure on the harm done to hundreds and hundreds of thousands of Australians. The robodebt scheme has made people feel worthless and humiliated. They talk about their feeling of shame. They are embarrassed. And it has strongly affected people's mental health. It has endangered people's jobs, health and education. Just imagine the mental and physical cost of dealing with Centrelink as they chase you over a debt.
People talk about being 'hounded'. They talk of feeling harassed and of never being able to get away from the fact that the government said they owed a debt. The government has sought to demonise people on income support, through the robodebt program; the very people who need assistance and have a right to access social security have been made to feel worthless and that they have cheated because they have accessed our social safety net.

What's even worse is that this government won't rule out doing this again—changing the legislation so that they can continue the income compliance program into the future. We still haven't received a genuine apology from the government on this issue. When the Prime Minister commented in the other place on this matter, it was as if he didn't understand the depth of anguish, harm and trauma that had been caused by this program. I strongly believe that we need to get to the bottom of this and to actually forensically look at all the files because, quite frankly, I don't trust the government to acknowledge all the income-averaged or partly income-averaged debts. The government don't even know how to contact some of those people, and they claim that, as to debts going back to before 2015, they can't actually find those people. I think those people know very well who they are, so I'm very confident that they would come forward. The government knew about the illegality of the debts, way before they acknowledged that and suspended the program. If they keep up this facade about not really knowing that it was illegal, the question is: where was the due diligence in terms of actually thoroughly investigating it? We saw the farce of their claim that they did not have a duty of care. Well, Australians believe that our government does have a duty of care.

A royal commission would allow us to examine all elements of the robodebt program, including debts that were issued before 2015 using income averaging or that were partly income averaged. It could look at what decisions were made, when and by whom, and the human cost of the program. It could look into all of the debts and do a proper forensic analysis of the process. Australians agree that robodebt victims deserve justice, and they support the concept of a royal commission. Recent polling showed that, when people were asked if there should be a royal commission into robodebt, 53 per cent of respondents agreed. The poll also found that 74 per cent of people said the government should apologise, and 66 per cent believe that victims should receive interest and damages on top of their refunds. The government won't do its job, and it can't be trusted to actually hold itself accountable when it comes to this unlawful scheme. That's why we need a royal commission. Victims deserve justice, and someone needs to be held accountable. This government needs to be held accountable.

In terms of this particular bill, anything that helps transparency and helps people to understand the act-of-grace system is good. There have been Senate inquiries into act-of-grace payments and into compensation and act-of-grace payments. I think it's fair to say that many in the community, or most in the community, don't actually understand how decisions on act of grace are made, how much the government spends on them or how many there are. And I don't accept the argument put forward by the minister that, if it were a small amount, it would identify people. There are ways that the government deals with releasing public information when there are only a small number of people involved. For example, in the community affairs committee we often ask for information on various payments, and, where there are a small number, the government then says, 'It is less than five,' so people aren't able to be identified—although, quite frankly, I think just telling us numbers does not identify people at all. This asks for public reporting on how many waivers of debt or act-of-grace payments have been made, and what amount of debt has been waived or what amount has been paid out in act-of-grace payments. I think that is fair enough.

I also think the government needs to be looking at how it's using these provisions to actually deal with the issue of debts to Centrelink right now, or supposed debts to Centrelink right now. These are issues that I think need to be very clearly identified.

This bill does help. It doesn't fix everything, but it does help. And I don't see why the government can't support this sort of information becoming public to increase transparency. It does not go as far as the Greens want the government to go in terms of transparency. There's a long, long, long way to go, and I'm sure my colleague Senator Waters will be addressing some of those other areas when she makes her contribution to the debate on this bill. But I fail to see why this sort of transparency is not acceptable to the government, given that this is public money and given that the community have a right to know this type of information.

**Senator O’NEILL** (New South Wales) (10:32): I rise to add my contribution to the debate on the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019. This bill does indeed amend the Public Governance, Performance and Accountability Act of 2013 and, in doing so, it requires the Department of Finance, in its annual report, to report on the number and dollar amount of waivers of debt granted and act-of-grace payments provided.

At present, waivers of debt and act-of-grace payments are not publicly reported, and there is no requirement for there to be any publication of this information. The bill will require the Department of Finance, in its annual report, to provide information on the number of debt waivers granted in the financial year and to cover the total...
amount of debt waived as well. Very importantly, by putting that information in the annual reports, it then becomes available to us as senators to review at the relevant estimates period, generally towards the end of the year.

The bill will also require the Department of Finance to provide information in its annual report on the number of act-of-grace payments made in the financial year that the annual report covers, as well as the total amount provided through these payments. It does not—and it will not—require the publication of any personal or sensitive information about any individual or organisation who received a debt waiver or act-of-grace payment. But, in the interests of government accountability and transparency, this amendment is important, as it goes to rectifying this lack of publication. It's a small but nonetheless important step.

The bill for debate that is before us today is a sensible bill, and it strikes a good balance between transparency of government operations and protection of the privacy of individuals and organisations. This is something that we have found very much wanting in the modus operandi of this L-NP government. They've been found wanting on far too many occasions when it comes to any notion of transparency or the implementation of necessary transparency in the laws that they have brought into being in this country.

Take, for example, the issue of foreign investment. Just one case—the Alinta Energy privacy scandal, which involved the data of 1.1 million Australians being stored offshore, put the identities of a million people at risk. That was not revealed and not known to the Australian public, because of failures of governance by this government—a lack of transparency and a lack of commitment to it. This put a spotlight on the Morrison government's lacklustre record when it comes to scrutiny. The Alinta Energy privacy scandal exposed the darker side of foreign investment and the slow and ineffective compliance regime that is managed by the Treasurer and his department. It highlighted a regime unfit for purpose and the critical need for urgent and sustained scrutiny in the national interest. My jaw hit the ground when I received evidence in a recent Senate hearing that, in 2019, there were only two brave souls in the whole of the country overseeing international investment compliance with conditions that were set by the Foreign Investment Review Board and approved by the Treasurer. I do want to put on the record my concern for the sullying of the name of those on the Foreign Investment Review Board, because it should constantly be made clear to Australians that the board is simply a place in which recommendations are delivered. The person who makes the decision and who is responsible for implementing those recommendations is none other than the Treasurer. All responsibility must be sheeted home to the Treasurer at the time. We're talking about tens of billions of dollars, a huge footprint right across the country, swathes of agricultural land, essential services like gas and electricity and two—yes, just two—Australians in Treasury on watch for the nation. Are you serious? But this is the level of the gap between the public perception that this government tries to create—a sense of confidence that it is looking after people right across this country—and the reality that it is allergic to transparency, in fact.

To give you a sense of the scale of how big this is and how disingenuous this lackadaisical government has been on this matter, those opposite told us, as a nation, that they'd fixed the problems within the Foreign Investment Review Board, and then they described earlier this month that they had introduced their Foreign Investment Review Board changes in response to a problem they said they'd already solved. This goes back to 2018, when they introduced a bill into parliament, which was passed, called the critical infrastructure act 2018. At that point in time, the government told Australians that they'd fixed this problem about making sure infrastructure security was in order. The Treasurer at the time was our now Prime Minister, Mr Scott Morrison. He was not truthful or transparent then and continues to be loose with the truth. We just have to look right now, at the moment—people are voting in the seat of Eden-Monaro, devastated by bushfires, and they were promised by this Prime Minister that they would have an immediate response to the bushfire challenges that they face. Here we are, half a year later, and we know that only four per cent have received help. This is the problem with this government: the gap between what it says it's doing, the frequency of its announcements, and its constant failure to deliver on the things that it makes a song and dance about and gets a headline on. The transparency gap is widening by the day. This is a critical failure that I am recounting today because it's a matter of failure on national sovereignty and security.

In that same year of 2017-18, those opposite harped on that they'd fixed the Foreign Investment Review Board and Treasurer oversight problems.

A government senator interjecting—

Senator O'NEILL: The Foreign Investment Review Board made recommendations that the Treasurer ticked off on—nobody else other than the Treasurer can tick off on them—and those approved proposals amounted to a total of $163 billion, including $16.6 billion alone for the areas of manufacturing, gas and electricity. And believe me, the senator opposite might be upset about a little light being shone on a lack of transparency by this government, but Australians are interested in manufacturing. They are very interested in chains of delivery. They
are very interested in the price of gas. They are very interested in national security around gas and electricity. This government has failed to be transparent about what it is doing. And that is absolutely relevant to the debate here this morning.

A government senator interjecting—

Senator O'NEILL: A little bit of scrutiny and you can't even stand it here in the chamber, bleating and moaning over there. This is the scale of the work that has to be done by the Treasurer and his department to make sure Australia's interests are looked after. The former Treasurer, Mr Morrison, handed over to Mr Frydenberg a Foreign Investment Review Board structure with $16.6 billion to be managed with terms and conditions and two people allocated to the task of looking after the nation. The government is not up to the job, and it's certainly not interested in transparency. The critical infrastructure act of 2018 was supposed to fix the problem but didn't do the job and the Foreign Investment Review Board was left to operate in a black box, with no transparency or accountability. That is why today's private member's matter that is being debated is of some importance. It is because it is a tiny indication, a minuscule indication, of some interest in transparency. In the Senate Economic References Committee last month I was shocked to find out that at no time has Alinta Energy, since the federal government's approval of its purchase by Chinese company Chow Tai Fook, been compliant with all set conditions of the Foreign Investment Review Board. We're talking about April 2017, and here we are now, having clicked into June. That evidence was received on 15 May. That is a failure of governance at a national level, in terms of national interest and security.

Also, just last month the Foreign Investment Review Board indicated it was unaware of known and reported investment links between Mr Henry Cheng, the principal of Chow Tai Fook, which now owns Australia's Alinta Energy, and the Ho family of Macau gambling infamy. Concerns about the Ho family were sufficient to prevent them from being allowed to invest in gambling ventures in Australia, but, unknown to Treasury officials. Mr Cheng, who owns Alinta Energy with his company Chow Tai Fook, also owns a 9.7 per cent investment with the Ho family in another entity, SJM. It strikes me as very peculiar that standards for buying into a casino appear to be much higher than the standards set and supervised by this government for the purchase of an electricity retailer with over a million Australian customers, with all their data and identities in the hands of Alinta.

But this is what this government is all about, isn't it? A smoke-and-mirrors game, a charade, of doing more than they actually are. In the upcoming months, Australians will see how wanting this government actually is when it comes to the tasks of proper governance, transparency, and accountability. That's why the legislation before us today is just one part of an important and necessary mechanism of accountability that brings some accountability to this government.

The bill before us today is a sensible and reasonable step forward with regard to the waiver of debts. Let's talk about debts and those who did not get a debt waived—in fact, those who were pursued by government, hounded in some cases, to their ultimate demise, through the robodebt scheme. It's incredibly relevant that we discuss transparency and debt with regard to the recent revelations that the government has now agreed to repay $721 million in illegal robodebts that they generated. They created the invoices and sent them out to hundreds of thousands of Australians. If you were in a business and you sent out debts that you made up on half of the information, you would not be able to operate. No small business that I've ever seen, known or been a part of has ever been able to carry on with a lack of transparency of the scale that we've seen from this government.

I spoke last week in this place about the everlasting and damaging impact of the government's robodebt scheme on trust in this nation. Last week, in response to a question from my colleague and friend the honourable Mr Bill Shorten, the Prime Minister apologised, in a half-hearted way, for any hurt and harm people suffered from the government's robodebt scheme. But that was after stonewalling for months, and after implementing a scheme, by his design, that inflicted pain and suffering on Australians for years. Let me be very clear to those opposite. Firstly, your apologies, five years too late, are completely inadequate. Secondly, do not think for one second that an apology, given late and half-heartedly, will do what needs to be done to redress the shame of robodebt and the stench of it that hangs around this LNP government. Your robodebt extortion racket has ravaged people's lives and left a trail of carnage through people's lives, in credit issues, personal trauma, and in loss of life. Answers to Senate questions on notice revealed that 2,030 people died after receiving robodebt notices. That's a lot of Australians—a lot of Australians severely impacted by the decisions of Mr Morrison and Mr Porter, implemented by Mr Stuart Robert.

Robodebt has targeted members of my community on the Central Coast. I'm aware of three students in one family in Empire Bay who were collectively sent debts of nearly $10,000 as they tried to work their way through university. Now, I'm a mother of three young people. When this government demanded that people go back and find their receipts, or find their documents for payment received for any work, going back seven years, it revealed that they had no sense of understanding of how young people in Australia might keep records. This was a critical
change that they undertook. Instead of doing the work to check, with the resources of government, they took people out of work at the highest level here in government and transferred all responsibility to 17-year-olds who reached the age of 24, trying to struggle through university, saying, 'Go back and get your payslips’—from entities that no longer existed. That's what they did with robodebt.

I also know of a teacher on the Central Coast who was sent a robodebt of nearly $7,000. She couldn't get a response from Centrelink, despite numerous efforts, and was harassed and publicly shamed in her home by the arrival of debt collectors. I won't forget the man who was robodebted $17,500. It would have taken him 22½ years to pay it back, but this government pursued him mercilessly. That was all unlawful, causing needless harm.

Only when confronted with the prospect of hundreds of thousands of Australians getting their day in court has this government executed a backflip for the ages and announced a plan to repay the victims of robodebt. They've been dragged kicking and screaming to this point. An apology will never be enough for this robodebt extortion racket. Victims and their families need a solemn promise that this scheme will never rear its ugly head again. I call on the Prime Minister to genuinely and penitently acknowledge the needless pain that they've suffered. All those responsible for the program ignored the mountain of evidence, because they're not interested in transparency. (Time expired)

**Senator PATERSON** (Victoria) (10:47): I rise to make a contribution on the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019. I listened very carefully to the contributions made by Senator Siewert, substantially about robodebt, and by Senator O'Neill, substantially about the Foreign Investment Review Board and also robodebt. I will be making some concrete observations about the bill itself later in my speech, but, like Senator Siewert and Senator O'Neill, I'd like to make some closely related observations about transparency in general—the principle of transparency and the importance of transparency in government, in public life and for political parties.

In a way, it's very apposite that Labor senators—Senator Gallagher, in particular—have moved a private senator's bill this morning that goes to the issue of transparency, because it is an issue which has been very prominent in the media in the last 24 hours. I know that transparency is something that's important to all senators, Labor senators included; in fact, they have a great opportunity today to contribute to the transparency that we know is so important in our public life. I encourage them to make that contribution here in the chamber, or through the media, or by whichever means that they feel is most appropriate. I'm referring, of course, to the matters in the media this morning, and last night on the *60 Minutes* program, and in *The Age* regarding Mr Somyurek, the now-former member of Mr Andrews' cabinet in the Labor government of Victoria.

In the interests of transparency, there are some fairly important issues to be answered about this affair and the extent to which it involves the federal Labor Party here in Canberra. I'm sure, of course, that federal Labor MPs will be going out today, their lines given to them by the Leader of the Opposition's office, to say: 'This is a state matter. This is a matter for Mr Andrews. This is not a matter involving the federal Labor Party.' In fact that's not the case, and we know that's not the case for a number of reasons.

Mr Albanese said in one of his interviews this morning, in the morning media, that he barely knows Mr Somyurek—he might have met him a couple of times—and that most people outside of Victoria wouldn't have even heard of him. I thought that was a little bit strange, given that Mr Somyurek is a member of the national executive of the Labor Party, attends national executive meetings with Mr Albanese—presumably sits alongside him in some of those meetings—and engages in matters of state that concern the Australian Labor Party and its national governance. As I understand it, in fact he's a significant and quite influential figure on that national executive, so it would surprise me if Mr Albanese doesn't know Mr Somyurek and doesn't know him very well.

We heard in the recordings last night, televised by *60 Minutes*—both audio recordings from telephone calls and, in fact, sensationally, video evidence, which I'll come to in a minute—that Mr Somyurek claims to effectively own, control and have great influence over a number of members of Mr Albanese's caucus. He claimed to have called in the member for McEwen, Rob Mitchell, to inform him that his career was coming to an end. That's an interesting power for a state politician who's got no connection to the federal Labor Party to have. But he called Mr Mitchell in and said, presumably, that his performance was not up to standard by Mr Somyurek's estimation and that his career would be coming to an end. He boasted of how the career of the member for Bruce, Mr Hill, would be coming to an end—that he'd be sacking him from the federal government in the same way he had sacked a number of local government authorities in Victoria. He even claimed, and quite amusingly re-enacted, his engagements with the member for Gellibrand, Mr Watts, who apparently bows—

**Senator Scarr**: He genuflects.
Senator PATTERSON: He genuflects, as Senator Scarr has interjected, to Mr Somyurek in respect of his authority and control over the federal parliamentary Labor Party. He made similar claims about the influence he exercises over the member for Macnamara, Mr Burns, and the member for Holt, Mr Byrne.

These claims of influence and control might just be boasting—they might just be big claims made by Mr Somyurek—or there might be some truth to them. It is incumbent on all Labor MPs named and those not named, including the Leader of the Opposition, to front up today in the interests of transparency and explain exactly what their connections to Mr Somyurek are, exactly what their involvement with Mr Somyurek is and exactly what knowledge they have of Mr Somyurek's activities. Are we seriously to believe that last night was the first time that Mr Albanese had a whiff that maybe something was not completely kosher about Mr Somyurek, that maybe something was amiss and that maybe he was engaged in multiple recruitment or even branch stacking in the Labor Party? His activities in the Victorian Labor Party are notoriously well-known. No-one involved on any side of politics would be unfamiliar with Mr Somyurek's reputation, so it beggars belief that Mr Albanese, who was happy to sit on the national executive with him yesterday, suddenly has a problem and is going to act on it today.

On the involvement of federal Labor parliamentarians with Mr Somyurek and in the interests of transparency, it appeared from the footage last night that at least some of it was filmed inside the office of a federal member of parliament. You could clearly see from the footage an Australian Parliament House login displayed on one of the computer screens. I don't think they have those in state parliamentary offices. I could be wrong, but I think they're only in federal parliamentary offices. Also in that footage were some electoral maps, particularly one that came up time and time again, a map of the electorate of Holt. I don't know why a state member of parliament could see a state member of parliament in their office. Perhaps it was, indeed, a federal parliament office. And in fact, later in the program, you could also see a close-up shot, where Mr Somyurek was pacing up and down while on the phone, of some corflutes that appeared to have Mr Byrne's name on them. They appeared to, in some way, be connected to him.

Clearly, in the interests of transparency, it's up to Mr Byrne, Mr Albanese, and the other MPs named in last night's episode and in the papers today to come forward and explain what they knew about Adem Somyurek's activities. It is not sufficient for them to say this is a state matter. It is not sufficient for them to say this is a matter for Mr Andrews. If they don't do that then I think Mr Albanese has failed a very important test of leadership. Mr Albanese made a big song and dance about how he was expelling John Setka from the Labor Party. That didn't quite go to plan. Finally, Mr Setka left the Labor Party, although certainly not by Mr Albanese's hand. This is yet another test for him and his leadership. Is he actually going to ensure that Mr Somyurek is out of the Labor Party?

He has been sacked from Mr Andrews's cabinet, but he remains a member of parliament, he remains a member of the Labor Party and, while he does so, that reflects very poorly on Mr Albanese's leadership.

The key question that, in the interests of transparency, I think all Australians would like to have answered is: who runs the Labor Party? Is it the faceless factional men like Mr Somyurek, who boasts that he will be choosing who replaces Mr Andrews when he retires as Premier and who says that Mr Albanese cannot be protected and that he in fact runs the Labor Party, or does Mr Albanese run the Labor Party? Does the federal parliamentary leader of the Labor Party run the Labor Party? That is the key test today. The fact that Labor MPs have been willing to tolerate this behaviour for so long in such an open and acknowledged way up until today reveals a lot about them and their commitment to transparency. Many speeches will be given in the Senate this morning about transparency. Any speech that doesn't deal with this core issue on the front of everyone's mind today, on the matter of transparency, I think reflects on the contributions of those that are making them.

Turning now to the bill, as I understand it, the purpose of the—

Senator McCarthy interjecting—

Senator PATTERSON: Thank you for the interjection, Senator McCarthy. You weren't in the chamber, previously, when your colleagues were making contributions to this debate. Senator O'Neill gave a very long speech in which I'm not sure she even referred to the bill, on any occasion—certainly not any provisions or detail of the bill. I think others were the same. Anyway, I'll turn to the bill now, and I promise in the six minutes and 53 seconds I have remaining I'll talk more about the bill than any Labor senator has so far in the debate. Maybe others will rise to the challenge as they come to speak next.

As I understand it, the purpose of the opposition's bill is to amend the Public Governance, Performance and Accountability Act 2013, otherwise known as the PGPA Act. It's to increase transparency in government operations, relating specifically to act-of-grace payments and waivers of debts. I'm advised that it would require the Department of Finance to include in its annual report details of decisions made under that act to authorise act-of-grace payments or to waive debts owed to the Commonwealth.

I note that in recognition of the privacy and confidentiality concerns the bill only seeks that the total number of matters authorised and the total value of those authorisations be disclosed. The act-of-grace and waiver-of-debt...
powers exist under the PGPA Act to enable the consideration and resolution of matters that fall outside the usual legislative frameworks. They are intended to be exercised only as a last resort, but they are important powers as they provide flexibility for the Commonwealth to deal quickly and effectively with issues where special circumstances arise.

The government does not use these powers lightly, but they are a necessary capability to respond to fast-moving events where existing legislation may not be used. For example, these powers were an important part of the government’s response to COVID-19, enabling the waiver of annual levers in the fishing industry and the waiver of Commonwealth Register of Institutions and Courses for Overseas Students levy for the education sector to help support these sectors in this challenging time.

In considering this bill, it's important to note that there is already a robust system in place for the exercise of these powers. The Department of Finance consults broadly and confidentially with the applicants and impacted Commonwealth agencies to ensure that decision-makers have all the relevant information in considering each claim. Further, the consideration of the exercise of these powers for amounts over $500,000 can only occur after an advisory committee, comprising relevant public officials with knowledge of both the process and the policy issue, has been established and has provided advice to the Minister for Finance or to the Assistant Minister for Finance. There is, of course, merit in disclosure of some data where individual payments will not be identifiable. Indeed, the Minister for Finance has reported some aggregate data in his answers to questions on notice.

The Senate estimates process provides a very important oversight to powers exercised like these by ministers and is a very welcome part of this Senate, and I note the recent 50th anniversary of such oversight committees. Most recently, the debt-waiver data was provided in response to a question from Senator McAllister during the October 2019 Senate estimates, and, no doubt, in our upcoming Senate estimates, in October later this year, senators will have further questions about how this power was exercised, particularly during the COVID-19 pandemic, and that is an appropriate question to ask. They could also explore this issue through the Senate Select Committee on COVID-19, of which I serve as deputy chair, which is conducting ongoing oversight of all decisions of government and advice to government in this period.

Many of these payments are to individuals or small businesses and small organisations, and sometimes the value of that payment can pertain to sensitive issues such as the value of lost income. However, amending the PGPA Act as proposed by this bill to mandate disclosure in Finance’s annual reports is an unnecessary and inflexible expansion of the PGPA Act in the view of the government. The normal approach is for annual report requirements to consist of fixed requirements that do not change from year to year. That model for reporting would be too rigid for discretionary payment data, where some years can yield few discretionary payments and a risk, therefore, could arise that the value of an individual payment could be deduced.

There’s also an issue of appropriate consultation. Ordinarily, the annual reporting requirements are not changed without consultation from the Joint Committee of Public Accounts and Audit. If the JCPAA had been consulted, they might have suggested that the intent of this bill could be better addressed through an amendment to the PGPA annual reporting rule or through direction from the finance minister to his department, taking into account the risks of disclosure and amending the presentation of the data in a sensitive way to reduce that risk.

Requests for act-of-grace payments or waivers of debt are made on the basis of utmost privacy and confidentiality, as is appropriate. This bill, though, could create a risk that, in those years where there are a small number of matters authorised, as I said earlier, the rigid reporting as envisaged by the bill could serve to identify a particular claimant and therefore breach their privacy. There are no safeguards in the proposed bill to protect against this possibility. Rather than the approach that’s proposed in this bill, it is preferable that the government releases data in a way that ensures there are no inadvertent disclosures that may compromise the Commonwealth's commitment to treat claims in confidence. I am advised that the Minister for Finance has directed his department to commence disclosure of annual and five-year aggregate data in relation to act-of-grace payments and debt waivers, including in the 2019-20 financial year. There are sufficient payments, I am advised, in the 2019-20 year that there is not a concern about privacy this year, and I understand this data will be made public later in this calendar year on the Finance website and on the transparency.gov.au website, and no doubt that will be able to be pursued in the appropriate way through Senate estimates and other means.

In conclusion, the government believes that this bill is unnecessary and an inflexible expansion of the PGPA Act—and it has not been considered by the JCPAA. The government of course strongly believes in transparency in government operations, and that's why the finance minister has made that direction to his department to release the information the proposed bill is seeking, and that will be publicised later this year through appropriate public mechanisms.
In closing, I just want to return to the point that I made in opening. It's all very well and good for Labor senators and others to come into this chamber and extol the virtues of transparency, but we should take them at their word when they seek to choose to exercise that transparency about their own activities, about their own affairs, about their own misdeeds, which we have seen so prominently displayed in the media today.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (11:01): I rise to speak on the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019. This bill would require amounts that the Commonwealth forgives in the way of debts to the ATO or to social security payments to be made public. It would also require act-of-grace payments made by the government to be made public. In that sense, it's a bill that improves transparency, and we welcome it. But it's not exactly a groundbreaking bill, let's be honest. We're spending 2½ hours of the chamber's time talking about these issues, when actually we think far broader transparency mechanisms are required. That's why we had a bill for an independent federal corruption watchdog passed through this Senate late last year, which has been lying in abeyance on the House Notice Paper because this government refuses to bring that bill on. So, if we really want transparency and accountability and integrity in this place, the government know what to do, but instead we've had 18 months of them saying that they're going to deal with this matter, describing it as 'imminent', and then of course we saw them, two weeks ago, saying, 'Sorry. Coronavirus. We can't do anything. Everybody just keep up with the rorts, because we're not going to have an ICAC anytime soon.'

As I say, whilst we welcome this bill for disclosure of when the Commonwealth actually does do the right thing and waives some debts or provides act-of-grace payments to people, it's a pretty low bar in terms of a transparency reform. There was some concern about the administrative burden, but, to be honest, this government is not known for forgiving debts by vulnerable people to the government, so I don't imagine the list is going to be very long. So I don't think there will be much of an administrative burden in complying with this bill should it be passed—unless, of course, we're talking about corporate tax avoidance, which the government is indeed very forgiving of.

As my colleague Senator Siewert spoke of in her contribution, the real debt, which should never have existed in the first place, let alone now be waived, is robodebt. It's very interesting that this bill is coming on for debate in that context. As I understand it, this bill would not have affected the hundreds of thousands of people that were issued with an incorrect and illegal robotically issued debt notice. This government presided over that, and last week the Prime Minister gave what was in my opinion a very half-hearted, not really fulsome apology for it.

Hundreds of thousands of people were affected by that debt scandal and—trigger warning—we know that for many people robodebt was a contributing factor to them taking their own lives. It must never happen again. So if we're talking about debt waivers and transparency we need to be talking about ICAC and we need to be talking about robodebt. It is of course why we pushed for a royal commission into robodebt. Otherwise, we won't get to the bottom of how this happened, how many people it truly damaged and how many people, sadly, took their lives as a result of the financial imperilling and dogged pursuit by debt collectors thanks to this government's sicking them onto people.

This bill is a step towards transparency, and we welcome that. Look at the history books, folks: in the last few years you can't blink without there being another rorts scandal exposed. We had sports rorts 1, hot on its heels we had sports rorts 2, we've now had the community development grants rorts, we've had the export grant rorts, we've had the urban congestion fund rort and we've had the environmental restoration grants rort. That is six buckets of public money that have been used as pre-election slush funds to bankroll the government of the day to keep government. They are absolutely election slush funds. We're up to six now, and no doubt they'll keep on being revealed. This government, of course, has delayed its own, weak federal corruption watchdog bill because it doesn't want those rorts investigated. It should be embarrassed by them, and I hope it is embarrassed by them. It's no wonder that their own ICAC bill has been delayed, but of course their own ICAC bill is so weak it's been criticised for not even being able to stop such rorts. It's a Clayton's ICAC that is just on the never-never. That's why later today we will be moving a concurrence motion to call on the government to bring on the Greens bill for a strong federal corruption watchdog with teeth that we expect will pass the Senate and that will then compel the House to bring on that bill for a vote. We did this late last year, and of course the government ganged up to gag debate on that motion, the effect of which was that the bill for a corruption watchdog could not be debated and could not come on for a vote in the House of Representatives.

This is a government that has been plagued by scandal and plagued by rorts, that is stopping all attempts to bring on debate for an integrity watchdog, that is delaying its own weak version of an integrity watchdog and that then has the cheek to criticise this bill and to use the time set to debate this bill to simply attack its political opponents. I think the Australian public know full well what's going on here. This is institutionalised corruption. These are slush funds en masse.

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Sadly, the list of rorts doesn't stop there. We've got a whole series of sagas which are contracts-for-mates scandals. We saw the grant of a contract to Paladin, a two-bit shelf company that had no experience running these offshore gulags which have been known to torture people and send people to their graves, something my colleague Senator McKim has long spoken of and raged against. That is one of the most egregious examples of contracts for mates that the ANAO has criticised. There is still nothing from this government to explain why that company was chosen. Of course, the fact that there's a personal connection there is the reason—we all know that. We've had the numerous scandals involving Minister Taylor, whether it's allegations that he's doctored documents to try to impugn the climate credentials of a local council—I mean, dude, haven't you got better things to do? You're a minister for heaven's sake! Or that he's tried to get his mates off an environment law prosecution and tried to change the listing of a critically endangered ecosystem so that—whoops!—the fact that his brother's company poisoned it won't get him into strife, or whether it's the dodgy water dealings that have plagued Minister Taylor and also former minister Barnaby Joyce. We saw a couple of weeks ago now that a big pharma donor got the contract to do the COVID vaccination work for aged-care organisations. Again, it's contracts for mates, it's election slush funds and it's special treatment for people with personal connections to this government.

Then we come to the COVID commission. It's a so-called advisory body that is stacked with people who are recommending their own industry's projects and getting paid a pretty penny while doing so—and they don't even have to disclose their conflicts of interests if they're on that task force, the manufacturing task force in particular. I asked the government about this last week, and Senator Cormann thinks it's fine—why was I asking about this? 'Sit down, little girl.' That was the short version of what he said. He said that he missed Senator Di Natale and that I was going a bit far. Well, get used to it, folks. When you are putting your mates in charge—

Senator McGrath: I would ask through you, Madam Acting Deputy President, that the senator withdraw what she has ascribed to Senator Cormann. He did not say that, and I would ask that you ask her to withdraw that, please.

The ACTING DEPUTY PRESIDENT (Senator Faruqi): Senator Waters?

Senator WATERS: Thanks, Acting Deputy President. I withdraw if the interpretation was that that's what he said. What I thought I said, and what I meant to say, was how I interpreted what he said. I acknowledge he didn't say those words.

Senator McGrath interjecting—

Senator WATERS: I'll take that interjection from that great bastion of morals there, who hails from my state of Queensland. I'll take that interjection, but I don't have a glass jaw, so I don't mind if you don't withdraw that. I can actually handle it.

Senator McGrath interjecting—

The ACTING DEPUTY PRESIDENT: Senator Waters, could you please take a seat for a minute. Thank you, Senator Waters.

Senator WATERS: Thanks very much, Acting Deputy President. We'll get back to the matter at hand, which was, sadly, the very self-interested appointments made to the COVID commission—a bunch of big business folk who are all steeped in the gas industry. Of course, we all know that gas is a dirty fossil fuel that will simply delay the transmission to genuinely clean, cheap renewable energy, which will create more jobs and help us to address the climate crisis. But this government thinks, 'Actually, no, they don't even need to disclose their conflicts of interest.' They are trusted to manage those conflicts.

We saw that of the six COVID commissioners—essentially the umbrella body under which those task force members sit—five don't want to put in the public domain what their personal financial interests are. So, once again, there is a complete lack of transparency by this government. The government's not going to require those conflicts of interest to be disclosed. It's certainly not going to do anything to manage them. It trusts those people to manage those conflicts. Well, we don't. The Australian public doesn't. This is exactly why your government has no credibility on integrity or transparency matters. I've listed the six pre-election slush funds that have been rorted to help this government retain government. I've listed many of the 'contracts for mates' scandals that have been exposed, and we now see the favours for donors with the appointments of gas industry luminaries to an advisory body that then recommends investment in gas in a climate crisis when farmers are desperate to have some security of water supply and when the Great Artesian Basin is at stake.

Today we're debating a bill for transparency, which the Greens welcome and support, but what we really need to be doing is bringing forward a vote on the Greens bill for a federal corruption watchdog, which passed this Senate. Thank you to all of those folk in here that supported that bill—not the government, of course. But we need the House to actually vote on that, because it is long past time that this level of government had a corruption watchdog. It's going to be very busy. There's an awful lot for it to look at, and notions that somehow it's not
necessary are just ridiculous. This government's own version is so weak that it's been roundly criticised by anyone who knows anything about integrity or this subject matter. It's a fig leaf of a body, and it's been delayed yet again after being described as 'imminent' more than a year ago. So we welcome the moves for increased transparency, but let's do the job properly and finally have this government held to account for the litany of rorts, contracts to mates and appointments of donors to advisory positions on policy for donations which is bringing this government and this institution into disrepute.

**Senator McCarthy** (Northern Territory—Deputy Opposition Whip in the Senate) (11:14): The Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019 provides for what may seem like a small step, but, in terms of government accountability and transparency, it is important. Others have spoken about the general significance of what this bill would achieve in reporting publicly how many debt waivers have been made and the amount of debt that has been waived.

Debt waivers obviously have a significant impact on an individual, and quite rightly the waiver-of-debt mechanism is generally an avenue of last resort and used only where there is no other viable avenue to provide redress. In general, this assistance is usually granted where it's considered the Commonwealth has a moral responsibility to provide assistance rather than a legal responsibility. Debts are usually waived where recovery would cause ongoing financial hardship by, for example, leaving a person unable to provide food, accommodation, clothing, medical treatment, education or other necessities for the person or their family.

A lot has been written and said about the economic circumstances in the Northern Territory, where we have a small, open economy, heavily reliant on resources and historically driven by major projects. This makes economic cycles more pronounced than in other jurisdictions in Australia. Our reliance on the tourism sector makes us even more vulnerable, particularly regarding the impacts of the pandemic on this sector. Consideration of waiving the NT’s debt to the Commonwealth would have a significant effect, especially if we look at the issue of housing. I raise this issue in particular as, under the PGPA Act, the finance minister has the ability to extinguish debts owed to the Commonwealth, meaning the debts are completely forgiven and cannot be recovered. These debts relate to non-corporate Commonwealth entities, such as the Australian Taxation Office or Centrelink—Services Australia—and departments of state, not the National Housing Finance and Investment Corporation or the Commonwealth Superannuation Corporation, as examples.

It was discovered in the Senate estimates process that the waiver of the Tasmanian housing debt of $157 million was performed under the debt waiver provisions of the PGPA Act. It was also discovered that there is no mechanism by which the number of waivers of debt or what amount of debt has been waived is reported to the public. There are five states and territories seeking waivers from the Commonwealth for housing related loans. One of these is the Northern Territory, which is seeking the waiver of $190.5 million in housing related debt. This is hugely significant for the Northern Territory. Not only is this a significant amount of money, but consider the impact of this amount of money being put into social and community housing provision in the NT rather than going into the pockets of the Commonwealth.

Housing is a key determinant of health, education and safety. Poor housing and poor housing circumstances negatively affect the physical and mental health and wellbeing of Indigenous people. Kids need a safe and stable home in which to study, and parents struggle to secure and hold down a job without one. Housing is equally a key determinant of economic development. Given the scale of homelessness amongst First Nations people in particular, not seriously addressing the issue of housing means we will struggle to reach any of the Closing the Gap targets, whatever they may end up being.

Indigenous people make up three per cent of Australia’s population but 20 per cent of the nation’s homelessness. We are 2.3 times more likely to experience rental stress and seven times more likely to live in overcrowded conditions than other Australians. The impacts are particularly felt by young people. About a quarter of First Nations people accessing homelessness services were children under 10 and more than half are under 25. Housing up to this point has not been a Closing the Gap target, but it must be if we are to have any chance of finally closing the gap between Indigenous and non-Indigenous Australians on all the other targets for life expectancy, child mortality, education and jobs. This has always been a glaring omission and, in my view, has contributed to the failures in Closing the Gap. I certainly do look forward to hearing more about the refreshed targets in the new Closing the Gap partnership. I note the comment last week from Pat Turner of the Coalition of Peaks, who said:

We want to push the percentages of achievement much higher, but we are in a consensus decision-making process with governments … what the targets will reflect is what the governments themselves are prepared to commit to.

This does sound like some warning bells about whether the government and its agencies have been really listening to what the experts on the Coalition of Peaks have been telling them about the priorities of First Nations people. I certainly look forward to learning more about the refreshed targets and the process that has gone into these decisions.
and, importantly, the commitments that will need to be made to ensure the new targets are a reality. I look forward in particular to learning what targets have been thrashed out around housing, the building block that progress will rest on.

The housing need in the Northern Territory is acute. The NT receives approximately $18.8 million in Commonwealth funding, or 1.3 per cent of total funding, but has 12 times the national rate of homelessness. With twice the level of unmet client demand compared to other states, the current level of funding for specialist providers of homelessness services is inadequate. The NT needs to receive funding for homelessness services based on need, not on a per capita basis. The demand for specialist homelessness services is rapidly increasing and is expected to increase further with the impact of the pandemic. Eighty-one per cent of the NT's homeless persons live in severely overcrowded housing. First Nations people represent 88 per cent of all homeless Territorians. It's estimated that a further 2,750 new homes need to be built in remote NT by 2028 to reduce severe overcrowding. Further Commonwealth and Territory government investment in remote housing is essential in order to eliminate overcrowding in these communities.

I do, though, want to acknowledge the contribution the Commonwealth is making in partnership with the Northern Territory government to try to address some of this shortfall. The commitment of $550 million from the Commonwealth, matching the NT's contribution of $550 million, is significant and will see a $1.1 billion investment into housing in the NT over the next 10 years. But the reality is even this is not enough to address the severe shortage and disadvantage. There is a desperate need for further investments into social and community housing, homelessness services and crisis accommodation. There is a significant deficit in available public housing stock, much of which is ageing and in poor condition, resulting in unacceptably high wait times for eligible applicants. The Northern Territory government has acknowledged that public housing wait times and growing numbers of applicants on the waitlist are very challenging. Ongoing and additional investment in public housing is needed, recognising other options also need to be explored, including social head leasing, stock transfers and growth of the community housing provider sector.

We need a national housing strategy to address Australia's broken public housing system and ensure there is sufficient supply of social and affordable housing to meet growing demand. We need to address the issue of affordable housing shortages. There is insufficient affordable housing available for low- to moderate-income earners struggling to pay market rent. It's estimated that one in four low- to moderate-income Territorians is in rental stress—where more than 30 per cent of their income is allocated to rent. The growth of the community housing sector and options for access to private rental should be encouraged. Further incentives that bridge the gap to market rent are necessary in order to ensure the supply of new affordable housing.

Among other things, a Commonwealth led initiative similar to the current National Rental Affordability Scheme is needed. Waiving the Territory's housing debt to the Commonwealth could see an extra $190.5 million invested into social housing, homelessness services and affordability programs. It would make a significant difference to the lives of thousands of Territorians and certainly make a real difference in closing the gap and reducing the disadvantage faced by First Nations Australians.

Senator SCARR (Queensland) (11:24): I rise to speak on the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019. I note that many of the speakers who have spoken in the debate haven't necessarily spoken in relation to the bill, so I am going to try to do my best to stay to the actual content of the bill. I want to place on the record how important it is that there be a regime under which the Commonwealth can waive debts and set off debts against other debts and how the government can make act-of-grace payments.

One of the things I've learned since becoming a senator on 1 July last year is that there are many people out there battling the Commonwealth bureaucracies—doing their best—and sometimes the result is not just. There are cases where waivers should occur and there should be acts of grace. It is an extremely important part of the fiscal arrangements of the nation that we have this scheme whereby the federal government can exercise its discretion in certain matters and provide justice to people who genuinely are aggrieved—and have every right to be aggrieved—where their engagement with the federal government bureaucracies has not led to a just result. So I think that's the context in which this debate should be set up, and I think all of us should bear that in mind as we engage in this debate.

I'd like to turn to the clauses of the bill which would provide that the annual report prepared by the Department of Finance and given to the finance minister under section 46 for a reporting period must include, in relation to authorisations waiving amounts under section 63, the number of such authorisations during the period and the total amount that was waived as a result of those authorisations; and, secondly, in relation to authorisations of payments under section 65, which is the grace-payments provision, the number of such authorisations during the period and the total amount that was paid as a result of those authorisations.
In considering the amendments contained in this bill I turned my mind to the sections in the act, and a number of things concerned me arising from this bill. I don't think it necessarily does what it's trying to achieve. I think greater care should have gone into the drafting of this bill, and it would have assisted if the bill had gone through a committee process of the JCPAA, of which I am a member—and I'll go to the role of the JCPAA shortly.

The first limb of the proposed amendment deals with waivers. But section 63 of the act refers to the waiver or modification of the terms and conditions in which an amount owing to the Commonwealth is to be paid. So the actual section of the act doesn't just deal with a waiver per se—for example, if I owed someone $100 and they waived the debt, I would no longer owe them $100. It also includes circumstances where a debt is modified. If the debt is modified, that might mean instead of owing $100 I owe $50. That comes within section 63 of the existing legislation but it isn't covered by this bill. Another circumstance might be where the terms and conditions on which I owe that $100 are modified. The payment time might be modified. The date for payment might be modified. A quid pro quo—something given in return—could be added as a condition of that payment being made. But none of that is covered by this clause in the bill as well. It is not covered. So there is a yawning gap in terms of what this bill is trying to achieve.

There is then the curious matter as to why section 64, dealing with set-off amounts, isn't covered. A set-off of an amount of $100 million would be of more concern to me than the waiver of an amount of $1,000. The waiver of the amount of $1,000 is covered by this bill but the set-off of an amount of $100 million wouldn't be covered by the bill—under section 64 it would not be covered by the bill. So a waiver of $1,000 is covered but a set-off of $100 million is not covered—and there is absolutely no explanation for that. I've read the explanatory statement. I've read the remarks of Senator Gallagher when she introduced the bill. I can find no explanation of that whatsoever. So that is another yawning gap in terms of this bill. It doesn't cover modification of debts, it doesn't cover terms and conditions varied with respect to debts, and it doesn't cover the set-off of amounts where amounts are owed between parties and one amount is set off against another. None of that is covered by this bill, which is calling for greater transparency, and that is disappointing.

If this bill had been referred to the JCPAA, I would have raised those matters, as a member of that committee, and I would have teased out those issues. But I wasn't given that opportunity, so I'm here to raise those issues, those flaws with this bill, in the context of this debate. If those concerns had been raised through the committee, in good faith—and it would have been in good faith—I would have raised them. Instead, the committee process has been denied the opportunity to improve this bill and to make it workable, and that's disappointing. I would seek that Senator Gallagher would refer bills such as this to the committee, and she might see that the committee process can, indeed, add some value to these pieces of legislation.

The second point I would like to make is in relation to the allegation of transparency. When this bill was first introduced, I was curious as to what the concern was. What was the mischief? What was the opposition trying to achieve? What was the private senator trying to achieve through the introduction of this bill? In the remarks we heard earlier this morning, the senator referred to the waiver of the Tasmanian housing-related debt to the Commonwealth. Is that a transparency issue? I've got here before me a media release dated 8 September 2019 which is entitled 'Morrison government to waive Tasmania's housing debt to Commonwealth'. I'll read from the announcement:

The Australian Government is continuing to address housing affordability and homelessness concerns by today agreeing to waive Tasmania's housing-related debt to the Commonwealth.

This is in a media release. You didn't have to go down any rabbit warren to find out that this occurred. This was on 8 September 2019. On 22 October, my friend Senator McAllister, in questions on notice in the Finance portfolio, asked questions in relation to the number of waivers and the amounts that had been waived with respects to these debts. On 22 October the questions on notice were asked, but the media release from the government was on 8 September 2019. So it was actually publicly announced 1½ months before the questions on notice were asked, and months and months before it would have been released through an annual report. So where is the transparency issue? I'll continue reading from the media release:

"The Morrison and Hodgman Governments have worked hand in hand to support the growth ambitions of Tasmania. Waiving this loan will support the Tasmanian Government's efforts to reduce homelessness …

Isn't that a good thing? Isn't that what we should be trying to achieve here? It continues:

… increase access to social housing and improve housing supply across the state …

Isn't that a good thing? Isn't that what we're trying to achieve here? So what is the problem? What is the problem that this bill is seeking, in a very amateurish way, to try and address? I can't see it.

Let's go to the questions on notice and the answers given to my friend Senator McAllister. I was actually sitting on this committee when these questions were put on notice. I always listen very carefully to any contribution
Senator McAllister makes on a committee, because I do value her insight and intelligence. She asked a question with respect to the number of debt waivers that have been granted and the total dollar value, and she also asked a particular question with respect to the 2019-20 financial year to date. She received a response from the department on 13 January 2020. The first part of the answer states:

Over the period 1 July 2014 to 30 June 2019, there have been 723 decisions by the Finance portfolio ministers or delegate to waive debts, with a total value of $159.5 million.

Under my arithmetic, that means each debt was for an average amount of $220,000. That was over the period of those five years. Full disclosure. The second part of the answer is:

For the 2019-20 financial year to date there have been 26 debt waiver decisions by the Finance portfolio ministers or delegate, with a total value of $158.6 million.

Now, we know—and I knew, when this question was asked, and I knew, as the Australian public knew, when these questions were answered—from the press release on 8 September 2019 that of that $158.6 million, referred to as the amount of debts waived up to that point in time, $157.6 million was in relation to the Tasmanian debt, which meant that the other 25 matters amounted to the princely sum of $40,000 each! That's it!

Can I say to those who've been making the point that we can disclose this in a way which doesn't reveal the identity of those who received the waiver et cetera: I don't think you are being transparent enough. Let me tell you why. Under your own scheme as you have proposed it, if nothing else had been disclosed, you wouldn't have known that, of this $158.6 million, a total of $157.6 million went to one party. So someone just looking at that general statement might well say, 'Oh, so there are 26 debt waivers with an average of $220,000 each,' when in fact there was one debt waiver of $157.6 million and the other 25 were, on average, $40,000. It just shows why matters such as this should be going through a committee process so they can be carefully considered instead of being put up in a way which has not taken into account all the ways in which the matter should be considered in terms of reporting, because, if you'd just reported that bland statement on an aggregate basis, you would have had no insight into the fact that over 99 per cent of that waiver was in relation to one debt.

But of course, as I said earlier, the government had already made the announcement on 8 September. It was already public. It was in the public domain. How can you be more transparent than that? Would those sitting opposite have liked the government to sit on that information and wait until the annual report, so many months after? Absolutely not. I think it was entirely appropriate that the matter be dealt with in a media release, the way it was, and an announcement be made to the public as soon as possible.

I'd like to make some comments in relation to the robodebt issue, and I would simply say that, on the basis of what has occurred, the issue with respect to robodebt, which has impacted tens of thousands of Australians, simply has not been dealt with under the waiver and grace period legislation. It hasn't come under the terms of that legislation. As all senators here would know, a class action was launched and the litigation involved thousands of recipients. In response to the claims which have been made, the government is in the process of making refunds to 190,000 Australians. And so be it. But it doesn't come under these bills. I wouldn't have expected anyone here would have wanted those 190,000 Australians to have to go through the process contained under section 63 or section 65 of the legislation which this bill seeks to amend. So, again, why is the issue of the robodebt being raised in the context of that bill? If you've got hundreds and hundreds of people affected by a policy decision, the last thing you want to do is to force every single one of them to go under the provisions of this legislation.

With that, I'll cease my contribution to the debate. I'd just ask senators to reflect on the usefulness of the committee process.

Senator GREEN (Queensland) (11:39): This bill, the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019, seeks to increase transparency and accountability of government decisions by amending the Public Governance, Performance and Accountability Act to require the Department of Finance to publish details relating to waivers of debt and act-of-grace payments in its annual report. I want to talk about two aspects of this bill: firstly, the need to increase transparency of and accountability for government decision-making and spending; and, secondly, in the context of the housing debt that was waived by the Commonwealth for Tasmania, the possibility of waiving similar debts for other states to improve social and Indigenous housing outcomes, particularly in my home state of Queensland.

Under division 7 of part 2-4 of the PGPA Act, the finance minister has the ability to extinguish debts owed to the Commonwealth, meaning that debts are completely forgiven and cannot be recovered. Under the same division, the minister has the ability to make act-of-grace payments to a person if they consider it appropriate to do so because of special circumstances. These debts relate to non-corporate Commonwealth entities, such as the Australian Taxation Office or Centrelink, and departments of state. Right now, waivers of debt and act-of-grace
payments are not publicly reported and there is no requirement for them to be made public in any way, such as how many have been made and for what amounts. As senators would be well aware, in recent times a pretty significant debt waiver was made, which made headlines, when the government did a deal with Senator Lambie to waive Tasmania’s historical housing debt, the substance of which I’ll talk about a little bit later.

This private senator’s bill, introduced by Senator Gallagher, seeks to provide more transparency and accountability when such debt waivers are made. As Senator Gallagher said in her second reading speech, in the interests of government accountability and transparency, rectifying this lack of publication is a small but important step. It is important to note that the amendments to this bill do not and will not require publication of any personal or sensitive information about any individual or organisation who receives a debt waiver or an act-of-grace payment. I think that’s a very significant and important point to make. Making this information public will not require the publication of any personal or sensitive information, and that’s an important step to take.

The accountability of the executive, and the transparency of its decisions, is fundamental to our system of government. In particular, when decisions of the executive relate to financial matters there should be increased levels of transparency that not only allow parliament to hold the executive to account on its decisions but also allow the public to know what decisions are being made and why. An increased lack of transparency and accountability has, sadly, been a feature of the Liberal-National government. The cumulative effect of this increased secrecy and lack of accountability should raise alarm bells in our community. Some previous examples come to mind: the backlog of FOI requests; refusing to answer questions during estimates, instead repeatedly putting them on notice; refusing to comment on on-water matters; shifting $500 million to the Great Barrier Reef Foundation so that decisions about the spending of that money can no longer be scrutinised through estimates or other methods; and the Prime Minister dismissing genuine questions from journalists as the 'Canberra bubble' or gossip. Most recently, the sports rorts debacle has shown that the government is willing to undermine the important values of transparency in government to avoid embarrassment. The failure to release the Gaetjens report, despite relying on it to claim that there was no biased decision-making during the notorious sports rorts scheme, shows a new level of secrecy and deception.

But, as I foreshadowed, the details of debt waivers, which sparked inquiries leading to this bill, are of particular interest to me as a Queenslander, because we need more social housing in Queensland and we need it now. So I was curious when, in September 2019, the Morrison government waived $157.6 million owed to the Commonwealth by the Tasmanian government. The debt was accumulated to pay for the construction of public housing between 1956 and 1989. At the time the debt was waived, the minister said:

… the Tasmanian government demonstrated unique challenges relating to housing affordability. It committed to state-wide planning and zoning reform to support housing supply targets consistent with economic and population growth projections.

The minister also acknowledged various members of the state government and Senator Jacqui Lambie for their advocacy for the significant reforms. As we all know, the subtext of that ministerial media release was that a deal was done to guarantee the passage of the government’s tax cuts.

Now, I also understand the social housing challenges facing Tasmania, although I’m a Queensland senator. I certainly do not begrudge Senator Lambie for securing that deal and that debt waiver. However, Queensland, and particularly Far North Queensland, also has unique challenges relating to housing, and it is time for the government to consider that historic housing debt and the possibility of waiving that debt for Queensland.

Answers to questions on notice show that, as of 1 July 2019, Queensland’s historic housing debt was $278.5 million. State housing minister Mick de Brenni said at the time:

If the Morrison Government forgave that historic debt to Queenslanders, the Palaszczuk Government could deliver another 957 new homes for vulnerable Queenslanders, creating 919 housing construction jobs in the process.

He went on to say:

We welcome the Prime Minister's willingness to potentially deliver more social housing in Tasmania, but it's galling that once again it's part of a last minute back room deal.

Those 957 homes would go a long way in regional Queensland.

Last year I attended a Homelessness Week seminar where Dr Kathleen Flanagan from the University of Tasmania was the keynote speaker. She discussed the Tasmanian housing crisis and compared it with the Cairns housing market. It was significant to note that there are some similarities, and both communities are in acute need of more social housing. The current waitlist for social housing in Cairns is over 2,000 people. On top of this waitlist, the federal electorate of Leichhardt last year made a list of areas experiencing the highest rental stress in the state. According to a survey by the University of New South Wales, 29 per cent of tenants in Cairns are experiencing rental stress. This percentage equates to almost 8,000 households.
Queensland had eight of the 20 electorates in the country with the highest proportion of tenants in rental stress, and yet, from the federal government, there's no support and no plan—just a tired refrain about it being the state government's problem. It always surprises me when you hear that, especially in this place, because there are 29 members of the government who are from Queensland, and they want Queenslanders to believe that, when they come down here, their hands are tied. Where's their press release? Where's their acknowledgement of their advocacy? Why aren't they advocating for something to be done about these levels of rental stress or the social housing backlog? At least waive the debt—why aren't they calling for that?

The top 10 electorates experiencing rental stress in Queensland are in coalition-held seats. But what are they doing about it? I've got the list here: Hinkler, Moncrieff, Longman, Wide Bay, McPherson, Fisher, Fadden, Fairfax, Forde and Wright. That's 10 members of the government who know that their electorates are right now experiencing extreme levels of rental stress. In the electorate of Moncrieff, 40 per cent of renters are experiencing rental stress—that's 10,000 households. In Hinkler, 41 per cent of renters are experiencing rental stress. For a regional area, that is a big number. And yet, with all their numbers and all their might and all their bravado, those members of the government are doing nothing to address that rental stress or our need for social housing. There are 29 of them, and yet they're so impotent they can't get this one thing done. So what is the point of having them here?

The government had an opportunity to do something about social housing when they announced the HomeBuilder scheme a few weeks ago, but the announcement falls a long way short of what is needed to prevent massive job losses in the building industry and it also does nothing to fix our social housing problem. It is incredibly disappointing that the Morrison government could not fund a housing construction program that included one cent for social housing. HomeBuilder will not build a single home for the people who need homes the most—mums and kids fleeing domestic violence, veterans sleeping in parks, or essential workers. No wonder members of the government called the policy a dud! Our country lacks adequate social housing, and that is a disgrace. It impacts the health and safety of our community and the strength of our economy.

Building affordable housing and social housing also creates jobs, and, as we know, we are in desperate need of them right now. This crisis has also shown us how important it is for the good of our country for every Australian to have a good home not just to isolate in during a pandemic but to keep safe during the recovery. We're about to face an economic cliff when stimulus is pulled back, when bank payments begin again, and when the flow-on effects of job losses start to impact spending and savings. We need to do something about housing affordability, but this government, once again, has put its head in the sand.

In addition to social housing, Queensland is in desperate need of more housing for Indigenous communities, and waiving the housing debt owed by Queensland to the Commonwealth would go a long way to fixing this problem. As many people in this chamber know, the communities in Far North Queensland and our Indigenous communities in the Torres Strait have been isolated in such ways and have had such restrictions in place that we will never fathom how difficult those restrictions have been. One of the main reasons why it was so important to isolate and restrict access to those communities is the very poor health and housing outcomes of those communities. This should be a huge wake-up call to this government that it is time to get Indigenous housing right. It is not time to push it off into the never-never. If we have a community that needs to be cut off and isolated so severely because of its health and housing outcomes, that should ring alarm bells for this government.

But, unfortunately, their track record on Indigenous housing has been woeful. In Queensland last year, the federal government walked away from NPARIH, an ongoing housing agreement, and instead said that they would invest a one-off payment to councils in the area to build social housing. Those councils want that money, and they're supportive of getting that funding, but they also know that it's not going to build all of the houses that they need. In the Torres Strait, there's a seven-year waitlist for housing. They will be building houses, and they will not get through that seven-year waitlist with a one-off payment. What we need is ongoing funding. The NPARIH program wasn't perfect, but the government's own review of it in 2017 found it was making good progress on overcrowding. In Queensland, the program built 1,114 new dwellings and refurbished a further 1,419. That's what we need at this moment. At the moment, all we've got is $5 million that has been delivered, or will be soon, out of a $105 million program of funding that was promised over a year ago now, and there are people in communities who have been cut off. How much longer do they have to wait? When will this government understand that housing is a fundamental right and that it is a responsibility for them to get it right?

This bill is about transparency and accountability, and what we do not want to happen during this crisis is for governance or public accountability to be pushed aside. But we also need to use this crisis as an opportunity to recognise and fix the very grave problems with social housing and Indigenous housing in our country, because, if not now, when will we do it?
Senator O'SULLIVAN (Western Australia) (11:54): I too rise to speak on the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019, which will amend the Public Governance, Performance and Accountability Act 2013 to make public the number and dollar amounts of act-of-grace payments and waivers of debt.

We have here another grand gesture by those opposite to create optics that they have the monopoly on the idea of good government. Yet again, we have another example of something they've put forward which may look quite reasonable on the face of it, but, when you peel back a few layers, you discover exactly what it is: just a facade. It's nothing more than a set on a movie sound stage. If you go up to it, you'll see that it has got a thin veneer, has no substance to it and wouldn't really stand up to any serious scrutiny.

This bill was thought up and drafted without the appropriate consultation. It just seems like another one of their back-of-the-envelope kinds of ideas. As a member of the Joint Committee of Public Accounts and Audit—the committee responsible for the oversight of these matters—I would have expected this to have been raised in some forum, socialised and consulted on with that committee. But, sadly, it wasn't. And I think there's a very clear reason for that—because, had that been done, those opposite would have discovered that this bill is in fact not required. If the JCPAA had been consulted, they might have suggested that the intent of this bill could be better addressed through an amendment to the PGPA annual reporting rule or through a direction from the finance minister to his department to make this information available while taking into account the risk of disclosure and amending the presentation of the data to reduce that risk. But, sadly, those opposite did not consult on this, and I think this alone has demonstrated how high this bill really is on their list of priorities.

The fact remains that we already have robust accountability and transparency procedures in place, and forums where these payments can be explored, as we do, in fact, for the whole of government. That's demonstrated both through the Joint Committee of Public Accounts and Audit and, importantly, through the estimates process. Without going down the path of detailing the role of the parliament and its committees—because we'd expect that everyone in this place would in fact know what that's all about—there are mechanisms which exist that can examine these kinds of issues in detail; they are there already. If there is a payment or waiver which we—and I mean any of us here in this place—believe warrants particular attention or scrutiny, then we can already deal with that. We have inquiries, estimates and questions. These are all important accountability measures in our democratic tradition.

Indeed, in certain cases, the government also make public the details of waived debts to the Commonwealth and open these decisions up to broader scrutiny. Recent challenges have demonstrated where this is the case. As a senator for Western Australia, I can point to the fishing industry in particular, where there has been a case recently where certain liabilities to the Commonwealth were waived. But, if you then look at some of the minor or individual waivers of payments that would have been covered under this amendment, a number of privacy concerns come to mind. I note, as a number of other contributors have in this debate, that, in recognition of privacy and confidentiality concerns, the bill only seeks that the total number of matters authorised and the total value of those authorisations be disclosed. But this is not sufficient.

There is merit in disclosure of some data where individual payments will not be identifiable. Indeed, the Minister for Finance has reported some aggregate data in answers to questions on notice. For example, data on waivers of debt was provided in response to a question from Senator McAllister during the October 2019 Senate estimates. But many payments are to individuals or small businesses and small business organisations, and sometimes the value of a payment can pertain to sensitive information such as the quantum of lost income. Requests for act-of-grace payments or waivers of debt are made on the basis of the utmost privacy and confidentiality. This bill creates the risk that, in those years where there are a small number of matters authorised, rigid reporting as envisaged by this bill could serve to identify a particular claimant. There are no safeguards in the bill to protect against such a possibility. The act-of-grace and waiver-of-debt powers under the PGPA Act are to enable the consideration and resolution of matters that fall outside the usual legislative frameworks. They are provided to be exercised as a last resort but are important powers as they provide the flexibility for the Commonwealth to deal quickly and efficiently with issues where special circumstances arise.

The government does not use these powers lightly, but they are a necessary capability to respond to fast-moving events where existing legislation may not be able to be used. For example, these powers were an important part of the government's response to coronavirus, with the waiver of levies on the fishing industry, as I touched on earlier, and the waiver of the Commonwealth Register of Institutions and Courses for Overseas Students levy for the education sector, for example, to help those in those sectors during challenging times.

I touched earlier on the transparency and accountability measures. The process by which these powers are exercised is equally rigorous. The Department of Finance consults broadly and confidentially with the applicants and the impacted Commonwealth agencies to ensure that decision-makers have all the relevant information in
considering each claim. Further, consideration of the exercise of these powers for amounts over $500,000 can only occur after an advisory committee, comprising relevant public servants with knowledge of both the process and the policy issue, has been established and has provided advice to the Minister for Finance or the assistant minister for finance.

Mending the PGPA Act, as proposed by this bill, to mandate disclosure in Finance's annual reports is an unnecessary and inflexible expansion of the PGPA Act. The normal approach is for annual report requirements to consist of fixed requirements that do not change from year to year. That model for reporting is, however, too rigid for discretionary payment data, where some years can yield few discretionary payments, and risks could therefore arise that the value of an individual payment could be deduced.

There is an issue here of an appropriate consultation. Ordinarily, annual reporting requirements are not changed without consultation with the Joint Committee of Public Accounts and Audit. Rather than the approach in this bill, it is preferable that the government release data in a way that ensures that there are no inadvertent disclosures that may compromise the Commonwealth's commitment to keep claims in confidence.

I understand that the Minister for Finance has directed his department to commence disclosure of annual and five-year aggregate data in relation to the act-of-grace payments and debt waivers, including in the 2019-20 financial year. There are sufficient payments in the 2019-20 year that there is not a concern about privacy in this particular year. I understand this data will be made public later this calendar year on the Finance website and through the transparency.gov.au website. The government strongly believes in transparency in government operations, and that is why the finance minister has directed his department to release the information the bill is seeking on the Finance website and the transparency.gov.au website later this calendar year. This bill is not required, and, as such, I will not be supporting it.

Senator AYRES (New South Wales) (12:04): I always listen carefully to Senator O'Sullivan's contributions on these bills. He always makes a thoughtful contribution and is always very well prepared. He's dedicating himself assiduously to the task of performing his role as a backbench defender of the government's position, and he's done that again today. He's a thoughtful contributor in our committee system, and he plays that role well as well. Sometimes that means he's passionately defending the government's interests, when it comes to a bill that will really enliven public debate, and sometimes that means he's making a more workmanlike contribution over a bill that's unlikely to be on the front page of tomorrow morning's The Border Mail or the Sydney Morning Herald or any paper—except some obscure government gazette, because the bill that's in front of us is an amendment to the Public Governance, Performance and Accountability Act. It's the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019, not something that's likely to breathe excitement and passion into people out there. It is, nonetheless, important.

Firstly, Senator O'Sullivan's described the bill and the Labor Party's approach to the amendment as a facade, a veneer, conducted with no consultation, a bill that's not really necessary. The truth is, someone's got to be paying attention to public accountability in this place. Someone's got to be working on evolving the legal position, evolving the laws to improve public accountability, and during the term of this government that so often falls to the Labor Party because the government's just not up to it. His first argument, I think, was that there's got to be some other way. That's not a very strong argument, really. The amendment would achieve—if it's supported here—what it sets out to achieve: a higher level of transparency and accountability of act-of-grace payments.

Secondly, Senator O'Sullivan says, if I can put words in his mouth, that there are profound privacy issues. I'm not persuaded as much as the drafters of the amendment are that there are deep privacy issues here. I think, if a decision is made by the Commonwealth to pay an act-of-grace payment or to do a debt waiver, there are deep issues of public accountability and transparency involved here, and I would lean towards transparency over the rights to privacy of individuals or companies that have received either a debt waiver or an act-of-grace payment. However, the amendment does deal with that question. There is no proposal here to name the recipients of those payments. It is to, simply, record the amount of those payments and to record the number of those payments that are made in the annual report of the Department of Finance, which I'm sure is read very deeply out there.

The original legislation, in 2013, was developed to merge two existing pieces of legislation that went to accountability. It was designed to reduce complexity, increase operational efficiency and provide for clear accountability requirements. This bill, this amendment, strengthens the original purpose and intention of the bill. There is a power for the Minister for Finance, circumscribed, as Senator O'Sullivan pointed out, by the processes set out in the legislation, to waive debts owed to the Commonwealth. That means debts are no longer payable. There's a $100,000 threshold below that. Public servants can simply make a decision to waive a debt to the Commonwealth. Above that, there's a requirement for the minister to do that work himself or herself.
Where an individual or a company is impacted by a decision of the government or a failure to make a decision and they had a loss of earnings as a result, it may be appropriate for the government to make an act-of-grace payment in those circumstances. Those payments are currently not publicly reported, and there is no requirement for there to be any publication of details about how many act-of-grace payments have been made or the amount provided through those payments. That is an impossible proposition, in my view, for the government to defend. It would be alright if the government came in here with an alternative proposition to the one that is outlined in the amendment, but there is no alternative proposition, and the position that the parliament is left with is that there is an unsustainable weakness in accountability and transparency in the legislation.

These payments are made when there is some inequity that causes hardship, an act of grace in special circumstances for non-government corporate entities that have taken or not taken an act that causes harm or have legislation or an intention to have legislation that causes economic harm. There is a very simple requirement in this very straightforward amendment: that the Department of Finance report in its annual report the number of waivers, their total dollars, the number of act-of-grace payments and their total dollars. It can't infringe privacy; there is no requirement to report on the individuals or the companies.

In recent times, in the Senate estimates process, it came to light that a debt waiver of $157 million was provided to the Tasmanian government. It was performed in a way consistent with the Public Governance, Performance and Accountability Amendment Act 2013. There was no requirement for that decision, which was one of immense political and fiscal significance in Tasmania, to be reported. What mechanism the government used to provide debt relief to the Tasmanian government only came to light in Senate estimates. That is a big public policy call—to exempt one state from its obligations in housing related loans. When one looks across the Commonwealth, there are vast liabilities from the states to the Commonwealth in relation to public housing. New South Wales, as of the middle of last year, owed the Commonwealth $838 million in public housing related loans; the Queensland government just over $27 million in housing related loans; the West Australian government $343 million; and the Australian Capital Territory just over $115 million in total. The Northern Territory, with vast housing needs, particularly in remote communities, owes a disproportionately large $190.5 million.

The illusion is created whenever the Commonwealth government gets up to talk about housing, public housing and social housing. Somehow, every time it makes an announcement, it creates the idea in the public that these are grants to the states. Well, they are termed 'grants' but, for accounting purposes, they are loans. They have concessional rates of interest, but they are loans and they create a long-term obligation for those state governments and, I believe, create long-term inertia between the Commonwealth and the state governments in dealing with the public housing crisis and the crisis in accommodation for workers and families on low incomes, a crisis that grows every day.

It seems to me that public housing is a total mess in Australia. There is a growing queue of families and workers lining up for public housing. How is it that we've allowed this position to evolve? In 2008 and 2009, as a response to the global financial crisis, and over the course of the rest of the Labor government, Labor built and refurbished 70,000 social housing dwellings. The Abbott-Turnbull-Morrison government's response to this crisis has been to wind back capacity, to fall further behind. In response to the economic crisis that's the result of the government's steps to deal with the public health crisis of COVID-19 the government's only announcement so far has been HomeBuilder. There has been zero in terms of social housing and zero in terms of support for low-income workers and low-income families to build homes and to buy homes, and that sits across the back of a long-term legacy of policy failure in this area.

There has been an entire refusal to countenance reform of the taxation arrangements that surround new home construction and the renovation of existing homes. There's been no attempt to deal with the taxation arrangements in the real estate market that constrain the building of homes, particularly in our big cities. The government closed the National Rental Affordability Scheme, which provided 38,000 new, affordable housing units and was on track to achieve its target of 50,000 new home dwellings. The government scrapped the First Home Saver Account scheme, which was helping people save for their first home. The government closed its eyes and its ears by abolishing the National Housing Supply Council and the Prime Minister's Council and Homelessness. The government has cut $44 million a year in capital funding from homelessness services. The government defunded Homelessness Australia, National Shelter, and the Community Housing Federation of Australia because the government doesn't want to hear the voices of people who can't find a home. It doesn't want to hear solutions for homelessness or arguments in favour of increasing the federal and state governments' public housing stock. And, until 2019, the government failed to appoint a dedicated minister for housing.

The only sign of any activity is the HomeBuilder scheme. If you got the smartest people in Canberra together in a room, gave them the remit to design a hopelessly complex scheme that was impenetrable to outside observers, that had such a narrow base it was hard to identify who fell into the category of people who could actually use the
scheme and that was so profoundly inequitable, if you asked those people to design a scheme that would provide zero stimulus to the economy and to the construction industry I think that even the smartest people in the public sector in Canberra brought together could not design a scheme as dumb as the HomeBuilder scheme patently is. If we had some sensible transparency and capacity in terms of the arrangements between the Commonwealth and the states that this bill is designed to assist develop—(Time expired)

Senator WATT (Queensland) (12:19): I'm aware we are about to hit a hard marker at 12.20, but I will begin my contribution on this bill, the Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019, today. As has been explained by previous speakers, this bill is about increasing transparency from the Morrison government—increasing transparency and accountability for very large payments that it has the power to make using public funds. In the last 12 months we have seen one example of that—

The DEPUTY PRESIDENT: Thank you, Senator Watt; you will be in continuation. The Senate will now proceed to the consideration of government business.

Migration Amendment (Regulation of Migration Agents) Bill 2019

Migration Agents Registration Application Charge Amendment (Rates of Charge) Bill 2019

Second Reading

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

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (12:20): I will continue with the summing-up speech for these bills. The bills reflect the government's deregulation agenda and its commitment to establishing a world-class migration advice industry, and remove the unnecessary administrative burden of dual regulation of these legal practitioners who are already subject to a strict professional regulatory regime.

The government recognises that deregulation should not be prioritised over the maintenance of important consumer protections. The Senate Legal and Constitutional Affairs Legislation Committee stated:
The committee is confident that the legal profession in Australia is well-regulated and offers effective consumer protection mechanisms, including for vulnerable consumers, such as those who seek migration assistance.

The regulation-of-migration-agents bill also allows the OMARA to refuse an application for registration as a migration agent if the migration agent does not provide further information. This will remedy the current situation, where the application will remain open and unfinalised indefinitely while there is a failure by an agent to provide the information sought. The bill will also complement amendments to fees and charges in the rates-of-charge bill and make other minor amendments. The rates-of-charge bill ensures that a person who paid the non-commercial application charge in relation to their current period of registration, but gives immigration assistance otherwise than on a non-commercial basis, is liable to pay an adjusted charge.

In summary, we are committed to a strong but practical migration advice industry that works in the best interests of Australia and believe that the bills deserve the support of all senators. I commend the bills to the chamber.

The DEPUTY PRESIDENT: The question is that the motion moved by the minister be agreed to.

The Senate divided. [12:26]

(The Deputy President—Senator Lines)

Ayes ......................35
Noes ......................8
Majority .................27

AYES
Abetz, E
Askew, W
Bragg, A J
Brown, CL
Davey, P (teller)
Fierravanti-Wells, C
Hanson, P
Lambie, J
McCarthy, M
McGrath, J
McLachlan, A

Antic, A
Bilyk, CL
Brockman, S
Chandler, C
Duniam, J
Gallacher, AM
Hume, J
Lines, S
McDonald, S
McKenzie, B
McMahon, S
AYES

Molan, AJ
Paterson, J
Payne, MA
Reynolds, L
Scarr, P
Smith, DA
Van, D

O'Sullivan, MA
Patrick, RL
Rennick, G
Roberts, M
Seselja, Z
Stoker, AJ

NOES

Di Natale, R
Hanson-Young, SC
Rice, J
Waters, LJ

Faruqi, M
McKim, NJ
Siewert, R (teller)
Whish-Wilson, PS

Question agreed to.

Bills read a second time.

In Committee

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

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (12:30): by leave—I move to the Migration Amendment (Regulation of Migration Agents) Bill 2019 Greens amendments (1) and (2) on sheet 8957:

(1) Clause 2, page 2 (table item 1), omit "Sections 1 to 3", substitute "Sections 1 to 4".

(2) Page 3 (after line 11), after clause 3, insert:

4 Independent review of operation of Schedule 1

(1) The Minister must cause an independent review to be conducted of the operation of the amendments made by Schedule 1 to this Act.

(2) Without limiting the matters to be covered by the review, the review must consider the performance of:

(a) immigration lawyers; and

(b) legal profession complaints handling systems and disciplinary procedures with respect to the activities of immigration lawyers.

(3) The review must:

(a) start as soon as practicable after the end of 3 years after Schedule 1 commences; and

(b) be completed within 6 months.

(4) The persons who conduct the review must give the Minister a written report of the review.

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

(6) In this section:

**immigration lawyer** means an Australian legal practitioner who provides immigration assistance, as defined in section 276 of the Migration Act 1958.

I'll only speak very briefly to these amendments. I'll make the point that the Productivity Commission in an annual review of regulatory burdens on business and consumer services recommended that dual regulation should cease, and I acknowledge that's effectively what this bill does. However, the Productivity Commission went on further to recommend:

An independent review of the performance of these immigration lawyers and the legal professional complaints handling and disciplinary procedures, with respect to their activities, should be conducted three years after an exemption becomes effective. What this amendment does is seek to give effect to that Productivity Commission recommendation. I don't understand why the government has not included a statutory three-year review in this legislation. It's simply good practice when you make a change of this nature which has the potential to impact significantly on the way that people practising as migration agents are regulated and, more importantly, has the potential to impact significantly on clients of people who act as migration agents. In those circumstances, we think this is a very practical and sensible amendment.

The Migration Institute of Australia has argued that the current system and registration of migration agents that currently captures lawyers includes robust complaints mechanisms and codes of conduct which, when complaints
are lodged, set off thorough investigations. This, they further argue, ensures a better quality and better qualification of migration agent services. The review that we're seeking to insert into this legislation will be able to assess, after three years, whether that was or was not the case. It will be in everyone's best interests to know whether or not that is in fact the case. We are moving this for many reasons and on behalf of many people, but most particularly we are moving it on behalf of people who are clients of people acting as migration agents, because it is in all of our interests that people receive the very best advice, and a statutory three-year review would assist in that aim.

Senator CAROL BROWN (Tasmania) (12:33): Labor has made it clear from the beginning that this legislation should pass through the parliament quickly. That was the commitment given at the Law Council of Australia Immigration Law Conference earlier this year. I appreciate Senator McKim's amendment calling for a review. However, Labor will not be supporting this amendment. This bill contains measures stemming from the recommendations of the 2014 independent review of the Office of the Migration Agents Registration Authority. In fact, Mr Tony Abbott was the Prime Minister when these recommendations were made. The current Prime Minister, Mr Scott Morrison, was the immigration minister who received the review.

The Senate has held not one but two inquiries into this bill. The bill was even debated for a short time in December 2018 and then, despite bipartisan report, that's where the legislation stopped. The bill has sat on the Senate Notice Paper for over 200 days—a simple, straightforward bill, which Labor has supported, and recommendations that the Abbott-Turnbull-Morrison government have failed to make law for six long years. Even government senators recommended 'the Senate pass the bills without delay'. After six years, multiple reviews, many sitting weeks and three prime ministers, this bill is finally before the Senate, so let's pass it now.

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (12:35): The government won't be supporting the amendment. We do not consider it necessary to review the performance of immigration lawyers and the legal professional complaints handling and disciplinary procedures after the removal of dual regulation. The 2014 independent review of the OMARA, the Kendall review, recommended that lawyers be removed from the regulatory scheme that governs migration agents, such that they are entirely regulated by their own professional bodies. The Senate Legal and Constitutional Affairs Legislation Committee report released in February 2020 states:

The committee is confident that the legal profession in Australia is well-regulated and offers effective consumer protection mechanisms …

The relevant legal professional and disciplinary bodies and the statutory schemes underpinning them have a broader range of powers to resolve consumer related issues. These include penalties outside of OMARA's existing jurisdiction, including financial penalties for improper conduct and recommending compensation for affected clients. Lawyers with practising certificates intending to practise in the migration advice field will be able to access educational offerings to increase their knowledge, as they already do with other complex aspects of the legal profession.

After the commencement of the bill, the policy intention is for the regulation of immigration lawyers to be a matter for the states and territories, and it will be for them to evaluate the performance of immigration lawyers and related matters. The authorities responsible for disciplining Australian legal practitioners in states and territories would be better positioned to conduct any such review, as they will have access to information on legal practitioners through their regulation of them which is not readily available to the Commonwealth.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (12:36): How very disappointing it is that the major parties are on a unity ticket here and will not support a completely uncontentious amendment by the Australian Greens to insert a requirement for a statutory review into this legislation. I won't speak at length. I will just make the point that the people who seek migration advice are often extremely vulnerable people, and the quality of migration advice can often impact on a person's or a family's entire future, including whether or not they can remain in Australia. So, given that circumstance, the Greens believe it is incumbent on this parliament to ensure that the new regulatory framework which is created by this legislation is reviewed.

I'll make the point here by quoting from a submission by the Migration Institute of Australia to the committee inquiry into this legislation, which reminds us all that:

Lawyers have been allowed to continue practising by their law societies without conditions attached to their practice, even after being barred by the OMARA for gross misconduct and breaches of fiduciary duties.

There it is in black and white, colleagues. OMARA, in some circumstances, has barred lawyers but they've been allowed to continue practising by their law societies without conditions attached to their practise.
I will also quote from a previous submission to an earlier inquiry into the 2017 versions of these bills by the Migration Institute of Australia which contained this observation:

The removal of lawyers from the regulatory system will result in disastrous, unintended consequences for this sector—the humanitarian migration sector.

It is crucially important that it be protected for both consumers and the large numbers of altruistic lawyers working in this sector. If removed from the OMARA regulatory system these lawyers:

- will be barred from registering as migration agents and then be unable to provide migration advice and assistance within these non-legal practices, and
- will need to leave these organisations to seek employment in legal practices if they wish to practice as lawyers.

Again, this is a completely uncontroversial amendment that is being proposed by the Australian Greens. It is simply good governance and good practice that, when changes like these are made, the impacts of those changes be reviewed after a period of time that allows for the changes to be bedded in and enough evidence to exist that would inform a review.

The CHAIR: The question is that the amendments on sheet 8957, as moved by Senator McKim, be agreed to.

The committee divided. [12:44]

(The Chair—Senator Lines)

<table>
<thead>
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<th>Ayes</th>
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AYES

Di Natale, R
Hanson-Young, SC
Patrick, RL
Siewert, R (teller)
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Bragg, A J
Brown, CL
Chandler, C
Duniam, J
Green, N
Lines, S
McGrath, J
McLachlan, A
Molan, AJ
Remnick, G
Scarr, P
Sheldon, A
Stoker, AJ
Van, D

Antic, A
Bilyk, CL
Brockman, S
Carr, KJ
Davey, P
Gallacher, AM
Lambie, J
McDonald, S
McKenzie, B
McMahon, S
O’Sullivan, MA
Reynolds, L
Seselja, Z
Smith, DA
Urquhart, AE (teller)

Question negatived.

Bills agreed to.

Bills reported without amendments; report adopted.

Third Reading

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (12:48): I move:

That these bills be now read a third time.

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

Senator WATT (Queensland) (12:48): I want to make clear at the beginning that Labor and I consider that there is nothing more sickening than child sexual abuse. As a father of two children, I feel that on a personal level, let alone the position I might take in politics. Children are the most precious and vulnerable members of our community, and Labor will always support strong and effective laws to protect children from abuse and to punish their abusers. Labor has always fought, and will always fight, to protect children here and overseas from exploitation and abuse. Labor are proud of our record under the Keating, Rudd and Gillard governments in this area.

To pick up on just a few examples, in 1994 Labor in government introduced world-leading offences targeting Australians who engage in the sexual abuse of children overseas. In 2009, Labor in government brought federal, state and territory governments together to implement the National Framework for Protecting Australia's Children, which included a significant funding commitment over four years from the Commonwealth government. In 2010, Labor in government introduced new child abuse offences and other protection measures. In 2013, Labor in government appointed Australia's first National Children's Commissioner to advocate for the rights of Australia's young people. And, of course, in that same year, Labor in government established the Royal Commission into Institutional Responses to Child Sexual Abuse—the first national inquiry of its kind. That commission shone a light on how systems have failed to protect children and made recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions. I could go on. Despite the occasional efforts of some—not all, but some—on the other side to use this issue for base political reasons, my colleagues and I do not question the current government's commitment to doing what it can to protect children from harm. To the extent that there is disagreement, it should only ever be about the means and not the ends.

Labor strongly supports the vast majority of the measures in this bill, the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019. Labor supports schedule 1, which would allow the Attorney-General to revoke a parole order or licence in the interests of community safety. Labor supports schedule 2, which would remove the requirement for a court to approve the admission as evidence-in-chief of a video recording of an interview with a vulnerable adult or child. Labor supports schedule 3, which would prohibit the cross-examination of child witnesses and other vulnerable witnesses at committal proceedings. Labor supports schedule 4, which would create new grooming offences. Labor supports schedule 5, which would significantly increase the maximum penalties for a range of offences relating to sexual activity with children outside Australia and child sex offences relating to the use of postal or similar services within Australia. Labor supports schedule 7, which would introduce a presumption against bail for serious Commonwealth child sex offences. Labor supports schedules 8 and 9, which would require the court to consider a range of additional factors, including aggravating factors, when it comes to sentencing a person who has been convicted of a Commonwealth child sex offence. Labor supports schedule 10, which would insert a presumption in favour of cumulative sentences for Commonwealth child sex offences. Labor supports schedule 11, which would require offenders convicted of a Commonwealth child sex offence to serve a period of imprisonment that is not suspended other than in exceptional circumstances. Labor supports schedule 12, which would include residential treatment orders as a sentencing alternative for certain classes of offenders. Labor supports schedule 13, which would introduce new provisions in relation to the remission and reduction of sentences in circumstances where parole is revoked or where a person to whom a parole order relates is sentenced for a further offence. And Labor supports schedule 14, which would replace the existing definition of 'child pornography material' with a broader definition of 'child abuse material' in various acts, including the Crimes Act 1914. So, as you can see, Labor supports many of the measures contained in this bill.

The only schedule Labor does not support is schedule 6, which would introduce mandatory minimum sentences. Labor has a longstanding, well-reasoned and principled opposition to mandatory sentencing. Mandatory sentencing may sound tough, but there is nothing tough about sentencing measures that make it more difficult to catch, prosecute and convict child sex offenders. There is nothing tough about measures that do nothing to reduce crime or criminality. And there is nothing tough about sentencing measures that could, in some cases, result in unjust sentences being handed out to teenagers. The evidence is overwhelming. Accused persons are less likely to plead guilty or cooperate with authorities if faced with a mandatory minimum sentence. The Commonwealth's own Attorney-General's Department has previously gone so far as to argue that mandatory minimums should be avoided as they create an incentive for a defendant to fight charges, even where there is little
merit in doing so. As well as resulting in costly and unnecessary trials and the possibility of acquittal, this forces survivors of child sexual abuse to endure the trauma of having to give evidence in court against offenders who would otherwise have pleaded guilty. This in turn could result in fewer survivors of child sexual abuse coming forward at all.

As the Uniting Church Synod of Victoria and Tasmania told the Senate committee:

If the perverse outcome of mandatory sentencing is that fewer victims are willing to come forward because the process is going to be made even more onerous for them and more traumatic, then you actually get a reverse outcome to the one you were intending.

Even the current government implicitly acknowledges that accused persons are less likely to plead guilty or cooperate with authorities if faced with a mandatory minimum sentence. For that reason, the bill would allow a judge to reduce a mandatory minimum sentence by up to 25 per cent to reflect either an offender's early guilty plea or an offender's cooperation with law enforcement.

However, this supposed solution is little more than window dressing as it does not remove the obvious incentive for a defendant to fight charges—even where there is little merit in doing so. All this reduction means is that in some circumstances an accused person will be faced with a different mandatory minimum sentence. Instead of seven years, for example, an accused person may face a 5.25-year mandatory minimum sentence. The problem remains; it's just a slightly smaller problem.

Then you have the problem of juries and judges being less likely to convict guilty people, and prosecutors may be less likely to charge alleged criminals if they do not believe the mandatory minimum sentence is justified. That is the evidence of the Law Council of Australia, the Queensland Law Society and a range of other experts who have looked into this issue. These and other reasons for opposing mandatory minimum sentences are set out in greater detail in a report tabled by Labor senators of the legal and constitutional affairs committee in relation to this bill. I would urge government senators to read it.

It is also worth noting that almost every non-government witness who gave evidence to the legal and constitutional affairs committee in relation to this bill recommended that it proceed without mandatory minimum sentences. Those witnesses included: the knowmore Legal Service, established in 2013 to assist people to engage with the Royal Commission into Institutional Responses to Child Sexual Abuse; the Uniting Church Synod of Victoria and Tasmania; the Jesuit Social Services; the Sexual Assault Support Service; the Law Council of Australia; and the Carly Ryan Foundation.

So what is the evidence to support the introduction of mandatory sentencing? As Labor senators noted in their Senate report, the government has produced no evidence to support the introduction of mandatory minimum sentences in this bill. Schedule 6, it seems, is not based on the outcome of any review or detailed analysis of sentencing practices. Instead of evidence or detailed analysis, the Attorney-General's Department has pointed to high-level and irrelevant statistics about sentencing outcomes generally. That's not good enough. Labor believes that this bill should proceed without mandatory minimum sentences. To that end we will be moving an amendment to delete schedule 6 from the bill. We urge the government to reconsider its position on this matter and support that amendment.

In addition to moving an amendment to delete mandatory sentencing from the bill, Labor will also seek to amend the bill to include a comprehensive statutory review of sentencing practices in relation to Commonwealth child sex offences. That was a suggestion made by the Carly Ryan Foundation in its evidence to the legal and constitutional affairs committee, and we think it's a very good one. On that point, in closing, I see that there are a number of government senators lined up to speak on this bill, including some with a legal background. I'd encourage them, in their contributions, to explain to us why they disagree with the evidence of experts to this Senate committee which says that mandatory minimum sentences in fact make it harder to get convictions and make it less likely that the tough sentences that the government say they are about will actually get imposed. I will be very interested to hear whether government senators address that point.

I would like to conclude by saying something about resourcing. As Labor senators pointed out in their report, this bill would introduce a range of measures that would be likely to create an additional burden on a criminal justice system that is largely administered by state and territory governments. The government claims in its explanatory memorandum that the financial impact of the bill will be negligible and will be absorbed by the states and territories, but, like the proposal to introduce mandatory minimum sentences, that statement does not appear to be based on any evidence at all. This is because, prior to introducing this bill, the government had not consulted with a single state or territory government about the potential resourcing implications of the measures contained in this bill. The assertion by the government that the financial impact of the bill will be negligible is not credible. As
such, Labor reiterates its call for the government to consult with state and territory governments to ensure that appropriate resourcing is in place to implement the measures proposed in this bill.

More generally on the question of resourcing, it is worth stating the obvious: this parliament can pass the strongest child exploitation laws in the world, but, unless our agencies are equipped with the best technology in the world and have an appropriate number of personnel, we will not be in a position to address the scourge of child abuse. It is well known that reports of child sexual abuse imagery on the internet have exponentially increased over the last several years. We need to keep up. Labor calls on the government to conduct a detailed and thorough review of the adequacy of the resourcing that is currently available to authorities across Australia for the detection and apprehension of those who commit crimes against children, especially online.

In conclusion, Labor will always work constructively, whether in opposition or in government, to put in place the most effective measures to protect children. In that spirit of cooperation, I urge the government to examine the evidence—not just the rhetoric that I predict that we will be hearing from government senators during this debate, but the evidence—about whether mandatory minimum sentencing actually works and whether it actually does lock up people who've been convicted of heinous crimes against children in the way that they claim it will do. In particular, I urge the government to consider the significant potential for mandatory sentences to cause injustice and to actually make it harder to protect children.

Labor will be moving amendments to remove the mandatory sentencing provisions and to require a review of sentencing practices in relation to child sex offences under Commonwealth legislation. We urge all senators to support those amendments and then to support this bill.

**Senator McKIM** (Tasmania—Deputy Leader of the Australian Greens in the Senate) (13:02): The Australian Greens of course are supportive of the stated objectives of the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 and we support most of the provisions in this legislation. The explanatory memorandum states:

This Bill better protects the community from the dangers of child sexual abuse by addressing inadequacies in the criminal justice system that result in outcomes that insufficiently punish, deter or rehabilitate offenders. The Bill targets all stages of the criminal justice process, from bail and sentencing through to post-imprisonment options.

Senator Watt went through the schedules to this bill in some detail and made it clear that the Australian Labor Party does not support schedule 6. I can indicate to the Senate that that is also the position of the Australian Greens. It's worth pointing out, before I go to that in detail, that there were some submissions to the committee inquiry into this legislation which raised some technical concerns with various other parts of this bill, and that is why the Greens, in our dissenting report to that inquiry, recommended that the bill be withdrawn and redrafted without mandatory minimum sentencing and with consideration of the technical concerns raised in various legal submissions to this inquiry.

With regard to mandatory minimum sentencing, unfortunately the government has continued its evidence-free ideological agenda of attempting to legislate—and, in some cases, legislating—mandatory minimum sentencing. We will also be moving amendments in the committee stage which seek to remove schedule 6 and insert a requirement for a review. Ultimately, the government's position here is ideological, because evidence just doesn't support the government's agenda. There is any amount of research by sentencing experts, by criminologists, by justice experts, that has found that mandatory sentencing actually increases the likelihood of recidivism because, among other reasons, it makes offenders less likely to plead guilty and cooperate with authorities. For lower level offences, it places offenders in prison, where they are in, basically, a learning environment for crime and associating with people convicted of similar offences. It reinforces criminal identity and fails to address the underlying causes of crime.

To put into shorthand what all that evidence taken collectively shows, people who commit crimes, including crimes against children, don't believe they're going to get caught. So the best way to deter people from committing those crimes is to increase the chances that they will be caught. Because they don't believe they're going to be caught, mandatory minimum sentences do not play into their thought processes, such as they are. This is well known and has been well known for decades. But no. In come the Liberals, as usual, for political purposes and ideological purposes, wanting to go out and say they are tough on crime, when, in fact, the evidence shows they are anything but.

We understand the evidence in this context, and our amendments are based on that evidence. Like Senator Watt, I'll be very interested to hear what some of the government senators can offer, by way of evidence, that shows that this kind of approach will deliver the outcomes they say it will, because all of the available evidence shows that it will not. I'm not after sweeping motherhood statements here from coalition senators; I'm after actual evidence.
As I said, we submitted a dissenting report to the Legal and Constitutional Affairs Legislation Committee inquiry into this legislation. In a submission to that inquiry, the Sexual Assault Support Service wrote:

Whilst we are strongly supportive of reform to strengthen punishments against those who sexually abuse children, we do not feel that there is sufficient evidence to suggest that mandatory minimum sentencing is an effective response.

Of course the Greens consider sexual offences committed against children to be extremely serious. We believe serious sex offenders should receive appropriate sentences that are, as submitted to the inquiry by knowmore, which is a nationwide free legal service for victims and survivors of child abuse:

… in line with increasing societal understanding of the seriousness of [sexual crimes against children] and the enduring impact of such offences on survivors.

However, the Greens, along with knowmore and most other legal experts and associations, do not believe that this includes mandatory minimum sentencing. One of the reasons we don't believe that kind of approach includes mandatory minimum sentencing is that it undermines fundamental rule-of-law principles and puts at risk enduring public safety outcomes. Sentences should be determined by the courts on the merits of each case, and mandatory minimum sentences fly against that principle.

One matter we will seek some clarity on, when we move into the committee stage of this legislation, relates to the offences of causing a child to engage in sexual activity with another person, using a carriage service, where the other person is also a child. I would place the minister and his advisers on notice that we would like to understand how, in that case, it would intersect with other pieces of legislation. For clarity, where the alleged perpetrator is themselves a minor, how would those provisions operate?

As I've said, we have an amendment to remove schedule 6 from this bill. We won't be opposing this legislation. We would like to see it passed without schedule 6, but we won't be opposing the legislation, because, as I indicated at the top of my speech, most of the provisions of this legislation are strongly supported by the Greens.

Senator STOKER (Queensland) (13:10): The Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 is a bill that is close to my heart. As a mother of three girls, I know how terrifying the prospect of child exploitation, starting from the online world, is to parents. As a barrister and former prosecutor, I have dragged ordinary people before the courts to answer charges of the most abhorrent behaviour—acts that make me feel sick to my stomach to recall them. Over and over, I heard defence counsel say crimes about child exploitation images are victimless crimes. Victimless crimes? It made me so angry because in every picture there was a real child—a barbaric moment of their short lives was captured and circulated among the most repugnant people on the internet for their own gratification.

Sadly, those image based offences are not the worst offences. Child abuse is ordered over the internet—barbarism inflicted to order, in exchange for cash, upon children anywhere in the world. Children are abducted and held prisoner for this vile business, and their innocence is sold by their parents, the people who are supposed to protect them. Grooming of children over the internet for sexual abuse is too common, too easy, yet it is so hard to counter in a time when digital connectivity has never been greater. Indeed, with more children of late being at home and learning and spending their recreation time online, the risk has never been higher. Last year there were 18,000 complaints made in Australia about crimes of this kind. That was double the year before. Authorities are expecting that number to increase again this year.

I have worked with and I deeply respect those people who continue to work to protect all of our children from these kinds of nasty paedophiles. The police officers in Task Force Argos, based in Queensland, my home state, are right up there with the best in the world. They work with and are trusted by their international counterparts, because these crimes have puzzle pieces spread all over the internet and all over the world. To the girls and boys of Task Force Argos: thank you very much. To the champions at the AFP, my former employer: thank you. Your enduring these horrible crimes every day makes our community safer for all of our children. At a personal level, I know it often takes a really serious personal toll on each and every one of you.

Here's something that victims, parents, investigating officers and prosecutors have to deal with every day: the penalties imposed for these offences are too often too low. In 2018-19, 39 per cent of convicted Commonwealth child sex offenders did not spend a single day in prison—not one. I think the mums and dads at home would be horrified to hear that statistic. It's important we value the discretion we give to judges to weigh up the circumstances of the case, but it's not as though the need for these penalties to be taken seriously is a message that is new. It's not something anyone could be taken by surprise on. Thirty-nine per cent spend not a single day in prison. Despite the innocence of children stolen, it just does not wash.

So what does this bill do? Well, it does four things, broadly speaking. Firstly, it introduces new offences related to grooming activities and websites and online platforms that are designed to host child abuse material. Secondly, it introduces new aggravated offences for the most horrific types of child abuse engaged in while someone is
outside of Australia, which again, sadly, is far too common, where an Australian travels to another country and
inflicts upon a child—who is not Australian, usually—cruel, inhumane and degrading treatment. Thirdly, it
implements a range of presumptions against bail and presumptions for imprisonment, meaning it will be more
likely that child sex offenders go to prison, that they stay there for longer and that it is harder for them to get bail.
Finally, it introduces mandatory minimum sentences for the most serious types of child sex offences and for those
who are repeat offenders, to address the completely unacceptable situation we face at the moment of 39 per cent
of offenders last year not spending a single day in jail. The bill also implements recommendations from the Royal
Commission into Institutional Responses to Child Sexual Abuse to protect vulnerable witnesses by allowing them
the automatic right to give evidence via a video recorded interview and prohibiting their cross-examination at
committal to minimise the number of times the horror of their experience need be revisited upon them.

This bill complements a wide range of reforms that have already been brought in by the coalition in this field.
We brought in tough new measures to stop child sex offenders from travelling overseas to abuse children; we
brought in Carly's Law, which targets online predators who use the internet to prepare or plan to sexually abuse
children; and we have brought in a range of recommendations arising from the royal commission that I mentioned
a moment ago that improve the Commonwealth framework for offences relating to child abuse material, overseas
criminal sexual abuse, the use of child-like sex dolls, forced marriage, the failure of people to report child sexual
abuse—a very important recommendation arising from the royal commission—and the failure to protect children
from such abuse.

We have heard some interesting remarks from those on the Labor side today about how committed they are to
this bill, but none of that hides the facts. The first of those facts is that Labor refused to support this bill when it
was last before the parliament, in 2017. So they might talk the talk but they definitely don't have a record of
walking the walk. And, as they foreshadow their plans to bring in amendments to this bill today to remove those
aspects that are directed at increasing the penalties that are inflicted upon convicted child sex offenders, we see
more evidence that they don't quite have the stomach to do what needs to be done today either. They say they
don't support mandatory sentencing on principle, and I understand that mandatory sentencing is a very serious
measure, but it strikes me that offences don't get all that much more serious than these. In any event, those
opposite are not consistent in their application of their opposition to mandatory sentencing on principle. If they
truly oppose mandatory sentencing, why, under the Rudd-Gillard-Rudd government, did they support introducing
mandatory sentencing for people who engage in people-smuggling offences? If people smuggling is serious
enough to justify mandatory sentencing and to allow the principles of the Labor Party to be set aside, well, why
not this? Why not the safety of your children? Why not the safety of my children? I have no qualms in standing up
for the measures in this bill any day of the week. So let's go to what they are.

The first thing that was said by those on the other side about mandatory sentencing, both in the committee
report and before the chamber today, was that there is very little evidence that mandatory sentencing increases
public safety. They say that's the reason why they don't support it on principle. Well, if that were the case, they
wouldn't have supported mandatory sentencing in the past. It's also not borne out by circumstances where
mandatory sentencing has been effective. I'll give you an example. When the Western Australian state Liberal
government introduced mandatory sentencing provisions for assaults against police and other officers, in just a 12-
month period—almost immediately—there was a 28 per cent drop in assaults against police. Twenty-eight per
cent is an awful lot of difference. That's just one of many examples. To say that there is zero evidence of the value
of this sits very uncomfortably with the Western Australian experience as well as with Labor's past conduct.

The other thing we can say about this is that the academic opposition to mandatory sentencing that is often
proffered is that it's insufficiently flexible to provide reasons for people to cooperate with the justice system.
What's interesting about that is that the arguments about mandatory sentencing that have been brought to this
chamber today have ignored the fact that the way these mandatory minimum penalties have been structured in this
bill isn't the kind of flat mandatory sentencing that is analysed in the academic context. In fact, this bill provides
for considerable flexibility so that there remain incentives for people to plead guilty to their offences, for instance,
and for people to not reoffend. Those mandatory elements kick in at the second offence. So it really is a shallow
analysis to say that the academic arguments proffered against mandatory sentencing apply here.

Let me explain how it's going to work in this context. If a total sentence is three years or less, a court retains the
ability to fully suspend a sentence but only in very limited circumstances—where it is satisfied that there are
exceptional circumstances. Those opposite suggest that the removal of flexibility is going to see people refuse to
plead guilty because their particular circumstances aren't going to be able to be taken into account, but there is
flexibility in the bill for those sentences of three years or less. Those sentences that are of more than three years
are the really serious ones, and I'm pretty comfortable that, for very serious child sex offences, a mandatory
penalty to be served in custody passes the pub test.
The real-life stories here should be enough to bring tears to the eyes of those opposite, those who are scoffing now at the fact that this stuff is unacceptable. I'll give you an example. A Brisbane man named Gordon Chalmers was an academic, a teacher who connected well with his students. He's alleged to have committed 931 offences against children. His tactics were explained by the police officers involved in that case. He'd pretend online that he was Justin Bieber and strike up a conversation with children—girls as young as 13. One hundred and fifty-seven children fell into his trap. But he wasn't Justin Bieber. He was a polite, bookish, 42-year-old husband and a father of two who allegedly sent messages in the voice of Justin Bieber. He listened. He was a friend to those children online. Then, after isolating them and turning them to distrusting their parents, he'd ask for a naked selfie or a brief pornographic act. He convinced those children to do things they would never have done otherwise, and then, once he had that digital image or video in his hand, he would use it to blackmail them into real-life abhorrent acts. This isn't in any way unique. This is the reality that parents face now.

I'm proud of the work this government's been doing to try and help parents understand what they need to do to protect their children and the role that every parent must play in being vigilant, making sure they know not just what their children are doing online but the ins and outs of how those programs and apps are used. But this isn't a problem that's going away, and this government is prepared to fight it every day of the week.

**Senator FIERRAVANTI-WELLS** (New South Wales) (13:25): I rise to speak on the very important Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019. We must remain resolute in our commitment to protect children from all forms of abuse. As a former chair of Father Chris Riley's Youth Off The Streets and having supported his work over many years, I have seen firsthand the effect of child abuse on young people. Indeed, in my maiden speech, on 14 June 2005, some years ago, I referred to Father Chris and his teachings to me that there's no such thing as a bad child—just bad circumstances. And I stated that I had come to understand the resilience of our young against terrible adversity and that a child was abused every 13 minutes across Australia—and we were talking back in 2005—and that the perpetrators of crimes against children and those who protect them deserve the severest of punishments. We must confront and end child abuse and the exploitation of youth once and for all. So fast-forward 15 years, and here we are. Let's not forget that those who are abused do go on to abuse themselves and therefore we need to be strong and decisive in our actions so that this cycle is broken.

In a speech to the National Press Club on 19 February 2020, AFP Commissioner Reece Kershaw spoke about countering child sexual exploitation and abuse and he stated:

Today I want to lift the lid on society's dark secret. I want to shine a light on the ever-increasing online exploitation of our children, by those that seek to do them harm. Deviant and perverted offenders, with global reach, who are using the dark web to evade law enforcement detection and commit heinous crimes against our most vulnerable.

... ... ...

Over a decade ago, the AFP received about 300 referrals for online child exploitation material a year. Last year the AFP had just under 17,000.

Indeed, on 28 May this year, the commissioner made comments which I think are very, very pertinent to our discussion today. He talked about the increase of exploitation because more people were spending more time on the dark web. He says:

People probably don't realise that it's child abuse, it's rape, it's torture. It's horrific. It's not naked young girls or naked young boys. These are people who are being sexually assaulted—sometimes in real time. Those videos are shared. It's absolutely abhorrent. My view is that these individuals are hardwired this way. I personally have not seen any study that says you can be rehabilitated. That means they will continue to offend.

So therefore it's vitally important that we pass this legislation. In commending the commissioner for his comments at estimates on 2 March earlier this year, and most particularly about comments in relation to paedophiles being hardwired, which I agree with, I stated that the current sentences were not keeping up with community expectations. I asked him whether the time had come for higher mandatory minimum sentences for paedophiles, but immediately Senator McKim—and I see him over there—took a point of order arguing that it was outside the scope of estimates, and for good measure Senator Keneally also chimed in on the same point.

Sadly and for too long, people who sexually abuse children have been receiving grossly inadequate sentences. It's time to send a clear message to perpetrators that their behaviour will not be tolerated, and this is why this legislation is so important. It will strengthen Commonwealth laws in order to provide greater protection to the community through deterrence and punishing child sex offenders. It does four broad things. Firstly, there are new offences relating to grooming activities and for websites and online platforms designed to host child abuse material. Secondly, it introduces new aggravated offences for the most horrific types of child abuse engaged in whilst someone is outside of Australia, including where the child is subjected to cruel, inhumane or degrading treatment—the very sort of thing that the police commissioner was referring to. Thirdly, it implements a range of
presumptions against bail and presumptions for imprisonment, meaning it will be more likely that child sex offenders will go to prison and stay there longer and it will be harder for them to get bail. Fourthly, it introduces mandatory minimum sentences for the most serious child sex offences and those who are repeat offenders to address the completely unacceptable situation where last year 39 per cent of offenders did not spend a single day in jail.

On the question of mandatory minimum sentencing, this is really what lies at the core of this legislation for the most serious child sex offenders and repeat offenders. I'm concerned that personal beliefs and behaviours may be influencing some judges, and this is reflected in more lenient sentences. I believe the time has come for judges to be positively vetted through some review process before they are appointed to the bench. This will require personal disclosures to ensure conflicts of interest do not arise. Difficult though this may be, I think it is a reform that is necessary.

So let me go back to the bill. It also implements recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse to protect vulnerable witnesses by allowing them to automatically give evidence via a video recorded interview and prohibit cross-examination at committal hearings. The bill complements a broad package of reforms which have already been introduced by the coalition, including tough new measures to stop child sex offenders from travelling overseas to abuse children; Carly's Law, which targets online predators who use the internet to prepare or plan to sexually abuse children; and the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019, which implements a number of recommendations from the royal commission and improves the Commonwealth framework for offences related to child abuse material, overseas child sexual abuse, childlike sex dolls, forced marriage, failure to report child sexual abuse and failure to protect children from such abuse.

We hope that those opposite will change tack on this important bill. We know that Labor refused to support this bill when it was brought before the parliament, in 2017, and we know Labor doesn't have the political will to tackle these abhorrent crimes. We know Labor is divided and not focused on passing these changes. On 3 September last year, the Leader of the Opposition said that people who engage in vile acts against children should have the book thrown at them. Right! However, the day after, an article in the *Canberra Times* entitled 'Labor weighs paedophile mandatory penalties' said:

"Sometimes what it can lead to is less convictions rather than more," Mr Albanese told 5AA Radio on Wednesday.

"Because judges or juries will make the view that because it's mandatory sentencing, all of the circumstances can't be factored in."

This is a nonsensical argument. It is completely at odds with community expectations. Australians are absolutely appalled to hear that, last year, 39 per cent of child sex offenders didn't spend a single day in jail. The community expects that child sex offenders go to jail, and this is precisely what this bill will allow.

We know that the Greens and parts of the Labor Party don't support mandatory sentencing, on principle. As I indicated earlier, both Senator McKim and Senator Keneally tried to shut me down at estimates when I was seeking to pursue the issue with Commissioner Kershaw, so I don't hold out much hope that they will come on board. Of course, as Senator Stoker said earlier, this position only applies when it suits them, given that they legislated mandatory minimum sentencing for people-smuggling offences in 2010, during the failed Labor-Greens alliance government. Does that mean that Labor does not think that child sex offences are as serious as people-smuggling offences? The Australian public, of course, believes that sex offenders are very, very serious and therefore sex offences are very, very serious and should therefore attract the highest possible sanctions.

In the inquiry into the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019, Labor said:

The problems created by removing judicial discretion in sentencing are well attested. As the Law Council of Australia stated in its *Discussion Paper on Mandatory Sentencing* (May 2014) there is very little evidence that mandatory sentencing increases public safety. On the contrary, the evidence is that it may have the opposite effect. Mandatory sentencing increases the incentive for defendants to fight charges and may increase the risk of recidivism.

This is not true—absolutely not true. When the Western Australian state Liberal government introduced mandatory sentencing provisions for assaults against police and other officers, there was a 28 per cent drop in assaults against police in just a 12-month period.

Those opposite now have the opportunity to right the wrongs of the Shorten Labor opposition and support these important changes. It's incumbent on the Leader of the Opposition to stand up to those people in his party who, because of some ridiculous left-wing ideological position, oppose mandatory sentencing of child abusers. He needs to stand up, and those opposite need to stand up, for Australian families and support this critical legislation so that our community can be protected against the evils of child sexual abuse.
In the time left to me, I would like to return to the speech of the Australian Federal Police commissioner and some of the comments that he made. The reason we need to pass this legislation is to support him and his officers in their efforts. He said:

I want you to know, law enforcement fights for those who can't, we speak for those who can't. And our basic mission is to prevent crime and disorder—but I want to not only prevent, but defeat and eradicate this crime.

The dark web, as the commissioner says, provide anonymity not only for individuals and networks but for whole websites—servers and untold volumes of material. We owe it not just to this generation but to future generations, because of the insidious nature of child abuse. As I said earlier, those who are abused themselves go on to abuse. Therefore, if we don't break this cycle we will be having this debate in years to come. Indeed, in years to come it will be much worse than it is today. So I urge those opposite to reconsider their position and support the government in passing this very important piece of legislation.

Senator CHANDLER (Tasmania) (13:39): Sexual offending against children is as abhorrent a crime as any a person can commit. The public rightly expects that the parliament makes it as easy as possible to catch these predators, prosecute them and put them in jail, where they can't harm children for a very long time. This bill, the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019, amends the Commonwealth Crimes Act and the Commonwealth Criminal Code to make a number of improvements to better protect the 'community from the dangers of child sexual abuse by addressing inadequacies in the criminal justice system that result in outcomes that insufficiently punish, deter or rehabilitate offenders'. These include provisions:

… to:

• insert community safety as a factor that can be taken into account to revoke the parole of an offender without notice;

• insert new aggravated offences for child sexual abuse that involves subjecting the child to cruel, inhuman or degrading treatment, or which causes the death of the child;

• insert new offences to criminalise the "grooming" of third parties, including through the use of a carriage service, with the intention of making it easier to procure a child for sexual activity in Australia or overseas;

• insert additional aggravating sentencing factors that apply when a court is sentencing for certain child sex offences, including considering the age and maturity of the victim and the number of people involved in the commission of the offence;

• increase the maximum penalties for certain Commonwealth child sex offences;

• introduce a mandatory minimum sentencing scheme to apply to the Commonwealth child sex offences that attract the highest maximum penalties, and all other Commonwealth child sex offences if the offender is a repeat child sex offender;

• insert a presumption against bail for Commonwealth child sex offences that attract the highest maximum penalties, and all other Commonwealth child sex offences if the offender is a repeat child sex offender;

• make it an aggravating factor in sentencing if a federal offender used their standing in the community to assist in the commission of an offence;

• ensure that when sentencing a Commonwealth child sex offender, the court must have regard to the objective of rehabilitating the person, including by considering whether to impose any conditions about rehabilitation and treatment and considering if the length of sentence is sufficient for the person to undertake a rehabilitation program while in custody;

• insert a presumption in favour of cumulative sentences for Commonwealth child sex offences—and

• insert a presumption in favour of Commonwealth child sex offenders serving an actual term of imprisonment …

In contributing to the debate on this bill today, I will focus my comments on the measures within the bill which relate to the sentencing of child sex offenders, measures which I strongly believe in and which I am gobsmacked to hear that the Labor Party will seek to remove from the legislation by amendment today.

I am one of many Australians who feel that courts across this country have lost their way when it comes to sentencing of child sex offenders. Every week we read of horrific cases of child abuse where offenders get a suspended sentence or six months in jail or just a few years in prison for the rape of a child. These light sentences are wildly out of step with community expectations. They amount to the courts taking a deliberate risk, an unacceptable risk, that a convicted paedophile will abuse a child again in the future. I've spoken previously on the public record about the need for courts to better differentiate between lower-level crimes and perpetrators of the
worst category of crimes, like child sex abuse and terrorism—offences where we should not be releasing offenders back into the community just to test a theory that they might be rehabilitated and won't again cause harm.

For property crimes or drug related crimes we accept as a community that there is a level of risk when an offender is released, and we tolerate that risk because it is ultimately in the interest of the community that these people are given a chance to rehabilitate, prove they can live within the law and contribute positively to society. This logic of giving an offender a chance has absolutely no place when it comes to terrorists or people who sexually abuse children. I do not accept that a court should roll the dice on the abuse of children by giving a convicted child rapist a second chance. The risk that an offender may abuse another child because the court speculated on their likely rehabilitation is not a risk we should ever accept. It isn't contested that a convicted paedophile is a risk to children after they're released from prison. That's why we have sex offender registers that record where these offenders live. Those registers are not an academic exercise. They are there to record the names and locations of people we know to pose a risk of abusing children again.

What kind of system is this, where we catch a person who abuses children, convict them in court and then let them out again while acknowledging they still have a high risk of harming another child? The only time when we can be sure that convicted paedophiles won't harm children is when they're in prison. Yet the courts consistently pass up the opportunity to apply anywhere near the maximum life sentences, even for the most horrific examples. The difference between an offender walking free from court after being found guilty and an offender receiving a seven-year mandatory jail sentence—which this bill provides for, with a number of offences—is over 2,500 days, during which a predator is in the community and has the opportunity to inflict more abuse on children.

This is not a hypothetical scenario. Evidence presented to the Senate inquiry conducted by the Legal and Constitutional Affairs Legislation Committee, of which I am a member, showed that, according to one study, 20 per cent of child sex offenders were caught reoffending again within six years, and that's just the ones who were caught and convicted. So, in at least one in five cases, letting a child sex offender walk free can be expected to result in more children being abused, and this should be utterly unacceptable to us as a nation. We know that the rate of convictions resulting in custodial sentences is low, meaning many child sex offenders are released straight back into the community. From 1 February 2014 to 31 January 2019, 40 per cent of sentences for Commonwealth child sex offences did not result in a custodial period. For those offenders who did receive a custodial sentence during this time, the most frequent custodial period recorded was just six months. Again, this is completely unacceptable, and something must be done. That's why we need mandatory sentencing for child sex offenders.

Personally, I hope that the provisions in this bill are just the first step towards a complete recalibration of sentencing for child sex offenders in this country. People who rape and sexually abuse children are the worst of the worst, alongside terrorists, murderers and rapists. And, far from a reduction in the sexual abuse of children, instances of child sex crimes are escalating dramatically. Last year, the Australian Federal Police received almost 18,000 reports of child exploitation involving Australian children or Australian child sex offenders. This number has almost doubled from the previous year. That's ample evidence that current sentencing does nothing to deter people from committing these crimes. Eighteen thousand reports of child abuse—sadly, there would be an equally disturbing number of cases which aren't reported.

Having sat through two Senate committee inquiries into sex offence crimes, I can list several arguments used against mandatory sentencing for sex offenders which I find to be particularly spurious. The first of these arguments—and this is the one most commonly brought up by legal groups and by the Labor Party—is that there isn't evidence to show that tougher sentencing will deter people from committing these crimes. We've had an increase of almost 100 per cent in reports of child abuse, and you don't want to even try and send a stronger deterrence message? Surely any attempt to increase deterrence is worth a try. What's the downside? That paedophiles spend longer in jail? Good—they deserve to. Deterrence is certainly not the only reason, or even the main reason, to implement mandatory sentencing. In my view, the No. 1 reason for mandatory sentencing is the increased community protection from having predators behind bars for a significantly longer period than we're currently seeing. A paedophile can't harm a child while they're in prison; when they're out of prison, they can. It's that simple.

Another spurious argument against mandatory sentences is that reoffending after release somehow proves that prison is contributing to the reoffending. I find this a completely backwards argument. If a paedophile reoffends after leaving prison, that demonstrates that the community would have been much safer if that person had still been behind bars. Courts should not be gambling on the assumption that paedophiles might learn their lesson and see the error of their ways. The consequence of them being wrong is another child being abused, when their abuser could've been in jail. Community safety and, most importantly, the safety of children must always come first.
That's why this government is legislating for additional mandatory jail time for a second or subsequent conviction for child sex offences—an important step. I note that the organisation Bravehearts has advocated for consideration being given to introducing mandatory life sentences for persistent offenders. I certainly support that proposal—most importantly, at the state level, as states have jurisdiction over so many of the most serious forms of child abuse. And, if the courts are giving weight to the chances of rehabilitation, why does the evidence show that current sentencing practices are delivering sentences too short for offenders to even complete the rehabilitation programs that they're offered in prison? The most common sentence, of six months, is not long enough to complete or even commence rehabilitation programs, according to state correctional services. The effectiveness of rehabilitation programs for child sex offenders is doubtful, and I don't think we should be relying on their effectiveness, but it has to be better that offenders are in jail long enough to complete a rehabilitation program rather than being released before the program finishes.

I want to conclude my contribution today by reflecting on the views of victims of child abuse—people who deserve to be listened to because they know, more than anyone, the damage done by these heinous predators. The Senate Legal and Constitutional Affairs Legislation Committee inquiry into this bill heard that it is the common view of survivors that sentences for child sexual offences should be more severe and survivors report feeling let down after the stress and, often, trauma of the trial process. We heard that it is especially difficult for survivors when actual imprisonment is not imposed. The Carly Ryan Foundation submitted that:

Current sentencing for these and other appalling crimes against children is currently completely inadequate in each state often resulting in suspended sentences or sentences delivered of only a few months. The Australian community expects our legal system to deliver justice for such inexcusable and horrendous crimes against children and those victims of crime deserve this justice given the life long suffering endured if the victim survives the offence committed against them.

Victims of abuse deserve better. Victims of abuse deserve justice. They deserve to know that it will be a very long time before their abuser is back in the community. Most of all, those who are yet to come forward deserve to know that if they go through the pain and trauma of reporting their abuse then it will be worthwhile, and they won't see their abuser found guilty and convicted yet walk free from the court or just get a slap on the wrist of a six-month sentence.

That's why I'm so disappointed that Labor are seeking to deny justice to the victims of child sex crimes by removing the mandatory sentencing element from this legislation with their amendment today. In a democratic society, it is the job of elected parliaments to make laws, including sentencing laws. The constant suggestion that it's inappropriate for us in this place to make laws which reflect the views of the community because this limits judicial discretion is a tiresome misrepresentation of the role of democratically elected parliaments. We have courts and judges to apply the laws, not to make them. That's our job. So, to those who say we can't implement mandatory sentences for paedophiles because it implies that the community doesn't have faith in the courts to hand down adequate sentences, I say this. I can assure you that, when 40 per cent of convicted child sex offenders don't spend a day in prison, the community does not have faith in the way courts are sentencing for child sexual abuse. Now is the chance for this parliament to do as the community expects and send the strongest possible message that child sexual abuse is the most abhorrent of crimes and the perpetrators should be put behind bars for a long time, every time. I commend the bill to the Senate.

Senator ANTIC (South Australia) (13:54): I rise to speak in support of the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019. The Australian Institute of Health and Welfare annual report on child protection last published in 2018-19 noted the following: 171,300 investigations were conducted for 115,700 children in 2018-19. Sixty-two thousand seven hundred claims of child maltreatment were substantiated for 47,500 children. In 2018-19, emotional abuse was the primary type of abuse substantiated for children, at 54 per cent, followed by neglect at 21 per cent, physical abuse at 15 per cent and sexual abuse at 10 per cent.

Too often our children, the victims of these crimes, are seen as just a statistic. The bill before us today ensures that these children will not be just a number on a page. The Morrison government sees these victims and their families, who are devastated by these monstrous crimes, as more than just a statistic. Each number represents a child, a family unit or a community group that is forever scarred by this offending. What is gut-wrenching is that the full prevalence of child sexual abuse, both domestically and internationally, is largely unknown. But this bill is a commitment from the Morrison government to protect children from sexual abuse.

Too often do we hear it alleged that the perpetrator has reformed or that they have learnt their lesson from their actions and therefore deserve a lesser sentence. But these children and their families get a life sentence, and they are left with the scars and left to pick themselves back up. From the moment of those unforgivable and inexcusable acts, the lives of these individuals are changed forever. No matter how hard they try to pick up the pieces, it will never be the same.
South Australians will remember the harrowing story of the 'two masked brothers' matter, a matter that was watched closely by the local community in South Australia. They will recall the masked brothers, who were victims of an abuser, and they will remember their advocacy regarding child abuse and the field of innocence on Montefiore Hill in Adelaide. The offender was found guilty of nine counts of indecent assault and one count of unlawful sexual intercourse against three boys aged between 14 and 16 and was sentenced to six years imprisonment, with a two-year non-parole period, back in 1996. The offender was released in 1997 after the sentence was backdated to commence from the date of arrest. In 2018, the offender was again charged with and pleaded guilty to six counts of offences of a sexual nature against children, and in this instance the offender was sentenced to six years, seven months and six days imprisonment for those offences committed against the two brothers. The offender filed an appeal to serve out his sentence in home detention, claiming that there was no longer an appreciable risk to the safety of the community, due to advanced age and self-reports of diminished libido and sexual interest. The appeal was ultimately dismissed, and the offender now serves a custodial sentence. As you can imagine, Mr President, this case caused great angst throughout the community in South Australia, and it is a stark reminder of why it is that we need strong legislation in place, because the masked brothers were real people whose lives had been turned upside down by this offending. A victim gets a life sentence, and this is why we need strong legislation for these types of offences.

I use this as an example, as the community expects strong action in relation to such heinous offending, and I share this story to remind us that every single number in those statistics amounts to a life that has been forever changed. According to the Australian Bureau of Statistics' most recent personal safety survey, in 2016, an estimated 7.7 per cent of Australians had experienced childhood sexual abuse before the age of 15, with the average age at which the abuse started being approximately eight years old. Of the 1.4 million survivors of abuse in Australia, the majority knew the perpetrator and experienced multiple incidents. Last year, the Australian Federal Police received almost 18,000 reports of exploitation involving children or Australian child sex offenders, and this number has almost doubled since the previous year. This parliament must show that this behaviour—

Debate interrupted.

QUESTIONS WITHOUT NOTICE

HomeBuilder Scheme

Senator GALLACHER (South Australia) (14:00): My question is to the Minister representing the Prime Minister, Senator Cormann. Assistant Treasurer Sukkar has said about the Home Builder scheme: ‘Our view has been that this is a jobs program. It is going to support half a million jobs in the residential construction industry.' Does the Prime Minister, Mr Morrison, stand by these numbers?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): HomeBuilder, of course, is a very important program that recognises that the residential construction sector is of critical importance to the Australian economy, which is why a number of state governments, including the state Labor government in my home state of Western Australia, have taken certain measures to support that sector. Pre-COVID, the residential construction sector forecast commencements of 171,000 compared to a forecast of 11,000 post-COVID commencements. HomeBuilder is expected to boost residential construction activity, directly supporting 140,000 tradies and a further up to one million jobs indirectly in the residential construction sector. These are, of course, estimates and, as always with estimates, will monitor the implementation of this very important scheme. HomeBuilder is primarily about the new construction of dwellings, with Treasury expecting around 20,000 new dwellings to be supported by the policy compared to around 7,000 substantial renovations. So far over 22,500 have registered their interest.

The PRESIDENT: Senator Gallacher, a supplementary question?

Senator GALLACHER (South Australia) (14:02): Analysis by Credit Suisse has described the HomeBuilder program as 'disappointingly small'. The research note goes on to say: 'We doubt that the incentives delivered are large enough nor the eligibility criteria wide enough to really move the needle.' Why couldn't the government design a program that was capable of moving the needle in the construction sector?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): Clearly, we have made judgements based on what we believe is appropriate in the circumstances. Everybody will have their own view. Some people would like us to spend more; others would like us to spend less. We made a judgement about what we believe is appropriate in the circumstances but of course everybody is entitled to their own views.

The PRESIDENT: Senator Gallacher, a final supplementary question.

CHAMBER
Senator GALLACHER (South Australia) (14:03): The president of the Grattan Institute described the Prime Minister's announcement as: 'Classic retail politics but lousy economics.' Australia has entered its first recession in 29 years. Is now the right time for the Prime Minister to be indulging in his passion for spin over substance?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:03): We on this side completely disagree with the assertion made by the Grattan Institute but we are used to the fact whatever we do there will be commentary from all sides, including the sorts of commentary that Senator Gallacher has just read out. We will continue to make judgements based on what we believe is in the best interests of working families around Australia, including what is in the best interests of those Australians working in the residential construction sector.

Economy

Senator BRAGG (New South Wales) (14:03): My question is to the Minister for Finance, Senator Cormann. Can the Minister inform the Senate how the Morrison government is driving the nation's economic recovery from COVID-19?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): I thank Senator Bragg for that very important question. Of all OECD economies, Australia is expected to have the third-lowest fall in GDP in 2020. Nevertheless we do have a very significant challenge in front of us as a nation. We will still have a very significant mountain to climb. Compared to our MYEFO forecasts, it is expected that over $100 billion of economic activity has been lost this year as a direct result of the COVID-19 pandemic. We expect that it will take us two years to get back to the level of economic activity we were at pre-COVID-19, but our government has a plan to lift growth not just in the next few months but over the next five years. Our focus will be on jobs, jobs and jobs, providing the confidence and incentive for businesses to invest and to hire. We have done it before and we will do it again. More than 1.5 million jobs were created across Australia under our government before COVID-19 hit.

Increased investment in infrastructure will continue to be a central part of our plan, and today the Prime Minister announced our commitment to invest a further $1.5 billion to start work on smaller priority projects identified by the states and territories. $1 billion will be allocated to priority projects which are now shovel-ready, with $500 million reserved specifically to target road safety works. That further $1.5 billion builds on around $7.8 billion worth of projects we've brought forward since November last year. In total, our government has committed $180 billion in economic infrastructure over the next decade, with more than half allocated across the forward estimates. We have also announced a priority list of 15 major projects, worth more than $72 billion, in public and private investment.

The PRESIDENT: A supplementary question, Senator Bragg?

Senator BRAGG (New South Wales) (14:06): Can you inform the Senate why this is the responsible path to economic recovery?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:06): Restoring growth and getting Australians back into work are critical when it comes to our budget repair effort moving forward. Our budget has taken a hit not just because of the necessary expenditure to support the economy, businesses and jobs through this crisis period but also because of the impact of falling revenues.

Our expenditure measures were targeted and time limited, but the impacts on revenue will be longer lived as the economy makes its way back. That is why we will have to recalibrate our fiscal strategy. We will do that in a responsible way. The budget will be balanced—again, by keeping expenditures under control while boosting revenues through pro-growth policies that lift investment and get Australians back into work. We will not pursue excessive authority nor higher taxes. We will pursue growth and responsible budget management that ensure that the government lives within its means while still guaranteeing the essential services that Australians rely on. We must be very cautious about our expenditure as we navigate our way back.

The PRESIDENT: Senator Bragg, a final supplementary question?

Senator BRAGG (New South Wales) (14:07): Can the minister inform the Senate about the risks of taking a different economic and fiscal policy direction?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:07): Any suggestion to keep the significantly elevated levels of spending going on forever and ever would harm our economy and harm our budget. It would harm our capacity to fund the essential services of government on a sustainable basis. That is because it would require higher taxes over time, which would harm growth. I know that the socialists on the other side find that very hard to understand.
Harming growth would harm government revenue over time. That of course has always been the Labor way: higher spending funded by higher growth-destroying taxes. Our government put our country on a sustainable and responsible path and will give the nation the best possible opportunity to thrive on the other side of this crisis. The Australian people know this is a government that delivers pro-growth, lower-tax, pro-business and pro-opportunity policies, whereas those on the other side, given half a chance, would go back to impose higher taxes, which lead to fewer jobs—

**HomeBuilder Scheme**

**Senator GREEN** (Queensland) (14:08): My question is to the Minister representing the Prime Minister, Senator Cormann. The design of the government's HomeBuilder program has been criticised internally and publicly. Housing experts are concerned that the HomeBuilder program won't deliver for regional areas, where the required spend will overcapitalise existing houses. The LNP member for Herbert and LNP member for Leichhardt have raised concerns that renovations for houses in their electorates will not meet the $150,000 threshold. Minister, how many Australians in regional areas does the government estimate will access the HomeBuilder program?

**Senator CORMANN** (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): I thank Senator Green for that question. Regional areas will benefit from the new construction component comparatively more than other areas, as house and land prices are lower there, allowing them potentially a larger build while remaining under the cap. It is true that we've also included a substantial renovation component as part of this program. That is in recognition of the fact that many Australian families can't afford to buy a bigger home, so a substantial renovation is the best way of supporting a growing family. That is why we've designed the program we have, and we stand by the program, but feel free to keep throwing rocks at it. *(Time expired)*

**The PRESIDENT:** Senator Green, a supplementary question?

**Senator GREEN** (Queensland) (14:10): Senator Canavan has said about the HomeBuilder program, 'I'm worried we are putting ourselves in a weaker position if asset prices in Australia were to fall.' Does Mr Morrison agree with Senator Canavan?

**Senator CORMANN** (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:10): Our focus and our commitment is to put Australia in a stronger position.

**The PRESIDENT:** Senator Green, a final supplementary question?

**Senator GREEN** (Queensland) (14:10): The member for New England has said about the HomeBuilder program, 'I'm concerned about the complexity of trying to pay back that debt.' Does Mr Morrison agree with Mr Joyce?

**Senator CORMANN** (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:11): What Senator Green has clearly noticed is that, in the coalition, we've got lots of individual members and senators contributing to the policy debate, which is a fantastic thing. But let me also say to the member for New England and everybody in this chamber that, right around Australia, people are taking out loans to buy land and house packages every single day. People are going to take out loans in order to organise substantial renovations, obviously, on an ongoing basis. This is an important program that is designed to support jobs in the residential construction sector. We will continue to monitor its implementation as we are rolling it out, and we are confident that this is going to make a positive and necessary contribution.

**JobMaker Scheme**

**Senator ANTING** (South Australia) (14:12): My question is to the Minister for Employment, Skills, Small and Family Business, Senator Cash. Minister, as the global economy faces the greatest economic decline since the Great Depression as a result of the COVID-19 pandemic, how will the Morrison government's JobMaker plan accelerate infrastructure investment to drive our economic recovery and create jobs for Australians?

**Senator CASH** (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:12): I thank Senator Antic for the question. The Prime Minister today outlined the next phase of the government's JobMaker plan to support Australia and Australians' recovery from COVID-19. He announced that almost $72 billion of major infrastructure projects across Australia will now be fast-tracked under an agreement struck between the state, federal and territory governments. It will see approval times slashed by half and it will see the creation of 66,000 jobs.

As a government, we are also committing to a further $1.5 billion to immediately commence work on small priority projects identified by the states and the territories. One billion dollars will be allocated to priority projects
which are shovel-ready and half-a-billion dollars will be reserved specifically to target road safety works. This builds on the $7.8 billion worth of projects we've brought forward since November of last year. Fifteen major projects are fast-tracked for approval under a bilateral model between the Commonwealth and the states and territories. The projects include emergency town water projects in New South Wales; road, rail and iron projects in Western Australia; the Inland Rail from Melbourne to Brisbane; the Marinus Link between Tasmania and Victoria; and of course, Senator Antic, in your home state, the Olympic Dam extension in South Australia. These 15 job-creating investments will be brought forward by targeting a 50 per cent reduction in Commonwealth assessment and approval times for major projects from an average of 3.5 years to 21 months.

The PRESIDENT: Senator Antic, a supplementary question?

Senator ANTIC (South Australia) (14:14): Minister, how will the government's skills reform agenda support these job-creating infrastructure projects?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:14): The JobMaker program builds on the significant steps that the Morrison government is already taking to transform our training system to ensure that we have the skilled workforce that Australia needs. Our $585 million investment in our skills package is investing in supporting Australians to ensure that they have the skills that Australian businesses are telling us that they need. We're establishing the National Skills Commission to improve our skills and our labour market forecasting. We have established the National Careers Institute to evaluate the status of vocational education and training and to provide evidence based careers advice on vocational education pathways. We also are supporting, importantly, foundational skills for people with low educational attainment. These reforms are critical to support Australians into careers, to support Australian businesses to get the skilled employees that they need and to support our infrastructure investment as we recover from COVID-19.

The PRESIDENT: Senator Antic, a final supplementary question?

Senator ANTIC (South Australia) (14:15): Minister, how will the government's JobMaker plan bring Australians together and support the economy to rebuild following the COVID-19 downturn?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:15): The JobMaker plan is, of course, our road map for a new generation of economic success to guarantee the essential services that all Australians rely on. As we all reset for growth, the Morrison government's JobMaker plan will be guided by principles to secure Australia's future, and these principles include that we will remain an outward-looking, open and sovereign trading economy. We must seek to leverage and build on our strengths—an educated and highly skilled workforce that supports a thriving and innovative services sector, and a modern and competitive advanced manufacturing sector. And, of course, we must ensure that there is opportunity in Australia for those who have a go to get a go.

As we have shown, working together across states and across territories as Australians, we will be able to restore jobs and support the economic recovery that Australia needs as a result of COVID-19.

Gilespie, Mr Karm

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (14:16): My question is to the Minister for Foreign Affairs, Senator Payne. Australian citizen Karm Gilespie has been sentenced to death in Guangzhou, China, and has just 10 days left to appeal his verdict. He's been detained in China for 6½ years, and, according to media reports, many of his friends thought he had disappeared. Unlike other cases where Australians have faced the death penalty overseas, there's been no opportunity to mount a public campaign to support Mr Gilespie. Minister, when did the Australian government first become aware of Mr Gilespie's detention and when did you become aware that he faced a possible death sentence?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:17): Let me begin by saying that I am both saddened and deeply concerned that an Australian citizen, Mr Karm Gilespie, has been sentenced to death in China, and our thoughts are most certainly with him, his family and loved ones. There are a number of steps to go in the legal process, including an appeal opportunity. We are continuing to provide consular assistance to Mr Gilespie and his family, in line with the Consular Services Charter. The Australian government, through the Department of Foreign Affairs and Trade, has been providing appropriate consular assistance to Mr Gilespie for the period of his detention. I would indicate to the chamber that the government has offered a briefing on this matter to the Australian Greens, and I would appreciate the opportunity to take that up with Senator Waters.

The PRESIDENT: Senator Waters, a supplementary question?

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (14:18): Thanks very much, Minister; I look forward to taking you up on that. I'm sure many Australians were as surprised as we were to hear
over the weekend that Mr Gilespie had been sentenced to death, given that the public appeared to be unaware of his case. Why is the Australian public only finding out about his plight now? Why have you allowed this to happen? At what levels and at which times did the Australian government raise this with the Chinese authorities?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:19): As I would have hoped the Leader of the Australian Greens in the Senate was aware, every consular case with which the government deals is different and every consular case is handled in consultation with posts, with family, with legal representatives in the most appropriate way.

The PRESIDENT: Senator Waters, a final supplementary question?

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (14:19): Minister, how many other Australian citizens or permanent residents are currently detained in China's opaque and unjust judicial system, and how many are at risk of being sentenced to death during this particularly fractious time in our relationship with China?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:19): As I indicated in my response to the Leader of the Australian Greens's first question, I would be very happy to provide the Australian Greens with a briefing on these matters. That offer has already been made today. There are a number of Australians in prison in China. In fact, there are a large number of Australians in prison in a number of locations around the world. That is obviously the case from time to time. Of course, what we remind Australians is: Australians are always subject to the laws of countries that they are in. There are severe penalties in many countries for behaviour particularly including drugs, and that includes China. But I will be endeavouring to repeat my offer to the Australian Greens to provide a briefing, an offer which was made earlier today.

Aged Care

Senator WALSH (Victoria) (14:20): My question is to the Minister for Aged Care and Senior Australians, Senator Colbeck. I refer to the minister who, when announcing the retention bonus for aged-care workers said, 'This will mean a payment of up to $800 after tax per quarter—paid for two quarters—for direct care workers.' Does the minister stand by this statement?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:21): I thank Senator Walsh for the question. Senator Walsh is correct: we have made a specific decision as a government to provide support to residential aged-care workers—and some of those who are working in home-care services—to support them and, as a government, to indicate to them that they are important to us and to the community and we want them to continue to come to work, because, in the early stages of the COVID-19 outbreak, we found that there were some, particularly, residential aged-care workers who said that they did not want to come to work, particularly in the circumstance where there was a COVID outbreak within the residential aged-care facility that they were working in.

One thing that we didn't say is that the bonuses would be tax free, because they're not, and that's not how these sorts of income bonuses work. We said 'up to $800'—and 'up to $600'—each quarter. Sixteen hundred dollars additional income to workers in residential aged care is a significant amount of money. We always said, in our statements, 'up to', and it was $600, so $1,200, into home-care services. We never said at any point in time that these support bonuses would be tax free. That was never said. We are quite proud of the fact that we continue to support residential aged-care workers and home-care workers as a part of our response to the COVID-19 process.

The PRESIDENT: Senator Walsh, a supplementary question?

Senator WALSH (Victoria) (14:23): I refer to the minister who, when announcing the retention bonus for aged-care workers, said it would provide 'two payments of up to $600 after tax per quarter—for two quarters—for those who provide care in the home'. Does the minister stand by this statement in relation to the payments being after tax?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:23): It's good that the senator, in her supplementary question, actually acknowledges what I just said in my response to the first question, where I said we said 'up to $600' and 'up to $800'. As I said in my first answer, we never said at any point in time that it would be tax free, because that is not how income bonuses work. In exactly the same way that JobKeeper is subject to tax, these bonuses are subject to tax. It's good that the senator has acknowledged, in her question, what I said in the answer to her first question, which was that these would be 'up to $800' and 'up to $600'.

The PRESIDENT: Senator Walsh, a final supplementary question?

Senator WALSH (Victoria) (14:24): When the guidelines for the retention bonus were released late on a Friday afternoon, it was revealed payment amounts were switched to being before tax. When and by whom was
this decision made? Why, when it comes to the delivery of the retention bonus, has the government again failed to deliver on its spin?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:24): The announcement that we made was consistent with the approach that we're taking to all income bonuses. And so, as I have said and as Senator Walsh indicated in her second question, we always said that these were up to $600 and up to $800 per quarter. The decision that was in the guidelines that were released was a decision of government. In direct response to the question to Senator Walsh has asked, that was a decision of government. We said all along that these bonuses would be up to $600 per quarter and up to $800 per quarter. And I'm quite proud of the fact that this government has chosen to support residential care and home-care workers in their efforts during the COVID-19 outbreak, because we understand the importance of these workers. At the last election, besides promises of a huge tax take, there was no money for workforce retention in the Labor Party's promises. (Time expired)

Water Infrastructure

Senator HANSON (Queensland) (14:25): My question is to Senator Cash, the Minister representing the Minister for Infrastructure, Transport and Regional Development. On 13 November 2019, the majority of coalition senators supported a notice of motion that said:

That the Senate—

... ... ...

calls on the federal government to take the necessary steps to ensure the construction of a Bradfield type scheme can begin in Queensland as swiftly as possible.

Speaking to this motion, the government stated:

... there is no reason for the Australian government to oppose this motion.

Today the Prime Minister announced plans to fast-track a number of infrastructure projects; yet, despite the government's claimed support, there was no mention of any form of Bradfield scheme. Why have the government chosen to leave the hybrid or new Bradfield scheme—a crucial nation-building project they have expressed their support for—off the Prime Minister's list of essential projects to be fast-tracked?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:26): I thank Senator Hanson for her question and, in particular, for acknowledging the significant announcement that the Prime Minister made today, as I alluded to previously in my answers to questions from Senator Antic, and the bringing-forward of infrastructure projects across Australia to create around 66,000 jobs.

In relation to the Bradfield scheme, I can provide you with the following information. The National Water Grid Authority, which, as you have referred to, commenced operation on 1 October 2019, is working with leading science agencies, including the CSIRO, to determine where and how water resources can be sustainably developed. This forms part of the Australian government's commitment to investing $100 million in bringing together the world's best science to identify opportunities for enhancing water supply and reliability for regional Australia. As part of this work, the authority is considering options for developing large-scale water-harvesting and water-transfer schemes, such as elements of the Bradfield scheme or hybrid versions of the Bradfield scheme, to capture and transport water to both grow the agricultural sector and improve drought resilience. Over the decades since it was first proposed, there have been a number of assessments of the merit of the original Bradfield scheme and more recent variations. It is important that the feasibility of these schemes is now investigated, using the best available contemporary science.

The PRESIDENT: Senator Hanson, a supplementary question?

Senator HANSON (Queensland) (14:28): Minister, there has been a feasibility study done on it—by the Snowy Mountains Engineering Corp. in 2018. Water security is crucial to all Australians, especially given the horrendous drought that more than 60 per cent of Queensland continues to endure. Why can't the government simply give the people of Australia a firm commitment that the hybrid Bradfield scheme will be added to the Prime Minister's list of projects that will be fast-tracked?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:29): I would refer Senator Hanson to the answer I just gave to the previous question. My understanding is that the Prime Minister announced certain projects today and said there were further announcements to come.

The PRESIDENT: Senator Hanson, a final supplementary question?

Senator HANSON (Queensland) (14:29): I appreciate that, and I appreciate the water schemes that have actually been put in with the dams. But there has been no real commitment to the hybrid Bradfield scheme, in which water going out to the ocean will actually be brought inland. Minister, the government has been very
critical of Queensland Labor's failure to give a clear date on the border opening, so is it safe to say that, because you won't commit to a date to start this project, the Liberal-National party has no plans to build the Bradfield scheme?

**Senator CASH** (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:29): Senator Hanson, I will have to reject the premise of your question. As I said in my answer to your primary question, over the decades since it was first proposed there have been a number of assessments of the merits of the original Bradfield scheme and more recent variations. It is important that the feasibility of these schemes is now investigated using the best available contemporary science.

**COVID-19**

**Senator VAN** (Victoria) (14:29): My question is to the Minister representing the Minister for Government Services, Senator Ruston. Can the minister update the Senate on how the Morrison government is using technology to respond to the COVID-19 pandemic and help support our economic recovery?

**Senator RUSTON** (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:30): Thank you very much, Senator Van, for your question. It is absolutely unquestioned that Australia is doing an extraordinary job to flatten the curve of the coronavirus pandemic and to contain the spread, which means that we have saved many, many lives of Australians through this process. But now is not the time to be complacent. As restrictions are being eased in our communities it is absolutely important that all Australians remain safe and they understand what it is that they need to do to remain safe, because it is critically important, not just for us as individuals, that we don't just protect ourselves but we look out for others.

That's why, through a society-wide effort to make sure that we have the appropriate response in place for the coronavirus, we are a world leader and the envy of the rest of the world in areas such as testing, tracing and containing the virus. We've worked absolutely tirelessly over the last few months to make sure that we have got the capacity in place, and that includes making sure that all Australians have got access to the kind of digital capabilities that they need to navigate their way through this pandemic and as we go forward. It is absolutely vital that all Australians are empowered to proactively limit the spread of the coronavirus and protect the community. That's why the Prime Minister launched Australia's contact-tracing app, COVIDSafe, to help protect the lives and health of the Australian community to make sure that we are in a position to quickly respond and be able to trace people if they come into contact with somebody who has the virus. The app complements the existing manual process by which we currently trace and track people. Those processes are being undertaken by state and territory officials. It is absolutely essential that we have this in place as we ease restrictions on social gatherings.

**The PRESIDENT:** Senator Van, a supplementary question?

**Senator VAN** (Victoria) (14:32): Thank you, Minister. How else is the government ensuring information is available to all areas of the Australian public?

**Senator RUSTON** (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:32): The Australian government is assisting the Australian public in many ways including, in particular, by making sure that we have an easy-to-access, single place of information through the Australia.gov.au website. It is the central source, it's the authoritative source, it's trusted and it's regularly updated because we want to make sure that all Australians have got the information that they need regarding the coronavirus to keep themselves, their family, their friends and their community safe. This website brings absolutely crucial information together across all government agencies so that when people are seeking advice, whether it be about health measures, financial measures or welfare measures, they are able to access it in one place. This is guidance for businesses, individuals, travellers and people with disability. Every Australian can access this site and get the kind of information that they need to navigate their way through this pandemic. Over 22 million people have visited the Australia.gov.au website so far.

**The PRESIDENT:** Senator Van, a final supplementary question?

**Senator VAN** (Victoria) (14:33): Thank you, Minister. Could you tell us what the government is doing to assist those more vulnerable in the Australian community?

**Senator RUSTON** (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:33): As restrictions begin to ease, it is really, really important that every Australian downloads the COVIDSafe app so that we can make sure we can resume life as well as we can and that we can get people back into jobs and get people back out socialising, but to do that we also need to protect the most vulnerable, and the best way people can protect the vulnerable in our community is to make sure that they have the COVIDSafe app on their phone. So far, it's been really strongly received by the states and territories, and it is being recognised as a very valuable tool which has enabled states and territories to lift the restrictions and make sure that this virus isn't silently creeping its way through our communities. But, in addition to the COVIDSafe
app, we're encouraging people to make sure that they make themselves available with all forms of technology and all forms of information so that they know what they need to be doing to protect the many vulnerable people in our community, because we have an obligation to keep them safe and not just ourselves.

**Stoker, Senator Amanda**

**Senator McCARTHY** (Northern Territory—Deputy Opposition Whip in the Senate) (14:34): My question is to the Minister representing the Prime Minister, Senator Cormann. On Thursday, Senator Stoker appeared on Sky News and said, in relation to the Queensland Premier, 'She's choking the economy by having these borders shut. She's the knee on the throat of the businesses of Queensland, stopping them from breathing.' Does Mr Morrison agree that it was insensitive and inappropriate for Senator Stoker to use the words of a dying man to make a political point on late-night TV?

**Senator CORMANN** (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:35): I didn't see those comments and, rather than to provide commentary on alleged commentary, I'll have a conversation with Senator Stoker separately.

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

**Senator McCARTHY** (Northern Territory—Deputy Opposition Whip in the Senate) (14:35): Mr President, what action will Mr Morrison take?

**Senator CORMANN** (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:35): It's the first I've heard of this, and I've just indicated what I will do before making any further comment. I'm not aware whether the Prime Minister is aware of these comments, so I would have to take that question on notice.

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

**Senator McCARTHY** (Northern Territory—Deputy Opposition Whip in the Senate) (14:35): Senator Stoker is locked in a battle for Queensland LNP Senate pre-selection against Senator McGrath. Does Senator Stoker have Mr Morrison's full support?

**Senator CORMANN** (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:36): The Prime Minister supports all his colleagues and, of course, pre-selections are a matter for party organisations.

**Aged Care**

**Senator RENNICK** (Queensland) (14:36): My question is to the Minister for Aged Care and Senior Australians, Senator Colbeck: This year has been challenging for all Australians, particularly our seniors. Today, as we mark World Elder Abuse Awareness Day, can the minister outline the steps the Morrison government has taken to tackle elder abuse in Australia?

**Senator COLBECK** (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:36): I thank Senator Rennick for his question. Elder abuse is something that all of us need to pay attention to. It is a particular problem in our community and, I think, will require some considerable community attitude change. The Morrison government is committed to ending the abuse of Australian seniors in all its forms. Today, the government launched an awareness campaign to highlight the issue and assist those experiencing physical, emotional and financial abuse to get help. This is one of the many initiatives the government is delivering through the national plan to respond to the abuse of older Australians.

We're also committed to working with the states and territories to consider reforms such as those to enduring-power-of-attorney laws. Our government also funds various support programs, including a free 24-hour phone line—1800ELDERHelp; 1800-353-374—and the Older Persons Advocacy Network, OPAN, to provide free confidential and independent advocacy to support older people, including for matters relating to elder abuse.

We have continued with the reform agenda to protect senior Australians in aged care while we continue through the royal commission running its course. We introduced re-accreditation visits from 1 July 2018. We established the independent Aged Care Quality and Safety Commission on 1 January last year, bringing together the complaints, accreditation, assessment and monitoring into one agency, as recommended by a number of reviews. We also introduced a suite of critical reforms commencing on 1 July last year: new consumer-facing standards, a new charter of aged-care rights and a new National Aged Care Mandatory Quality Indicator Program.

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

**Senator RENNICK** (Queensland) (14:38): Can the minister outline what measures the government has taken to ensure our senior Australians in aged care are being supported and kept safe during the COVID-19 pandemic?
Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:39): The government has been extremely active to ensure that senior Australians not only are safe but have access to the services that they need during the COVID-19 pandemic. The Aged Care Quality and Safety Commission has continued to do all they can to meet the physical, mental health, social and emotional needs of aged-care consumers. The commission continues to undertake its critical work, including conducting site visits while ensuring that—particularly importantly—infection control requirements are met with inspectors entering aged-care facilities. While it's important to keep older Australians safe from COVID-19, it's also important to ensure that senior Australians in aged-care facilities continue to have visitors for their overall wellbeing. In that context, the code for visiting residential aged-care facilities has been a very, very important initiative undertaken by the government in conjunction with the sector.

The PRESIDENT: Order, Senator Colbeck! Senator Rennick, a final supplementary question?

Senator RENNICK (Queensland) (14:40): Can the minister outline what the government is doing to protect older Australians in residential facilities against abuse?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:40): Again, I thank Senator Rennick for the question. Any mistreatment or assault of senior Australians or an aged-care recipient is unacceptable, and the government takes all of those instances extremely seriously. Yesterday, on behalf of the government, I announced a further $23 million investment in the Serious Incident Response Scheme, which was a recommendation of the Australian Law Reform Commission report, to protect vulnerable Australians and senior Australians in aged care from abuse and neglect. It's an important measure to increase transparency to keep our loved ones safe. Residential aged-care providers will be required to manage all incidents—including, importantly, resident-on-resident—with a focus on safety, wellbeing and prevention. There is still much more work to do, and the safety and wellbeing of all senior Australians continue to be one of the key priorities of the Morrison government.

Australia Post

Senator O'NEILL (New South Wales) (14:41): My question is to the Minister representing the Minister for Communications, Cyber Safety and the Arts, Senator Reynolds. The CEO of Australia Post argued as justification for the government's proposed changes to service requirements that there was a 50 per cent drop in addressed-letter volumes. But today Australia Post admitted that the drop in addressed-letter volume for March was seven times smaller than it had claimed, and largely in line with forecasts. Why hasn't the government been honest with the Australian people about why it wants to slash postal services?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:42): I thank the senator for that question. I find it quite extraordinary that Senator O'Neill could actually ask this question, for a number of reasons, because the only mistruths that are coming are from those on the other side of the chamber. In fact there are seven mistruths, including the one that Senator O'Neill has just mentioned. I thoroughly reject the whole premise of her question.

Let me give seven reasons why the premise of this question is not true. Labor has claimed that Australia Post will cut jobs and remove one-in-four posties. This is a lie. It is not true. Secondly, it's also been claimed that Australia Post wants to cut delivery services in half. This is also not true. Labor has also—

The PRESIDENT: Sorry, Senator Reynolds; I have Senator Wong on a point of order.

Senator Wong: It is on direct relevance. I know the minister is reading out the very lengthy press release that Senator Cormann put out. What we actually asked her about was material released today by Australia Post, which is their own numbers as to the drop in letter volumes.

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

Senator Cormann: On the point of order: the minister directly dealt with the question in her opening statements by rejecting the premise of the question. Senator Wong might want to tell the minister how to answer the question, but that is not in her capacity to do. The minister was being directly relevant and she was providing further context for the Senate in an abundance of helpfulness.

The PRESIDENT: On the point of order: I am listening carefully to what the minister says. Senator Cormann is correct; I cannot instruct a minister how to answer a question. However, once a minister has addressed part of a question, further material provided must also be directly relevant. I am listening carefully to the minister. The part of the question I took related to volumes of business being conducted by Australia Post. Material that refers and relates to the volume as asserted in the question is directly relevant. I'm listening to the minister's answer. She has one minute and 17 seconds remaining.
Senator REYNOLDS: Yes, I am seeking to be complete and thorough in my answer on all of the mistruths that have been told by those opposite in relation to Australia Post. Parcel volumes are actually up 64 per cent—you asked for the latest numbers—and letter volumes are down 36 per cent from May last year.

Let me get back to the fourth untruth from Labor. Fourthly, Labor has claimed Australia and small business will be disadvantaged, compared to metropolitan areas—the fourth untruth. The fifth untruth is that it's been claimed by Labor that vulnerable Australians will be most impacted by the changes. Guess what—it is also untrue. Labor has also claimed that the changes this government has implemented during COVID-19 are permanent. Again, guess what—it is untrue. And the seventh big lie from Labor in relation to Australia Post is that the government wants to privatise Australia Post. Again, guess what—it is absolutely untrue.

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

Senator O'NEILL (New South Wales) (14:45): The CEO of Australia Post has refused to provide a guarantee that there will be no forced redundancies. Will the minister give a guarantee that no Australia Post employees in delivery, transport or processing will be forced into redundancy? If not, how many people will lose their jobs, Minister?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:45): I think Senator O'Neill didn't listen to the first of my seven untruths—clearly the senator hadn't heard the first one. So, let me just repeat the first big untruth that Labor is peddling. As you've just said, it has been claimed by Labor that Australia Post will cut jobs and remove one in four posties. This is simply not true. Australia Post has said repeatedly that there will be no forced redundancies nor plans to cut—

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

Senator Wong: If it's so easy, will the minister give a guarantee of no forced redundancies?

The PRESIDENT: That's not a point of order. That's a restatement of the question. Senator Cormann?

Senator Cormann: Senator Reynolds directly addressed the question—no forced redundancies. This is a complete and utter furphy—the Labor Party pursuing conspiracy theory after conspiracy theory—and completely destructive.

The PRESIDENT: That is not a response to the point of order, but I'll let it go on the basis that there was not even a point of order initially. Senator Reynolds to continue.

Senator REYNOLDS: If I can continue on that first point: Australia Post has said there will be no forced redundancies or plans to cut posties' take-home pay—new to the new temporary arrangements. Many posties will continue delivering letters on bikes and others will be retrained to deliver parcels in vans, because they're up 64 per cent, putting them where—and she will be putting her posties—where the work is, and that is with Parcel Post, in particular.

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

Senator O'NEILL (New South Wales) (14:47): Senator Colbeck told this chamber that the government's proposal to double letter delivery times for many Australians was a response to COVID-19. Can the minister guarantee that Australia Post has not proposed similar changes prior to COVID-19?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:47): Again, Senator O'Neill clearly didn't hear my third great myth being peddled by Labor. I'll repeat that again for the benefit of those in the chamber. It has been claimed by Labor—again, repeated now—that wait times for letters will more than double, from three to seven days. That is not true. Mail speed standards for regular interstate letters—

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

Senator Wong: Direct relevance: we can repeat the question if the minister didn't listen the first time. We are referring to an answer given by Senator Colbeck, where he indicated that this policy response was a response to COVID-19, and we've asked the minister to guarantee that Australia Post has not sought similar arrangements pre-COVID-19.

The PRESIDENT: On the point of order: the quotation asserted from an answer last week did refer, I believe, to lengthening times of delivery. The minister is in order if she is addressing that particular point, because that is directly relevant, because it was part of the quotation. Senator Reynolds.

Senator REYNOLDS: I say again that you've claimed there will be an increase in wait times for letters from three to seven days. This is not true. Mail speed standards for regular interstate letters, which is mail travelling around our country, have not changed.

The PRESIDENT: Order, Senator Reynolds! Senator O'Neill, on a point of order?
Senator O'Neill: We've heard a lot from Senator Reynolds about my hearing capacity; I want to say it's pretty good. Senator Reynolds has not heard the first part of the question. Clearly, it was Senator Colbeck who told the chamber that the government's proposal to double letter delivery times for many Australians was in response to COVID-19. It was Senator Colbeck who made that fact known.

The President: Senator O'Neill, you are going to the substance of an answer. I cannot instruct a minister how to answer. If the minister is talking about a claim that was made in a quotation you've used in your question, she's being directly relevant. Senator Reynolds.

Senator Reynolds: Thank you very much, Mr President. I think I've now made the point for the fourth time that there have been no changes—no changes, no changes, no changes, no changes! As my colleague Minister Fletcher said, Labor is again resorting to its usual by-election tactics of whipping up a baseless scare campaign for those in aged care and in Eden-Monaro (Time expired)

Defence Cooperation: India

Senator McLachlan (South Australia) (14:50): My question is for the Minister for Defence, Senator Reynolds. Can the minister outline how Australia will expand defence cooperation with India following the elevation of our bilateral relationship to a comprehensive strategic partnership and how this partnership will help drive our economic recovery from the COVID-19 pandemic?

Senator Reynolds (Western Australia—Minister for Defence) (14:51): I thank Senator McLachlan for the question and also for his enduring commitment to defence and the defence industry. Strengthening Australia's defence relationships is a key priority for me and also for the Morrison government. That's why, since becoming minister, I've conducted 16 international visits and also hosted six international counterparts here in Australia. During COVID-19, I've maintained this tempo of international engagements with over 20 virtual calls with 14 international counterparts. These defence relationships are critically important for our nation—none more so than our relationship with India.

The recent Australia-India leaders virtual summit was a groundbreaking moment in our relationship. As Minister Birmingham outlined in this place last week, India is Australia's fifth largest export market with the expansion of our trade relationship, which will be crucial as we both recover from COVID-19. As my counterpart Minister Singh and I discussed at our last call, both our defence forces are playing leading roles in our nations' responses to COVID-19. The comprehensive strategic partnership further strengthens our bonds through two new landmark defence agreements. Firstly, the mutual logistic support arrangement paves the way for deeper and more sophisticated defence cooperation between India and Australia. It will result in increased engagement through more complex military exercises which will enhance our capacity to respond to shared regional challenges. Secondly, the defence science and technology arrangement recognises that collaboration is absolutely essential to optimise research outcomes for both nations. This arrangement will now place our two nations at the forefront of defence technological research. Through both of these two new defence arrangements we will work more seamlessly together to shape an open, inclusive and prosperous Indo-Pacific. (Time expired)

The President: Senator McLachlan, a supplementary question?

Senator McLachlan (South Australia) (14:53): Thank you, Mr President. Can the minister update the Senate on the growth of Australia's defence cooperation with India and next steps for our engagement?

Senator Reynolds (Western Australia—Minister for Defence) (14:53): It's very pleasing to see that our defence relationship with India continues to grow and to mature. The number of shared activities between the two of us has increased fourfold over the last six years alone. Last year, our bilateral cooperation reached new heights with the conduct of Exercise Ausindex, which is our most complex military exercise together to date. For the first time, our navies undertook antisubmarine warfare exercises together and our P-8 maritime surveillance and response aircraft flew coordinated missions in the Bay of Bengal.

The time is now right for both our nations to increase defence engagement and also cooperation. Our new comprehensive strategic partnership will enable these more complex and comprehensive joint activities. It will also deepen our cooperation so that we together can address the challenges we both face in our region.

The President: Senator McLachlan, a final supplementary question?

Senator McLachlan (South Australia) (14:54): Thank you, Mr President. Can the minister outline the importance of Australia's defence relationship with India in the Indo-Pacific?

Senator Reynolds (Western Australia—Minister for Defence) (14:54): India and Australia are not only strong economic partners; we are also natural security partners, particularly in the Indian Ocean. As a West Australian, I am particularly cognisant of this. Our shared security challenges in the Indian Ocean include maritime threats, terrorism and natural disaster response. All of these have significant implications for the...
economic prosperity of both our nations. It is in Australia's national interest to work with India to address these challenges—bilaterally, trilaterally and also multilaterally through international forums such as the Indian Ocean Rim Association. There has never been a more important time for Australia to work with India and other like-minded nations to shape a prosperous, open and stable post-COVID Indo-Pacific.

COVID-19: Pensions and Benefits

Senator McALLISTER (New South Wales) (14:55): My question is to the Minister for Women, Senator Payne. Sophie from Rose Bay in Tasmania is pregnant with her second child. She lost her work contract due to COVID-19 and needed to stay home to homeschool her five-year-old son. As a result, Centrelink have told her that she will no longer qualify for paid parental leave. She could not have planned for this situation. Why does the government believe women like Sophie should not have access to paid parental leave?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:55): I'll take the details of the specific case on notice and refer that to the responsible minister for further information. As I've said in the chamber before, nobody is able to plan for a pandemic. Nobody is able to plan for an economic response that has taken this government to extraordinary ends to address the challenges that the entire country is dealing with. We have sought very, very hard to work with those opposite and to work with the states and the territories in the process of that economic response. As Senator McAllister has raised specific issues in relation to an individual, I'll take those, as I said, on notice.

The PRESIDENT: Senator McAllister, a supplementary question?

Senator McALLISTER (New South Wales) (14:56): Last week, the government voted against women like Sophie retaining their eligibility for paid parental leave. Sophie's child is due in September. She has struggled to find a new job. The government's decision means that she only has weeks to find a way to replace the paid parental leave she was going to rely on. Why is the government punishing women like Sophie for the economic consequences of COVID-19?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:57): There are a number of supports available to families who don't currently meet the paid parental leave tests. Those who have lost a job or have reduced hours during the COVID-19 pandemic should appropriately check with their employer if they're, in the first instance, eligible for a JobKeeper payment. We also recently amended the Paid Parental Leave Act to allow for the period a person receives the JobKeeper payment to count towards the paid parental leave work test. Parents who have lost their job but don't meet the paid parental leave work test and are not eligible for the JobKeeper payment may be eligible for other payments, such as the parenting payment and the jobseeker payment, which of course currently includes the $550 fortnightly coronavirus supplement, as well as possibly being eligible for family tax benefit, both part A and part B, as well as the newborn supplement and the newborn upfront payment of up to $2,239 for the first child, $1,120 for subsequent—(Time expired)

The PRESIDENT: Senator McAllister, a final supplementary question?

Senator McALLISTER (New South Wales) (14:58): Last Monday, the government announced it would force working women to pay childcare fees they couldn't afford. Last Thursday, the government voted against helping pregnant women affected by COVID-19 who are out of work because of COVID-19. Are there any women that the government is prepared to support?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:58): I think Senator McAllister is not helping her own cause, or anyone else's, frankly, in that statement. Clearly, the economic initiatives that the government has advanced in terms of the COVID response are to help all Australians. And what I and others have made clear in relation to the childcare sector is that the—

Senator McAllister interjecting—

Senator PAYNE: Well, Senator McAllister, as I have made clear and Minister Tehan has made clear, in working with the sector, the change that the government made in recent weeks to address the childcare sector was very much needed by the sector to ensure it was able to survive, to ensure that it could offer increased care and to ensure that those parents seeking more care were able to obtain it. A transition payment is being provided by the government, which complements the JobKeeper payment that was previously in place as part of that support. (Time expired)

COVID-19: Domestic and Family Violence

Senator HUGHES (New South Wales) (14:59): My question is to the Minister for Families and Social Services, Senator Ruston. How is the Morrison government ensuring vulnerable women and children experiencing or at risk of all forms of violence are supported during the coronavirus pandemic?
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:00): Thank you very much, Senator Hughes, for a question on this particularly important matter. The federal government continues to work with the sector and with individuals to make sure that women and their children are supported and have the necessary avenues should they need to be assisted as a response to family and domestic violence. Over the past few months, during the coronavirus pandemic, my colleague the Minister for Women, Senator Payne, and I have been working very closely with the state and territory ministers to make sure that our response is appropriate and that we have made sure we have all the safety measures in place, particularly recognising that it's actually the states and territories who have the primary responsibility for the delivery of frontline services to women who find themselves in a situation of needing help.

In addition to that, the Morrison government has made available $150 million on top of the existing money that we've put into the National plan to reduce violence against women and their children. As part of that $150 million, $20 million has been invested to increase the capacity of national initiatives that were already included in the plan to make sure that they are supercharged, because we didn't know at the start of this pandemic and we are still unsure of what kind of support women are going to need. But as restrictions are starting to be lifted we need to make sure that we are in a position where we have all the support services in place so that, if women need our support, they are able to get it. This could include such things as counselling support for families or at-risk people. It could also include men's behaviour change programs to make sure that we're providing not just short-term but medium- and longer-term responses to support men during this time. There is 1800RESPECT and making sure that they are sufficient resources to make sure that any woman who needs to access help is able to get it in a very timely manner. *(Time expired)*

The PRESIDENT: Senator Hughes, a supplementary question?

Senator HUGHES (New South Wales) (15:02): How has the government ensured all Australians have access to information about domestic, family and sexual violence and the importance for those affected to seek help?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:02): During the COVID pandemic, it has been very challenging to make sure that all women and children—and men, for that matter—have access to timely and appropriate information to make sure that they can get the support that they need should they find themselves in a situation of domestic violence. A number of initiatives have been put in place, but one of the most critical information campaigns that we launched during this time is the Help is Here campaign. The critical message of the Help is Here campaign is, firstly, to make sure that people know where they are able to get access to the support they need should they find themselves in a situation of needing that but also to reinforce the message that tough times do not excuse tough times at home. The Help is Here campaign has used a number of different types of media and traditional media, but particularly we wanted to use more innovative ways. I'd like to thank the supermarkets—Woolies, Coles, ALDI and Metcash—for making sure that they made available the information in women's restrooms and the like so that women could get it. *(Time expired)*

The PRESIDENT: Senator Hughes, a final supplementary question?

Senator HUGHES (New South Wales) (15:03): Can the minister highlight the importance of an appropriately executed parliamentary inquiry into family, domestic and sexual violence?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:03): It is very important that the inquiry that was referred by me and the Minister for Women, Minister Payne, recently to the Standing Committee on Social Policy and Legal Affairs was clearly around two things. One was to make sure that we didn't miss the opportunity to learn through this particularly intense pandemic the impacts of the kind of crisis this is on women and their children as it related to domestic violence. The second aspect of this that we thought was very important was, as we are coming up to the conclusion of the fourth action plan for the protection of women and their children, we thought it was time we needed to have a look at what was working and what wasn't working. We needed to listen to the experience of the sector and learn how various governments service the community and listen to what they had to say and what they thought we should take into the next plan. Most particularly, we wanted to make sure that we have a platform to make sure all Australians understand that we all have responsibility if we're really going to make a difference.

Senator Cormann: After that great answer, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

HomeBuilder Scheme

Senator McALLISTER (New South Wales) (15:04): I move:
That the Senate take note of the answers given by the Minister representing the Prime Minister (Senator Cormann) to questions without notice asked today by Senators Gallacher and Green today relating to the HomeBuilder scheme.

The question asked by Credit Suisse is: 'Is the HomeBuilder scheme big enough to really move the needle?' Credit Suisse of course answered that question in their briefing note, because they say no; they say it's disappointingly small. They say, 'We doubt the incentives are large enough or the eligibility criteria wide enough to really move the needle.'

Senator Cormann has explained that this program is going to directly support 140,000 jobs. Well, we'll see whether or not that comes about, because it is telling that, even in providing that answer, Senator Cormann was very careful to say that these are estimates only, and we've learnt quite a lot about estimates in recent months haven't we? We've learnt quite a lot about the government's capacity to accurately estimate the take-up of their programs, the cost to the budget and the impact on the economy, because it was a pretty big failure in estimating when it came to JobKeeper, and I have very little confidence in the answer provided today by the minister.

The truth is: that's true for his colleagues as well. That's why the member for Herbert has gone on the record raising concerns about the program; that's why the member for Leichhardt has raised concerns about the program, and it's why Senator Canavan, representing the National Party in this chamber, is raising concerns about the program, because anyone who looks at it closely, who looks at the fundamentals, at the architecture, of this program, knows that it all looks pretty improbable. Australians who earn less than $125,000 a year are expected to spend more than $150,000 on a renovation. Not only that—they are expected to enter into the contract now, with no certainty about whether they qualify for the grant.

More broadly, people are generally concerned about their economic position, and nowhere more so than in regional Australia. It is one thing to cap a program at an individual income of $125,000 or a household income of $200,000. What do people think the actual median household income is? What does the coalition actually believe is going on in normal households in regional Australia? Well, I can tell you that, in New South Wales, the median income for a household outside of the Sydney metropolitan area is $45,000. That's the median in a regional area like the seat of Page, an area I spent quite a bit of time in. Does the government really think that people whose disposable income at a household level each year is $45,000 are going to be able to stump up the cash to meet the $150,000 threshold that is necessary to even qualify for a program of this kind? Is that really what they think? Certainly members of your own government don't believe so, because the member for Herbert is raising concerns that renovations of houses in his electorate won't get anywhere near the $150,000 threshold. That's what the member for Leichhardt is raising. Clearly, those people understand that, in their areas, people do not earn these vast amounts of money that are assumed by the people sitting around on the government benches.

Perhaps they haven't saved the money. Perhaps, on their $45,000 disposable income a year, they haven't been able to save, to put aside in the bank, $150,000. Perhaps they could borrow it. Well, what is one thing that has been raised over and over again by the RBA over the last 18 months? It is the vulnerability of the economy, produced exactly by indebtedness—by rising debt to income ratios. Perhaps that is what the member for New England was talking about. Perhaps that was his concern when he said, 'I'm concerned about the complexity of trying to pay back that debt.' Perhaps that was what Senator Canavan was concerned about when he said, 'I'm worried we are putting ourselves in a weaker position if asset prices in Australia were to fall.'

People are not sitting on $150,000 waiting to splash it on a home renovation, and they're not in a position to borrow it. The government's program is not going to produce a much-needed boost for the construction sector. It's not going to help Australian families, it's poorly targeted and, as the Grattan Institute has said, it is classic retail politics but lousy economics—which is exactly what you'd expect from Scotty from marketing.

Senator CHANDLER (Tasmania) (15:10): In taking note of answers today, I want to pick up on a couple of comments that Senator McAllister just made regarding the concern that Australians have for their economic position. To be honest, I agree with Senator McAllister: I think Australians are certainly concerned about their current economic position and their livelihoods, as you would only expect during a pandemic that has had catastrophic impacts upon our economy. But also—and here is where I think the views of Senator McAllister and I might start to diverge—I think most Australians are confident that the plan the Morrison coalition government has to handle the economy coming out of the coronavirus crisis is a good one, and that's because the government have been able to demonstrate to the Australian people that we are capable of injecting jobs into the economy; we are capable of strong, responsible budgetary management; and, most importantly, we are capable of doing both of those things concurrently, which is more than my friends on the opposition benches did when they were in government.

As Senator Cormann said in his answer today, 'This government is about jobs, jobs and jobs,' and that is something that we delivered on leading into the coronavirus crisis. We injected 1.5 million jobs into the Australian economy, and I am incredibly proud to be part of a government that successfully did that. As I have
said in this place many times, the reason I nominated to be a candidate as a senator for Tasmania is that I have seen too many young Tasmanians have to leave home because they can't get jobs locally. Being a young Australian, I know that, coming out of the coronavirus crisis, many young Australians are concerned about their livelihoods and they are concerned about being able to get a job or keep a job. That's why the plan that this government has to ensure that the Australian job market can recover from the coronavirus crisis is so important. I don't want to see us lose the momentum that we have, particularly in my own state of Tasmania, where, as we know, with state and federal Liberal governments, our state has come a very long way in the last five or six years, and I don't want to see us go back to the dark old economic days.

Obviously, the government's focus at the moment is on the health and wellbeing of Australians, and we are seeing great success on the health front. But, as I said, we know that the impacts of coronavirus across the economy have been severe. Businesses and households are facing increased uncertainty, and economic activity has slowed. That's why we have put an economic support package in place to provide timely support to affected workers, businesses and the broader community, and this has helped to keep Australians in work and businesses in business. We have put a floor under the economy and we will lay the foundation for a strong economic recovery coming out of the coronavirus crisis. We need to get businesses back open, enable Australians to go back to work and ensure consumers and businesses have the confidence to return to normal activities. That is why the HomeBuilder policy is so important. It was why our JobKeeper package was so important. These are the measures that the Australian government, the Morrison coalition government, have put in place to ensure that we can rebound from the coronavirus crisis into just as prosperous and successful a nation and successful an economy as we were in prior to this.

I turned 30 years old just a couple of weeks ago. When I was thinking about this significant birthday, I did reflect on the fact that so many Australians of my age will most likely experience a recession for the first time at some point over the next six months. It's been 29 years since Australia last had a recession. That is incredibly hard, and it will be hard on young Australians to navigate their way through that and the stresses that that will put on their work prospects. But young Australians also know that this government has a strong economic policy in place to help recover from the coronavirus crisis, and that is built on the trust that we have with the Australian people—the trust that is built on our record of creating 1.5 million jobs in just over five years. That is the record of this government, and it is because of that record that the Australian people have faith in us as a government to rebuild following the coronavirus crisis, to make sure that more young Australians can keep themselves in jobs for now and into the foreseeable future.

Senator GALLACHER (South Australia) (15:15): As we speak, I am just concluding the build of a house, so I've had the great experience of interacting with subcontractors, tradies and small businesses in the building industry, and they are looking at a cliff of unemployment. The pipeline is definitely drying up. I think that they were all quite excited with the announcement of HomeBuilder, but, as has been pointed out in this chamber today, the tailoring of this scheme means that it doesn't do what its intended purpose is, and that is to get people continuing to work. The builders and tradies and I've spoken to that say, come December of this year, all the new builds that commenced 12 months ago will be finished, the pipeline has diminished and this scheme just doesn't do it. The Age experts panned the scheme. The Financial Review: 'Flaws highlighted'. The Weekend Australian: 'HomeBuilder doesn't do enough for tradies'. The Guardian: 'A blunder'. Mr Harry Triguboff: 'It doesn't address units; they're excluded.' And The Canberra Times points out, very presciently, that people who were victims of the bushfires are also excluded.

When you look at this scheme and you see who the architect is—the Assistant Treasurer, Mr Sukkar—your mind goes back to an earlier scheme where, when we asked, 'Was there any rationale?' the answer was no. That was the first home buyers scheme that was announced during the election. It is very clear, when you go into these sorts of policies, that there is always agreement among economists that it is exceedingly difficult to work out the economic rationale for them.

If you have ever built your own house or gone into a contract with the builder, you will know that they are businesspeople and they will try and get you to put in a fancy heater or fancy floors and borrow the money to do that. If this $25,000 goes into a new build and the end result is that a first home buyer says, 'I can now put in a $12,000 floor,' or 'I can put in a fancy heater,' the reality is that that's an awful economic decision, because you shouldn't be borrowing that over 25 years. For bricks and mortar it's fair enough, but not for the furnishings and fixtures and fittings. I've actually heard stories of builders saying: 'Don't worry about that contract you signed last month. We'll tear it up and do a new one, because you'll get 25 grand. Aren't we looking after you!' So the economic evaluation of these schemes is that they're really not as economically good as they're purported to be.

This is exceedingly bad timing. It's quick. You've got to do it by, I think, 4 December. One hundred and fifty thousand for a renovation? I chose to knock down a house because it was going to cost me $60,000 to do a
renovation. Why would I spend $150,000—in most areas outside of Melbourne and Sydney—on a renovation? You can get a house-and-land package in the outskirts of Adelaide for $300,000. As you move in 10, 15 or eight kays from the city, that package is more likely to be $600,000, but these figures don't stand up. So is it another case of Mr Sukkar getting some very targeted policy to go where he thinks there are a few votes? It doesn't seem to be broad enough to do what he's intending, which is to keep people employed, to build the pipeline of work. It's tightly constrained. It appears to be targeted, but we don't see the underpinning economic rationale for that. It may well be that, when we ask for that sort of rationale at estimates and the like, the standard answer comes back: 'It was a decision of government; we didn't give advice on it.' Hopefully that is not the case, because I would really like to see the underpinning economic evaluation of this policy as to why it is targeted in such a way.

The opposition has rightfully put up the task or the challenge to the government: why have you not done any public housing? Why is there no public housing policy for this government? Why wouldn't you use this as a time to prime that pump and to get some building in that vital sector where there is a desperate need for it? Clearly, the government has gone missing.

Senator RENNICK (Queensland) (15:20): I don't know about you, but there seems to be a smell wafting through this place. I have found out that not only are they trying to get into the coffers of hardworking Australians by ripping out their union fees and by dipping into their superannuation funds but they are also branch stacking. The worst things about these allegations is the tawdry language—

The DEPUTY PRESIDENT: Senator Rennick, please—

Senator RENNICK: I am getting there.

The DEPUTY PRESIDENT: There is a point of order. Please resume your seat.

Senator Gallacher: Madam Deputy President, in taking note of answers, the senator opposite seems to be off the topic.

The DEPUTY PRESIDENT: This is a broad-ranging debate, and I was waiting to see if Senator Rennick was getting to the questions.

Senator RENNICK: Thank you, Madam Deputy President. I was. This side of the chamber wants to stack people and families into homes, and that is why we are very proud of the HomeBuilder program, because it will support up to a million jobs indirectly and 140,000 jobs directly. Homes are in the DNA of the Liberal Party. How do we know that? Because in our party's opening speech from our founder, Robert Menzies, he mentioned the word no fewer than 23 times. I am going to quote this because it is worth remembering. As Robert Menzies said:

I do not believe that the real life of this nation is to be found either in great luxury hotels and the petty gossip of so-called fashionable suburbs, or in the officialdom of the organised masses. It is to be found in the homes of people who are nameless and unadvertised, and who, whatever their individual religious conviction or dogma, see in their children their greatest contribution to the immortality of their race. The home is the foundation of sanity and sobriety; it is the indispensable condition of continuity; its health determines the health of society as a whole.

This party is proud to support jobs and it is proud to support our building industry, which will help our carpenters, our builders, our brickies, our electricians and our small traders. It will help architects, it will help home designers and it will help engineers.

The Morrison government has also helped this year with the First Home Loan Deposit Scheme to help eligible first home buyers purchase a modest home with a deposit of as little as five per cent, allowing them to get into the market earlier. Australian first home buyers have now reserved all of this year's First Home Loan Deposit Scheme guarantees, and that is a good indication of how our younger people want to get into housing because, as I have said previously, housing is where the home is, it is where the heart is and it is where the family is. There is no greater indication of our support of the Australian people than supporting people into homes. This side of the chamber is about supporting people into homes; that side of the chamber is about homelessness. This side of the chamber is about lower taxes; that side of the chamber is about higher taxes. This side of the chamber is about jobs; that side of the chamber is about no jobs. Most of all, this side of the chamber is the party of free choice, whereas that side of the chamber is the party or the side of total control.

I'll pick up Senator Gallacher here. We on this side do support community housing. We have over $1.3 billion in the National Housing Finance and Investment Corporation program to support the delivery of 1,500 new social and affordable dwellings and the refinancing of a further 5,000 existing dwellings. On top of that, we also provide rent assistance on top of the Newstart allowance, which is another way we support housing in this country. We will work with the states and territories on HomeBuilder. They are expected to be well placed to administer the HomeBuilder program, as most already administer similar first home buyer schemes, including the First Home Owner Grant and stamp duty concessions, through their respective state or territory revenue office.
The government's focus on the health and wellbeing of Australians is why it supports homeownership. We are seeing success on that. This is the party that will increase the level of homeownership. By doing that, we will improve the health of Australians. When we were going through the COVID crisis it was great to have a home to go back to and have support. It's interesting, actually, that we get feedback from people about how much they enjoyed spending time at home with their children—heaven forbid! Anyway, I'll leave it at that.

Senator AYRES (New South Wales) (15:25): It's always a special experience following Senator Rennick in one of these debates. I think the feeling that one gets listening to Senator Rennick's lofty tones going through a debate should be illegal—

The DEPUTY PRESIDENT: Senator Ayres, please resume your seat. Senator Rennick?

Senator Rennick: On a point of order: could he please deal with the question on notice?

The DEPUTY PRESIDENT: This a broad-ranging debate and I am giving Senator Ayres the opportunity to get there. He's only put 20-odd seconds in.

Senator AYRES: I certainly intend to get to the substance of the debate, but I did want to reflect on the previous contribution. It is a transcendental experience listening to Senator Rennick. He is the beat poet of the Senate; it's a series of odd allusions brought together that make very little sense—almost as much sense as the policy justification for HomeBuilder that has been made here and in other places.

I understand that Mr Sukkar said HomeBuilder would support 140,000 jobs and 27,000 building projects. Just combining those two numbers for a minute makes you realise how fundamentally ill-conceived the policy foundations of this scheme are. It has all of the hallmarks of a Morrison government policy announcement. It will increase inequality. It will provide negligible stimulus. There is a very big number attached to the program: $688 million—so a very big number. By not being a round number, it conveys the impression that it is somehow precise.

So the number is big and conveys the impression of precision, but there will of course be, as with all of these schemes, zero delivery. Very little money will go out the door. It's all about the announcement, not about the delivery. No doubt there is a television ad coming our way soon to make sure that people understand how precisely large the amount of money is, how precisely precise it is and what enormous stimulus it will provide. No doubt there will be people in high-vis jackets—maybe they could borrow Senator Canavan's high-vis jacket; it doesn't get much use! No doubt there will be earnest expressions of support for the tradespeople of Australia. But there will be zero delivery.

It's a scheme that will pay people a small amount of money in the context of an overall building project to do building projects or renovations that they were going to do anyway. You can't find a serious person in the building industry who supports this proposition. You certainly can't find a sensible economist—one with a degree and a bit of postgraduate learning—who is prepared to go out and publicly advocate for this scheme. It is all spin and no substance, big announcement and no delivery.

Some people—sceptical people—believe that this announcement is all about the politics. I'm not sure that that's true. I think you would struggle to find a household in Eden-Monaro that would benefit from the HomeBuilder scheme. All of the focus group work, all of the data work, all of the clever work that is done in the Liberal Party national secretariat, has produced this policy as somehow a policy that will provide some advantage. But the problem is, when it meets the real world there won't be too many people. Senator Cormann said 22,000 had registered interest already, which just establishes that the people who are registering interest for this project are people who had already decided to build. It is just like a vacuum, sucking forward projects that people were proposing to do, dragging them into this side of Christmas. That means no extra work will actually be done. It will just shift when small building projects were going to be done.

What an extraordinary claim, that this program will support 140,000 additional jobs. If you look at median house prices in Cooma—$317,500—it's very hard to imagine that a $150,000 renovation's going to be done to one of those homes. It's a program that will overcapitalise a very small number of people's properties. It won't deliver a single extra job. It will be just one more policy—(Time expired)

Question agreed to.

Gilespie, Mr Karm

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (15:31): I move:

That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Payne) to a question without notice asked by Senator Waters today relating to Mr Karm Gilespie, an Australian citizen imprisoned in China.

Karm Gilespie has just been sentenced to the death penalty, in Guangzhou, in China. Like many Australians, I was appalled to learn over the weekend that Karm Gilespie was sentenced to death last week. Even though Mr
Gilespie has been detained in China since late 2013—some 6½ years—the Australian public only became aware of this case when the Guangzhou Intermediate People’s Court posted a notice on its website.

This is in stark contrast with other cases where Australians overseas face the death penalty—like the Bali Nine in Indonesia, for example. Australian media reported on that trial. Australians shared the pain of Andrew Chan’s and Myuran Sukamaran’s loved ones as they were sentenced to death and, sadly, executed on 29 April 2015. We campaigned for clemency and did what we could to support them during their time in prison. In the case of Karm Gilespie, the Australian public has been kept in the dark.

I spoke last week in this place about China’s opaque and unjust judicial system, where the right to a fair trial doesn’t exist. We’ve seen this time and time again. There is the case of Australian academic Dr Yang, who’s been charged with espionage even though we haven’t seen any evidence against him. Dr Yang’s been held for long periods of isolation and there are serious concerns about his treatment. Then there are the Australians, permanent residents and their family members, who’ve been caught up in the crackdown against the Uighurs in China’s Xinjiang province, which I also spoke about in this place last week. At least, in those cases, we’ve been aware of their detention and have been able to raise our concerns publicly, which is why the Australian government must let the public know when it first became aware of Mr Gilespie’s arrest and at what levels and times his case has been raised with the Australian government.

While it’s well and good to offer a private briefing to senators and MPs on consular matters—especially given that Senate estimates didn’t occur in May—unless there’s a genuine concern that it would further imperil an Australian citizen, it’s not a substitute for providing this information to the Australian public. In Mr Gilespie’s case, the softly-softly approach clearly has not worked. Furthermore, it’s critical that we know how many more Australian citizens or permanent residents are stuck in jail in China and how many of them are at risk of facing the death penalty during this particularly difficult period in our relationship with China.

In my final few minutes, I’d like to move on to another troubling consular case in that region, that of Chau Van Kham. Mr Chau is a retired baker from Sydney, and today he’ll be spending his 71st birthday in a remote prison in Vietnam. He was convicted of terrorism late last year and sentenced to 12 years in prison—all because of his affiliation and activities with an opposition political party. Mr Chau has not been accused of violence or attempted violence but was convicted regardless, following a 4½-hour trial. Vietnam is a one-party state that does not tolerate dissent. Mr Chau is currently one of more than 160 political prisoners in the country. He has not spoken to his wife or children since his arrest 18 months ago, and consular officials haven’t been allowed to visit since January.

We call on the Australian government to redouble its efforts to free Mr Chau. We must demand that Vietnam release him on humanitarian grounds as an immediate priority, given his age, medical condition and risk of serious illness if he contracts coronavirus. Chau Van Kham should be at home with his family on his 71st birthday, not languishing in a Vietnamese prison.

The DEPUTY PRESIDENT: Senator Waters, before I put the question on your motion to take note, I just remind you that you really do need to speak about the answers you’ve taken note of. The latter part of your contribution wasn’t that.

Question agreed to.

NOTICES
Coal Mining
Postponement

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (15:35): I seek leave to defer notice of motion No. 650, standing in my name for today, until the next sitting day.

Leave granted.

BUSINESS
Leave of Absence

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (15:36): by leave—I move:

That leave of absence be granted to Senator Griff for the period 15 June 2020 to 18 June 2020, for personal reasons.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:36): by leave—I move:

That leave of absence be granted Senator Rice for 12 June 2020, for personal reasons.

Question agreed to.
NOTICES

Postponement

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

Business of the Senate notice of motion no. 1 standing in the names of Senators Hanson-Young, Kitching and Carr for today, proposing the disallowance of the Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations 2020, postponed till the next day of sitting.

General business notice of motion no. 659 standing in the name of Senator Siewert for today, relating to the income compliance program, postponed till the next day of sitting.

Presentation

Senator Seselja to move on the next day of sitting:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report as expeditiously as is possible:

AIR 555 Phase 1 Airborne Intelligence Surveillance Reconnaissance Electronic Warfare Capability Facilities Works.

Senator Watt to move on the next day of sitting:

That—

(1) There be laid on the table by the Minister representing the Attorney-General, by no later than 9 am on 30 July 2020, a copy of each decision by the Social Services & Child Support Division of the Administrative Appeals Tribunal (AAT) dated between 1 July 2015 and 27 November 2019 (with any redactions that are necessary to protect personal privacy) in which a Member of the AAT determined that: for the purpose of sections 1222A(a) and 1223(1) of the Social Security Act 1991, no debt or debt component is able to be founded on the basis of extrapolations from Australian Taxation Office records (however expressed).

(2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under Standing Order 166.

Senator Steele-John to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Chair of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission), the Honourable Ronald Sackville AO QC, wrote to the Prime Minister and the Department of the Prime Minister and Cabinet on 14 February, 2020 to request that changes be made to the Royal Commissions Act 1902 to ensure the confidentiality of submitters and those giving evidence could be protected beyond the life of the Royal Commission,

(ii) the Administrative Arrangement Orders were amended on 2 April 2020 transferring responsibility for the Act to the Attorney-General’s Portfolio,

(iii) this letter and the changes requested within it remain outstanding and unresolved,

(iv) many disabled people, families, carers, and support workers hold significant concerns about making submissions and providing evidence to the Royal Commission for instances of violence, abuse, neglect, and exploitation of disabled people, particularly in contemporaneous and ongoing instances, due to the lack of protections afforded to them in the legislation,

(v) this issue is prohibiting people from telling their stories and preventing the Royal Commission from being able to access the breadth of stories it should be able to, and

(vi) without this change there are real and significant fears held by the community that the Royal Commission will miss the many stories and experiences that form the whole picture of what has happened to disabled people in this country, and to ensure that disabled people see justice and deep systemic changes needed to prevent instances of violence, abuse, neglect, and exploitation from happening in the future; and

(b) calls on the Government to:

(i) give an urgent update on the progress of this change and provide a timeline for when we will expect to see legislation introduced, and

(ii) commit to making the required legislative changes as soon as possible.

Senator Roberts to move on the next day of sitting:

That the Senate—

(a) notes that the 2011 Gillard Government decision to suspend live exports:

(i) gravely affected the live export industry, and

(ii) was declared invalid by the Federal Court earlier in June; and

(b) calls on the Federal Government to rule out appealing the Federal Court’s decision.

Senator Roberts to move on the next day of sitting:

That the Senate—
(a) notes that the 2020 Australian Institute of Criminology report into ‘Deaths in custody in Australia’ revealed that:

(i) the 2017-18 rate of death in prison custody for:
   (A) Indigenous persons was 0.14 per 100 prisoners, and
   (B) non-indigenous persons was 0.18 per 100 prisoners,
(ii) in the 2017-18 year 19% of Indigenous deaths in prison custody were due to natural causes,
(iii) the 2017-18 total deaths in police custody and custody-related operations was:
   (A) 3 Indigenous persons, and
   (B) 14 non-indigenous persons,
(iv) over the decade to 2018:
   (A) non-indigenous persons were nearly twice as likely as Indigenous persons to hang themselves in prison custody, and
   (B) motor vehicle pursuits represented 38% of Indigenous deaths in police custody and custody-related operations;

(b) further notes that, from 2006 to 2016, a 41% increase in Indigenous imprisonment rates corresponded with a 42% increase in people identifying as Indigenous; and

(c) also notes that, using the 437 unconvicted Indigenous deaths in custody without reference to critical detail and context results in a distorted discussion of Indigenous issues.

Senator Faruqi to move on the next day of sitting:

That the Senate—

(a) notes that:
   (i) on 2 June 2020 the Department of Agriculture, Water and the Environment denied live exporter Rural Export and Trading (WA) Pty Ltd RETWA an exemption to new rules which prohibit the export of sheep by sea to the Middle East during the northern summer,
   (ii) on 13 June 2020, the Department back-flipped on this decision, granting an exemption to allow approximately 50,000 sheep to be exported;
   (b) recognises that the new rules, only recently introduced, were designed to protect sheep from the dangerously hot and humid conditions which will lead to inevitable suffering from heat stress, and put the animals at serious risk of death; and
   (c) calls on the Minister for Agriculture to intervene and stop the RETWA ship from departing Australia.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that yesterday, 15 June 2020, was World Elder Abuse Awareness Day, which represents the one day each year when the whole world voices its opposition to the abuse and suffering inflicted on older people;

(b) acknowledges that the sexual abuse of older women in residential aged care and home care settings is a form of elder abuse that has long been ignored; and

(c) calls on all Governments to:
   (i) work together to better respond to all forms of elder abuse, including physical abuse, psychological or emotional abuse, social abuse, financial abuse, sexual abuse and elder neglect,
   (ii) improve reporting requirements and data collection on elder abuse, and
   (iii) develop national strategies informed by best practice evidence for the prevention of sexual abuse in both residential aged care and home care settings.

Senator Hanson to move on the next day of sitting:

That the Senate—

(a) notes that the Government has announced it is working to fast-track several infrastructure projects they believe to be essential to Australia’s long-term economic recovery; and

(b) calls on the Government to add the development of a hybrid Bradfield Scheme to their list of essential infrastructure projects to be fast-tracked.

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

That the Senate—

(a) notes that the first Vietnamese refugees in Western Australia were discovered drifting offshore in boats on the northwest coast on 12 May 1977;

(b) further notes that 25 Vietnamese refugees disembarked in Perth from Broome on 17 May 1977;

(c) acknowledges Western Australia has become home to a vibrant Vietnamese community with almost 22,000 people declaring Vietnamese ancestry in the 2016 census; and
(d) recognises the significant civic, economic and social contributions made by members of the Vietnamese community in Western Australia, and their part in shaping modern Australia.

Senator Roberts to move on the next day of sitting:

That—

(1) The Senate notes that—

(a) in its commentary on standing order 66, the Annotated Standing Orders of the Australian Senate notes that common complaints about formal motions include:

(i) that it forces senators to take positions on certain matters without the opportunity to explain those positions or move amendments to reflect them,

(ii) that there are too many notices of motion on complex matters for sufficient consideration by senators whose votes may be instrumental in determining the result,

(iii) that there is insufficient time to consider the large quantity of complex notices of motion given, and

(iv) that the procedure is particularly unsuitable for foreign policy motions;

(b) the commentary on standing order 66 includes the following statement: ‘The majority of notices of motion are dealt with as formal business and denials of formality for general business notices are at present relatively rare’; and

(c) there is an increasing practice of denying formality to motions from the cross bench.

(2) The operation of standing order 66 be referred to the Procedure Committee, with the intention of:

(a) providing guidelines for the granting of formality; and

(b) allowing senators to make submission(s) regarding other changes to standing order 66 as would improve the functioning of the Senate.

(3) The Procedure Committee present its report by 30 November 2020.

(4) The Senate calls on all senators to refrain from denying formality for motions until the Procedure Committee has presented its report.

Senator Faruqi to move on the next day of sitting:

That—

(1) There be laid on the table by 7.20 pm on 17 June 2020:

(a) by the Minister representing the Minister for Education: any documents created, sent or received by the office of the Minister for Education, and by the Department of Education, between and inclusive of 1 March 2020 and 1 May 2020, relating to a national hardship fund, or similar program, for supporting international students; and

(b) by the Minister representing the Treasurer: any documents created, sent or received by the office of the Treasurer, and by the Department of the Treasury, between and inclusive of 1 March 2020 and 1 May 2020, relating to a national hardship fund, or similar program, for supporting international students.

(2) If either or both of the Ministers fail to table the documents required by paragraphs (1), the Minister representing the Minister for Education is required to attend the Senate on 18 June 2020 prior to government business being called on, to provide an explanation of no more than 10 minutes, also on behalf of the Minister representing the Treasurer, of the Government’s failure to table the documents;

(3) Any senator may move to take note of the explanation required by paragraph (2); and

(4) Any such motion shall have precedence over all business until determined, and senators may speak to the motion for no more than 10 minutes each.

Senator Polley to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) June is Migraine Awareness Month,

(ii) migraine severely impacts an individual’s capacity to work, their mental wellbeing, quality of life and relationships,

(iii) approximately 4.9 million people in Australia suffer from migraine, of which 400,000 are chronic migraine sufferers,

(iv) migraine affects more women than men, with approximately 3 women sufferers for every male sufferer, a ratio of 3 to 1, and

(v) there are currently two drugs recommended for listing on the Pharmaceutical Benefits Scheme (PBS) to treat migraine, Emgality and AJOVY, with Emgality having been recommended by the Pharmaceutical Benefits Advisory Committee in July 2019; and

(b) calls on the Government to list these drugs on the PBS immediately to provide relief to those suffering from migraine.

Senator Faruqi to move on the next day of sitting:
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 (One in, All in) Bill 2020.*

**Senator Hanson-Young** to move:

That the provisions of the Broadcasting Services Amendment (Regional Commercial Radio and Other Measures) Bill 2020 be referred to the Environment and Communications Legislation Committee for inquiry and report by 5 August 2020.

**Senator Patrick** to move on the next day of sitting:

That the reporting date for the Economics Legislation Committee inquiry into the provisions of the National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020 be extended from 31 July 2020 to 16 December 2020.

**Senator Kitching** to move on the next day of sitting:

That the following matter be referred to the Environment and Communications References Committee for inquiry and interim report by Tuesday, 11 August 2020 with the final report due by the first sitting Tuesday of March 2021:

the future of Australia Post’s service delivery, with particular reference to:

(a) the Australian Postal Corporation (Performance Standards) Amendment Regulations 2020 and their impact on services, the Australia Post workforce and affected businesses;

(b) the impact of COVID-19 on the financial position of Australia Post and its future;

(c) a sustainable plan for Australia Post to provide:

(i) services that meet community needs and expectations,

(ii) job security for its workforce, and

(iii) support for regional and metropolitan licensed post offices;

(d) international and domestic trends with parcels, letters and pricing; and

(e) any related matters.

**COMMITTEES**

**Economics Legislation Committee**

**Economics References Committee**

**Reporting Date**

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

Economics Legislation Committee—Performance of the Inspector-General of Taxation—from 15 June 2020 to 17 June 2020

Economics References Committee—

Australia's oil and gas reserves—from 16 September 2020 to 16 December 2020

Unlawful underpayment of employees' remuneration—from 3 December 2020 to the last sitting day in June 2021

**The DEPUTY PRESIDENT** (15:37): I remind senators that the question may be put on any proposal at the request of any senator.

**MOTIONS**

**Western Australia: Queen's Birthday Honours**

**Senator DEAN SMITH** (Western Australia—Government Whip in the Senate) (15:38): I move:

That the Senate—

(a) notes the following West Australians who received Queen's Birthday Honours on 8 June 2020, for exceptional service to our community:

(i) in the General Division:

(A) Officer of the Order of Australia (AO): Mr Colin Beckett, Ms Denise Goldsworthy, Mr Ronald Manners, and Professor Bryant Stokes RFD;

(B) Member of the Order of Australia (AM): Mr David Airey, Dr John Byrne, Mr Michael Dillon, Professor Neil Drew, Mr Kevin Edwards, Ms Margaret Halsmith, Mr Ian Kaye-Eddie ASM, Professor Cheryl Kickett-Tucker, Ms Marie Joan Kormendy, Ms Kate Lamont, Mr Ross Ledger, Professor Rhonda Marriott, Mr Abe Schneider, Mr Ross Shardlow, Ms Donna Shepherd, Dr Bryan Smith, Reverend Dr Elizabeth Smith, Dr Alastair Tulloch, and Mr Mike Wood;

(C) Medal of the Order of Australia (OAM): Dr Edmond Adler, Ms Fay Alford, Mrs Jillian Barton, Mrs Kristine Carter, Mr Neville Clark, Mr John Coles, Ms Robyn Devenish, Mrs Robin Dunham, Dr Barry Fatovich, Ms Tammy Flett, Mrs Gloria Grocott, Mr Michael Gusterson, Mr Christopher Hammond, Mr Noel Hoffman, Mrs June Hutchison,
Mrs Helen James, Mr Donald McClements, Ms Janice McGlinn, Ms Helen McIntyre, Mr Ian Miffling, Mr James Mumme, Mr Noel Nancarrow, Mrs Phyllis Proud, Colonel Michael Romalis (Retd), Mr Malcolm Seymour, and Mr Muuki Taylor;

(ii) Meritorious Awards:
(A) Public Service Medal (PSM): Mr Michael Barnes, Ms Heather Brayford and Mr John Fischer
(B) Australian Police Medal (APM): Detective Sergeant Alan Millar, Sergeant Siobhan O'Loughlin, Inspector Shane Sadler, and Superintendent Valdo Sorgiovanni;
(C) Australian Fire Service Medal (AFSM): Mr James Armanasco, Mr Warren Day, and Mr Peter Sutton;
(D) Emergency Services Medal (ESM): Mr Danny Goodlad and Mr David Price;

(iii) in the Military Division:
(A) Member of the Order of Australia (AM): Colonel Steven Gaunt
(iv) Distinguished and Conspicuous Awards:
(A) Conspicuous Service Cross (CSC): Commander Barry Carmichael RAN and Captain Paul Johnson RAN;
(B) Conspicuous Service Medal (CSM): Lieutenant Commander Siobhan Sturdy RAN; and
(b) recognises the distinguished service that all West Australian Queen's Birthday Honours recipients have made to the Australian community.

Question agreed to.

Auslan

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:39): I wish to inform that Senator Bilyk also will sponsor the motion. At the request of Senator Brown and Senator Bilyk, I move:

That the Senate—
(a) congratulates the Australian Bureau of Statistics (ABS) on its decision to include Auslan as a language option in the 2021 Australian census; and
(b) acknowledges:
(i) the advocacy of Deaf Australia and other deaf and hard-of-hearing organisations that has led to this decision by the ABS, and
(ii) that recognition of Auslan and access to Auslan interpreters and interpretation is vital if deaf and hard-of-hearing Australians are to live full and included lives in our community, and an important part of that inclusion is recognition in the Australian census.

Question agreed to.

International Justice Day for Cleaners and Security Guards

Senator WALSH (Victoria) (15:39): I wish to inform the chamber that Senators Faruqi and O'Neill will also sponsor this motion. I, and also on behalf of Senators Sheldon, Watt, Wong, Lines, Faruqi and O'Neill, move:

That the Senate—
(a) notes that Monday 15 June is International Day of Justice for Cleaners;
(b) acknowledges and sincerely thanks:
(i) cleaners all over the world, for their vitally important work at the frontline of the COVID-19 pandemic,
(ii) Australian cleaners, who have contributed to significantly flattening the curve of COVID-19 cases across the country whilst putting their own health at risk,
(iii) hospital cleaners, who have been particularly important during the COVID-19 pandemic where they have risked their lives on a daily basis ensuring that our hospitals remain free from COVID-19 outbreaks, and
(iv) cleaners at Parliament House, for keeping us safe; and
(c) recognises the hard work and steadfast advocacy of the United Workers Union and Health Services Union in representing cleaners across Australia.

Question agreed to.

DOCUMENTS

Services Australia

Order for the Production of Documents

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:40): I seek leave to amend general business notice of motion No. 660, proposing an order for the production of documents concerning the Abbotsford service centre.
Leave granted.

**Senator SIEWERT:** I amend the motion in the terms circulated in the chamber and move:

That there be laid on the table by the Minister for Families and Social Services, by 2.00pm on 18 June 2020, all documents relating to:

(i) negotiations between the Australian Government and the lessor of the Abbotsford (Yarra) Service Centre, including ongoing lease negotiations;

(ii) consideration of other locations for the Yarra Service Centre; and

(iii) any planned Service Centre closures across Australia.

**Senator DUNIAM** (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:41): I seek leave to make a short statement.

**The DEPUTY PRESIDENT:** Leave is granted for one minute.

**Senator DUNIAM:** The landlord of the Yarra Service Centre in Abbotsford advised Services Australia through its legal representative on 12 May 2020 that it will not agree to any lease extension beyond 22 May 2020 under any circumstance. Then, on 21 May 2020, Services Australia received an offer via text message to allow an extension to the lease for three months. Late on 21 May 2020, Services Australia received a signed three-month lease extension. As leases come up for renewal, the opportunity is taken to review the servicing options to ensure the agency provides a sustainable, accessible and fit-for-purpose network of service centres.

Question agreed to.

**NOTICES**

**Withdrawal**

**Senator URQUHART** (Tasmania—Opposition Whip in the Senate) (15:42): I should have done this earlier, sorry. It's in relation to motion No. 633, in the name of Senator Dodson. I wish to withdraw that motion.

**MOTIONS**

**COVID-19: Healthcare Professionals**

**Senator DI NATALE** (Victoria) (15:42): I move:

That the Senate—

(a) pays tribute to Australia's world-class healthcare professionals for their incredible, life-saving work during the unprecedented COVID-19 pandemic;

(b) recognises that healthcare workers have placed themselves at personal peril while at work in order to save the lives of others during the pandemic, including in the face of shortages of personal protective equipment (PPE);

(c) further recognises the role of our exceptional public health experts who have led Australia's response to the pandemic;

(d) notes with gratitude the professionalism and dedication of our doctors, nurses, allied health professionals and all those working in our public health system, during the pandemic and throughout their careers;

(e) acknowledges the significant mental health burden on health professionals during this challenging time; and

(f) calls on the Federal Government to:

(i) support and appropriately fund Australia's world-class public health system and all those delivering essential health care within it, and

(ii) ensure that no healthcare worker is put at greater risk through lack of access to PPE or other essential equipment.

**Senator DUNIAM** (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:42): I seek leave to make a short statement.

**The DEPUTY PRESIDENT:** Leave is granted for one minute.

**Senator DUNIAM:** The government acknowledges and thanks our healthcare professionals for their contribution to keeping Australians safe. The highest priority of the government is to secure and supply PPE to keep our healthcare workers safe. To date, we've secured more than half a billion masks into the National Medical Stockpile and dispatched more than 46 million masks into hospitals, aged-care facilities, GPs, dentists, pharmacies, Aboriginal community controlled health organisations and NDIS registered providers and self-managed participants. As such, the government is pleased to support this motion and is delivering on calls made by the senator.

**Senator ROBERTS** (Queensland) (15:43): I seek leave to make a short statement.

**The DEPUTY PRESIDENT:** Leave is granted for one minute.
Senator ROBERTS: We support this motion. We acknowledge and praise the work and commitment of Australia's healthcare professionals and healthcare workers. These valued Australians provide compassion, care and support for many everyday Australians in need. Referring to paragraph (c), though, we note that nations like Taiwan—which has a similar population to Australia—quickly learned that they just had to isolate the sick and the vulnerable, and that allowed healthy and productive people and businesses to keep working and earning money. The result is that their economy remained healthy and they had far fewer deaths than in Australia. The truth is that this government did not refresh Australia's COVID strategy in April when Taiwan and other nations proved that their strategy worked and was far superior to ours. The government has exposed healthcare professionals to a needless risk.

Question agreed to.

Brisbane Sikh Temple

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:44): At the request of Senators Watt, Chisholm and Green, I move:

That the Senate—

(a) notes that:

(i) the Brisbane Sikh Temple (Gurdwara) Inc ("Brisbane Sikh Gurdwara") has provided approximately 20,000 free cooked meals and 2,000 free grocery hampers to people in need during the coronavirus pandemic,

(ii) assistance has been provided by the Brisbane Sikh Gurdwara to Australians and visitors to Australia irrespective of race, religion or nationality,

(iii) in providing the assistance, members of the Brisbane Sikh Gurdwara have volunteered their time continually over the last three months, including by cooking food, organising groceries, packing hampers, delivering hampers and doing all the other activities needed to undertake such a large project,

(iv) prior to the coronavirus pandemic, the Brisbane Sikh Gurdwara has previously helped members of the Australian community during their time of need, including (most recently) through the delivery of water and other essential supplies to those impacted by drought and bush fires,

(v) the actions of the members of the Brisbane Sikh Gurdwara represent the best of Australian values—reaching out to help people in need, and

(vi) Senator Paul Scarr told INDOZ TV that "It doesn't matter what the background is of the needy people, they're there to support them, and that is all that is good about Australia—is summarised in what the Brisbane Sikh Temple is doing here...";

(b) acknowledges and deeply appreciates the outstanding contribution of all those members of the Brisbane Sikh Gurdwara who stepped up to help people who have been left behind by the Morrison Government during this pandemic—particularly the international students and temporary migrants who have lost their jobs, cannot return home, and are unable to support themselves;

(c) thanks Senator Scarr for bringing this matter to the attention of the Senate; and

(d) expresses its sorrow that so many people in Australia—including those people supported by the Brisbane Sikh Gurdwara and many other faith and community organisations—have been left behind by the Morrison Government's response to the coronavirus pandemic.

Senator SCARR (Queensland) (15:45): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator SCARR: Last Thursday, the Senate passed motion 606, whereby the Senate expressed its deep appreciation to members of the Brisbane Sikh Temple for their assistance to people in need during the coronavirus pandemic. This motion replicates much of that motion, except that it now contains a critique of the Morrison government and it quotes me in certain respects, albeit accurately. This should not be about politics. This should not be about the government. This should certainly not be about me. What it should be about is the generosity of spirit of the members of the Brisbane Sikh Temple, their kindness, their generosity and how their actions reflect the best of Australian values.

Question agreed to.

Online Streaming Services

Senator HANSON-YOUNG (South Australia) (15:46): I move:

That the Senate—

(a) notes that:

(i) streaming 'video on demand' services have no Australian content obligations requiring them to produce or show Australian-made TV shows, documentaries or films, despite having an increasing market share,
research shows two thirds of Australians support laws requiring streaming services to show and fund locally made shows and films, and

(ii) Australian stories are vital for our culture and social fabric and the sustainability of our arts and entertainment industry; and

(b) calls on the Federal Government to require tech giants like Netflix, Amazon Prime, Apple TV and Stan to back and fund Australian-made stories.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:47): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government response to the Australian Competition and Consumer Commission's digital platforms inquiry included a staged process to reform media regulation towards an end state of a platform-neutral regulatory framework covering online and offline delivery of media content to consumers. An options paper authored by Screen Australia and the Australian Communications and Media Authority to consider how best to support Australian stories on screens in a modern, multiplatform environment is open for consultation until 3 July this year. The government will consider stakeholder responses, including the extent of Australian content obligations on free-to-air television and whether there should be an Australian content obligation on streaming on demand services.

Question agreed to.

DOCUMENTS

Sheean, Ordinary Seaman Edward (Teddy)

Order for the Production of Documents

Senator PATRICK (South Australia) (15:48): I, and also on behalf of Senator Urquhart, move:

That—

(1) The Senate notes that:

(a) in July 2019, the Defence Honours and Awards Appeals Tribunal recommended to the Minister for Defence Personnel that the Minister recommend to the Sovereign that Ordinary Seaman Edward 'Teddy' Sheean be posthumously awarded the Victoria Cross of Australia for the most conspicuous gallantry and a pre-eminent act of valour in the presence of the enemy during a Japanese aerial attack on the HMAS Armidale in the Timor Sea on 1 December 1942;

(b) it is understood that the Minister for Defence Personnel subsequently communicated to the Minister for Defence that he was supportive of the Tribunal's recommendation for the award to be granted; and

(c) the independent, unanimous and expert recommendation was overruled.

(2) There be laid on the table by the Minister representing the Minister for Veterans' Affairs, by 2.00pm on 24 June 2020, all documented correspondence between the Minister for Veterans' Affairs and the Minister for Defence relating to the Defence Honours and Awards Appeals Tribunal's consideration of the matter of posthumous awarding of a Victoria Cross of Australia for Edward Sheean, created between 22 July 2019 and 11 June 2020.

Senator LAMBIE (Tasmania) (15:48): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LAMBIE: Teddy Sheean earned a Victoria Cross, and there's not a soul in this chamber that denies that. The only thing that some of you aren't sure about is whether to give it to him. That's all this is about. It's government policy that you won't give a Victoria Cross to somebody who didn't receive it at the time, unless there's compelling new evidence. But that's not a legal position or a legal requirement or a legal defence. It is just a policy preference. You don't dispute that what's in front of you is enough to give Teddy a Victoria Cross, but you won't give it to him. Guess what? It is not yours. It is his. An independent expert tribunal found that he earnt that cross. Give him what he is owed. You are only denying a hero his honour, and it's your policy preference and your bloody stupid captain's poor call that is reflecting on that.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:49): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Ordinary Seaman Edward (Teddy) Sheean was an extraordinary Australian and Australia will remain eternally grateful for his service and his sacrifice. Given that there are different views on whether there is compelling new evidence about Teddy Sheean's actions, the Prime Minister has commissioned an expert panel to provide advice as to whether the 2019 review by the Defence Honours and Awards Appeals Tribunal has
had any new evidence that is compelling enough to support a recommendation to award Teddy Sheean a Victoria Cross.

Question agreed to.

**MOTIONS**

**First Nations People**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:50): I move:

That the Senate—

(a) notes that on Thursday June 11th the Prime Minister said in a radio interview that "there was no slavery in Australia",

(b) acknowledges that:

(i) First Nations peoples worked on farms and pastoral stations for rations instead of wages; they were traded amongst settlers, with children being taken from their families and moved across the country to work,

(ii) First Nations peoples' wages were stolen,

(iii) First Nations peoples had restrictions placed on them such as restrictions on movement and choice — for example people had to apply for permission to travel and what they could purchase and where they could live,

(iv) First Nations peoples were subject to forced labour,

(v) at least 60,000 South Sea islanders were taken to Australia from 1857 to 1908, where they worked largely in cotton, sugar and pastoral industries in a process named 'blackbirding', and

(vi) there are many other examples of such abuse; and

(c) calls on the Prime Minister to withdraw these comments, apologise and engage in a genuine process of truth-telling about Australia's history.

**Senator DUNIAM** (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:51): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for 90 seconds.

Senator DUNIAM: The Prime Minister said at a press conference on 12 June:

In Australia, we know we have had problems in our past. We have acknowledged those and, indeed, in our Federal Parliament we have acknowledged those. I've always said we need to look at our history. The comments I was referring to was to how the New South Wales settlement was first established and the views that were communicated at the time, informing the New South Wales colony, and if you go back to people like William Wilberforce and others, they were very involved in that first fleet expedition and one of the principles was to be that Australia or in that case, New South Wales, was not to have lawful slavery. And that was indeed the case. There was not the laws that have ever approved of slavery in this country.

So I don't intend to get into the history wars, my comments were not intended to give offence and if they did I deeply regret that and apologise for that. This is not about getting into the history wars. I was simply trying to make the point that Australia, yes, we have had issues in our history. We have acknowledged them. I have acknowledged them. And we need to address them and, particularly those who I work closely with in this area, would know that, personally, I have been heavily invested in these issues.

**Senator ROBERTS** (Queensland) (15:52): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator ROBERTS: One Nation supports this motion. The Queensland state parliament's member for the electorate of Mirani is a direct descendant of the Vanuatu Kanaks blackbirded into slavery to work on North Queensland cane fields in the late 19th century and the early 20th century. Stephen Andrew is proud of his ancestry and proud of his service to our state and country in parliament and in the North Queensland community, where he proudly lives a free man. One Nation, the people of Mirani and I are proud of Steve Andrew's service to our state and country. He and we are proud of his heritage. He and we want our country's history to be told honestly.

Question agreed to.

**Standing Committee for the Scrutiny of Bills**

**Senator URQUHART** (Tasmania—Opposition Whip in the Senate) (15:53): On behalf of Senator Polley, I move:

(1) That the Senate notes that:

(a) the Standing Committee for the Scrutiny of Bills plays an essential role in the Senate's legislative function by drawing the attention of the Senate to bills that:

(i) trespass unduly on personal rights and liberties;

(ii) make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers;
(iii) make rights, liberties or obligations unduly dependent upon non-reviewable decisions;
(iv) inappropriately delegate legislative powers; or
(v) insufficiently subject the exercise of legislative power to parliamentary scrutiny;
(b) this role is undermined when a bill is passed before the committee has had an opportunity to table its initial report on the bill; and
(c) except in circumstances where a bill needs to be considered and passed urgently, the Standing Committee for the Scrutiny of Bills should have an opportunity to report on a bill before it is passed by the Senate.

(2) The following operate as a temporary order from the first sitting day in August 2020 to the last sitting day of June 2021:
(a) When a motion for the second reading of a bill is moved by a minister –if the Standing Committee for the Scrutiny of Bills has not yet presented its initial report on the bill, debate on the motion be adjourned at the conclusion of the speech of the minister moving the motion and resumption of the debate be made an order of the day for the Wednesday of the first sitting week following the introduction of the bill in either House.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 581, standing in the name of Senator Polley, be agreed to.

The Senate divided. [15:58]
(The Deputy President—Senator Lines)

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Question negatived.
DOCUMENTS
Community Development Grants Program
Order for the Production of Documents

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:00): Before I move general business notice of motion No. 652, I seek leave to amend the return date by one additional sitting day, to Wednesday 17 June.

Leave granted.

Senator WATERS: I, and also on behalf of Senator Rice, move the motion as amended:

That—

(1) There be laid on the table by Wednesday, 17 June 2020, by the Minister representing the Minister for Infrastructure, Regional Development and Cities:

(a) any evaluation against Community Development Grant program criteria prepared by the Department in relation to any successful recipients identified during or after the 2019 election; and

(b) a list of all projects that have been identified by government as potential recipients prior to the 2019 election campaign, but have not yet been contracted or commenced.

(2) In the event the Minister fails to table the documents requested in paragraph (1), the Senate requires the Minister to attend the Senate by 10am on 18 June 2020 to provide an explanation, of no more than 10 minutes, of the Government's failure to table the documents requested.

(3) Any senator may move to take note of the explanation required by paragraph (2).

(4) Any motion under paragraph (3) shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes each.

Senator PATRICK (South Australia) (16:01): I would ask that voting on this motion be split into paragraph (1) and then paragraphs (2), (3) and (4) together.

The DEPUTY PRESIDENT: The question is that paragraph (1) of general business notice of motion No. 652 as amended, standing in the names of Senators Waters and Rice, be agreed to.

Question agreed to.

The DEPUTY PRESIDENT: Before we put this to a formal vote, I'll just advise the Senate on dates. We split this motion into paragraph (1), which we voted on, and then the rest of the motion, which is paragraphs (2), (3) and (4). In paragraph (1), you will recall that Senator Waters sought an amendment to change the date from 16 June to 17 June. That then required a change of date in paragraph (2), from 17 June to 18 June. So, with the concurrence of the Senate, we will put the motion that way. The question is that paragraphs (2), (3) and (4) of general business notice of motion No. 652 as amended, standing in the names of Senators Waters and Rice, be agreed to.

The Senate divided. [16:06]

(The Deputy President—Senator Lines)

Ayes .................. 26
Noes .................. 31
Majority ............. 5

AYES

Bilyk, CL
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Gallagher, KR
Hanson-Young, SC
McAllister, J
McKim, NJ
Rice, J
Siewert, R
Walsh, J
Watt, M

Brown, CL
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Di Natale, R
Farrell, D
Gallacher, AM
Green, N
Kitching, K
McCarthy, M
O'Neill, D
Sheldon, A
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Antic, A
Question negatived.

**COVID-19: Higher Education**

**Senator FARUQI** (New South Wales) (16:09): I move:

That the Senate—

(a) notes that:

(i) Australian universities are facing massive losses in revenue as a result of falling enrolments during the COVID-19 crisis, and

(ii) universities across the country have begun to announce job cuts, with up to 30,000 jobs expected to be lost;

(b) calls on vice-chancellors to prioritise retaining staff, including those on casual and fixed-term contracts, in their responses to revenue losses, and

(c) calls on the government to include all universities in the JobKeeper scheme.

**Senator DUNIAM** (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:10): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Australian universities remain eligible for JobKeeper if they satisfy the relevant criteria. Our COVID-19 higher education relief package guarantees over $18 billion in funding this year and allows Australians out of work due to COVID-19 to gain new skills in priority areas such as nursing, teaching, health, IT and science through short online courses at significant discounts. It also exempts students who access FEE-HELP or VET student loans from 1 April to 30 September from loan fees to engage with new study or continue their course, and it provides regulatory fee relief so that institutions can better support their students during this crisis.

**Senator ROBERTS** (Queensland) (16:10): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator ROBERTS: One Nation does not support this. It’s about time that universities became more accountable for how they spend our hard-earned taxes. They teach students business and risk management skills but apparently could not teach themselves. They made risky business investments when they should’ve focused on building Australian capability. Fat-cat university executives, who earn around $1.2 million each year plus bonuses, spent our money on underutilised facilities and student accommodation that should’ve been left to the open market to own and operate. Last year the Centre for Independent Studies warned the University of Queensland that they risked a taxpayer funded bailout because of their overreliance on Chinese overseas students, yet the University of Queensland did nothing. Universities are not treating us or our money with respect. Everyone is suffering during the economic downturn, and universities are not a protected species. They created their own problems. They need to apply some basic business principles and to sort out a sustainable business model—revenue, expenses, risk and quality.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 662 standing in the name of Senator Faruqi be agreed to.

The Senate divided. [16:13]

(The Deputy President—Senator Lines)

Ayes ....................27
Noes .....................28
Majority ..................1

AYES

Bilyk, CL................................................... Brown, CL
Carr, KJ................................................... Chisholm, A
Ciccone, R............................................... Di Natale, R
Dodson, P............................................... Farrell, D
Faruqi, M............................................... Gallagher, AM
Gallagher, KR......................................... Green, N
Hanson-Young, SC................................. Kitching, K
McAllister, J.......................................... McCarthy, M
McKim, NJ................................................ ONeill, D
Patrick, RL............................................. Rice, J
Sheldon, A............................................... Siewert, R
Urquhart, AE (teller).............................. Walsh, J
Waters, LJ............................................... Watt, M
Whish-Wilson, PS

NOES

Aber, E.................................................... Askew, W
Birmingham, SJ................................. Bragg, A J
Brockman, S........................................... Canavan, MJ
Colbeck, R............................................. Davey, P
Duniam, J............................................... Fawcett, DJ
Hughes, H............................................. Hume, J
Lambie, J............................................... McDonald, S
McGrath, J............................................. McKenzie, B
McLachlan, A......................................... McMahon, S
Molan, AJ.............................................. Paterson, J
Payne, MA............................................... Rennick, G
Roberts, M............................................. Ruston, A
Scarr, P................................................... Seselja, Z
Smith, DA (teller)................................. Van, D

Question negatived.

The DEPUTY PRESIDENT (16:13): (In division) Stop the count. Senator Roberts, I'm sorry, you're moving around. Are you in the count?

Senator Roberts interjecting—

The DEPUTY PRESIDENT: Can you please resume your seat. Please don't move. I do remind senators that, when the count is on, once the tellers have been appointed, you need to remain in your seats.

National Integrity Commission Bill 2018 (No. 2)

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:16): I move:

That the Senate—

(a) notes that:

(i) the Senate passed the Australian Greens' National Integrity Commission Bill 2018 (No. 2) on 9 September 2019 to establish a federal corruption watchdog with broad remit to investigate allegations of corruption and misconduct, and to ensure strong, independent oversight of the actions of parliamentarians,

(ii) the National Integrity Commission Bill 2018 (No. 2) was sent to the House of Representatives for debate on 10 September 2019, but has yet to be debated,

(iii) on 10 February 2020, the Senate resolved to call on the House to vote on the National Integrity Commission Bill 2018 (No. 2),

(iv) the Government ignored this call and has prevented all attempts to debate and vote on the National Integrity Commission Bill 2018 (No. 2) in the House,

(v) public consultation on the Commonwealth Integrity Commission model proposed by the Government ended nearly eighteen months ago, but the Government has yet to introduce legislation to establish an integrity commission,

(vi) in May 2020, the Attorney-General said that legislation to establish a Commonwealth Integrity Commission would be further delayed due to the COVID-19 pandemic, despite an exposure draft being "ready for release", and

(vii) polls consistently show that the majority of Australians support the establishment of a strong national integrity body;
(b) calls on the Federal Government to bring on the National Integrity Commission Bill 2018 (No. 2) in the House of Representatives for a vote in the June 2020 sittings; and

(c) transmits this resolution to the House of Representatives for concurrence.

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

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Morrison government is committed to establishing a Commonwealth integrity commission to enhance accountability across the public sector. Exposure draft legislation was ready for release, to allow for consultation ahead of its introduction into parliament, before the global economic and health crises caused by the COVID-19 outbreak. Obviously, in recent months the government's focus has been to keep Australians safe and provide the support needed to help businesses and to protect jobs. The Greens’ National Integrity Commission Bill 2018 (No. 2) has fundamental flaws that could result in wasteful duplication and individual injustices. The bill was not supported by the Legal and Constitutional Affairs Legislation Committee when it considered the bill in April last year. The government remains committed to establishing the CIC and will progress with the next steps of the release of draft legislation at an appropriate time, after more immediate priorities concerning to management of the COVID recovery have been dealt with.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 663, standing in the name of Senator Waters, be agreed to.

The Senate divided. [16:21]

(The Deputy President—Senator Lines)

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Majority ..............3

AYES

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Ciccone, R
Dodson, P
Faruqi, M
Gallagher, KR
Hanson-Young, SC
Lambie, J
McCarthy, M
O’Neill, D
Pratt, LC
Roberts, M
Siewert, R
Walsh, J
Watt, M

NOES

Antic, A
Askew, W
Birmingham, SJ
Bragg, AJ
Brockman, S
Canavan, MJ
Colbeck, R
Davey, P
Duniam, J
Fawcett, DJ
Hughes, H
Hume, J
McDonald, S
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McKenzie, B
McLachlan, A
McMahon, S
Molan, AJ
Paterson, J
Payne, MA
Rennick, G
Ruston, A
Scarr, P
Seselja, Z
Smith, DA (teller)
Van, D

Question agreed to.
Women: Employment

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:24): I, and also on behalf of Senator Faruqi, move:

That the Senate—
(a) notes that:
(i) the Government continues to exclude over 1 million casual workers from the JobKeeper payment,
(ii) the Government has announced it will axe the JobKeeper payment for childcare sector workers on 20 July 2020, and
(iii) the Government has agreed to consider Labor's call to reduce the JobKeeper payment for low income earners;
(b) further notes that the above issues negatively impact women as:
(i) women have been hit hardest by the impacts of the COVID-19 pandemic,
(ii) women account for a disproportionate share of the casual workforce,
(iii) in February 2020, the full-time average weekly earnings of women was $1,508, so reducing the JobKeeper payment for low income workers will have a significant impact on women,
(iv) women's underemployment ratio now sits at an unprecedented 16 per cent, compared to 14 per cent for men; and
(v) the last census indicates that over 90 percent of childcare sector workers are women;
(c) also notes that the Government's stimulus response disproportionately benefits men, fails to support low-paid and female-dominated industries, and undervalues unpaid labour activities, which are largely performed by women; and
(d) calls on the Government to support women in work instead of continuing to prioritise measures that will see women lose hours, lose jobs and lose income.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:24): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Women are making a significant contribution to the COVID-19 response and recovery. While many businesses have been adversely affected by COVID-19 and are reducing their workforces, some areas of the economy have an increased demand for workers, including in industries and occupations dominated by women, such as the health and care sectors. Some male dominated industries are also seeing positive demand, such as in transport and logistics, and mining and mining services. It will be critical that these industries draw upon everyone's full capabilities, both men and women, to accelerate our overall recovery as a society and as an economy.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor understand the intent of this motion and support a large part of it, but I think the inclusion of paragraph (a)(iii) means that we will not be in a position to support it today.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 664 standing in the names of Senators Waters and Faruqi be agreed to.

The Senate divided. [16:16]

(The Deputy President—Senator Lines)

Ayes .................9
Noes .................38
Majority.............29

AYES

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

NOES

Abetz, E
Antic, A
Askew, W
Birmingham, SJ
Bragg, A J
Brockman, S
Brown, CL
Canavan, MJ
Senator FARUQI (New South Wales) (16:30): I move:

That the Senate—

(a) notes:

(i) that the New South Wales (NSW) government has included the former IBM site at 55 Coonara Avenue West Pennant Hills in its planning acceleration program, despite the proposal for rezoning from Business to Residential and Environmental use being opposed by the Hills Shire Council and Hornsby Shire Council,

(ii) that the proposal for high-density residential development on the site requires the removal of 2,000 trees, including Blue Gum High Forest and Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion, both of which are listed as a critically endangered ecological communities under the Environment Protection and Biodiversity Conservation Act 1999 (Cth),

(iii) the sustained opposition of local residents, civic associations, environmentalists and elected councillors to the development,

(iv) that the NSW Natural Resource Commission has identified the Sydney Basin Bioregion as being at "high biodiversity risk", and

(v) that land clearing has turned Australia into a global deforestation hot-spot and is exacerbating the climate emergency;

(b) opposes the destruction of ecological communities listed as critically endangered under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), and

(c) calls on the NSW Government to reject Mirvac’s rezoning application and instead convert the Cumberland State Forest and adjacent forest at 55 Coonara Ave West Pennant Hills into national park.

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

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

Senator DUNIAM: This is a state matter, and the Commonwealth EPBC Act already provides for protection for threatened ecological communities.


The DEPUTY PRESIDENT: Leave is granted.

Senator GALLAGHER: Labor won't be supporting this motion. We support the upholding of the EPBC Act protections on all matters, including for threatened species. We don't believe the Greens should seek to use Senate motions to attempt to intervene in proper consideration of projects and matters under the act; nor are the Greens, or should the Greens be considered, the arbiter of these matters.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 661, standing in the name of Senator Faruqi, be agreed to.

The Senate divided. [16:32]

(The Deputy President—Senator Lines)
Noes ......................38
Majority ..................30

AYES
Di Natale, R
Hanson-Young, SC
Rice, J
Waters, LJ

Faruqi, M
McKim, NJ
Siewert, R (teller)
Whish-Wilson, PS

NOES
Abetz, E
Askew, W
Bragg, A J
Brown, CL
Davey, P
Farrell, D
Gallacher, AM
Hughes, H
Kitching, K
McCartney, M
McKenzie, B
McMahon, S
O’Neill, D
Payne, MA
Roberts, M
Scarr, P
Smith, DA

Antic, A
Birmingham, SJ
Brockman, S
Canavan, MJ
Colbeck, R
Duniam, J
Fawcett, DJ
Gallagher, KR
Hume, J
Lambie, J
McDonald, S
McLachlan, A
Molin, AJ
Paterson, J
Rennick, G
Ruston, A
Seselja, Z
Stoker, AJ

Van, D

Question negatived.

Coal Seam Gas

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:35): I move:

That the Senate—

(a) notes that:

(i) the Morrison Government is pushing for a 'gas led recovery', which is expected to increase gas extraction across Australia,

(ii) Australia's largest insurance company, Insurance Australia Group, has announced that it will no longer provide liability cover for farmers with coal seam gas (CSG) infrastructure on their property,

(iii) landholders, including farmers and First Nations peoples, have consistently raised concerns regarding the risks that unconventional gas poses to land, water and the climate, and farmers are concerned that loss of insurance cover exposes them to additional liability for those risks,

(iv) on Q&A on 1 June 2020, Senator Matt Canavan said in relation to gas and farmers' rights: "I think we've got the balance wrong in this country. We don't give farmers enough rights ... I've been to some of those landowners and I've sat with them, having cups of tea. And there was not a lot of voluntary participation in lots of the [gas access] agreements", and

(v) the Greens have proposed a number of bills since 2011 to give landholders, including farmers and First Nations peoples, the right to say no to unconventional gas and coal mining on their land, which the Liberal, Labor and National parties have consistently voted against; and

(b) calls on the Federal Government to require gas companies to hold:

(i) public liability insurance coverage over any land where they have CSG infrastructure, and

(ii) comprehensive insurance coverage for environmental damage on that land.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:35): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The coal seam gas industry plays a vital role in contributing to regional communities. The Queensland experience is that landholders and the industry are successfully co-existing and are provided a range of mutual benefits. In total, more than $505 million has been paid to Queensland primary producers through land access agreements, with nearly $80 million paid in the last financial year alone. There are a range of insurance
products that are available to landholders to cover potential public liability issues. The Greens have no interest in helping farmers. Their only concern is to destroy the gas industry and remove farmers' rights to undertake activities like land management.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor supports the coal seam gas industry and notes that project approval processes in each of the jurisdictions are stringent, robust and science based. As such, we see no merit in this motion.

Senator ROBERTS (Queensland) (16:36): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator ROBERTS: One Nation opposes this motion. Fact: while it's true that one insurance company has withdrawn liability coverage for coal seam gas infrastructure on farmers' property, there are other insurance companies continuing to provide this service. Firstly, the core issue is farmers' rights, which Liberal-National and Labor state governments in Queensland have bypassed in their rush for gas royalties. These rights of farmers over their own property need to be restored. Secondly, gas companies—not farmers—need to provide insurance for their infrastructure. Thirdly, state governments have responsibility for gas mining and effectively underwrite that liability. That is the incentive for state governments to get it right in regulations to protect our valuable natural environment. The issue of insurance is a state government responsibility, and we must oppose the Greens' relentless pursuit of centralisation and the destruction of states' rights, undermining our national Constitution. The federal government has no role in mandating insurance coverage on Queensland farms.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 651, standing in the name of Senator Waters, be agreed to.

The Senate divided. [16:39]

(The Deputy President—Senator Lines)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
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<td>9</td>
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<td>24</td>
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</tbody>
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AYES

Di Natale, R
Hanson-Young, SC
Patrick, RL
Siewert, R (teller)
Whish-Wilson, PS

Faruqi, M
McKim, NJ
Rice, J
Waters, LJ

NOES

Antic, A
Ayres, T
Brown, CL
Colbeck, R
Duniam, J
Fawcett, DJ
Gallagher, KR
Hume, J
Lambie, J
McKenzie, B
McMahon, S
O'Neill, D
Remnick, G
Ruston, A
Seselja, Z
Stoker, AJ
Van, D

Askew, W
Bragg, A J
Carr, KJ
Davey, P
Farrell, D
Gallacher, AM
Hughes, H
Kitching, K
McDonald, S
McLachlan, A
Molan, AJ
Paterson, J
Roberts, M
Scarr, P
Smith, DA
Urquhart, AE (teller)

Question negatived.
MATTERS OF PUBLIC IMPORTANCE

Morrison Government

The DEPUTY PRESIDENT (16:42): A letter has been received from Senator Walsh:

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

The Morrison Government's failure to deliver for bushfire victims, who were promised immediate support but months later only four per cent have received any help.

Is the proposal supported?

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

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

Senator AYRES (New South Wales) (16:43): The bushfires that swept through much of the Australian continent over the course of the last half of 2019 and the first months of 2020 were unprecedented but not unpredictable. The bushfires caused immense damage, and Australians in bushfire affected regions are looking to the Morrison government, wanting it to keep the promises that it made.

There will be an opportunity over the course of the coming months to examine in some detail the level of preparedness and the capacity of the federal government and state governments to do their work in terms of bushfire mitigation, hazard reduction and dealing with the impact of dangerous climate change. But right now what Australians want to see is a government that keeps to its word. And the evidence is that what we're seeing in Australia from this Commonwealth government has all the hallmarks of the Morrison adman—all spin and no substance, the big announcement and zero follow-through every single time. No doubt we'll see advertising about bushfire recovery, but what we don't see is the government spending what it said it would spend. We don't see boots on the ground doing the work that needs to happen in terms of recovery.

I can tell you that, in the area that I come from, in the north-west of New South Wales, on the bushfire recovery effort, six months after those fires swept through some of those towns, the promised clean-up only recently commenced. It took even longer for the promised clean-up to commence on the South Coast of New South Wales. That is unforgivable. That shows a wanton lack of care, a lack of commitment and a lack of understanding of the role of the Commonwealth government at this point. I heard one of the senators opposite bellowing out across the chamber recently that this is all a state responsibility. Bushfires don't know state boundaries. This is absolutely squarely the role of the Commonwealth government.

Recently, Services Australia Deputy Chief Executive Officer Michelle Lees told the royal commission that one in 10 people who applied for one-off disaster recovery payments were unsuccessful. One in three who sought recovery allowances were rejected. When she was interrogated about why, Ms Lees said that applicants may have lived outside an eligible local government area or the damage to their property was considered insufficient. Tell that to the people on the South Coast of New South Wales.

The royal commission has heard that some people struggled to apply because their identity documents had been destroyed. The head of the National Bushfire Recovery Agency, Andrew Colvin, told the commission that many victims had been treated differently because of jurisdictional issues associated with disaster recovery efforts. What people need is a government that sweeps all this aside, that steps in and makes sure that the promises it made—belatedly, not before Christmas and not after Christmas, as it scrambled in its response to realise what the real responsibilities of federal government, of Commonwealth leadership, actually are—are kept.

People who lost their homes in the Clear Range fire at Bumbalong have been forced to start their own heartbreaking clear-up. They've decided they can't wait for the Commonwealth government. They're going to do it themselves. According to Kim Templeton, Secretary of the Bumbalong Valley Progress Association, people in that community feel abandoned. 'After losing a third of the valley's homes in the space of an hour, it took three weeks for official records to reflect the loss,' he said. He went on to say:

It took us about five weeks to convince the Department … that our postcode was fire affected.

So what is the government doing about it? The Liberal candidate for Eden-Monaro says that bushfire recovery has been hampered by poor coordination between the groups offering aid. She's right. 'They're not coordinated enough,' she went on to say. What an indictment of the government that she wants to join! Coordination during and after national disasters is what governments do. It took Minister Littleproud until two weeks ago to announce a review of disaster recovery payments. A review? What's actually required is to get the payments out the door, to do the job that the government is entrusted by the people of Australia to do.
In the meantime, the government have blamed everyone they could point the finger at. It's been a concerted effort, led by Senator Molan and some of the characters who are involved in the Eden-Monaro by-election, to point the finger at charities, at councils, at state governments—at anybody else but Scott Morrison and the Commonwealth government. Well, the buck stops with you. Through you, Madam Acting Deputy President: the buck stops with the Prime Minister. The Liberal candidate for Eden-Monaro wants to join a government that is chaotic, incompetent and obsessed with itself, until it comes to launching an advertising campaign. It's very focused on the press release and very focused on the announcement of big dollars, with breathtaking figures and justifications, but there's zero delivery.

When you look at the National Bushfire Recovery Agency organisational chart, the one thing that the government has been good at doing is filling all of the communications and engagement positions in the agency. There's a big tick for the communications officers, a big tick for the people who designed the memes and a big tick for getting the message out there, but zero for delivery in terms of policy substance and the things that matter for bushfire communities.

The government's rhetoric isn't matched by what's happening on the ground. Businesses in those communities can't access the services that they need to access. People who lost their homes can't get their ruined houses cleaned. Businesspeople who've lost their businesses in many cases are still waiting for demolition. And people are still living in substandard accommodation, particularly as winter on the South Coast of New South Wales sets in. We've got a government that's obsessed by spin, obsessed by marketing and obsessed by sloganeering but has just not been able to deliver, particularly for the people of South Coast New South Wales. It should not have taken a by-election to wake up this hopeless rabble of a government to its real responsibilities.

We are going to do the work here in the Senate. We're going to do the work to hold this government to account. We're going to do the work in the Finance and Public Administration References Committee inquiry into bushfires and the bushfire recovery. We're going to make sure that this government is dragged kicking and screaming to do the job that it's responsible for, that it should be delivering upon and that it has manifestly failed so far to do.

Senator MOLAN (New South Wales) (16:52): I rise to address the matter of public importance submitted, I think, in the name of Senator Walsh—Senator Ayres has now spoken on it—which claims, as to bushfire victims who were promised immediate support, 'months later only four per cent have received any help'. The ALP are politicising bushfire recovery in an apparent attempt to score cheap political points, with the Eden-Monaro by-election in full swing, and that is patently obvious.

Senator Walsh—and possibly Senator Ayres—has not once requested a briefing from the National Bushfire Recovery Agency. If Senator Walsh were truly concerned with the plight of bushfire victims, one would have thought that the senator might have requested a briefing on the work of the National Bushfire Recovery Agency. That agency and government have worked to be as transparent as possible with the opposition and members of the crossbench. And it's not just Senator Walsh. The National Bushfire Recovery Agency has given a whole-of-opposition-shadow-cabinet briefing. It has given one-on-one briefings to Senator Murray Watt and also Catherine King MP, Fiona Phillips MP and Susan Templeman MP and, by my count, 16 other briefings. So for the Labor Party to say that it's going to hold us to account in this house is a travesty. If you're going to hold anyone to account, start by understanding the facts and understanding what's going on.

Additionally, the National Bushfire Recovery Agency sent an email to all opposition and crossbench members in bushfire affected electorates, in May 2020, asking them to advise if they wished to participate in a virtual briefing on bushfire recovery, and not one member of the opposition or the Greens even responded. If the ALP and the Greens were truly concerned about bushfire recovery, one would think all impacted MPs and senators would have taken the opportunity to receive a briefing, and not one did. Instead of working constructively with the government to support bushfire victims, the opposition are taking advantage of the government's effort to keep them informed of their constituents' recovery, and they should be linking in with us on every possible opportunity.

What about this four per cent figure? Senator Ayres didn't mention the four per cent figure. I suspect it's because he is so deeply embarrassed about it. The Labor Party figure of only four per cent of those impacted by the bushfires as having received assistance is just fantasy. I can only surmise that this figure is a form of calculation derived by taking the entire population of the local government areas that had fires occur in them and cross-referencing that with the number of people who have been supported by Australian governments. And just because it's in some publication, Senator Watt, doesn't mean it's correct. At best, this is poor understanding of the reality of the situation. At worst, it is a mischievous and an irresponsible use of arithmetic to politicise the plight of bushfire victims.

While approximately 7.1 million people live in local government areas that have been activated for bushfire recovery assistance, clearly not all of these were impacted in the same way or, indeed, at all. Some of these local...
government areas include large, heavily populated areas. A smaller proportion of Australians were resident within the burn scar and were directly impacted through the loss of loved ones and property. For instance, if we were to take the figure being used by the ALP, one would assume that the entire Gold Coast was directly impacted by flame, and that is ridiculous. The ALP are putting those in high-rises who were untouched on a par with those whose properties in our rural and regional areas were destroyed, and that's bizarre. Another proportion were also indirectly impacted in a severe way through loss of income, trade and crops. The most meaningful measure of the number of Australians that were directly and indirectly impacted is through the take-up of support measures being delivered by all levels of government, which continues to rise.

I want to make a number of additional points and then get down to some real facts. Firstly, the government's policy is about helping Australians recover from the recent bushfires—and that is a national priority, despite the impact of COVID. Just as we do not forget the scourge of drought or the scourge of flood, we are working and will continue to work on providing support to those impacted by the bushfires. Secondly, to get the money out fast, the Commonwealth uses state and territory governments and local councils to deliver the programs. Thirdly, we have enlisted charities to distribute a proportion of the funds as emergency relief, which is managed separately to public donations. Generally, this has worked, but where it has been less than perfect, where systems and processes can be better, the National Bushfire Recovery Agency is working with partners to make improvements.

Two billion dollars has been allocated to the national bushfire recovery fund, and the Prime Minister has said that more is available if required. Funding is being rolled out over a two-year period. At mid-May, half of that money had been distributed. So, when you add in the $417 million more that has been allocated through disaster recovery payments and disaster recovery allowances, you find that over this period $1.4 billion is out there working for the victims of bushfires. The reason it's rolled out over two years is so people in the community can think about their recovery needs and seek support at their own pace. Let me remind you that, in a two-year $2 billion program, we have spent $1.4 billion. I've sat with fire victims at evacuation centres, with smoke in the air, when they were assisted by officials to apply for and receive the bushfire recovery payment and the allowance. On occasions, approval has been given on the phone and money has been within their account within 30 minutes—and often much faster.

Let me speak about what we have actually done in Eden-Monaro—as the Labor Party raised Eden-Monaro. In the five local government areas included in the Eden-Monaro electorate, 502 primary producer grants have been approved, providing almost $32.4 million in support. There have been 130 concessional loans approved, providing over $7.6 million on the ground. There have been 4,429 small business support grants of $10,000 in Eden-Monaro, amounting to over $44.2 million in support. There have been 601 small business grants of $50,000 approved, amounting to over $16.7 million, and over $37 million in Commonwealth payments have been made to individuals under the disaster recovery payment and the disaster recovery allowance.

There will always be people who fall between the cracks. But everyone who has been brought to my attention has been dealt with; they've received aid from the federal level, from the state level or from charities. We can always do it better, but the accusation of four per cent is plain mischievous. Despite the fires coming on top of the drought and being followed by COVID, and despite the fact that individuals may slip through the cracks, the government and its agencies have effectively supported the victims of bushfires across this nation and will continue to do so.

Senator FARUQI (New South Wales) (17:02): I rise to speak on this matter of public importance. The devastating bushfires of last summer ripped through communities across the country. Lives were lost, livelihoods were lost, acres upon acres of bush was lost in flames, and more than a billion animals were killed. I travelled up and down my state of New South Wales and heard tragic heartbreaking stories from people who have lost loved ones, lost homes and lost businesses they have built from scratch. Many talk about the intensity of the fires and how climate change is at the forefront of their minds, about how the climate crisis has fuelled the bushfires and about how angry they are at the Morrison government for not taking action.

It's been six months since the height of the fires, and people are not getting the support they need and they are not getting it fast enough. And now they are dealing with the devastation left by the bushfires and the pandemic all rolled into one. And yet this government is trying to lead us backwards. The government and the COVID commission talk about a gas led recovery. While it might be exactly what the Liberal Party's donors are after, doubling down on fossil fuels would be no recovery at all. It would take us further away from the targets that we desperately must meet to avoid the worst of the climate catastrophe. It is criminally irresponsible. Not only is the government planning to double down on carbon emissions, but they haven't even had the decency or the ability to follow through on the promise of support for bushfire victims. We watched the apocalyptic scenes unfold in real time this summer. It is now an entirely unavoidable truth, even for Prime Minister Scott Morrison, that the climate
On the weekend, I met with people in the electorate of Eden-Monaro, which bore the brunt of so much damage during the bushfires. In February, the New South Wales Rural Fire Service reported that the fires had burnt 365,000 hectares in the Bega Valley and 270,000 hectares in Eurobodalla. That is 58 per cent of the Bega Valley's land mass and 79 per cent of Eurobodalla. People are trying their best, of course, to rebuild. They are showing real courage and resilience, but they need support.

There is soon to be a by-election in Eden-Monaro, and the bushfires and climate are at the top of the minds of people in that electorate. They want investment in their communities because they know that we can recover from the COVID-19 crisis, we can rebuild after the bushfires and we can tackle the climate crisis. While we are doing that, we can also create thousands of much-needed jobs in our communities. We could choose an investment-led recovery plan, where we rebuild an economy that actually helps people by constructing public housing, by providing caring roles in the community in the public sector, by vital post-bushfire environmental restoration jobs and by jobs in renewable energy. We have the means to do this; we just need the political will.

The psychological trauma and devastating economic and environmental impacts of these fires won't be forgotten in Eden-Monaro or, in fact, across the country. But in Eden-Monaro people have a real opportunity to send a strong message to the Morrison government on 4 July and to reset the political agenda to one that actually works for people, not for the fossil fuel vested interests that have so influenced this government. I hope that they use their democratic right to do exactly that. It is simply unacceptable and cruel that the government is sitting on resources so needed by bushfire affected communities. People need support now. Victims of the bushfires can't wait, and neither can our climate or our planet.

Senator WATT (Queensland) (17:06): I rise to speak on this matter of public importance, which has a very important topic that affects so many people who have gone through so much across our country. It has become customary to talk about the 'black summer' bushfires. We saw horrific scenes across much of the country through summer but it is worth remembering that these bushfires started well before summer. They started in my home state, Queensland, back in July, and we saw them in parts of New South Wales as early as September and October, which reflects again the unprecedented nature of these bushfires and the damage they inflicted across such a wide part of the country over such a long period of time.

It is for all of those bushfire victims, whether they are on the New South Wales South Coast, in the Blue Mountains, in the Snowy Valley area or as far north as Central Queensland, that we speak up today again about this government's, and in particular this Prime Minister's, failure to deliver on the promises they have made to bushfire victims. Everyone will remember the Prime Minister scurrying back from his overseas holiday in Hawaii, caught out trying to pretend he wasn't away initially and then finally having to admit that he was. What did he do when he came back to the country? Well, in early January this year, he called one of his hurried press conferences and pledged immediate support to bushfire victims. That was in the first week of January. Immediate support is what this Prime Minister promised to bushfire victims, and yet here we are, months down the track, in the middle of winter in some of the coldest parts of this country, where people continue to live in caravans, and in some cases in tents, in other forms of temporary accommodation or in sheds, and in many cases are still waiting for debris to be removed so that they can just begin the rebuilding process.

I know this government and this Prime Minister don't like Labor, community groups, journalists and a whole range of other people continuing to speak up on behalf of these bushfire victims, but we will continue to do so. We are not going to let this government forget these bushfire victims. We are not going to sit by and let them continue to suffer in their caravans, tents or other temporary accommodation in winter while this government fails to deliver on promises that it has made. It's deeply unfortunate that, in relation to these bushfires, we see a continuation of a pattern from this Prime Minister which is that he's all about marketing. He's all about the headline and he's all about the press conference, and he actually doesn't really care, once he gets that run in the media, whether the promises that he makes are delivered and whether the people he's made promises to receive the support that they very much need.

I have listened to Senator Molan object to Labor pointing out that only four per cent of bushfire victims in bushfire-hit communities have received the support that they have been promised. Last week when I asked Senator Ruston, as the minister representing the emergency services minister, about this, she also took umbrage and accused me of being loose with the truth by using the four per cent figure. I am happy to table, for Senator Ruston's benefit, the article in The Canberra Times from 3 June this year from which that four per cent figure is drawn. It actually comes from evidence that the National Bushfire Recovery Agency gave to a committee of this parliament. So, before the government accuse people of being loose with the truth with figures that we cite, they might want to do their research and make sure they have got the correct figures themselves. As I say, I am happy...
to table that article for the benefit of the minister and the benefit of the Senate more broadly. I seek leave to table that document.

Leave not granted.

Senator WATT: You don't want to know, do you? The government don't want to know. They want to come in here and accuse people who are speaking the truth about bushfire victims of making it up. But, when they're actually offered the opportunity to read the document that proves the point, they don't want to see it. Again, that is symptomatic of this government's approach to the bushfires. They don't want to believe the truth. They want to get out there and make these marketing slogans and tell us that it is all going brilliantly and everyone is being looked after, but the minute the truth is revealed—whether that be about an individual in Cobargo or someone outside Taree who's still waiting for their property to be cleared—they just don't want to know about it. As I say, that is very symptomatic of this government's approach to the bushfires. This article in The Canberra Times of 3 June, which the government doesn't want tabled, states that only four per cent of bushfire victims living in bushfire affected regions have managed to get access to government support. So 96 per cent of those people have not received the support that this government has promised.

This is not the only time that the government have tried to cover up figures in relation to their support for bushfire victims. If you go back about a month ago, we were asking questions of the government about their bushfire recovery efforts. We made the point that the government's own answer to a question on notice—their own documents and their own figures—showed that, of the $2 billion national bushfire recovery fund that they announced in January, only $250 million had been spent. The government responded: 'No, no, it's not true. It's not true.' It came from their own documents, their own figures. They then hurriedly released some new figures, which showed that the number had increased, and I acknowledge that. It's now $529 million. If you look at the documents the government have released to prove that point, they're very keen to throw in all sorts of other figures to try to make out that they're spending more than they actually are.

I could give you more and more figures, statistics, data, such as that one in 10 bushfire victims who've applied for the government's disaster recovery payment has been rejected, and one in three bushfire victims who've applied for the disaster recovery allowance has been rejected. I could give you figure after figure, number after number. But it's important that we don't think about this as numbers. This is about people. This is about people I have met, everywhere from Cobargo to Central Queensland to the Blue Mountains to the Hawkesbury and everywhere in between. It's people Senator Molan has also met, to his credit, and they are the people who are still waiting for this government to get its act together and actually deliver the support that has been promised. These are people who have suffered unimaginable loss—of life, of property, of belonging. They're now having to navigate a complicated system of bureaucracy and red tape, and, sadly, many have just given up because it's too hard.

My office has spoken to many families who've been waiting months for loans and grant approvals. One was recently knocked back because of a mistake on a form, and they are now waiting through an even more complicated appeals process to get back on their feet. Why do these people have to continue suffering through this government's ridiculous processes and this government's obsession with marketing over delivery, when they've already been through so much? For months we have been pointing out the need for case managers to help people navigate the grants process, but unfortunately the government has still not taken up this suggestion, and it's bushfire victims who are the poorer for it.

To his credit, Mr Andrew Colvin, the Coordinator of the National Bushfire Recovery Agency, in his evidence to the royal commission only a couple of weeks ago acknowledged that the government's requirement for bushfire victims to keep retelling their stories over and over again to different government officials was retraumatising individuals. My simple question is, if the government knows that its processes are retraumatising individuals, why doesn't it fix them? You're the government. You've been in power for seven years. By now surely you can work this stuff out and actually treat bushfire victims with some respect. I really hope that this government can get its act together and support bushfire victims and just deliver what it has promised. Is it really so much to ask this Prime Minister to think about more than just getting the headline, to think about delivering on what he promises, to keep faith with bushfire victims? (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Brockman): I remind all senators that interjections are always disorderly.

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (17:17): I rise to speak on this matter of public importance and I'd like to thank Labor. Senator Watt has said that Labor felt they had to remind our government of the bushfire victims. Well, I can assure Labor and I can assure the community that we need no reminding of the people who suffered the tragedy that was the summer just gone. This is a clear example of Labor
trying to politicise something that should never be politicised. Over summer we saw what we now call the 'black summer', but, as Senator Watt quite rightly said, it started before summer. We saw 18.6 million hectares burnt, not just in Eden-Monaro, as some people have alluded to today, but right from Queensland to Victoria, along the entire New South Wales seaboard in my state, and across to South Australia. Nearly 6,000 buildings were destroyed, 34 lives tragically were lost and an estimated one billion animals were killed.

Senator Watt was quite right that it was indeed the National Bushfire Recovery Agency deputy coordinator, Major General Andrew Hocking, who told a Senate committee that about five per cent of bushfire-hit communities had received government aid. However, if you read further, beyond the headline of that article, he explains the mathematics, which is overly simple when you are talking about a complex recovery scenario. He explains that an estimated 7.1 million people live in the local government areas that were impacted directly or indirectly by the fires. By doing the simple mathematics of division, you can then extrapolate that five per cent received government aid. It is not effective maths and it does not clearly show what this government has done.

This government's support was immediate. Firstly, we put in place immediately two major forms of financial support, through the disaster recovery payment, which made available $1,000 for each adult and $400 for each child where they were adversely impacted by the bushfires. We also identified the need to help families with upcoming school expenses and provided a further $400 for each eligible child. Then we made the disaster recovery allowance available to those who have lost income as a direct result of bushfires. This was just our immediate support. Through those programs, a total of 281,000 Australians had received direct financial support from the Australian government.

But support is not limited to a chequebook. Our government got out immediate support for mental health. We provided $100 million committed to the mental health of bushfires victims. Free counselling and Medicare rebated psychological support, including via telehealth, was quickly made available. That is why our government continues to support the mental health of Australians, and 24 per cent of a $53.4 million program has already been spent. Another form of immediate support came through the distribution of facemasks during the bushfires. This is immediate and practical support that people needed. We got 3.5 million masks out the door over the course of summer that saved many lives because it addressed issues such as asthma and quality of air.

We also had the Defence Force out on the ground immediately. That is support. At Mallacoota we saw the biggest-ever maritime evacuation of Australian citizens. That is support. We had an immediate rollout of communications with Sky Muster mobile trucks going into impacted communities—immediate support. And we continue support for our bushfire affected communities through the ongoing clean-up and the ongoing rollout of financial counselling, small business grants and low-interest loans. So I refute the claim that our government has failed to support our communities. We will not turn our back on them. We stand with them now and into the future.

Senator McALLISTER (New South Wales) (17:22): From Bega on the South Coast up to Rappville up in the Northern Rivers, Australians impacted by the summer bushfires are being failed by the federal government. It's been six months since the unprecedented fires, but only four per cent of those impacted have received support. It has been estimated that 7.1 million Australians were impacted directly or indirectly by the fires, yet only 291,000 people have been supported through disaster recovery payments. It doesn't matter how people seek to quibble with those statistics. It's a pretty poor record and it's borne out by the stories on the ground. It's borne out by the stories about the fact that only 288 businesses have been approved for a concessional loan as part of the government's bushfire recovery package. It's borne out by the further information that only $219 million of the $362 million allocated to demand-driven bushfire recovery programs has been spent. Survivors of these fires need support and they need it urgently. The government's lack of action and their lack of ambition for these communities is completely shameful. It reflects an overall complacency and laziness about their role—a focus on themselves and their own jobs at the expense of the communities that they have promised to protect and support.

Of course, the COVID-19 pandemic has only exacerbated the problems that people are facing in regional areas. In Eden-Monaro, people who watched their houses burn just months ago are now facing serious challenges with unemployment and facing the closure of small businesses. In the region 7½ per cent of jobs have been lost during COVID-19, the 11th-highest electorate in the country, and when you talk to people from the area they express their disappointment in the federal government's response. Many are still struggling to get back on their feet from the fires, and now they face this. My office has heard from a man who lived just one kilometre from the fire in Toowoomba, and this man defended his property. He watched while many of his neighbours' houses burnt. Social-distancing measures have made it difficult for him to access the supplies he needs, but he has persevered and he's repaired his property. These are strong and resilient communities, but they need significantly more support to recover from these very difficult times. It says something about the motivations of those opposite that much-needed temporary housing was only made available once a by-election was announced. It was a media
opportunity. This electorate needs strong local representation. It needs a person like Kristy McBain, who was a fierce advocate for locals through the fires and is someone who will take this fight to Canberra.

The thing is that the immediate crisis may have passed but it hasn't passed for the people who have endured so much. For many people there is not going to be a return to normal for a very long time. As Amanda Gearing, a researcher in this area, has written, the effects of a serious natural disaster last for many years. Five years after the floods in Queensland, people are still struggling, and the journey has been longer and more difficult for people who lost family members during or after the disaster, who were traumatised by a near-death experience, who could no longer work in their old job, who had significant health problems or who had insurance claims that were slow, difficult or rejected. These people don't cease to require support just because the fires have been put out. We are talking about a long journey to recovery, and these are communities who know how to manage and advocate for their own interests. It was the community that led the response to the bushfires and it's now the community that is leading the response to COVID-19.

The government needs to provide support to these communities to give them the tools and resources that they need. They don't ask for much, but they do ask, at a minimum, for governments to take an interest in their lives. They ask for governments to think about the fire seasons that may lie ahead, to take seriously the warnings from professionals and to actually start to tackle the issues with climate change that have provided an accelerant to an already dangerous climate. We cannot afford to be complacent. Our lives depend on it. (Time expired)

Senator RICE (Victoria—Deputy Australian Greens Whip) (17:27): People suffered so much from last summer's fires, and our government has failed far too many of them. Despite the unprecedented tragedy of the bushfire season, the news cameras have now largely gone. But for so many people, particularly in my home state of Victoria, the impact is still ongoing. People in East Gippsland are still living in sheds and caravans, even in tents. They haven't been given a time line for when the rubble remains of their homes will be cleared away. Recent media reports tell us that Rotary volunteers supplied about 34 shipping containers to be used as temporary homes, but another hundred were needed. I'd like to read the words of one survivor who's faced trauma: 'Your memory and thoughts are all muddled. I go to counselling every week to try to process my emotions and to understand it. I am a very capable person, but there have been times I have struggled to even make a phone call.'

But it's not just the tangible help directly after the fires where the failure has occurred. In late May, the Finance and Public Administration References Committee heard from Greg Mullins. He was representing Emergency Leaders for Climate Action, a group of 33 former fire and emergency service chiefs and deputy chiefs, covering every fire service in Australia. His words were powerful:

It's settled science; there's no question. The atmosphere is warming due to the burning of oil, coal and gas. Just a 1.1-degree increase has led to weather conditions that have never been experienced before … in just under 50 years of fighting fires … we haven't seen fires of this magnitude before.

Even more scary, he told us that, when he spoke about the climate emergency, 'I was spoken to by my minister at the time and by some senior officials.' What kind of pathetic excuse for a liberal democracy are we living in? We should be listening to the science and to our independent officials, but, instead, the government gagged them. In that same hearing we heard that before the Prime Minister went off on holiday to Hawaii he knew of the unprecedented nature of the fire season that we faced and he went anyway. The Prime Minister buggered off during last season's bushfires, but he has the chance to do the right thing now.

The coalition can and must support people who have survived these fires, to treat them with respect, treat them as if they were family, and they must do it soon. People should not still be living in tents. The government can do a lot more to invest in and rejuvenate local communities and create jobs in environmental rehabilitation, to restore damaged landscapes: employ people working in the bush to tackle weeds and pest animals; fence off rivers and streams; build tourism infrastructure, like walking and cycling trails. They could start protecting our forests, employing local people, including First Nations peoples, in streams; build tourism infrastructure, like walking and cycling trails. They could start protecting our forests, a lot more to invest in and rejuvenate local communities and create jobs in environmental rehabilitation, to restore

In East Gippsland, where people have been suffering so much, there's a proposal for the Emerald Link. It's a proposal for forest protection and tourism and recreation infrastructure, from the mountains to the coast, that would rejuvenate local economies and be an icon project, something to be really proud of; and would reflect what an extraordinary part of the country East Gippsland truly is. These projects are good for people, and good for our economy and our environment, and they can be undertaken quickly and efficiently compared with the massive mining and development projects that the government announced today—which they want to fast-track, trashing and slashing our environment protections and our precious wildlife.
Finally, the Morrison government must do more on the climate emergency. We know climate change makes fires more intense and more frequent. People suffered so much from last summer's firestorms that were so intense, because of the one degree of heating that we have already experienced. Just think what three to four degrees of global heating will do! That's what the Morrison government have us on track for. On top of the Morrison government's failure to look after bushfire victims, failure to plan and deliver sustainable economic initiatives, Morrison's inaction on the climate crisis is risking Australian lives—last summer, the coming summer and all summers to come.

Senator VAN (Victoria) (17:32): I rise to speak today about this important matter. While I thank Senator Walsh for the opportunity to highlight the great work that the federal government is doing to support communities hit by last summer's bushfires, I also understand that she has not once sought a briefing from federal authorities on the recovery's progress. This may explain some of the misperceptions that we heard earlier.

There is no doubt that the extensive nature of these fires has impacted our communities, including those in Victoria, such as Mallacoota, Cann River and Orbost. Whilst I have said in this place previously that these fires are not unprecedented, nevertheless this level of damage requires huge amounts of effort and time to recover. If Senators Walsh and Rice were truly concerned about the plight of Victorian bushfire victims, one would have thought they might have requested a briefing on the work of the National Bushfire Recovery Agency, especially in those communities. As a government we recognise that, due to the scale of the destruction, the recovery effort needed is going to be enormous and long-lasting. That is why the government established the National Bushfire Recovery Agency: to lead the work to drive a strong economic recovery.

This is the first time that a federal government has recognised the need for a permanent national body to work in partnership with the states and territories, to aid their efforts in recovering from bushfires. The National Bushfire Recovery Agency and the government have worked to be as transparent as possible with the opposition and members of the crossbench. This has included a whole-of-opposition shadow cabinet briefing and one-on-one briefings with other Labor colleagues, including Senator Watt and local MPs such as Catherine King, Fiona Phillips and Susan Templeman.

This government has established a $2 billion Regional Bushfire Recovery Development Program. So far, over $1.3 billion from that program has been spent. It draws on local voices and local governments to develop the right sort of recovery plan for communities in the most severely impacted regions. Funding is rolling out over a two-year period. This means people in communities have time to think about their recovery needs and seek the right support at the right time for them.

Already, over 281,000 Australians have received direct financial support from the Australian government through the disaster recovery and allowance payments. Approximately 23,000 businesses have received direct financial assistance. Fortuitously, today's sacking of Victoria's small business minister, following allegations of political branch stacking, may possibly even speed up the recovery of small businesses. It sounds like he was more focused on politicking than his portfolio, but that is an oft-heard observation of Labor. This money either has already been paid or is being reimbursed to state and territory governments for help they deliver on our behalf, including the Labor government in my home state of Victoria, so perhaps Senator Walsh's concerns might be better directed to her state Labor colleagues.

Communities are recovering from the combined impacts of drought, fire and the coronavirus. But make no mistake: the challenge is immense. What is required is a focused partnership between governments and the people on the ground, and that helps them recover in a way that suits their individual needs. Thank you.

Senator McKENZIE (Victoria—Leader of the Nationals in the Senate) (17:36): As Leader of the Nationals in the Senate and a proud regional Victorian, I'm very pleased to be able to participate on behalf of those communities and contribute to this matter of public importance raised by the Labor Party, which is quite ironic. It's nothing more than a stunt, but I guess we shouldn't be surprised—a really cheap and tawdry attempt to politicise the bushfire recovery.

Our regional communities have been hit by a triple whammy—the drought, bushfire and COVID-19—and we're doing everything we can as a federal government to support them through that. Labor is not interested in bushfire recovery. They're interested in any single distraction to take the spotlight away from their grubby ALP branch wheeling and dealing. If Labor were actually interested in the people of Victoria, you'd think the senator that put this matter forward would actually have shown some interest.

I think, Senator Van, you raised a very valid point: when the government offered a briefing so it could get across the detail to all senators—because we know that, when we work together across political parties and across jurisdictions, we achieve great things; we've done it in flattening the curve with COVID-19, and we can do it with bushfire recovery—no-one showed up. No-one showed up from the Labor Party. And guess what? No-one
showed up from the Greens. But those of us who live out in these communities are actually not surprised by this fickle and offensive politicisation of something that is very real and is impacting people's daily lives.

We've just heard in the debate tonight—Senator Rice gets on her high horse—the typical Green talking points rolled out yet again. You know what? The royal commission into the bushfires in our home state, Senator Van—those horrific bushfires that occurred on 7 February 2009 and killed 173 people—said our volunteer and professional fireies need to work better together. Do you know what makes a difference to fires? An ignition point, a fuel load, access to tracks and access to the national parks and the state parks et cetera to actually manage the fire. Fuel burns also make a difference. That was over a decade ago, and here we are.

I want to also put on the record: thank you to our CFA volunteers, the RFS and the South Australian volunteer firefighters who spent day and night. I remember going out into Cudgewa and Corryong and Tallangatta and talking with the CFA volunteers after New Year. They were exhausted. They'd be out defending their neighbours' property and they would get home to find their own backyard burnt.

So that is a bit disappointing, but you know, here we are, batting it away. At the end of the day, I know my Senate colleagues on this side of the chamber have gone through the significant support that our government has put on the ground and into regional communities to support those bushfire affected communities: an initial $2 billion for those recovery efforts; for financial counselling, we've already paid out $1 million; we've already paid out $18.2 million in small business grants; there are the $10,000 small business grants already paid out; $173 million—I could go on and on and on.

The reality is: we all know in this place that, while we come with bags of money and good intent, it is state governments that are responsible for the frontline rolling out of these programs. And to come in, particularly in Victoria, with young Daniel—young Daniel Andrews had a big day; I hope he watched 60 Minutes; I know I really enjoyed it last night. Not a lot of surprise there for me—

Senator McGrath interjecting—

Senator McKenzie: I don't know where the cameras were, Senator McGrath! But it is time for state governments of all colours to get serious about supporting regional communities.

I just want to put on the record: Natalie O'Connell, former mayor of East Gippsland and an Omeo resident, and David Wortmann, Towong mayor: thank you for your leadership in our communities over summer.

The ACTING DEPUTY PRESIDENT (Senator Brockman): Senator McKenzie, your time has expired and the time for the discussion has also expired.

**DOCUMENTS**

Commonwealth Integrity Commission
Order for the Production of Documents

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (17:41): I table documents relating to the order for the production of documents concerning the proposed Commonwealth Integrity Commission.

Building Landcare Community and Capacity Program
Order for the Production of Documents

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (17:41): I table documents relating to the order for the production of documents concerning the Building Landcare Community and Capacity grants program.

**BILLS**

National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020
First Reading

Bill received from the House of Representatives.

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (17:42): 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 SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (17:42): I table a revised explanatory memorandum relating to the bill. I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020 gives effect to the commitment made by successive governments to the Australian community to establish a purpose-built National Radioactive Waste Management Facility to permanently dispose of low level radioactive waste and temporarily store intermediate level radioactive waste.

Radioactive waste is generated by the Commonwealth and other Australian entities and is predominantly a by-product of nuclear medicine. On average, one in two Australians will need nuclear medicine in their lifetime. This radioactive waste is currently stored in over 100 locations across Australia. This is neither desirable nor sustainable, as those locations are not purpose built and some have limited storage capacity.

The successful operation of the National Radioactive Waste Management Facility will greatly improve the safety and security of radioactive waste management in Australia. The Facility will support the nuclear science and technology industry and bring Australia into line with some of our key international partners.

Furthermore, the amendments in this Bill will improve Australia’s ability to meet our international obligations by ensuring that our radioactive waste is stored and managed in a manner consistent with the principles under the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. This Bill comes at the end of a consultation and technical assessment process spanning more than four years where owners voluntarily nominated their land to be considered for the location of the Facility.

In identifying a site the former Minister for Resources and Northern Australia, Senator the Hon Matt Canavan, considered a detailed Site Assessment Report covering safety, regulatory approvals, costs and other aspects of site suitability, which was developed from more than three years of technical studies. The Minister also considered a Community Sentiment report drawing on a range of measures, including community ballots, submissions and surveys.

The site of Napandee located in the district Council of Kimba in South Australia has been identified as the location for the Facility. The former Minister was satisfied that a Facility at Napandee will be best able to safely and securely manage radioactive waste, and that there is broad support in the community for the project and the economic benefits it will bring.

There is broad support for the location of the Facility in Napandee. The local community of Kimba has indicated their support through community ballots, public submissions, business and neighbour surveys as well as their willingness to discuss, debate and learn about the Facility and what it means for their community.

100 per cent of direct neighbours of Napandee support the Facility. 61.6 per cent of voters in Kimba support the Facility. 59.3 per cent of local businesses support it, and 59.8 per cent of submissions from Kimba locals supported it.

Establishment of the Facility in Napandee will provide for the safe and effective management of Australia’s radioactive waste, and support the long term social and economic sustainability of the Kimba community. A large number of the submissions received expressed enthusiasm for the jobs and economic opportunities the Facility would provide for those living in the area.

While there is undoubtedly broad support for the Facility in the Kimba community, it is important to acknowledge that there remains some opposition and concerns about potential agricultural impacts.

Experience around the world is that radioactive waste facilities and farms have succeeded side-by-side for decades without any reputational or market impact on surrounding agriculture, tourism or other community activities.

The common experience of such facilities located in the farming regions of Champagne in France, the Lakes District in the UK, and Elcabria in Spain, for example, is that this industry plays an important role in the life of local communities by creating a new industry, with a diversity of jobs and investment, and strengthening local economic and social development.

In Australian regional communities, this stable and alternative industry would be particularly beneficial in times of drought.

While Native Title has been extinguished at the site, it is a priority for the Government to protect and preserve Aboriginal cultural heritage and to engage meaningfully with the Bargara community to maximise economic opportunities and outcomes for local Aboriginal communities near the future facility. The Commonwealth will continue that engagement as the Facility moves into its establishment phase.

The Bill also repeals the existing site nomination and selection framework under the National Radioactive Waste Management Act 2012 and inserts new provisions which specify the site of the Facility.

This revises the approach from making a ministerial declaration to acquiring the site through legislation. Specifying the site of the Facility in legislation will provide the Parliament with the opportunity to have a say in the decision to progress this vital national infrastructure.
This also provides certainty to the Australian public and impacted communities about the site and allows those communities not selected to host the Facility to resume their regular activities and look to new opportunities for the future.

The size of the parcel of land specified in the Bill for the establishment of the Facility is approximately 160 hectares. This is sufficient for the footprint of the Facility, the associated security requirements, enabling infrastructure such as power and water, and community agricultural research and development activities. The Bill enables a further parcel of land of up to 50 hectares of the original voluntarily nominated land to be acquired to expand the specified site. This additional land may be necessary to allow for the establishment or operation of the Facility should further site specific technical and cultural heritage investigations determine that more land is required.

The Bill also provides for acquisition of land for secondary all-weather road access, and for the identification of certain rights and interests in relation to this land that are not required. People with a right or interest in additional land being considered for acquisition will be invited to provide comment in accordance with the procedural fairness provision in the Bill.

Most importantly for the host community, the Bill provides for the establishment of a $20 million Community Fund, which will support the Government's commitment to the economic and social sustainability of the Facility's host community. The Facility is an investment in the long-term safe and secure management of radioactive waste and, once established, is expected to be in operation for 100 years.

The Community Fund will contribute to sustainable health services, agricultural research and development, enhancements to local critical infrastructure and the further development of the local Aboriginal community economy in the host community.

The Community Fund is one component of the $31 million Community Development Package that the former Minister announced in July 2018 to go to the community chosen as the site for the national Facility.

This package also includes the Community Skills and Development Program, which will provide $8 million in grants for four years from acquisition of the site, to assist local workers and businesses to maximise opportunities from the construction and operation of the Facility.

The package also provides for up to $3 million from the Government's Indigenous Advancement Strategy to strengthen Indigenous skills training and cultural heritage promotion in the successful community.

The Bill changes the focus of the fund from a State or Territory-based fund to a community-based fund, enabling the host community to make decisions on how the payment is spent to best support the establishment of the Facility and its operation in safely and securely managing controlled material.

Finally, the Bill also improves the transparency of the National Radioactive Waste Management Act 2012 by making a number amendments to provide clear and objective links between the operation of the Act and the relevant Constitutional heads of power.

In conclusion, this Bill signifies the Government's commitment to improve the safety associated with radioactive waste storage and management in Australia. The amendments improve the transparency of the site selection and the mechanisms to support the community that will be delivering public services and infrastructure to the Facility.

Importantly, the Bill brings to a conclusion a prolonged consultation period, providing certainty and clarity to affected communities, and concluding a search for a site that has been ongoing for more than 40 years.

I commend this Bill to the Chamber.

Debate adjourned.

Treasury Laws Amendment (2019 Measures No. 3) Bill 2019

Consideration of House of Representatives Message

Message received from the House of Representatives informing the Senate that the House has disagreed to the amendments made by the Senate.

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (17:43): I move:

That consideration of message No. 218 in Committee of the Whole be made an order of the day for the next day of sitting.

Senator PATRICK (South Australia) (17:43): I move the following amendment:

That all words after 'That' be omitted and replaced with 'the message be considered in Committee of the Whole immediately'.

The PRESIDENT (17:48): The question is that the amendment moved by Senator Patrick to the motion regarding the message from the House—that it be considered immediately—be agreed to.

The Senate divided. [17:48]

(The President—Senator Ryan)

Ayes ......................30
Noes ......................26
Majority ...................4
AYES

Bilyk, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallacher, AM
Green, N
Kitching, K
Lines, S
McCarthy, M
O’Neill, D
Pratt, LC
Roberts, M
Sterle, G
Walsh, J
Watt, M

Brown, CL
Ciccone, R (teller)
Dodson, P
Faruqi, M
Gallagher, KR
Hanson-Young, SC
Lambie, J
McAllister, J
McKim, NJ
Patrick, RL
Rice, J
Siewert, R
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Antic, A
Askew, W
Birmingham, SJ
Bragg, A J
Brockman, S
Canavan, MJ
Colbeck, R
Davey, P
Fawcett, DJ
Hughes, H
Hume, J
McDonald, S
McGrath, J (teller)
McKenzie, B
McLachlan, A
McMahon, S
Molan, AJ
Payne, MA
Rennick, G
Ruston, A
Ryan, SM
Scarr, P
Seselja, Z
Smith, DA
Van, D

Question agreed to.

In Committee

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (17:52): I move:

That the committee does not insist on its amendments to which the House has disagreed.

Senator PATRICK (South Australia) (17:52): I just want to remind the Senate exactly what this amendment that was rejected in the House is about. That is, that there are 1,119 companies that are exempt from having to lodge company returns with ASIC. That creates an opaqueness about these particular companies. It is a provision that was put into the Corporations Act back in 1995 as a temporary measure. It's been a 25-year temporary measure. There are issues in relation to tax transparency in respect of this because, in the words of ASIC in their committee report, they raised the concern that this creates an environment that could encourage aggressive tax minimisation. It's important that we deal with that. We also don't want to have in Australia a class of companies that have very, very special privileges—a separate group of companies, with people like Kerry Stokes, Lindsay Fox and Anthony Pratt, who are the proprietors of these companies, having a special privilege that no other business has. After new businesses start up, once they get to a size where they are required to lodge reports they don't get this exemption. We need to deal with this. It was passed by the Senate. It went back to the House. It's been rejected because the government want to protect their mates. They want to protect their very wealthy mates who provide them with political donations. The time has come for that to stop.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (17:54): Thank you, Senator Patrick. Can I just remind the chamber that this is an amendment put forward by Senator Patrick that has nothing to do with the substantive part of the bill. The other schedules in the bill are time-critical, and we would like to get it passed. I would also remind the chamber that Senator Patrick has attached exactly the same amendment to another bill that is being debated later this week.

Senator WHISH-WILSON (Tasmania) (17:54): The Greens will be supporting this amendment, like we supported the amendment last week. It is like what we proposed nearly two years ago; indeed, the Greens have brought a very similar amendment to this chamber on two occasions. There is no reason at all for these grandfathering exemptions to be in place. Just to give the chamber a very brief reminder: last week, the minister
couldn’t give any reason at all for the public policy basis of exempting some of the wealthiest individuals and biggest companies in this country from providing annual reports to the Australian Securities and Investments Commission. There is no justification for grandfathering. This was done by the Labor Party, by the Keating government, over 20 years ago, and it was locked in by Mr John Howard. It’s an anomaly of the past. It has no place at all in present-day transparency around financial matters.

**Senator LAMBIE** (Tasmania) (17:56): I think this needs to be asked; curiosity always kills the cat when it comes to political donations in this place. How many of those over 1,000 companies have been political donators to the Liberal Party over the last 25 years? Could you please tell me how many are still donating to the Liberal Party today?

**Senator HUME** (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (17:56): Thank you, Senator Lambie. That very same question was asked by Senator Patrick in the debate that we had on this bill just a few days ago. I will give you the same answer I gave him then: I can’t tell you that, because it’s not something I would know. Donations are a matter for the Liberal Party and the National Party organisations. As you would know well, donations are declared to the AEC in accordance with section 314AB(1) of the Commonwealth Electoral Act, and that register is publicly available on the AEC website.

**Senator LAMBIE** (Tasmania) (17:57): Since it was asked last week, do you not think you would have had answers ready, because you probably would have known this bill was coming back here anyway, so that you could at least answer it this time so that the Australian people can see what is going on here? We can smell it a mile away. This has to do with political donations.

**Senator HUME** (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (17:57): I should probably again add to the answer that I gave you before and gave Senator Patrick just last week when this bill was originally debated, when we debated not just this amendment but also the substantive component of the bill—which I again reiterate is in fact time-critical. Donations themselves are a matter for the Liberal Party and National Party organisations. As you and Senator Patrick and the Greens know, donations are declared and always have been declared—and always will be declared—to the AEC in accordance with section 314AB(1) of the Commonwealth Electoral Act 1918. That register is publicly available on the AEC website. You can visit that website, should you choose to, where the full register of donations is publicly available. The URL of that website is www.transparency.aec.gov.au. In fact, I think Senator Patrick has a list of those donors and a list from the AEC website. He can show them to you and you can compare the pair, so to speak.

What I would say, Senator Lambie, is that, as you would well know, if the aim of the game here is to ensure that tax avoidance is minimised you should know that Australia is in fact a global leader in the international fight against tax avoidance. This government has in fact implemented more than a dozen measures in just the last four years alone to address this very issue. Government measures since 2016 include a multinational tax avoidance law—you would know it better as the MAAL—and a diverted profits tax, the DPT, both of which have doubled the penalties for tax avoidance and established the ATO Tax Avoidance Taskforce. That task force, which was created on 1 July 2016, has enforced existing laws, but it also supports the government’s new tax avoidance measures. It specifically targets multinational enterprises, large public and private groups and also wealthy individuals. From 1 July 2016 right through to 31 March this year, the ATO, through these measures, has in fact raised $16.9 billion in tax liabilities against large public groups, multinational corporations and privately owned and wealthy groups. This generated cash collections of $9.9 billion, and $8.8 billion of the liabilities and $5.1 billion of the collections are attributable specifically to that task force. In fact, in the 2019-20 budget the government announced more than $1 billion of additional funding to extend that task force, to expand its activities, because it has done such a tremendous job. The expansion of its funding and its activities is expected to raise tax liabilities of around $4.6 billion over the forward estimates period.

In the 2018-19 budget, this government announced further measures, which included strengthening the rules that limited interest deductibility, in order to stop companies shifting profits out of Australia, including requiring companies to align the value of their assets with the value included in their financial statements. It also broadened the scope of large multinationals that were subject to the multinational tax avoidance law, the MAAL.

As has been clearly demonstrated here, Australia has been very vigilant in adopting the actions recommended by the OECD and the G20 Base Erosion and Profit Shifting Project, the BEPS project, including country-by-country reporting—something that has been asked about numerous times at Senate estimates—hybrid mismatch rules, anti-treaty-abuse rules, strengthening the transfer-pricing rules and signing a multilateral instrument. Australia has gone beyond the BEPS recommendations by implementing the multinational anti-avoidance legislation, the diverted profits tax, doubling the penalties for multinationals that seek to avoid tax, imposing tax conditions on foreign investors, strengthening thin capitalisation laws, and establishing the Tax Avoidance
Taskforce. As you would know, Senator Patrick, enhanced whistleblower protections have also been enacted to limit disincentives for individuals to report tax misconduct to the ATO.

On top of that, Australia has enhanced its tax laws in a number of other areas to protect the integrity of our tax bases. In fact, since 1 July 2017 the GST has applied to digital products and services imported by Australians, and since 1 July 2018 the GST has applied to low-value imported goods, a piece of legislation I remember very well. To expand a little further, in the 2018-19 budget measures—the thin capitalisation measures, which I know were something that the Greens were particularly interested in—the government announced that it would require entities to rely on their financial statements for thin capitalisation purposes. This removed the ability for entities to use a higher value or to recognise assets that cannot be recognised under the accounting standards. This measure was enacted on 13 September 2019 as part of the Treasury Laws Amendment (Making Sure Multinationals Pay Their Fair Share of Tax in Australia and Other Measures) Act 2019, one that I know Senator Whish-Wilson spoke on very passionately indeed.

In the 2018-19 budget we also amended the definition of 'significant global entity', the SGE. The government announced in the 2018-19 budget that it would broaden the definition of a 'significant global entity', thereby expanding the scope of entities subject to the diverted profits tax and the multinational anti-avoidance legislation, and administrative and tax avoidance penalties were increased as part of the same legislation. This measure applies from income years commenced on or after 1 July 2019, so we will only start seeing the effects of that kicking in at the end of this financial year. The measure was enacted on 25 May 2020, with the Treasury Laws Amendment (2020 Measures No. 1) Act 2020. These initiatives have shown measureable results. The multinational anti-avoidance law, the MAAL, addresses artificial arrangements designed to avoid a taxable presence in Australia. The government's successful implementation of the MAAL has seen many, many large businesses restructure their operations in order to be compliant with the law. The multinational anti-avoidance legislation has now seen over $7 billion in taxable sales being returned to Australia. In addition, $654 million in additional GST has been paid in the 2019-20 year to date—to 31 March 2020—as a result of some global entities restructuring in response to the multinational anti-avoidance legislation.

The estimated business-to-consumer net GST is approximately $57 million from this legislation alone—the multinational anti-avoidance legislation—but the diverted profits tax, the DPT, is estimated to raise over $100 million per year, from the 2018-19 budget, in additional tax from large multinationals that are seeking to avoid tax. And, Senator Lambie in particular, you should know that, on 18 December 2019, the ATO announced that it had settled a tax dispute specifically with Google, with a payment of $481.5 million on top of Google's previous tax payment. This brought the increased cash collections from e-commerce taxpayers to around $1.25 billion a year. The ATO has credited the operations of the multinational anti-avoidance legislation and the Tax Avoidance Taskforce with returning those Australian sourced sales by digital firms to Australia's tax base. On 15 May 2020, several media organisations reported that, among other things, Google's financial accounts revealed that it incurred an additional $50 million in back taxes in 2019. This raised Google's total tax paid in 2019 to around $99 million. Google's 2019 calendar year Australian pre-tax profit was reported to be around $134 million. There is more that I can tell you but, unfortunately, my time has nearly run out. I would suggest that the Morrison government's commitment to ensuring companies pay their fair share of tax, to ensuring integrity, to ensuring transparency, has been demonstrated over and over again.

Senator PATRICK (South Australia) (18:07): I move:

That the question be now put.

The CHAIR: The question is that the question be put.

The committee divided. [18:12]

(The Chair—Senator Lines)

Ayes ..........................31
Noes ..........................31
Majority .....................0

AYES

Bilyk, CL
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Gallagher, KR
Hanson-Young, SC
Lambie, J
McAllister, J
McCart, CL
McIvor, B
McIvor, S
McSweeney, R
McVeigh, B
Merrett, J
Middleton, J
Mills, J
Morran, G
Morris, B
Muir, P
Murphy, K
O'Sullivan, J
Palmer, C
Parsons, D
Piddington, P
Price, S
Robinson, P
Rose, G
Rudd, K
Ruston, D
Ryan, J
Smith, K
Young, SC

NOES

Brown, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallagher, AM
Green, N
Kitching, K
Lines, S
McCarthy, M

CHAMBER
Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (18:14): I was in the process of describing to Senator Lambie about government actions towards tax avoidance measures in the last few years. We got to the multinational anti-tax avoidance law. That particular law, as I mentioned before, applied from 1 January 2016. The result of the multinational anti-tax avoidance law, or the MAAL, is an additional $7 billion of sales revenue that has been booked in Australia already—large taxpayers that are bringing their Australian sourced sales back onshore.

The multinational anti-tax avoidance measure is designed to stop multinationals from artificially avoiding a taxable presence in Australia. Approximately $753 million in additional GST was paid in just the 2018-19 year as a result of some global entities restructuring in response to the multinational anti-tax avoidance measure. We have also in fact toughened that measure even further. That applied from 1 January 2016 and was expected to result in an unquantifiable gain to underlying revenue that prevented multinationals from using foreign trusts and partnerships in corporate structures that would seek to undermine the multinational anti-tax avoidance legislation and avoid the operation of the multinational anti-avoidance legislation.

The diverted profits tax, the DPT I described earlier, commenced on 1 July 2017. It is at this stage probably too early to tell the results of the diverted profits tax as it only applies to income years from 1 July 2017, but it's expected that the results of the DPT are largely around behavioural change. It's been estimated that the diverted profits tax will raise around $100 million every single year. The ATO DPT project team has been actively involved in identifying potential diverted profits tax risks.

The thin capitalisation, which is the valuation of assets and treatment of consolidated entities, program applies to new valuations that were made after the budget announcement. From 1 July 2019, all entities must rely on valuations that are in financial statement. The legislation was enacted on 13 September 2019. The thin capitalisation rules and the change to the thin capitalisation rules is expected to result in a gain to revenue of around $240 million over the forward estimates. The program tightens Australia's thin capitalisation rules by requiring entities to align the value of their assets for thin capitalisation purposes with the value that's included in their financial statements.

On top of that, this government has implemented a new application of GST on digital products and services. That was commenced in July 2017. The net GST revenue of $955 million was raised between 1 July 2017 and 31 December 2019. That GST applies to digital products and services that have been imported by Australian consumers. Collections to date have vastly exceeded expectations. On top of that, GST now applies on low-value imported goods. That GST commenced on 1 July 2018. The GST revenue from that program has raised around

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**AYES**

McKim, NJ
Patrick, RL
Rice, J
Siewert, R
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

**NOES**

Abetz, E
Askew, W
Bragg, A J
Canavan, MJ
Cormann, M
Duniam, J
Fieravanti-Wells, C
Hughes, H
McDonald, S
McKenzie, B
McMahon, S
Paterson, J
Roberts, M
Ryan, SM
Seselja, Z
Van, D

O'Neill, D
Pratt, LC
Sheldon, A
Sterle, G
Walsh, J
Watt, M

Amendment negatived.
$556 million between 1 July 2018 and 31 December 2019. You will recall, before this time GST didn't apply to goods that had been imported that were beneath $1,000 in value. Of course, that was an enormous disadvantage in this increasingly digitised age for those high-street shops that were competing with online businesses, and particularly those from overseas. Electronic distribution platforms and goods forwarders became required to account for GST on sales of imported low-value goods with values of a $1,000 or less to consumers in Australia, and collections to date have vastly exceeded expectations. This government has efficiently and effectively been tackling multinational tax avoidance, transparency and accountability to companies of all sizes.

Progress reported.
Ordered that the committee have leave to sit again on the next day of sitting.

**Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019**

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

**Senator ANTIC** (South Australia) (18:21): Prior to question time, I was speaking in support of the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019. I had outlined some of my concerns about the statistics surrounding abuse towards children and the manner in which it could or could not be held. I had detailed some statistics from the Australian Institute for Health and Welfare and I'd given some examples in relation to how this plays out in a very real sense.

Last year, the Australian Federal Police received almost 18,000 reports of child exploitation involving children or Australian child sex offenders. This is a doubling of what we saw the previous year, and it shows why it's particularly important that this behaviour is not tolerated. It's also why the Morrison government is introducing the this bill. What the bill strives to do is strengthen Commonwealth laws in order to provide greater protection to the community through deterring and punishing child sex offenders. It seeks to do it using four key mechanisms. Firstly, there are new offences for grooming activities and for websites and online platforms designed to host child abuse material. Secondly, aggravated offences for the most horrific types of child abuse engaged while someone is outside of Australia will also be introduced. Thirdly, there will be presumptions against bail and presumptions for imprisonment, making it harder to be granted bail and more likely that child sex offenders will go to prison and stay there. Finally, the bill seeks to introduce mandatory minimum sentences for the most serious child sex offences and for those who are likely to be repeat offenders.

The bill implements recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse to protect vulnerable witnesses. This protection will allow a witness to automatically give evidence via a video recorded interview, rather than needing to seek leave from the court to do so. The bill will also prohibit cross-examination during committal hearings. A broad package of reforms has already been introduced by the coalition government to protect vulnerable Australian, but there is always the opportunity to do more. The bill complements tough new measures to stop child sex offenders from travelling overseas to abuse children, and it complements Carly's Law, which targets online predators who use the internet to prepare or plan to sexually abuse children. This was implemented in the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019. The recommendations from the royal commission addressed in that legislation looked to improve the Commonwealth framework for offences related to issues such as overseas child sexual abuse, forced marriage, a failure to report sexual abuse and a failure to protect children from such abuse. It is critical that we stop any way that these criminals might be enabled.

We must send the message that this behaviour will not be tolerated and that the perpetrators will not get away with their actions. We must use all reasonable legislative mechanisms to tackle these abhorrent crimes. I should note that Labor's claim in relation to the inquiry into the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019, that mandatory sentencing 'increases the incentive for defendants to fight charges', is of course entirely false, because we note that within a 12-month period of the Western Australian state Liberal government introducing mandatory sentencing provisions for assaults against police and other officers, there was in fact a 28 per cent drop in assaults against police. It's a sobering statistic to realise that, in 2018-19, 39 per cent of convicted Commonwealth child sex offenders did not spend a single day in prison. This is simply not acceptable. Similarly, from February 2014 to January 2019, a shocking 40 per cent of Commonwealth child sex offenders did not spend a single day in prison, and, during that period, only four offenders received a fine. This simply cannot continue.

Pursuant to the provisions of this bill, a sentence can only be suspended fully when the total sentence is three years or less. The bill introduces a presumption that the offender can only have their sentence of imprisonment
fully suspended in exceptional circumstances. If the total sentence is above three years, a non-parole period must be set. The bill introduces a presumption for cumulative sentences, which increases the likelihood of an offender receiving a sentence of greater than three years because, on most occasions, sadly, offenders are charged with multiple offences. If a non-parole period is actually set, it can be as little as one day, but the Attorney-General would then have to decide to release the offender on parole, which puts the discretion back in the Commonwealth government's hands. Where a person receives a sentence of three years or less, the court can provide that the offender should spend a specified period of time in prison before being released on a recognised release order.

The community, and, most importantly, the victims and their families expect that we in this place will protect our most vulnerable. We must ensure that there are consequences for these offenders and that they are not given the opportunity to reoffend. This is not a pleasant topic. It's a topic that is often seen as taboo, and it's a topic that is not spoken about as often it should be, but, unless we speak up for those who need our protection, we will never shift the stigma attached to these crimes against children or these offences in general. It is time that we increase the awareness and work to protect children to give them the best opportunity in life. This bill does that. This bill is the Morrison government's attempt to tighten these laws as they should be. I take this opportunity to commend the bill to the Senate and commend the Morrison government for its work in ensuring that we protect those who are most vulnerable, as we should.

Senator ROBERTS (Queensland) (18:28): As a servant to the people of Queensland and Australia, I don't serve just voters; I serve everyone who is a resident of Queensland and Australia and that especially includes those who don't vote because they're too young. I won't go over the statistics, the gory details, because they are horrific—other speakers have done this from both sides of the chamber—but I do serve the young. Why do I serve the young? Because the abuse of children is not only the most heinous crime; it is also the destruction of our nation's future.

As I see it, the child—especially the young child, up to about six—is the embodiment of our universe. The lovely eyes of a child and what is going on in the heart of that child is the ultimate expression of our universe. From zero to six are the critical years, according to Maria Montessori, who has done more work than anyone else ever on the development and behaviour of humans. She says that zero to six are the critical years for the development of intellect and character. And some mongrel comes in and steals that young child's development.

I need only look at yesterday and the day before when I was in the Hunter Valley with Stuart Bonds, and we were helping some people who were victims of adult corporate crimes, group crimes. Stuart and his wife, Sini, have a lovely daughter called Penny, and Penny is an absolute delight—eyes shining, heart pumping, asking questions. She's only 2½ but speaks like a four-year-old, like an adult in many ways—full sentences. I was just marvelling at that lovely little human—the embodiment of their universe, combined with the human spirit.

As Tom Peters, the renowned management expert—and I'll always remember it—said many years ago 'The height of our civilisation is the four-year-old.' They're developing, but they haven't been corrupted by a society yet. Children need to be protected. They're naive. More important than that, they are innocent. And they can be preyed upon. They're weak and vulnerable in many ways, despite that sparkle and that energy. When somebody molests a young child, they're doing enormous damage, lasting damage, terrible damage. They're not doing it just to the child because the child's pain plays out for the rest of his or her life. That is terrible. But then what happens to that pain is it sometimes gets transferred to other people when that child becomes an adult and so on—the handing down of that pain, a lifetime of pain with the cost of sorting out that person's problems sometimes later on that is borne by our society or by other individuals. And that is a huge cost to our society.

Every way we look at it, this bill must go forward. We know that sentences on paedophiles are not tough enough. We know that judges are being weak, and society is not dealing with this vital issue anywhere near adequately. We must have much more serious sentencing, because judges have shown they have been weak.

We've had questions about this bill. Senator Hanson and I have listened intensely to the Labor shadow minister, the shadow Attorney-General. He made some good points, provided us with some data. We then went to the Attorney-General and listened to him. He reassured us on those points, on the checks and balances in this bill. Because these are the worst of criminals, but they still need to be treated fairly and within the law.

This bill, as it is now, sends a powerful message to the scum of our society—the absolute scum and dregs of our society. We must be tough on those who hurt the weak, who hurt the vulnerable, who hurt our kids. Our kids are the future. Our kids deserve to be free from this scum. We are voting in favour of this bill, because of our kids. I commend the bill to the Senate.

Senator HUGHES (New South Wales) (18:33): I'm extraordinarily proud to be a member of the Morrison government that's tackling a host of problems for Australia. As the mother of three beautiful children, there is nothing closer to my heart than the care and safety of our precious children. There is nothing more abhorrent than
sexual offences against children. That is why I'm especially gratified to be part of a team that's bringing long-awaited and important changes to protections for children against sexual predators.

Our government is resolute in its commitment to protect children from sexual abuse. For far too long these predators have received grossly inadequate sentences for acts of unspeakable depravity. That's why we're introducing the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019. It is completely unacceptable that in the years 2018 to 2019, a staggering 39 per cent of the Commonwealth's convicted child sex offenders did not spend a single day in prison. And four received fines.

Last year, the AFP received almost 18,000 reports of child sex exploitation involving Australian children and child sex offenders. This number was near double from the previous year. It's time to send a clear message to perpetrators that their behaviour will not be tolerated. This bill will strengthen Commonwealth laws in order to provide greater protections to children by deterring and punishing child sex offenders. The bill has four pillars to achieve this. It contains new aggravated offences for the most horrific types of child abuse committed while someone is outside of Australia, including when a child is subjected to cruel, inhumane or degrading treatment. It introduces new offences related to grooming activities, which includes websites and platforms designed to host child abuse material. It implements a range of presumptions against bail and presumptions for imprisonment, and it introduces mandatory minimum sentences for the most serious child sex offences.

The Commonwealth has the power to create offences that criminalise conduct by our citizens whilst they are overseas, and the government is not afraid to use that power. We are providing to law enforcement officers the tools to prosecute child sexual predators, no matter where the offences occur. That is why the new Criminal Code contains offences that criminalise the sexual abuse of children by Australian citizens whilst overseas. We are targeting those predators who travel to other countries to prey on vulnerable children and commit abhorrent acts, so that even if they escape prosecution in the country they travel to, they will not escape justice at home.

The bill also provides for the prosecution of predators who commit child abuse through live streaming of these despicable acts in cases where the child is outside of Australia. It includes offences related to the grooming of children for sexual abuse outside of Australia. This is the unfortunate and sickening reality that we are addressing. I'm pleased that our government is tackling the safety of children, not just at home but overseas. I am proud that we are willing to take responsibility for abhorrent acts, even when committed by an Australian in another country. Simply put, it means it will be much more likely that child sex offenders will go to prison, that they will stay there longer and they will find it much more difficult to get bail.

The bill will also introduce mandatory minimum sentences for the most serious child sex offences and for those who are repeat offenders. This will address the completely unacceptable situation where 39 per cent of convicted offenders did not spend a single day in jail. And there is more positive news. Vulnerable young witnesses will be protected during the justice process. They will automatically give evidence via a video recorded interview during committal hearings. Cross-examination during a committal hearing will not be permitted. This implements an important recommendation by the Royal Commission into the Institutional Responses to Child Sexual Abuse.

You might ask why we need minimum mandatory sentences for these offences and the short answer is Australians expect it, the brave survivors of these unspeakable crimes deserve it, and our government is determined to protect our precious children. Too often the courts are imposing inadequate sentences for child sex offences and fail to punish, deter or rehabilitate offenders. This must not be permitted to continue. That is why mandatory minimum sentencing for the most serious child sex offenders and repeat offenders lies at the core of the reforms of this bill. Our government is not afraid to handle the tough issues while ensuring the legislation is fair.

There are important safeguards in the bill for teenagers caught up in or participating in sexting. When this bill came before the House previously, the opposition suggested that the government's reforms would see teenagers locked up for five years for sexting. This bill will not target adolescent flirtations over Snapchat, Facebook or other social media sites. This bill does not target that type of relationship between consenting adolescents.

Senator McKim interjecting—

Senator HUGHES: I hear you, Senator McKim. As the mother of a soon-to-be teenage daughter, I kind of wish it did but it doesn't. It targets serious predators aiming to sexually exploit our vulnerable children. The mandatory minimum provisions do not target people under the age of 18. Young people will not be subject to mandatory imprisonment. Police and prosecutors also retain the discretion not to pursue an investigation and must ensure that any prosecution is in the public interest.

Our presumptions against bail measures are designed to further protect children from these predators charged with serious offences. It will apply to those offences that attract a mandatory minimum penalty. This is a
presumption against bail. The bail authority will retain discretion to grant bail, where it may consider issues like the defendant's age and community safety. The courts will retain their important power to set non-parole periods for child sex offenders. They will retain the discretion to reduce mandatory minimum penalties by up to 25 per cent. This, importantly, will provide some flexibility to allow for cases involving cooperation with law enforcement and early guilty pleas. However, in the case of suspended sentences, where a conviction is recorded but no time served, there will be an important change. Suspended sentences will only be permitted where the total prison sentence is less than three years. Courts will have the discretion to fully suspend sentences only in truly exceptional circumstances. Importantly, if the total sentence is greater than three years, a non-parole period must be set.

This bill also introduces a presumption against bail for cumulative sentences where multiple charges apply. The bill increases the likelihood of an offender receiving a sentence of greater than three years, because on most occasions offenders are charged with multiple offences. In short, we've assured the courts still using judicial discretion while ensuring that the most serious offenders receive appropriately long sentences.

There is a new aggravated offences category. That's because we are disturbed by the emergence of alarming trends that see offenders inflicting severe violence on children, alongside sexual abuse. The vile behaviour serves to exploit the vulnerabilities of children which stem from their trust and reliance on adults. It's the exploitation of these vulnerabilities which makes this offending so abhorrent and—let's be truthful—so very upsetting. That's why the bill covers scenarios in which the sexual abuse includes cruel, inhumane or degrading treatment, or results in the death of a child. These measures, as well as increased maximum penalties for aggregated child sex offences, ensure that offenders are subject to increased prison times and that others are deterred from committing similar crimes.

The Morrison government is introducing grooming offences for third parties. Grooming refers to the preparatory stage of child sexual abuse, where an adult gains the trust of a child, or the trust of other people with influence in the child's life, with the purpose of sexually abusing a child. That's because predators don't just groom their victims; they can target and groom a parent, a teacher, a scout leader or a even a sibling, in a depraved attempt to gain access to a child. It will apply to cases where an Australian citizen travels to a foreign country and establishes a relationship with a director of an orphanage to gain access to victims. This would include predators that take advantage of the anonymity of the internet to develop relationships with people who may inadvertently assist the predator to sexually abuse a child. We learnt from the royal commission into child sexual abuse that parents were groomed without their knowledge by predators seeking access to their children. Importantly, new offences provide law enforcement agencies with the power to investigate online predators and travelling child sex offenders before any abuse occurs. The maximum penalty of a 15-year imprisonment will serve as a strong deterrent to those who intend to use grooming practices to sexually abuse children.

The Morrison government is also committed to tackling child abuse on the internet. There's been a distressing rise in the number of websites that function for the sole purpose of distributing child abuse material and encouraging discussions about child sexual abuse between its members. We've recognised that it's crucial to address the increasing role that technology plays in enabling the online exchange of child abuse material. The bill does this by introducing new offences targeting administrators and facilitators of websites and online platforms that provide access to child abuse material. It bolsters existing offences in the Criminal Code related to the production and sharing of child abuse material. It strengthens offences related to the administration, creation, development, alteration, maintenance, control, moderation, advertisement, sharing or promotion of child abuse material online. The term 'electronic service' is broadly defined, ensuring the bill remains relevant as technology evolves. It reaches to the dark web, and it provides a maximum term of imprisonment of 20 years. The offence is designed to ensure that the most serious, malicious and exploitative conduct is pursued through the courts.

In summary, the bill complements a broad package of reforms that the coalition has already introduced. They include the tough new measures to stop child sex offenders travelling overseas to abuse children; Carly's Law, which targets online predators who use the internet to prepare or plan to sexually abuse children; and the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019, which implements a number of recommendations from the royal commission and improves the Commonwealth framework for offences related to child abuse material, overseas child sexual abuse, childlike sex dolls, forced marriage, failure to report child sexual abuse and failure to protect children from such abuse. These reforms will be welcomed by law enforcement bodies and law-abiding Australians, especially parents who have a rightful expectation that we do everything in our power to protect our children by ensuring that predators receive longer jail sentences.

This bill first came before parliament in 2017. On 3 September, 2019, Anthony Albanese said that people who engage in violent acts against children should have the book thrown at them, but in the same breath he claimed that these amendments could sometimes lead to fewer convictions rather than more, because judges or juries
would take the view that because it's mandatory sentencing all of the circumstances couldn't be factored in. The Morrison government is not afraid to tackle this issue and supports community expectations and, indeed, the expectations of parents across the nation. Australians, rightly, expect that child sex offenders go to jail, and this bill will make sure that that happens.

We've all heard that the Greens and segments of the Labor Party don't support mandatory sentencing on principle, yet they did support mandatory minimum sentences for people smuggling offences during the previous failed Labor-Greens aligned government. Our argument is that this bill is too important not to support it. During the inquiry into Combating Child Sexual Exploitation Legislation Amendment Bill 2019 Labor senators commented that mandatory sentencing increases the incentive for defendants to fight charges and may increase the risk of recidivism. This just isn't true. When the Western Australian state Liberal government introduced mandatory sentencing for assaults against police there was an impressive 28 per cent drop in police assaults in a 12-month period.

Labor has the chance to right the wrongs of the Shorten Labor opposition and support these important changes. It's time to put children first with the mandatory sentencing of child abusers. Forget ridiculous left-wing ideology positions. They are not relevant in this debate. Sexual predators deserve to be in jail. Our children deserve protection from evil predators, and our government, the Morrison government, is committed to seeing that happen.

**Senator HENDERSON** (Victoria) (18:47): It's my great pleasure to rise and speak on the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019. The Morrison government is resolute in its commitment to protect children from sexual abuse. For too long, people who sexually abuse children have been receiving grossly inadequate sentences. It is completely unacceptable that, in 2018-19, 39 per cent of convicted Commonwealth child sex offenders did not spend a single day in prison. Last year, the Australian Federal Police received almost 18,000 reports of child exploitation involving Australian children or Australian child sex offenders. This number is abhorrent. It is almost double that of the previous year. This is an alarming trend that the Morrison government is committed to reversing. It is time to send a clear message to perpetrators that their behaviour will not be tolerated. That is why we are introducing the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019.

What does this bill do? The bill strengthens Commonwealth laws in order to provide greater protection to the community through deterring and punishing child sex offenders.

The bill does four broad things to achieve this. It introduces new offences related to grooming activities and websites and online platforms designed to host child abuse material. It introduces new aggravated offences for the most horrific types of child abuse engaged in while someone is outside Australia, including where the child is subjected to cruel, inhuman or degrading treatment. The bill implements a range of presumptions against bail and presumptions for imprisonment—very important provisions—meaning it will be more likely that child sex offenders will go to prison, they will stay there longer and it will be harder for them to get bail. Also, very importantly, the bill introduces mandatory minimum sentences for the most serious child sex offences and those who are repeat offenders to address the completely unacceptable situation where, as I've mentioned and as we've heard in this debate, 39 per cent of convicted offenders last year didn't spend a single day in jail.

The bill also implements recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse to protect vulnerable witnesses by allowing them to automatically give evidence via a video-recorded interview and also prohibits cross-examination at committal hearings. This bill complements a broad range of reforms already introduced by the coalition. These include tough new measures to stop child sex offenders from travelling overseas to abuse children; Carly's Law, which targets online predators who use the internet to prepare or plan to sexually abuse children; and the Combating Child Sexual Exploitation Legislation Amendment Bill 2019, which implements a range of recommendations from the royal commission and improves the Commonwealth framework for offences relating to child abuse material, forced marriage and other matters such as the failure to protect children from abuse.

Where is the opposition on these matters? We know that Labor refused to support this bill when it was before the parliament in 2016. We know that Labor does not have the will to tackle these abhorrent crimes. We know that Labor is divided and not focused on passing these changes to protect children from predators. As we've just heard from Senator Hughes, and I will reiterate this, on 3 September 2019, the member for Grayndler, the Leader of the Opposition, Mr Albanese, said that people who engage in vile acts against children should have the book thrown at them. In the same breath, he argued about these amendments:

Sometimes what it can lead to is less convictions rather than more …
Because judges or juries will make the view that because it's mandatory sentencing, all of the circumstances can't be factored in.

This argument is nonsensical. It is completely at odds with community expectations that it is not okay for 39 per cent of child sex offenders convicted federally in the last financial year who did not spend a single day in jail. The community expects better than that, and that's why we are determined to implement this bill.

We know that the Greens and parts of the Labor Party don't support mandatory sentencing on principle, which of course is a principle they only employ some of the time, given their support for mandatory minimum sentences for people-smuggling offences in 2010. Does that mean Labor doesn't think that child sex offences are as serious as people-smuggling offences? In the inquiry into the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019, Labor senators commented:

The problems created by removing judicial discretion in sentencing are well attested. As the Law Council of Australia stated in its Discussion Paper on Mandatory Sentencing (May 2014) there is very little evidence that mandatory sentencing increases public safety. On the contrary, the evidence is that it may have the opposite effect. Mandatory sentencing increases the incentive for defendants to fight charges and may increase the risk of recidivism.

That is completely not supported by the facts—facts like this: when the Western Australian state liberal government introduced mandatory sentencing provisions for assaults against police and other officers, there was a 28 per cent drop in assaults against police in just a 12-month period. I have to say this does not reflect at all well on the Law Council of Australia either.

Mr Albanese has a chance to right the wrongs of the Shorten Labor opposition and support these important changes. He needs to stand up to people in the Labor Party like Senator Carr, who oppose mandatory sentencing of child abusers because of some ridiculous ideological opposition. Mr Albanese needs to stand up for Australian families and support this critical legislation to protect our community from the evils of child sexual abuse. As I say, mandatory sentencing is a very important part of this bill. We will not tolerate the current record that we are seeing in relation to the number of convicted offenders who do not end up in jail. It is an abhorrent proposition, and the Morrison government is determined to remedy that.

The safety of children online is a key concern for this government and a key concern for the community. It is vital that we keep our children safe from sexual predators. Unwanted contact from strangers is one of the dangers children face when they are using the internet and social media, and I know that this is a particular concern for every parent, including me, given the fact that the internet has become a part of children's everyday lives in so many respects. As I say, for me as a parent, it causes me enormous worry, as I know it does with every parent. It's worth reiterating the eSafety Commissioner's top tips for parents in protecting their kids online. They include:

* using parental controls in apps and devices to monitor and limit what your child does online
* setting time limits for using devices during non-school hours
* keeping your kids in open areas of the home when using their devices—so that they can be properly monitored—
* turning on or reviewing privacy settings to restrict who contacts your child in apps and games—and in other ways in which third parties can access your children via the internet; and, of course, keeping engaged through watching what your children are doing and being very involved in your child's or children's online activities.

Importantly, the government—through the Minister for Communications, Cyber Safety and the Arts, Paul Fletcher—is committed to introducing a new online safety act, having been through an extensive period of consultation. The Morrison government takes child sexual exploitation extremely seriously, and we are determined to tackle it comprehensively. Our children deserve that protection, and I commend this bill to the Senate.

**Senator HUME** (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (18:58): I thank honourable senators for their contribution in this debate. As the Royal Commission into Institutional Responses to Child Sexual Abuse stated:

The sexual abuse of a child is a terrible crime. It is the greatest of personal violations. It is perpetrated against the most vulnerable in our community. It is a fundamental breach of the trust which children are entitled to place in adults.

For too long, the criminal justice system has failed innocent children who have fallen victim to predatory offenders.

I thank the Senate Standing Committee on Legal and Constitutional Affairs, the Scrutiny of Bills Committee and the Parliamentary Joint Committee on Human Rights for their consideration of the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019. This
consideration gave the government the opportunity to further highlight the improved community safety which will result from these important reforms, including the operation of the mandatory minimum sentencing scheme, the presumptions in favour of actual imprisonment and cumulative sentencing, the presumption against bail, the increased requirements for rehabilitation and supervision of offenders, and the offences to counter emerging forms of child sexual abuse.

In their dissenting reports, the Senate Standing Committee on Legal and Constitutional affairs, Labor and the Greens have called for the mandatory minimum sentencing scheme contained in schedule 6 of the bill to be removed. This was on the back of claims that mandatory minimum sentencing has perverse unintended consequences such as making it more difficult to prosecute criminals because they are less likely to plead guilty or to cooperate with law enforcement if faced with a mandatory minimum sentence. My Labor and Greens colleagues have again raised these issues as part of today's debate, and I would like to take the opportunity to address some of these concerns.

Senator McKim raised concerns that mandatory minimum penalties are ideological and not supported by any evidence that these penalties will in fact increase recidivism and de-incentivise offenders to plead guilty. With respect to Senator McKim: these claims are unfounded and contradicted by what we know about these truly abhorrent crimes. An offender being sentenced to a prison term increases the likelihood that they will be subject to supervision upon their release into the community, and they will be provided the opportunity to engage in rehabilitation programs and education to reduce their risk of reoffending.

Child sex offenders released from prison on parole are subject to robust parole conditions that require them to engage in psychological or other relevant treatment or restrict their use of electronic devices and also limit their engagement with children in the community. The bill incentivises offenders to enter early guilty pleas and to cooperate with law enforcement through sentencing discounts of up to 25 per cent for each form of assistance, resulting in a total potential sentencing discount of up to 50 per cent, not 25 per cent as stated by my colleague Senator Watt.

On the matter of guilty pleas: this is an argument often put forward for mandatory minimums. While you may argue it for people smuggling or for other crime types, it just doesn’t hold weight in the case of child sex offences that we are discussing here. That is because, in so many of the cases we're talking about, offending is taking place online and, as a consequence, there is often irrefutable evidence of online child exploitation activity which comes from an individual’s own devices. That is why, currently at least, 80 per cent of Commonwealth child sex offenders plead guilty. The existence or otherwise of mandatory minimum sentencing will make no difference to these offenders pleading guilty.

Senator McKim also raised his concern that mandatory minimum penalties may apply to sweetheart scenarios. I would like to reassure Senator McKim that the bill does not capture this type of conduct. The scheme does not apply to persons under 18 years old, so it will not apply to a 17-year-old innocently engaging with a 15-year-old girlfriend. The scheme has built-in safeguards to allow for the individual circumstances of each case to be taken into consideration at each step of the criminal justice process. History shows that these sweetheart scenarios are not the types of offences that are pursued. The cases that are pursued are those that involve predatory behaviour; they are the individuals the legislation targets and the agencies focus on.

Labor also raised a concern that juries and judges will be less likely to convict guilty people if they do not believe that a mandatory minimum sentence is justified in a particular case. Again, while this argument might work for mandatory minimums for other crimes, there is no evidence of this occurring; and, in relation to child sex offences, the most reprehensible type of offending on the statute books, it is a far-fetched claim.

In relation to Senator McKim's concern about the lack of evidence of mandatory minimums achieving their desired policy outcome, I would reiterate the example cited by the government during the debate earlier today in which it was outlined that there was in fact a 28 per cent decrease in assaults on police officers when Western Australia introduced laws that imposed a mandatory minimum sentence for police assaults. Of course, the purpose of mandatory minimums is not just as a deterrent but also to ensure that those who do commit the crime are appropriately punished.

I note, too, that concerns were raised during the debate that mandatory minimum sentences may result in unjust and disproportionate sentences, where the punishment does not fit the crime. However, this misses the nuance of the scheme. The scheme is a layered and considered approach which has safeguards that enable the court to take into account the circumstances of each individual case, and it ensures that judges maintain a high degree of discretion, which was a concern also raised by Senator McKim. Judicial discretion over the non-parole period is retained. Thus, notwithstanding a mandatory minimum sentence applying, it will be open to the judge to order a non-parole period for a time of their choosing. This allows the courts to take a range of considerations into
account in determining a sentence of appropriate severity in all the circumstances of the case. This is, of course, in addition to the discretion available to the judge to issue discounts in sentencing of up to 50 per cent for guilty pleas and for cooperation with law enforcement. Further, people suffering from a cognitive impairment at the time of their offending will not be subject to the mandatory minimum sentencing, as the Crimes Act already contains protections to ensure that they do not face criminal responsibility. Indeed, the mandatory minimum sentencing scheme is a sensible solution that reflects community expectations and ensures that sentences for child sex offenders actually reflect the gravity of those crimes.

Concerns have also been raised about the resourcing impost that this bill will have on states and territories and law enforcement agencies. These concerns are also not well founded. States and territories were consulted during the development of this bill in various forums. In both July and October 2017, discussions were held on measures concerning child sex offenders at meetings of the national working group, which comprised senior police and justice officials from each of the states and territories and also from the Commonwealth. The Law, Crime and Community Safety Council; the Council of Australian Governments; and the Ministerial Council for Police and Emergency Management discussed measures relating to child sex offenders at meetings held variously in 2016, 2017 and 2019. Funding or resources have never been requested in any of these meetings.

The bill also contains a number of other important reforms which must also be acknowledged and which are supported by my opposition colleagues. The bill provides for increases to the maximum penalties for the most serious Commonwealth child sex offending, and the impact of these offences can be damaging and lifelong in their effect. Increased maximum penalties reflect the gravity and the higher level of culpability of these most serious offences.

I would like to place on the record that the proposal to simply increase the maximum penalties will not be enough to shift current sentencing practices, as some have suggested. Of those offenders who even received a custodial sentence, the most common time spent in jail was six months, despite some offences currently attracting imprisonment penalties of up to 20 years. In its dissenting report to the Senate Standing Committee on Legal and Constitutional Affairs, Labor recommended that the amendment of the bill include a comprehensive statutory review of the Commonwealth sentencing practices for child sex offenders, the findings of which should be reported to the parliament within three years of the bill coming into effect. My colleagues Senator Watt and Senator McKim have also tabled amendments providing for a statutory review. The government sees merit in this idea and has put forward amendments that would see a statutory review of sentencing for offenders convicted of Commonwealth child sex offences, with the findings to be reported to parliament within four years of the bill coming into effect, rather than within three years. This additional year will ensure that the review properly captures the impact of this bill on sentencing outcomes for Commonwealth child sex offenders charged after the passage of this bill.

In conclusion, this bill signifies this government's commitment to ensuring that the Australian community is protected from these heinous crimes. I thank honourable members for their contributions to this debate and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:10): I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:10): I understand that the government has just tabled a supplementary explanatory memorandum relating to amendments. I just ask you, Minister, did you wish to move your amendments now or later? I just offer the call to the minister out of courtesy.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:11): by leave—I move:

(1) Clause 2, page 3 (table item 16), omit "Schedule 14", substitute "Schedules 14 and 15".
(2) Page 53 (after line 30), at the end of the Bill, add:

Schedule 15—Review of sentencing for Commonwealth child sex offences

1 Review of sentencing for Commonwealth child sex offences
(1) The Attorney-General must cause a review to be undertaken of the first 3 years of the operation of the following provisions of Part IB (sentencing, imprisonment and release of federal offenders) of the Crimes Act 1914, as amended by this Act, in relation to Commonwealth child sex offences (within the meaning of that Act):

(a) Divisions 2 to 4;
(b) Subdivision D of Division 5;
(c) Divisions 6 to 9;
(d) Division 1, to the extent that it relates to a provision covered by paragraph (a), (b) or (c) of this subitem.

(2) The review must be undertaken by one or more persons who, in the Attorney-General's opinion, possess appropriate qualifications to undertake the review.

(3) The person or persons undertaking the review must give the Attorney-General a written report of the review within 12 months after the end of the 3-year period.

(4) The Attorney-General must cause a copy of the report of the review to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Attorney-General.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:11): I just want to thank the government for moving these amendments. I won't speak on behalf of the Labor Party, but I did say in my second reading speech that I thought there should be a statutory review of these provisions. So, Minister, I just wanted to clarify with you—and, sorry, obviously, your amendments have been circulated relatively late. That's not a criticism; it's more of an explanation for me seeking this advice from you. In terms of the scope of the review that would result from your amendments, can I confirm that it would cover all of the matters in this bill that relate to sentencing outcomes for offenders convicted of Commonwealth sex offences, but also of existing statutory provisions relating to sentencing outcomes for offenders convicted of Commonwealth sex offences?

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:13): Yes, Senator McKim, we can confirm that.

Senator WATT (Queensland) (19:13): I also want to join with Senator McKim in thanking the government for listening to what we had to say on this point about a review. As I said during my second reading speech in relation to this bill, Labor believes that this bill should proceed without mandatory minimum sentences—and we'll come to that later. Mandatory sentencing is wrong in principle, does nothing to reduce or deter crime and, worst of all, has adverse consequences. It makes it harder to catch criminals, harder to prosecute criminals and harder to convict them. It should not be supported.

As recommended by senators of Legal and Constitutional Affairs Legislation Committee, Labor also thinks that the Attorney-General should be required to initiate a review of sentencing practices in relation to Commonwealth child sex offences so that the government and the parliament can ensure that people convicted of child sex offences are being sentenced in accordance with community standards and expectations. Happily, these hastily prepared amendments moved by the government would implement that particular recommendation by Labor senators. Labor does welcome these amendments. If they are successful, I would like to give the Senate notice that the opposition will not be moving items 1 and 3 on sheet 8800.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:14): In a similar spirit, should these amendments be successful—and I believe of course that they will—we will not proceed with our amendments which provide for a review, amendments (1) and (3) on sheet 8826. So we look forward to supporting the government's amendment—which I believe, given the contributions we've just had, will pass the chamber unanimously—and then we can move on to other issues regarding this bill, including the mandatory sentencing provisions.

The TEMPORARY CHAIR (Senator Gallacher): The question is that government amendments (1) and (2) on sheet QJ115, by leave moved together, be agreed to.

Question agreed to.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:15): I want to come to some of the points that the minister made in summarising the second reading debate and points made by other government members who have spoken to this legislation. Firstly, obviously there is a carve-out in the mandatory sentencing provisions of this legislation, and that carve-out is contained in 16AAC, which provides that 16AAA and 16AAB(2) do not apply to a person who was aged under 18 years when the offence that the relevant provision specifies a minimum penalty for was committed.

Before I go to some of the implications of putting such a hard marker in—where if you're one day under 18 years of age you are not caught by the mandatory minimum sentencing provisions, but if you are one day over 18 years of age you will be caught by the mandatory minimum sentencing provisions—I want to ask you, Minister, given that you've carved out the people who are under the age of 18 when the relevant offence occurred, why you
have not carved out people who have significant cognitive impairment. I place this on the record. Firstly, because you've decided not to do that, if there are other pieces of Commonwealth legislation that apply, could you provide some advice to the Senate on that. Secondly, if there are not other pieces of Commonwealth legislation that apply, and someone who does have significant cognitive impairment actually is caught by the mandatory minimum sentencing provisions of this legislation, I think you risk filling up our jails with mentally ill people—or, I should say, continuing to fill up our jails with mentally ill people. So perhaps you could address that matter, Minister: whether anything in this bill, or any other piece of Commonwealth legislation, would mean that someone who does have significant cognitive impairment would not be caught by the mandatory minimum sentencing provisions in this legislation.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:18): Senator McKim, I did mention in my summing up speech that people suffering from cognitive impairment at the time of their offending will not be subject to the mandatory minimum sentencing, as the Crimes Act already contains protections to ensure that they do not face criminal responsibility.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:18): Thank you, Minister. I was probably just reading through your late supplementary explanatory memorandum when you addressed that in your second reading speech, so I do thank you for addressing that again.

Minister, I want to now address the issue that I briefly flagged earlier. I heard—and, by the way, I don't believe I heard this from a minister, but I did hear it from some government backbenchers—that 'young people' are not going to be caught by the mandatory minimum sentencing provisions. With respect to those senators, that is most certainly not true. Anyone who is 18 years and one day old can certainly be considered a 'young person'. I want to give you some examples, Minister, because I think it's important that senators understand what they're voting for here, and I give you these examples in good faith. Could you confirm that if, on an overseas holiday between two families, an 18-year-old and a 15-year-old commenced a romantic relationship and they touched each other in a sexual way, the person in that relationship who is 18 years and one day old will have to be sentenced to five years imprisonment, if found guilty of an offence. Could you confirm that please, Minister.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:20): When this bill previously came before the House the opposition erroneously said that the government's reforms would see teenagers locked up for five years, as you have just said, for their flirtations over Snapchat or on Facebook or on other social media platforms. This bill specifically does not target that type of sweetheart relationship between consenting young people. Rather, it targets serious predators aiming to sexually exploit vulnerable children. The criminal justice system has effective safeguards. Firstly, all child sex offences in part 10.6 of the Criminal Code—transmitting child abuse material over a carriage service—require the Attorney-General's consent to prosecute, where the accused was a minor at the time of offending. Further, police and prosecutors retain discretion to pursue an investigation and must ensure that any prosecution is in the public interest. These existing safeguards have not been altered by this bill.

A review of the cases of actual prosecutions for engaging in sexual activity with a child under 16, since the introduction of the offence in 2010, reveals that consenting teenagers are not in fact being prosecuted. The people who have been convicted of these crimes include a 56-year-old who preyed on a nine-year-old, who received a three-year sentence and was released after one year's imprisonment, on the condition that he be of good behaviour; a 49-year-old who targeted children ranging in age from nine to 14, who was sentenced to four years in prison with a two-year non-parole period, for child abuse material and grooming offences, as well as attempting to engage in a sexual activity with a child; and a 36-year-old who abused eight child victims and made video recordings of the abuse, who was released after serving only 14 months in prison, on the condition that he be of good behaviour. On the very few occasions where young people aged 18 and above have been prosecuted for engaging in sexual activity with a child, often the victims were manipulated or deceived into sexual activity with or providing abuse material to the offender. The victims were tricked about the age and, often, the gender of the offender. Such conduct cannot be excused. For an example of a young person convicted of sexual activity with a child using a carriage service, in 2014 an offender aged 19 was convicted of 14 Commonwealth child sex offences. The offences were committed over a period of approximately 12 months and involved the exploitation of 14 individual children, most of whom were aged between 13 and 16, but one of the victims was seven years of age. The court awarded a 25 per cent discount for an early guilty plea. The offender's total effective sentence was three years and six months and he was released after serving 14 months, on a recognizance release order, on the condition that he be of good behaviour, accept supervision and pay $200 for any breach. The offender had been convicted previously of contact child sex offences. I note that because the conviction was before the passage of the legislation in 2015 that required sentences of over three years to include a non-parole period, the court was
The bill ensures sexual predators who abuse children face appropriately severe penalties, regardless of their age.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:23): Just to be clear, no-one in this debate is arguing that heinous crimes such as that should not attract appropriate sentences. I just want to place that on the record. Having said that, most of your answer was completely irrelevant to the question that I asked. In terms of the Attorney-General needing to sign off, I believe you said that relates to minors. That is not the question I asked. I asked about an 18-year-old offender—not a minor—who is obviously still a teenager. Eighteen-year-olds, no matter their sex, can be very emotionally immature—

An honourable senator: And still at school.

Senator McKIM: And still at school—absolutely. As I understand your answer, the only part of your answer that was relevant to the question I asked was the bit about prosecutorial discretion. What you're saying is that the Senate should be satisfied on the basis of an unknown decision made by an unknown prosecutor that they won't prosecute so-called sweetheart arrangements, when in fact the sweetheart arrangements—including the example I just gave, the example of an 18-year-old and a 15-year-old exchanging sexual images or body images and sexual stories on Snapchat—could attract a mandatory minimum penalty of five years under this legislation.

Let's be clear here, Minister. You're asking us to accept a prosecutorial decision or an investigative decision made by someone—we don't know who they are; we don't know what prejudices might exist in their lives—and saying that that should satisfy the Senate, when actually, if a prosecution is launched and someone is found guilty of these offences, you could end up in a situation where someone who is 18 years and one day old could face a mandatory minimum penalty of five years in some circumstances or six years in other circumstances. In a situation where an 18-year-old is one of the coaches of a sporting team of which his 15-year-old girlfriend is a member and he has sex with his girlfriend while the team is on an overseas trip, that 18-year-old would face a mandatory minimum penalty of seven years imprisonment. And you're asking us to accept, Minister, that an unknown decision that you hope might happen in the future, made by someone that we don't know—we don't know what their training is; we don't know what their expertise in assessing public interest is—should satisfy the Senate. Well, it doesn't satisfy me. That's why the Australian Greens maintain their strong opposition to mandatory minimum sentencing in this legislation.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:27): Thank you, Senator McKim. I suppose I can only reiterate that there is judicial discretion and that part of that judicial discretion suggests that the penalty must be in the public interest. Bear in mind, too, that the victim must be under 16, because 16 is the age of consent. Moreover, history suggests that this does not happen. All the examples that you gave are entirely hypothetical; they are entirely hypothetical because they haven't happened in real life.

Senator Pratt interjecting—

Senator HUME: Of course they have, Senator Pratt. You know that. But, as you also know, those young people have not been prosecuted and would not be subject to this.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:28): What is the judicial discretion you just mentioned in relation to, Minister? You mentioned judicial discretion in the answer you just gave. Could you explain what you mean, because mandatory minimum sentencing actually removes judicial discretion.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:28): Forgive me; that was my mistake. I meant prosecutorial discretion, not judicial discretion. It's late!

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:28): Can you be clear, Minister? In your answer to the first question in this stage of proceedings, you said that the Attorney-General would need to sign off. But that only relates to a situation where the offender is a minor. Can you be clear about that?

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:29): Yes.

Senator McKIM interjecting—

The TEMPORARY CHAIR (Senator Gallacher): Senator McKim, you have the call.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:29): That's my bad, Chair; I started speaking before you had given me the call. I apologise for that.
Thank you for that answer, Minister. Just to be clear, I'm not asking about a circumstance where the offender is a minor—that is, under the age of 18. I understand that there is a carve-out in this legislation that covers that circumstance. I'm asking about where the offender is 18. Let's use an example. Yes, this is hypothetical. Believe me, Minister, I have not forgotten what it is like to be young and I hope you haven't either. This may be hypothetical, but you can bet your bottom dollar that situations similar to the one I am describing would happen on a regular basis. I want to ask you again about someone who is 18 years and one day old. Let's say, hypothetically, it is a male. He has a girlfriend who is 15 years and 364 days old—under 16 and under the age of consent—so there is effectively an age difference of two years and two days between those two people. And if, for example, those two people are on a school trip, let's say, to New Zealand, and the male who is 18 years and one day old and in year 12 has sex with his girlfriend who is 15 years and 364 days old. If a prosecution was launched, the judge would have no alternative other than to sentence that 18-year-old teenager to six years imprisonment. And the only succour you can offer this Senate is that you don't believe that a prosecution would be proceeded with in that circumstance. Is that correct?

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:31): Law enforcement wouldn't pursue this, prosecutors wouldn't pursue this. It is not in the public interest.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:32): I will make the obvious point: there are secret trials going on in this country right now that are not in the public interest. Bernard Collaery has been charged by the Commonwealth DPP when it is clearly not in the public interest that he be charged. It is a disgrace that he was charged and that charge—authorised, recommended by the DPP and signed off by the Attorney-General—is an absolute disgrace. It should not be happening. It clearly runs counter to the public interest, but it is still happening. So when you say that the prosecution would not be proceeded with because it is not in the public interest, that gives me no confidence whatsoever, because prosecutions happen in this country when they are not in the public interest, Minister, and that is an unarguable statement of fact. I tender, as exhibit A, the charges of Mr Collaery, who bravely and patriotically acted in one of the most shameful episodes in this country's recent history, which was the illegal bugging of the Timor-Leste government by Australian security agencies. So I do want to say to you, Minister, that I understand that the only argument you've got—to say that the prosecution would not proceed in the public interest—but it gives no comfort to the Australian Greens whatsoever.

Senator HANSON (Queensland) (19:33): I can relate to Senator McKim's concerns about an 18-year-old and a 15-year-old. He might be 18 years and one day and he might get caught up. In his example, Senator McKim referred to the teenagers going to New Zealand but this is federal legislation we are talking about. There is state legislation for sexual crimes, but this is federal. So what we are discussing here really are the expectations of the public. People are absolutely fed up with seeing children abused, with paedophilia, with children being used in pornographic photos and with people going to other countries to abuse children. That is what this is all about. What Senator McKim is talking about is something that could likely happen but, then again, it is up to the federal Attorney-General to decide whether they will bring a prosecution case, and he will sign off on a case like that.

But what's happened, over a period of time, is that we've seen so many paedophiles and monsters in our society that abuse children, and 39 per cent of them have not spent one day in jail. The average jail term is about 1½ years. So we're not dealing with the public expectation. They fear for their children. That's why parents accompany their children everywhere. When I was growing up I could walk to school. There were no problems with that. These days parents are fearful of letting their children out of their sight. I think that we need to really look at this fairly. The issue of the 18-year-old and the 15-year-old was raised with me, and it did concern me. But, at the end of the day, we need to stop cases like that of the Australian I was informed about who paid $120,000 for someone else to go overseas on their behalf to take photos of people having sex with children and then send them back so that any sick mind can watch it on the internet.

If we introduce a four-year mandatory sentence, it may stop what is happening. There has to be a deterrent. For most of these people, as I've heard Senator McKim say, if there is no deterrent, do you think it will stop the crimes? It won't. I can understand your reasoning—put more police out there. But you've got these crafty criminals out there that will do whatever they can to get their pornographic photos. They're sick. They really are sick. And it's not about that; it's about becoming a society that intends to get tough with these people. Yes, these sentences have been increased, but, although the sentences were at 10 or 15 years, how often were those maximums imposed? 'Give me one case,' I asked, and they couldn't, because the judges are reluctant to impose those sentences. We've got to the point now where it's a slap over the wrist or they're let go. That's why we've got the 39 per cent of those who have committed sexual crimes against these kids and nothing has happened.
It's up to us in this chamber, as legislators, to put it before the courts and say, 'This is the minimum.' And if they do plead guilty, it won't be the four-year minimum; there will be 25 per cent taken off that, so it'll be three years. So I don't know where Senator McKim is getting the six years from. We have to look at the balance of it. The balance is: do we want to let those monsters who will continue to abuse children through our system, or will we rely on the right people, like the DPP and the Attorney-General, to look at it realistically if someone who's 18 sends a text to their 15-year-old, 16-year-old or 17-year-old girlfriend? That's what we have to consider here. It's very important.

The amendment has now been passed, and a review will be done. That was my suggestion to the government—that it have a review. I think that's a good place to be in. Then we can look at what has happened over the three or four years and see if it is working, because what we have now is not working. We have to send out a clear message to the people of this nation: if you want to commit these crimes against our children, you are going to be dealt with. So I have no problem with this, and I commend the government on bringing this legislation through. I know that any clear-minded person in this chamber with children of their own could not possibly oppose this legislation, and I think that we are doing a good thing for our society by passing this legislation as is.

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:39): I could go through example after example, and many of them were submitted by eminent submitters to the Legal and Constitutional Affairs Committee inquiry into this legislation. But I will just make a point about the comfort that the minister is attempting to offer this chamber around whether or not a prosecution is in the public interest. I have no problem with this, and I commend the government on bringing this legislation through. I offer the example of where a mother becomes aware that her 15-year-old daughter has been receiving images from someone over 18 and pushes really hard in the public for a prosecution to occur. I just don't think, Minister, that that comfort is of a high enough level that this Senate ought to accept the mandatory minimum sentencing from someone over 18 and pushes really hard in the public for a prosecution to occur. I just don't think, Minister, that that comfort is of a high enough level that this Senate ought to accept the mandatory minimum sentencing provisions. I just want to place it on the record.

I accept that you've tabled an amendment for review. As I said earlier, I thank you for that and we support that, and it is very important that that happen. But I want to place on the record that we are risking here a series of gross miscarriages of justice, where a young Australian could end up being imprisoned for up to seven years in some circumstances. That young Australian could still be a teenager when the offence occurs, and they will be well into their 20s when they get out of prison, with a very different life in front of them than would be the case if a judge had been allowed to exercise his or her discretion in the sentencing. So, having said that, I seek leave to move Australian Greens amendments (2) and (5) to (7) on sheet 8826.

Leave granted.

Senator McKIM: I move Australian Greens amendments (2) and (5) to (7) on sheet 8826 together:

(2) Clause 2, pages 2 and 3 (table items 7 to 9), omit the table items.

[minimum sentences]

(5) Schedule 7, item 4, page 34 (lines 9 and 10), omit "described in column 1 of an item in the table in section 16AAA", substitute "covered by subsection (9)".

[bail]

(6) Schedule 7, item 4, page 34 (lines 11 and 12), omit "described in column 1 of an item in the table in subsection 16AAB(2)", substitute "covered by subsection (10)".

[bail]

(7) Schedule 7, item 4, page 36 (after line 16), at the end of section 15AAA, add:

(9) This subsection covers offences against provisions of the Criminal Code listed in the following table:

<table>
<thead>
<tr>
<th>Item</th>
<th>Provisions of the Criminal Code</th>
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<tbody>
<tr>
<td>1</td>
<td>subsection 272.8(1)</td>
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<tr>
<td>2</td>
<td>subsection 272.8(2)</td>
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<tr>
<td>3</td>
<td>subsection 272.9(1)</td>
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<td>subsection 272.9(2)</td>
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<td>5</td>
<td>section 272.10</td>
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<td>6</td>
<td>section 272.11</td>
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<td>section 272.18</td>
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<td>8</td>
<td>section 272.19</td>
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<td>9</td>
<td>section 273.7</td>
</tr>
</tbody>
</table>
(10) This subsection covers offences against provisions of the *Criminal Code* listed in the following table:

<table>
<thead>
<tr>
<th>Item</th>
<th>Provisions of the <em>Criminal Code</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>subsection 272.12(1)</td>
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<td>subsection 272.14(1)</td>
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<td>subsection 272.15(1)</td>
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<td>subsection 272.15A(1)</td>
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<td>subsection 272.20(1)</td>
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<td>subsection 272.20(2)</td>
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<td>subsection 273.6(1)</td>
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<td>11</td>
<td>subsection 471.19(1)</td>
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<td>subsection 471.24(3)</td>
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<td>subsection 474.27AA(1)</td>
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<td>34</td>
<td>subsection 474.27AA(3)</td>
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<tr>
<td>35</td>
<td>subsection 474.27A(1)</td>
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</tbody>
</table>

The effect of those amendments would be that the mandatory sentencing provisions in this legislation would be deleted. I indicated earlier that we will withdraw amendments (1) and (3) on sheet 8826 because the government has already tabled an amendment which provides for a review.
The CHAIR: The question is that Australian Greens' amendments (2) and (5) to (7) on sheet 8826, by leave moved together, be agreed to.

The committee divided. [19:48]

(The Chair—Senator Lines)

Ayes ..................... 31
Noes ..................... 31
Majority ............... 0

AYES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallacher, AM
Hanson-Young, SC
Lambie, J
McAllister, J
McKim, NJ
Patrick, RL
Rice, J
Siewert, R
Urquhart, AE
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Brockman, S (teller)
Cash, MC
Colbeck, R
Duniam, J
Fierravanti-Wells, C
Henderson, SM
Hume, J
McGrath, J
McLachlan, A
Molan, AJ
Payne, MA
Roberts, M
Ryan, SM
Smith, DA

Question negatived.

Senator WATT (Queensland) (19:51): The opposition opposes schedule 6 in the following terms:

(4) Schedule 6, page 25 (line 1) to page 32 (line 16), to be opposed.

[minimum sentences]

Senator McKIM (Tasmania—Deputy Leader of the Australian Greens in the Senate) (19:51): I indicate that the Greens will be supporting this amendment.

The CHAIR: The question is that schedule 6 stand as printed.

The committee divided. [19:55]

(The Chair—Senator Lines)

Ayes ..................... 31
Noes ..................... 31
Majority ................ 0

AYES

Abetz, E
Askew, W
Brockman, S (teller)
AYES

Cash, MC
Colbeck, R
Duniam, J
Fieravanti-Wells, C
Henderson, SM
Hume, J
McGrath, J
McLachlan, A
Molan, AJ
Payne, MA
Roberts, M
Ryan, SM
Van, D

Chandler, C
Davey, P
Fawcett, DJ
Hanson, P
Hughes, H
McDonald, S
McKenzie, B
McMahon, B
O'Sullivan, MA
Rennick, G
Ruston, A
Smith, DA

NOES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallacher, AM
Hanson-Young, SC
Lambie, J
McAllister, J
McKim, NJ
Patrick, RL
Rice, J
Siewert, R
Urquhart, AE
Waters, LJ
Whish-Wilson, PS

Bilyk, CL
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Green, N
Kitching, K
Lines, S
McCarthy, M (teller)
O'Neil, D
Pratt, LC
Sheldon, A
Sterle, G
Walsh, J
Watt, M

Question negatived.
Bill, as amended, agreed to.
Bill reported with an amendment; report adopted.

Third Reading

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (19:58): by leave—I move:

That this bill be now read a third time.

Question agreed to.

National Skills Commissioner Bill 2020

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator PRATT (Western Australia) (19:59): This evening we are, of course, debating the National Skills Commissioner Bill 2020, and Labor does not oppose this bill. We note that it establishes a new statutory office for the National Skills Commissioner that will provide the minister and secretary of the department with advice on skills demand, labour market and workforce development issues. We also note that the commissioner will provide advice in relation to current, emerging and future workforce needs; pricing for VET courses; the public and private return on government investment in VET qualifications; the performance of Australia’s VET system for providing VET; and issues affecting Australian and international labour markets.

The commissioner is also supposed to collect data and analyse it to inform policy development and program delivery—noble objectives, if the government had sought to get them a bit more quickly and also hadn’t abolished our previous governance put in place by Labor that allowed these kinds of things to happen. We on this side of the chamber want to see that we always ensure and act on strong expert policy, evidence and advice.

Our skills and workforce development needs should have this advice and be acted on. We have an excellent track record in Labor. In government we established Skills Australia in 2008, and of course this became the
Workforce and Productivity Agency back in 2011. This agency analysed and reported on Australia's current, emerging and future workforce development needs, and in contrast what did we get from the Abbott Liberal government? One of their first acts in government was to close it down back in April 2014. So, here we are, some six years later—and it's taken six years for this government to come to understand that, in order to create a quality vocational educational system, we do, at the very least, need independent, reliable analysis of our labour market and our skills needs. So, Labor does not oppose this bill. It has an important objective.

We see that the creation of the National Skills Commissioner is yet another tweak in a vocational education system that needs systematic and comprehensive reform—something that we've yet seen no sign of from this government. We need much more than a skills commissioner nestled in a government department to fix what is wrong in this system. A government that's prepared to fiddle at the edges of the current system isn't going to address the very significant, profound problems that undermine Vocational Education and Training in our nation. Consequently, the productive performance and international competitiveness of our economy is undersupported through skills in our nation.

The very unfortunate truth is: Australia's TAFE and vocational education system is under significant pressure. It's under this pressure because of Liberal's poor and incoherent policies, and indeed their significant and very, very massive cuts. There has been a palpable lack of leadership from this government in the Vocational Education and Training system. When the Liberals took government, the Commonwealth essentially vacated the field. Instead of continuing the task of building a strong and reliable system of vocational education, what did we see? We saw slashed funding to TAFE, slashed funding to training by $3 billion and an underspend of your own budgets by another $1 billion.

Under your watch, we've seen apprentice numbers fall by 140,000. This government's presided over a national shortage, a shortage of tradies, apprentices and trainees. So it's all very well for the Prime Minister to draw attention to this problem when in six years we've had a government that hasn't done anything about it. A further 100,000 apprentices and trainees will be lost by the end of this year alone if this government fails to take immediate action to keep current apprentices in jobs and support employers to take on new ones.

The nation calls on you to take this action, and yet there's nothing in your policies in this COVID economic crisis that significantly addresses this problem. Australians need and deserve excellent TAFEs and universities, and the Liberals have gutted both. The Prime Minister and the Liberals have spent seven years ignoring the vital role of TAFE and the critical role it plays in the growth of our communities and young people and in the growth of our economy. At the same time, we can see in our nation that we have 2.6 million Australians either unemployed or looking for more hours of work. We've seen years and years of abandonment by the Liberal Party, and too many Australians either have been locked out of quality TAFE training or have lost confidence in the promise of a vocational education.

The consequences of this failure are being felt right around our nation, from Bathurst to Bendigo, Joondalup to Junee. The Prime Minister has abandoned our TAFE and the Liberals have no plan of action for good jobs and quality skills development. We've seen this government forsake casual workers under JobKeeper, showing disregard for these working people. We know that skills development breaks down in poor-quality jobs. That's what comes of poor skills development: poor-quality jobs—casual and part-time jobs where people barely get the training they need to do those jobs. We've seen massive growth in low-quality, privately delivered courses putting pressure on TAFEs and other quality providers trying to keep standards high being undercut. This does nothing but result in a race to the bottom.

Across the VET system we've seen a decline in outcomes to students, with dropping enrolments and, very importantly, low completion rates. Costs have been shifting to students as they've been hit with fee increases and growing limitations on access, particularly for students in our regions, and less government support. At its very worst, we know what we've seen in terms of the defrauding and exploitation of people trying to improve their lives through getting an education and qualifications.

In the last seven years, we've had a government that has simply watched this all unfold. They have done nothing but make further cuts and contribute to further costly mistakes. Now we are in a situation where they are returning small parts of the things that they have stripped out, and they are returning those things into a broken system. We have seen seven years of utter failure and utter neglect. This government has finally at this point in time decided to establish the National Skills Commission—and, yes, we will support them in doing so. It is the right thing to do, but given the state of the crisis in our nation currently it's barely a start, given the magnitude of the problems this government has created.

Turning to the issue of skilled visas within this context, the bill establishes the Skills Commissioner to have a focus on current, emerging and future workforce needs and Australian and international labour markets. The
bill—and the government—is very quiet on the issue of skilled temporary visas and how these areas will be managed in the future. This government has had an absolutely ham-fisted approach when it comes to reform in this area. The government announced changes to the old 457 visa system and then had to backpedal because those changes had been such a failure. As part of this reform, the Liberals introduced a new Skilling Australians Fund. Some three years later, just $463 million of this fund has been reallocated—money that could've and should've been spent to support hundreds of thousands of apprentices and trainees. You should be spending money to keep those apprentices and trainees in those jobs now, because that's what the money is for. It's to get Australians skilled so that you don't have to draw down on a foreign workforce.

There are plenty of questions that have been left unanswered in this legislation—such as what role the commissioner will play with Home Affairs to determine the requirements of Australia's temporary skilled workforce, what role the commissioner will play in reviewing the short-term skilled occupation list and the long-term strategic skills list, and how the views of workers and their representatives will be taken into consideration by the commissioner. We know that the interim Skills Commissioner is a former Liberal chief of staff, former chief economist at Deutsche Bank and former chief economist at the Business Council of Australia. So how will those views be balanced and all of the options taken into consideration?

These are very important issues that this government has neglected. I think it shows how transparent the government is in wanting to talk up this area when it has done nothing to address the balance between training and bringing in skilled labour from overseas. The first time we really heard the Prime Minister of this nation do anything key about skills—when was it? It was when the flow of international labour migration was turned off. That was, really, the first time we saw these issues elevated in any way.

We've had a failure on JobMaker—better known as 'Job Faker'—from this government. This government has been a skills killer. It should not have taken a pandemic for this government to turn its attention to our vocational training system. This government's spent seven years creating a tradie crisis in Australia: $3 billion cut from TAFE and training, widespread skills shortages and 140,000 apprentices and trainees gone. This is a big mess. But what has been the Prime Minister's solution? This phony announcement. It's a phony announcement with no extra funding—no money—no time frame and no detail. It's more spin, more spin from marketing. This is exactly what we've come to expect from this ad man: no plan, heavy on rhetoric, very light on detail.

In contrast, Labor put forward, with Anthony Albanese, on 29 October, its intention to establish Jobs and Skills Australia. Unlike the Skills Commission in this bill, Labor's Jobs and Skills Australia would be an independent statutory authority providing genuine partnership with business leaders, large and small; state and territory governments; unions; education providers; and those who understand particular regions, cohorts and skills. We would enhance the National Skills Commission to become Jobs and Skills Australia, to establish a more collaborative approach with an enduring structure.

It's significant that the COVID pandemic has changed the way we think about ourselves, the way we work and our interaction with the world around us. We are now experiencing one of the greatest economic transformations of our lifetime, and we are faced with choices about how to go forward. We have a government that lacks action and has no ambition for working people. Unlike the Liberals and Nationals, Labor believes that funding education is an investment in our nation's future and our future prosperity, and that it is not a cost burden. A government, such as this government, this Morrison Liberal government, without a plan for education and training, has no plan for Australia's future. We do not oppose this bill today but, as usual from this government, it is too little, too late.

**Senator FARUQI** (New South Wales) (20:14): I rise on behalf of the Greens to speak to the National Skills Commissioner Bill 2020. The bill before us today implements one of the key recommendations of the Joyce review, which is to set up a skills commission at the core of the skills system. The Joyce review examined Australia's vocational education and training system to strengthen skills and reported in March 2019. The National Skills Commissioner Bill 2020 establishes a new statutory office to be known as the National Skills Commission, which is to be headed by the National Skills Commissioner. The bill also specifies the commissioner's functions and enables the establishment of an advisory committee to advise the commissioner. I flag upfront that I will be moving an amendment to ensure that the advisory council is somewhat balanced, with at least one TAFE representative on it. We know the Liberals' agenda on vocational education and training is one of massive privatisation. We simply cannot have an advisory council that is fully stacked with business interests and private providers.

The Greens support this bill. But I also want to talk about how all of this is merely window-dressing so the Liberals and Nationals can hide their decimation of our incredible public TAFE system. A publicly owned and properly funded TAFE system plays an essential role in building an economically and socially just society by offering lifelong educational opportunities and skills development across the country—in regional, rural and
metropolitan areas. But, in typical Liberal-National fashion, they manage to continue to degrade TAFEs and ignore the rot at the heart of their conservative approach to education.

The bill in front of us, sadly, does nothing to address the destruction the Liberal-National government has wrought on public VET in Australia. Skills and training have been underfunded by tens of millions of dollars in the last year alone. It was only recently that we saw Labor and the Liberals team up to abolish the $4 billion Education Investment Fund. Combined with a chronic underspend in skills funding, the result is that TAFEs, TAFE teachers and their students are being starved of resources. What is entirely missing from this piece of legislation, and, indeed, from any vocational education and training legislation the government have on their agenda, is any sign that they intend to cease their slow but purposeful destruction of our public TAFEs.

People who go to TAFE perform incredible work that is socially important. If the COVID pandemic has taught us anything, it is that vital work such as nursing, child care, early childhood education, social work and community services is central to how we organise as a society and how we care for each other. The benefits of the hands-on experience and technical skills that students acquire in TAFE are unmatched. The cuts by the Turnbull government a few years ago to arts courses across the country pretty much wiped out vocational arts education. These skills and others become even more vital as we work to rebuild after the bushfires and the pandemic. Failing to fund them properly is incredibly short sighted, and it's destructive. Yet we've seen TAFE being slowly destroyed by the government's neglect, by a lack of funding and by privatisation. Skills and training are, of course, vital for the future—a future where we set ourselves up to be a renewables powerhouse; a future with a just transition from polluting fossil fuels to long-term, sustainable and life-making work.

Most importantly, we cannot forget our regional and rural communities. Not only do TAFEs have strong relationships with their rural and regional communities; they can play a leading role in education, training, skills development and the economy. Yet this bill neglects focusing on this important need. I will be moving an amendment that was moved by the member for Indi, Dr Helen Haines, in the other place, which inserts into the commissioner's role a much-needed focus on regional areas.

Skills and training will also be essential for the resurgence and recovery of Australian manufacturing. That, in turn, is fundamental to addressing the twin challenges of growing inequality, and environmental and climate crisis. Just and sustainable manufacturing with decent jobs that value workers is fundamental to a future that is livable for all of us. That's what workers deserve, and that's what we're working on as part of the Green New Deal.

We can't talk about this future and not talk about vocational education and training. Over the last decade, we have seen a decimation of our world-class TAFE, with massive funding cuts, increasing fees and the privatisation of the sector which saw the entry of shonky providers. In the last fortnight alone, we've seen further decline in apprenticeship numbers, news that the government has now been forced to repay more than $1.2 billion in student loans because of the rorting of Labor-Liberal VET privatisation, and yet even more alarming language about even more marketisation coming out of the Productivity Commission. As Maxine Sharkey from the Australian Education Union said last week of the Productivity Commission report:

The report's recommended options, including voucher schemes and increasing income contingent loans, are extremely risky, and open the sector up to a repeat of VET-FEE-HELP style rorting by unscrupulous private operators.

This disaster needs to be reversed and it needs to be reversed now. Our TAFEs are vital for people to be able to gain the skills needed for transition and transformation. This is good for individuals and even better for the whole of society.

On vocational training, the government says one thing and does another. They say they want to encourage people into trades, but then they underfund skills training by tens of millions of dollars. The motivation for the deliberate undermining of TAFEs by state and federal governments is no mystery. They are ideologically opposed to the very principle of lifelong public education, particularly when there's a buck to be made for their friends and donors in the for-profit education corporations by directing public funds their way.

The Greens are and always will be the party of public education, and we are proud to support our TAFEs. We have a plan to rebuild TAFE as the vocational training provider of choice for students. We will remove the Gillard-era contestable funding requirements and make TAFE and uni free for all, remove private for-profit providers entirely from federal funding of vocational training and make TAFEs first priority for all federal funding for vocational education and training. This is a bold vision, and we need that vision for VET in Australia, not the piecemeal and destructive approach that the government has taken.

Senator MOLAN (New South Wales) (20:23): It's my pleasure to rise this evening to speak on the National Skills Commissioner Bill 2020. The reason for this bill is the overwhelming importance of skills in a modern post-COVID economy. We've been asked this evening by previous speakers to provide the money, the time and the
The National Skills Commissioner Bill 2020 will establish a new statutory position, the National Skills Commissioner, and specify the functions of the commissioner. The establishment of the National Skills Commissioner is a critical new piece of Australian economic infrastructure and a vital element of the Prime Minister's recently announced JobMaker plan, enabling us to navigate economic recovery, lift productivity and lay the foundations for a prosperous future. Vocational education and training, one of the key career pathways, can further improve our capacity to grow, compete and thrive in a global economy, particularly a post-COVID economy. The commissioner will provide independent expert advice and national leadership on the Australian labour market, current and future skills needs and workforce development issues. This role could not be more timely, as we address the critical challenges of managing the health and economic impacts of the COVID-19 pandemic. The commissioner and the National Skills Commission will help prepare Australia's labour market for recovery. They will establish a robust new evidence base to strengthen the Australian education and training system. The varied roles of the National Skills Commission demonstrate huge potential for it to quickly become a vital central hub, supporting and enhancing the operation and analysis of the national labour market, as well as striking through the complexity of the current VET system and strengthening the architecture of VET in Australia.

Australia's economic recovery will be particularly reliant on a highly skilled, resilient and adaptable workforce. The skills needs of the economy are likely to evolve, and the jobs that will be made as we come out of the crisis may not be the same as those that were lost. The government has identified skills and training as a priority in the recently announced JobMaker plan. We have outlined a reform agenda that will make VET work for Australians again. It will do so by providing a trusted training system that can deliver workers with high quality and relevant skills and support rapid upskilling and reskilling in growth areas to support a new generation of economic success and guarantee the essentials that Australians rely on.

The National Skills Commission will help ensure that the skills and training system supports all Australians, including vulnerable cohorts, in facing the challenge of working out how to live, work and retrain in a way that creates a sustainable COVID-safe economy. The commissioner will provide detailed labour market analysis, including an annual report, setting out the skill needs of Australia. The NSC will also publish close-to-real-time data on labour markets to flag emerging skills shortages and other labour market trends. Data from the commissioner will power the National Careers Institute to provide students with the most accurate and comprehensive data on where jobs will be and what skills and qualifications they need to get them. This will help show that trade and skills jobs are ones to be aspired to as a first-best option, not looked down upon or seen as a second-best option. It builds on our $585 million Delivering Skills for Today and Tomorrow skills package and contributes to COAG's agreed vision for VET to be a responsive, dynamic and trusted sector. Together with the National Vocational Education and Training Regulator Amendment (Governance and Other Matters) Bill 2020, this bill delivers some of the key elements of the 2019 expert review of Australia's VET system led by the Hon. Steven Joyce. The Morrison government is committed to driving improvements in the quality, relevance and accessibility of the VET system, to underpin Australia's economic recovery.

Let me talk a bit about the content of the bill. The functions of the National Skills Commissioner that are set out in this bill will support a stronger, more agile VET system in a number of ways. Firstly, the commissioner will consolidate and strengthen labour market and skills needs analysis to provide an independent and trusted source of information about what is happening now and into the future. The innovative use of new data sources and advanced data analytic techniques will support the commissioner in becoming a trusted source of sophisticated labour market information, analysis and forecasting. This research and analysis will draw on emerging data sources and cutting-edge analytic techniques to ensure Australia's labour market analysis capability is world leading. It will help close skill gaps and provide confidence to employers, students, tertiary educators and Australian governments that we are investing in the right skills at the right time. This is essential to prepare Australians for the future opportunities of today and tomorrow.

Secondly, the commissioner will examine the cost drivers and develop and maintain a set of efficient prices for VET courses, to improve transparency, consistency and accessibility for students. Current VET prices and subsidies vary considerably around Australia, with students paying different prices for the same course and facing various levels of quality. For example, there is currently a difference of $11,745 in subsidies between Western Australia and Queensland for students studying a Diploma of Nursing, and it is not clear what is driving this. For the Diploma of Building Design, there is a difference of $6,855 in subsidies for students studying at TAFE NSW and TAFE Queensland, with the TAFE NSW students facing a cost of $3,600 and the TAFE Queensland students facing a cost of $10,455. And a student studying a Certificate III in Blinds, Awnings, Security Screens and Grilles
will receive a subsidy of $3,726 in Queensland, $9,630 in New South Wales and no subsidy in Victoria unless the qualification is taken as an apprenticeship.

Core to the commissioner's pricing work will be the consideration of quality. An efficient price does not necessarily mean the lowest price but one that provides value for money. It means the price that needs to be paid to secure training delivers the skills that employers need and sets the students up for a valuable career.

Finally, the commissioner will lead research and analysis to exam the effectiveness of the VET system and advise on the public and private returns on government and investment. This means better understanding VET student outcomes, such as whether a student got a job and what they are now earning as well as public benefits such as building a strong workforce. This will enable governments to direct investment towards high-quality courses that give students the best chance of getting a job whilst strengthening our economy and society.

Those opposite have claimed the National Skills Commission is replication of Labor's policy. It is not. We are not recreating the Australian National Training Authority or the Australian Workforce and Productivity Agency or AWPA's precursor, Skills Australia. These agencies were designed for a very different time.

The National Skills Commissioner would be tasked with using the advanced data analytics real-time web based information on the labour market to build a much stronger evidence base, to inform VET investment and to better understand the outcomes students achieve with VET. The analytics and information available to the commissioner did not exist in the days of ANTA, Skills Australia or AWPA. The bushfires and the COVID-19 crisis have highlighted how much information on economic activity is actually available and the importance of having a trusted, independent authority who can synthesize that information and sort the wheat from the chaff to ensure decision-makers have access to right information at the right time.

The role of the commissioner is underpinned by the principles of independence, transparency and accountability. The commissioner is a statutory position. The commissioner will be appointed by the minister following an open and transparent merit based selection process, in line with the Public Service's merits and transparency policy. The maximum term of the appointment is up to five years to enable stability and consistency for the commission. The Remuneration Tribunal will determine the commissioner's pay and recreation leave. The commissioner will be supported by departmental staff, who, as public servants, will be made available by the Secretary of the Department of Education, Skills and Employment. Additional staff will be engaged to support the commissioner's new core functions. The minister is able to give direction by legislative instrument to the commissioner about the way in which the commissioner is to carry out the commissioner's functions, and any direction the minister gives will be tabled in parliament and made publicly available. This bill gives the minister the power to appoint one or more advisory committees to support the commissioner. This could provide an effective mechanism for industry and state and territory involvement.

The coalition has a very good record on achievement on skills, particularly on COVID-19 support. Through the $1.3 billion Supporting Apprentices and Trainees initiative, support is being provided to small businesses to retain their apprentices through a 50 per cent wage subsidy, up to 30 September 2020. As of 5 June this year, a total of 55,400 apprentices and trainees and 31,500 employers have been assisted by the supporting apprentices and trainees wage subsidy, resulting in a total of $252 million in payments—and that does not include assistance under JobKeeper. The JobKeeper payment will also support many apprentices and trainees in remaining connected to their employers throughout the pandemic. In addition, significant regulatory and fee relief has been provided to the vocational education and training sector. Fees charged by ASQA will be refunded or waived. These measures put some $100 million back into the cash flow of Australian education and training businesses so this money can be used to retain employees. New cost recovery arrangements for ASQA will also be deferred by 12 months to 1 June 2021. There'll be a six-month exemption from the loan fees associated with VET student loans in a bid to encourage full-fee-paying students to continue their studies despite these difficult times.

Australians have not forgotten what Labor did to the VET sector when they were last in government. We were accused of having a poor and coherent sector by Senator Pratt. I can almost feel Senator Pratt channelling Senator Doug Cameron, except for the accent. Labor were responsible for a fall in apprenticeships by 110,000 between July 2012 and June 2013 after they ripped out $1.2 billion in employer incentives—the largest ever annual decline.

We are working with states and territories to reform the system and clean up the mess left by Labor. The government is investing more in a better system. To commit more funding, we need to have confidence that the VET system will deliver what the economy needs. The coalition government is committed to ensuring we are equipping Australians with the skills they need for good, secure jobs. I commend the bill to the Senate.

Senator SHELDON (New South Wales) (20:37): I rise to make a contribution to the debate on the National Skills Commissioner Bill 2020, which establishes a new statutory office, the National Skills Commissioner. Labor
does not oppose this bill or the creation of this office, which will provide the minister and the secretary of the department with advice on skills demand, labour market and workforce development issues. Labor has a track record of supporting and acting on expert policy advice and evidence on skills and workforce development. In 2008 we established Skills Australia, which then became the Australian Workforce and Productivity Agency in 2011. One of the first things the Abbott government did on taking office in 2014 was to close it down. Since then this government has systematically decimated vocational education and moved this country to a dangerous dependence on short-term temporary skilled migration.

To rebuild our workforce, to change it from one that is planned simply around the wishes of a few large employers to one that serves our economy, we need independent data, and so Labor does not oppose this bill. But to fix the skills shortage we need much more than someone in government somewhere or an overpaid renovation reality TV star like Scott Cam. Without better leadership and investment in things like TAFE, this bill would just be window-dressing, created for the benefit of government being able to appoint another one of its mates to a highly paid Public Service position. To be clear, from all accounts, the person they have appointed to this position is a Liberal mate. As he is a former Liberal staffer and Business Council of Australia economist, we all know where his loyalties lie. The government underspent on VET by nearly $1 billion. Now they are appointing representatives of big business to critical positions in vocational education and paying them, I suspect, half a million dollars a year for it.

To fix this, though, we first need to rebuild what was once a world-class vocational educational sector, at a time when the government have let apprenticeships fall by 140,000 and presided over a national shortage of tradesies, apprentices and trainees; slashed funding to TAFE and training by $3 billion; and underspent their own budget by another $1 billion. A further 100,000 apprentices and trainees will be lost by the end of the year if the government fails to take further action to keep current apprentices in jobs—way beyond the steps taken so far—and support employers even further to make sure that occurs.

Employers currently have a wage subsidy in place for businesses to keep their existing apprentices, but, like JobKeeper, it too expires in September. What will be left after September is what the government is calling JobMaker. Well, it's better referred to as 'JobFaker'. It's an announcement with no extra funding, no time frame and basically no detail. It's just more spin from 'Scotty from marketing'.

Australians need and deserve TAFEs and universities that are centres of excellence, and the Liberals have gutted both. At the same time we have 2.6 million Australians either unemployed or looking for more hours of work. This will only increase when JobKeeper ends in September and jobseeker goes back to its normal state. Business groups like the Australian Industry Group agree on that. They say the end of JobKeeper will result in a ‘difficult period of high risk, uncertainty and anxiety for businesses and households’. Even the Liberal New South Wales Premier agrees. On 4 June she noted that New South Wales was yet to absorb the full economic shock of COVID-19, saying:

... we are staring down, literally, hundreds of thousands of extra people coming off JobKeeper and going straight onto the dole queue.

Now, urgently, vocational education needs serious reform if it's going to continue to deliver the skills that Australian workers need. The government needs to consult not just with big-business mates but with unions and all businesses. Cutting funding and appointing your mates while locking workers out of the reform process is no way for the government to rebuild TAFE and vocational education. It also needs be integrated with the migration system. The government needs to go back to work and to the recommendations of the report commissioned by the minister in 2014 which examined the 457 visa system. The report titled Robust new foundations was completed by four eminently qualified panellists, including its chair, John Azarias, who examined the integrity of the skilled migration system. It should inform policy development into the future.

In 2012, the then minister for immigration, Chris Bowen, acting on the recommendations of the report, convened the first Ministerial Advisory Council on Skilled Migration, MACSM, to provide the government with expert advice on the role of skilled migration in the Australian economy. MACSM is a tripartite body with representatives from unions, government and employers. It provided independent advice to help develop our migration policies and program in a way that was tailored to our real present and future needs. Rather than letting our skilled migration system be run by a few large employers, this body was independent and reconciled the needs of business and future workforce needs with the need for long-term planning for the economy.

And what did the Liberals do with it? First, they ignored it. When Turnbull replaced the 457 visa system, he did not discuss it with MACSM, this tripartite organisation; he completely bypassed it. Of course, had they brought the proposal to MACSM, MACSM might have advised a different approach, a more thoughtful approach—an approach that had been genuinely considered by everybody right across the economy. My Labor colleague in the other place Ged Kearney, who was then on the council, said at the time:
I would have made it clear that the occupations that remain on this list, which include roof tilers, carpenters, joiners, chefs, cooks, midwives, nurses and real estate agents, do not accurately reflect the genuine labour shortages in Australia.

Two of the important tasks of the ministerial council are to advise on, firstly, skill shortages in the labour market which cannot be met from domestic labour force and domestic training and education programs and, secondly, policies to ensure that Australian workers are afforded priority in the labour market. This is to make finding Australians who can meet these skill gaps a priority of government. Every single position on this board is vacant. Just as on climate change, this government does not want to listen to the experts; it just wants to select its Liberal mates. Instead of sitting down with workers, employers and labour market experts to get the skills mix right, the government simply ignores them.

There are real consequences from the lack of action by this government on the skills market. It is young Australians who are missing out. They are not getting the opportunities to start new careers or the support they need to succeed in the labour market. The COVID-19 pandemic will be the biggest challenge to our labour market in our lifetime. It will be a defining event for young people and their entry into jobs and careers. We owe it to them to do everything we can to ensure they get the chance we have all had when starting out in our own careers. I hope the commission is successful, and the next Labor government will build on this initiative to ensure that we are maximising our young people's potential for the future of the nation.

Senator ANTIC (South Australia) (20:46): I rise this evening to speak in support of the National Skills Commissioner Bill 2020. As senators would know, I've already spoken in this place about the importance of a post-COVID-19 return of manufacturing opportunities in Australia, particularly in my home state of South Australia. Under the visionary premiership of Sir Thomas Playford, South Australia was a manufacturing powerhouse. South Australia was clever and knew how to take wartime industries and adapt them into a postwar world. Post COVID-19, however, everything has changed, and the job of rebuilding our economy is now ahead of us. Part of that rebuild involves the need to return manufacturing to our nation. During his address to the National Press Club last month, the Prime Minister outlined the importance of a highly skilled workforce to support a modern, competitive and advanced manufacturing sector.

This bill will establish a new statutory position, the National Skills Commissioner, and specify the functions of that commissioner. This is a vital element in the government's JobMaker plan, enabling us to navigate our economic recovery in this global economy. The commissioner will provide independent expert advice and national leadership on the Australian labour market, current and future skills needs, and workforce development issues. The commissioner will examine the cost drivers and develop and maintain a set of efficient processes for VET courses to improve transparency, consistency and accessibility for students. This role really couldn't be more timely as we address the critical challenges of managing the health and economic impacts of the COVID-19 pandemic.

Indeed, the Productivity Commission's interim report suggests the government's view—that the VET funding arrangements are currently flawed and overdue for replacement to address concerns of inconsistency, poorly designed function and a lack of transparency. Vocational education and training, VET, is one of the key career pathways, and it can further improve our capacity to grow and to compete and thrive in a global economy. The Productivity Commission further noted in this report:

Regardless of the extent to which State and Territory governments adopt a common national approach to subsidies, there are strong grounds for them to use common methods to measure costs and determine loadings.

There is no denying that the world, the market and the needs of the market have changed as a result of COVID-19. The commissioner and the National Skills Commission will help prepare Australia's labour market for that recovery. They will establish a robust new evidence base to strengthen the Australian education and training system. As the economy evolves we do need to ensure that jobs and associated training are relevant to the jobs that will be available as they come out in this crisis. This is why the Morrison government has identified skills and training as a priority in the JobMaker plan, so that the government is investing in the right skills at the right time. This will help us to close the gaps in the market and provide confidence to employers, students and tertiary educators that we are providing a consistently trained and competent labour force.

Australia's economic recovery will be particularly reliant on a highly skilled, resilient and adaptable workforce. The skills needs of the economy are likely to evolve and the jobs that we make as we come out of the crisis may well not be the same as those predating the crisis. So the commissioner will provide detailed labour market analysis, including an annual report each year setting out the skill needs for Australia. The commission will publish close-to-real-time data on labour markets to flag emerging skills shortages and other labour market trends. Using this data, we will be able to provide students with the most accurate and comprehensive data on where jobs will actually be and what qualifications they will need in order to secure them. This will help show that trade and skilled jobs are ones to be aspired to as a first-best option, not looked down upon or seen as a second-best option.
in favour of a university degree. This builds on the government's $585 million Delivering Skills for Today and Tomorrow skills package and also contributes to COAG's agreed vision for VET to be a responsive, dynamic and trusted sector.

Together with the National Vocational Education and Training Regulator Amendment Bill, this bill delivers some of the key elements of the 2019 Expert Review of Australia's VET System led by the Hon. Steven Joyce. The Morrison government is committed to driving improvement in the quality, relevance and accessibility of the VET system to underpin Australia's economic recovery. This is important because COVID-19 has exposed certain deficiencies or shortcomings in our strategic autonomy. It has shone a spotlight on the matters that I touched on earlier, being the urgent need to return some form of additional manufacturing capacity to our shores.

For this reason, earlier this year I started a campaign to bring local manufacturing back to South Australia. It's my view that in order to best represent the needs of that particular sector, or industry, it's important to listen to their needs. It's important to do that to enable us to adapt in this post-COVID-19 world to the new challenges these industries will face as well. To assist in that understanding and in understanding the needs of the manufacturing community, particularly in my home state of South Australia, I have spent several weeks visiting those businesses to try and understand their needs and those of the industry and the ways in which we in this place can help provide more opportunities and incentives to bring manufacturing back home. Last month, in fact, I visited the facilities and production lines of a company from South Australia called PakPot manufacturing. PakPot is an impressive South Australian company in the northern suburbs of Adelaide that produces plastic packaging containers for a range of different industries. They have invested in state-of-the-art machinery, allowing them to produce high-quality, efficient packaging. They have developed state-of-the-art designs and tooling which allow them to manufacture plastic products that are highly sought after in the market. I was shown their extraordinary systems which have been set up to ensure that this process can take place. The machinery itself and the processes are highly advanced and require employees with advanced training. They also require employees with the skills to operate these machines and to operate those processes. This is absolutely critical. The National Skills Commission will aid businesses like PakPot to continue to be world leaders and to do so from the safety of our shores.

I was also given a tour of the facilities operated by Novafast Systems. Novafast Systems are producers of innovative pipe solutions and composite equipment production, providing equipment to all sorts of sectors—the oil, defence, marine, gas, mining and industrial sectors. Established in 1999, they are a proud South Australian company. They are proof that Australian, including South Australian, manufacturing businesses can flourish on the national and world stages. They are another example of how Australian know-how in providing jobs, intellectual property and capacity to the market is absolutely achievable for Australian businesses.

I was also pleased to visit the manufacturing facilities of Axiom Precision Manufacturing, also in the northern suburbs of Adelaide. It is important because South Australia, as we all know in this place, is the defence capital of this country. Defence projects of this nature require defence based manufacturing skills, and companies like Axiom Precision Manufacturing are great examples of South Australian SMEs which are rising to the challenge of providing advanced manufacturing solutions. They are providing precision machine parts, tooling and injection moulding components to high standards. They are yet more proof that South Australia can provide superior solutions—and, once again, importantly, manufacture them all from the security and surrounds of my home state.

These businesses are just a small cross-section of the businesses in South Australia which show what we all know—that Australian businesses are well placed to both compete on the world scene by providing world-leading products through advanced manufacturing and play a critical role in the rebuilding of Australia's manufacturing base. Those businesses and many future South Australian and other Australian businesses will lead that charge in the rebuild. They will lead the way for other complementary businesses to play their part in what will be a strategic rebuilding of our sovereign manufacturing capability. We need to build it here.

There's no reason why this country can't play a large part, and why South Australia can't play an even larger part, in the industrial and manufacturing renaissance of this country. We have a growing defence sector and one of the largest health science precincts in the Southern Hemisphere, not to mention the Australian Space Agency. Advanced manufacturing is a growth area, and it is an area to be fostered using these sectors as leverage. The National Skills Commission is therefore not just about jobs; it's about protecting our sovereign interests. The sight of pallets of important medical and personal protective equipment being shipped back to China at the time of the medical crisis by companies with links to the Chinese Communist Party may prove to be the most important lesson we learn from the COVID-19 pandemic. As we move forward in our economic recovery, we must not forget these lessons. We can no longer be reliant solely on other nations or on authoritarian regimes like the Chinese Communist Party. Australia is a resource-rich country. However, the previous few decades have seen our manufacturing base placed under great pressure.
This bill is a step in the right direction to ensure that Australians have the right skills for the workforce of today and the workforce of tomorrow. I commend the government for acting quickly to ensure that we support local businesses and manufacturing opportunities post COVID-19. It is a proud moment to be a member of the Morrison government—the true party of the workers, the true party of small business. I commend the bill to the Senate.

**Senator WALSH** (Victoria) (20:59): This government's record on TAFE training and skills can be summed up with two words—cuts and neglect. It is workers and businesses that have paid the price. This government has cut billions from TAFE and millions from universities, and has overseen the loss of 140,000 apprentices and trainees. This has been at the same time as business has cried out for skilled workers, and everyday Australians are crying out for jobs.

In this country, we have a serious mismatch between the skills that workers have to offer and the skills that businesses need. Before the COVID-19 pandemic hit, almost two million Australians were unable to find enough work. At the same time, nearly three-quarters of businesses were saying they couldn't find workers with the skills that they need. So, even before the pandemic and recession, we were facing a jobs and skills crisis in Australia. Now 2.6 million Australians are unemployed or underemployed, a number that is of course predicted to rise over the coming months. If you look at the government's own skills shortage list, you'll find that we're lacking people with the skills to be early childhood educators, car mechanics, midwives, electricians, bakers, nurses, teachers and many more. So why is it that kids finishing school today can't count on this government to deliver them the skills and training that they need to fill these vacancies? How is it that we've got to a situation where we have high unemployment, high regional unemployment, high youth unemployment and, at the same time, we can't train Australia's young people for these absolutely core essential jobs? The answer is: cuts and neglect from this government.

The National Skills Commissioner won't do enough to fix the mess that this government has created. We are facing one of the greatest economic transformations of our lifetimes, and the speed of that transformation will only increase with this pandemic. We have choices as a nation about how we deal with that. The choice is: do we continue down this government's path of record cuts and of neglect, a path that lacks ambition for working Australians, or do we actually seize this opportunity? If we seize this opportunity, what we're going to need is a government that actually plans for tomorrow's economy, a government that is focused on creating good and secure jobs and ensuring Australians have the skills to do them and are supported to get their skills through a quality and robust TAFE, training and university sector.

The government has demonstrated that it can barely plan for today's economy let alone tomorrow's. Even before COVID-19 hit, this government had over two million Australians either unemployed or underemployed while at the same time businesses were saying they needed people now. This is now 2.6 million workers. It is young people who are really doing it tough, who really have it particularly bad under the Morrison government. They were already struggling for opportunities before COVID-19. But now the youth unemployment rate has hit almost 14 per cent and in some regional parts of Australia youth unemployment is as high as 24 per cent. Many of the industries that have been hardest hit by the shutdowns in the health response to COVID-19—sectors like retail and hospitality—are large employers of young people. Many young people have struggled to find a place at university or at TAFE in recent years. Why is that? It's because this government has inflicted cuts and underspends on our TAFE, training and university sectors. From TAFE alone, the government has cut $3 billion and underspent its own budget by another $1 billion. Apprentice numbers have already fallen by 140,000 since this government took office. If the government doesn't take action, apprenticeship numbers are predicted to fall by another 100,000 by the end of this year. That would mean a 35 per cent drop in numbers this year alone.

We all know that we're going to need skilled workers to recover from this recession and that people desperately need good, secure jobs that are supported by quality training. It's one thing for the government to announce construction projects and $150,000 bathroom renovations, but they're actually going to need people to do the work to build these $150,000 renovations, just as we need nurses in our hospitals, carers in our nursing homes, early childhood educators, electricians and mechanics. These workers come from our TAFE system and also from our university sector—two sectors that have been absolutely hung out to dry by the Abbott-Turnbull-Morrison government.

So we support reliable analysis of our labour market and skills needs. That's a good idea, and we hope that the National Skills Commissioner will provide that analysis. But what is the government going to do with the information that they get from the National Skills Commissioner? What are they going to do when the commissioner reports that there's a skills shortage that needs to be filled, only to find out that TAFEs and universities no longer have the capacity to train in those areas? Australians deserve excellent TAFEs and universities. They have pride in our TAFEs and universities. But the Liberals have gutted both sectors, and right
now they're doing nothing to protect universities and TAFEs from the impacts of COVID-19 and the shutdowns that it has created. This is incredibly short-sighted because, in the university sector alone, we know that courses are being cancelled, campuses are shutting and 21,000 jobs are currently at risk.

Instead, what is the government focusing on? They're spending their time announcing plans that are all talk and no substance—plans that are so light on any detail that you can't really call them plans at all, like JobMaker. I mean, what is JobMaker? We don't really know. When the government first announced this plan without a plan a few weeks ago, the Prime Minister slammed the training sector as 'unresponsive'. Perhaps when he did that he forgot that his team had been in government for the past seven years and that he was in fact talking about his own failures and that it's this government that has been unresponsive to the needs of Australians for good quality training and for decent, secure jobs. If he was so concerned that the sector wasn't working, why did it take a global pandemic for him to make any announcements about it and to finally turn his attention to it? Perhaps he could try to do better than a phoney announcement, with no time frame, no extra funding and essentially no detail at all. When the coalition took government, they vacated the field on this issue.

So the creation of the National Skills Commissioner is really just a tweak, when we actually need major and real reform. We support the need for analysis of our labour market and we absolutely support making policy based on expert advice. But the National Skills Commissioner essentially replaces the Australian Workforce and Productivity Agency, which this government scrapped in 2014, six years ago—six years wasted, while other countries have been doing the right thing and investing heavily in skills and education, while we've been left behind.

As usual with this government, this is just too little too late. It's not a plan, just like the JobMaker program isn't a plan. And a government without a plan for education and skills is really a government without a plan for our future. Even more concerning, it screams of a government without a plan for our economic recovery either.

Right now, in our first recession for almost 30 years, we need a government that is serious about creating good, decent, secure jobs. We need a government that assesses its decisions by whether they create decent, well-paid work for all. That is what Australians need going forward. And we need a government that provides Australians with the skills that they need to do those jobs.

The Labor team is focused on this. The Labor team has always been focused on this. In fact, it was last October when the Labor leader, Anthony Albanese, announced our intention to establish Jobs and Skills Australia. This will be an independent statutory authority that provides a genuine partnership with business leaders, state and territory governments, unions and education providers. It will bring everybody together to make sure that workers have access to the skills and jobs that they need and that businesses have access to the skilled workers that they are seeking as well. This will be a model of genuine partnership and collaboration, investing in the skills of Australian workers. We need this now, more than ever, as we look towards our recovery post COVID-19.

On this side of the chamber, we have a vision for decent and stable jobs, supported by quality training. This is absolutely in our DNA and we are already there. We see education as an investment in our future and we will always support hardworking Australians who want a quality education. We will always support good, secure jobs for all Australians.

**Senator O'SULLIVAN** (Western Australia) (21:10): I too rise to speak on the National Skills Commissioner Bill 2020. I'm a bit perplexed by what Senator Walsh was saying, although I shouldn't be surprised when she says she doesn't know what job making is, because I suppose Labor is just good at decimating jobs. So it is little wonder that the concept of JobMaker is something those opposite really struggle to get their head around.

To the matter at hand, I take great pleasure in standing to speak on this bill, which is very important. My background before coming into this place was all about creating jobs, getting people into jobs and, importantly, keeping them in jobs. In the environment we find ourselves in today, such a position has never been so important for our nation. As we embark on the recovery phase of the coronavirus challenge, a measure of our success will be the focus we have on workforce training and development and how our training and education systems respond to what will be a significant demand from Australian industry as they rehire, retrain, and get people back into work. I come into this place as a self-confessed 'senator for jobs'. I've spent the entirety of my working life working with people, and most have been some of the most disadvantaged Australians, those with some of the highest possible barriers to employment. I've helped them to gain meaningful employment in long-term sustainable jobs.

Before I get to the substance of this bill, let me touch on why it is so important. Prior to coming into this place, I was the chief operating officer of Generation One, an initiative many in this place would be familiar with, in that it has created over 50,000 jobs for Indigenous Australians. We turned the training and employment system upside down. Typically, someone out of work would go to Centrelink to register for payments. Centrelink would then send them to an employment services provider and they would undertake training in a particular discipline. More
Firstly, the commissioner will consolidate and strengthen labour market and skills needs analysis to provide an independent and trusted source of information about what is happening now and, importantly, into the future. The innovative use of new data sources and advanced data analytic techniques will support the commissioner in becoming a trusted source of sophisticated labour market information analysis and forecasting. This is critical so that we can ensure that training is matching the needs of industry so that we're not just training for training's sake but actually training people for jobs that exist and are needed for the labour market. This research and analysis will draw on emerging data sources and cutting-edge analytical techniques to ensure Australia's labour market analysis capacity is world leading. It will help close skill gaps and provide confidence to employers, students, tertiary educators and Australian governments that we are investing in the right skills at the right time. This is essential to prepare Australians for the workforce opportunities of today and of tomorrow.

Secondly, the commissioner will examine the cost drivers and develop and maintain a set of efficient prices for VET courses to improve transparency, consistency and accessibility for students. Currently, VET prices and subsidies vary considerably around Australia, with students paying different prices for the same course and facing varying levels of quality. For example, there is currently a difference of $11,745 in subsidies between Western Australia and Queensland for students studying a Diploma of Nursing. It's not clear what is driving this. There are a number of similar examples between other states. Core to the commissioner's pricing will be consideration of quality. An efficient price means not necessarily the lowest price but one that provides value for money. It means the price that needs to be paid to secure training to deliver the skills employers need and set the students up for a valuable career.

Finally, the commissioner would lead research and analysis to examine the effectiveness of the VET system and advise on the public and private returns on government investment. This means better understanding of VET student outcomes, such as whether a student got a job and what they are now earning, as well as public benefits.
such as building a strong care workforce. This will enable governments to direct investment towards high-quality courses that give students the best chance of getting a job, whilst strengthening our economy and our society.

Those opposite like to think that they have the monopoly on jobs. They have some archaic vision in their minds that they're all about trades and skills. It's almost like they're still out on the union beat. But if there is any indication that they've lost the magic touch that they thought they had with everyday hardworking Australians, it was at the last election. The Australian people know who backs them. They know who wants them to succeed. They know who will give them the tools to do so. And it's not those sitting opposite. In fact, you haven't had their backs for a long time.

There have been some claims made in the public arena and in this debate, so let's make something clear: we are not re-creating the Australian National Training Authority, ANTA, or the Australian Workforce Productivity Agency or its precursor, Skills Australia. These agencies were designed for a different time. We are in a new era, and it is more pertinent because of the coronavirus crisis we are dealing with. The National Skills Commissioner will be tasked with using the advanced data analytics and real-time web based information on the labour market to bring a much stronger evidence base to inform VET investment and better understand the outcomes students achieve from VET. The analytics and information available to the commissioner did not exist in the days of ANTA, Skills Australia or AWPA.

The bushfires and the coronavirus crisis have highlighted how much important information on economic activity is available and of the importance in having a trusted independent authority that can synthesise that information, to ensure that decision-makers have access to the right information at the right time. This is just another demonstration of our commitment to Australian jobs and home-grown skills. In 2019-20 we're investing $3 billion in VET, which will include $1.5 billion given to the states and territories every year through the National Agreement for Skills and Workforce Development. There will be $1.1 billion to fund the government's own skills programs. And there'll be $175 million to the states and territories for the Skilling Australians Fund, to support apprenticeship and traineeship numbers.

Despite all the commentary from those opposite, people haven't forgotten about what they did to our skills and training system. People have not forgotten about the VET FEE-HELP scheme. I've met many people, in my career, who felt completely ripped off by that scheme and were really set back as a result of it. It was just another program in a long list of failed Labor schemes, just another example of pretending to deliver for people they claimed to represent. Under your government, dodgy providers flourished. Students were systemically exploited, signed up to accumulate huge debts for training packages that were never delivered. And we had to fix up your mess. Since 2016 over 91,000 students have had VET FEE-HELP debts of over $1.5 billion credited by the Commonwealth government.

We have introduced VET student loans so that students can access financial support to gain their qualifications, safe in the knowledge that they will not be ripped off. But that's not all. Labor were responsible for a fall in apprenticeships by 110,000 between 12 July to June 2013—at they ripped out $1.2 billion in employer incentives. It was the largest ever annual decline. And we are fixing this. The government is investing more in a better system.

The next step, as enabled by this role, will allow us to deliver more targeted funding. It is to have confidence that the VET system will deliver what the economy needs, what employers need, so that they can not only provide jobs for those people but create even more jobs. This is what this commissioner and this role will enable this economy to achieve. And that's what the National Skills Commissioner will do, along with the support of their team.

I don't think there's anyone in this place, aside from maybe Senator Cash herself, that is more enthusiastic about this bill. There may be others, but I am absolutely passionate about this, because it is absolutely necessary. We know it to be true—just ask any employer out there that has demand for people that can actually do the job with the skills, that can operate with the competence that's required and that, importantly, are safe and can go home to their families, because they have the requisite skills and the knowledge to do it. I can't wait until the office is in place, and I look forward to working with the commissioner to deliver better outcomes for all Australians, particularly those in regional and remote WA. I commend the bill to the Senate.

Senator ROBERTS (Queensland) (21:25): As a servant to the people of Queensland and Australia, I support this bill, though we need to do far more. We need to get manufacturing moving. We need to protect Australia from the risk of sources of imported goods drying up and we need, as Senator O'Sullivan has said: jobs, jobs, jobs.

Queenslanders and Australians everywhere have heard us speak about the gaps in our productive capacity, the gaps in our economic resilience, the gaps in our economic sovereignty and the gaps in our national security. That was before COVID, and now it's even more so, especially since COVID revealed that we did not even have
enough personal protective equipment to protect our valued healthcare workers and everyday Australians. And now, we have to store our own oil in the USA because we have nowhere to store it here. At first, after COVID, we couldn't even manufacture ventilators. It is all thanks to Aussie ingenuity—and a personal thank you to all those innovative Australians who did step up to fill this gap.

Certainly we need the skills. Australia needs the skills and the capability to ensure that we can protect ourselves from future health disasters and economic disasters, especially things like the prolonged border closures, international transport closures or blockades cutting sea transport. These are possibilities. We see the news of what's happening in the South China Sea. We see the growing confrontation between America and China. We need to think about our security.

This government has presented a bill for the creation of the position of National Skills Commissioner, yet we need to ensure this is not just an advisory role. Just setting up this office for four years is costing taxpayers over $48 million. I quite often hear Liberal and Labor people and the Nationals saying, 'We've spent a million here, we've spent tens of millions here, we've spent hundreds of millions here and we've spent a couple of billion here.' It's not the money that matters; it's the environment in which that money can be turned into something beneficial for the people of Australia. So we expect a return on investment on that $48 million by giving the commissioner the teeth to ensure that vocational training across Australia is high in quality, consistent and competitively priced. Training by itself is not the answer. It needs to be good, effective training.

Where is the accountability between the federal funding of approximately $1.5 billion a year to the states, to the vocational providers, to ensure that our vocational trainees get a high-quality education and an affordable education that really lands them a job? If the government is going to invest $1.5 billion per year in vocational education and training, then Australians have a right to ensure that our taxes are well spent. We need a review of the performance of the National Skills Commissioner after 12 months, or possibly after three years. We need that review. We also need to understand that it is not the commissioner who is going to get us effective training. It is not the commissioner who is going to decide what skills are needed. Government—Liberal, Labor, Nationals—have shown a very poor track record of anticipating demand for specific skills. Those decisions must be based upon what the market needs. It's the men and women in work, it's the men and women investing and it's the men and women leading corporations that determine the skills we need—and, actually, going beneath that, it's the market that drives those skills. They will tell us what skills are needed to service the market.

More importantly, we need to restart manufacturing in our country, and that needs more than training. It needs much more than training. It needs an integrated approach: an industry and economic environment which enables and encourages Australian investment. How the hell can people afford to invest when energy prices are so high? How the hell can it be that we don't have reliable, affordable, stable, synchronised electricity? We have the cheapest coal in the world, the highest quality coal in the world. We export that to China and they produce coal far more cheaply. They sell it to their manufacturers at 40 per cent of the price we sell it. Why? Because our own electricity prices have doubled in the last 10 years. Why? Because of Liberal, Labor and Nationals policies, based on rubbish. A climate scam is what is destroying our manufacturing industry. Labour costs are a smaller component of manufacturing these days than they used to be. Electricity prices are significant. We have gone from the lowest priced electricity to the world's highest prices. That's been due to regulations based not on data but on opinions from the Liberal, Labor and Nationals governments.

How can it be that China takes our coal thousands of kilometres and sells it at 40 per cent of the price we sell it for? It is because of regulation. It is government screwing with the market. It is the government screwing with regulations. Listen to some of these factors, all government driven: the renewable energy target introduced by John Howard's government and the national electricity market introduced before John Howard, if memory serves me correctly, but worsened under John Howard's government. The national energy market is a racket, not a market, and the people in Australia are paying the price.

The retail margins are guaranteed in some states at high levels with very little risk. The networks are gold-plated because of regulations. And then we have privatisation. In Queensland, our state, the Labor Party in the state government uses that as a tax. The government receives $1.4 to $1.5 billion dollars a year in tax, due to excess charges from the generators. Privatisation, the sale of assets, is failing around the country. That is an essential asset and it is crippling our manufacturing, crippling jobs right across agriculture. Farmers will not irrigate because the price of pumping water is too high.

The second thing is tax. That is part of the business environment. Multinationals in our country are going without paying any company tax due to agreements from Robert Menzies' Liberal government in 1953, perpetuated by the lack of tax on the North West Shelf gas that was enabled by Bob Hawke's Labor government in the 1980s. Both sides have done that. Former deputy commissioner of taxation Jim Killaly said in 1996 and again in 2010 that 90 per cent of Australia's large companies are foreign owned and, since 1953, have paid little or no
tax. What that means is that mums and dads, families, small businesses, Australian-owned businesses have to pay more tax than they need to. It means Australian businesses are at a competitive disadvantage of about 30 per cent because they have to pay company tax. Larger companies have to pay company tax but the foreign companies don't. So we need to set a level playing field by taxing multinationals and reducing the tax burden, by simplifying the tax system and by having a comprehensive review of tax, because that is one of the most important factors driving the lack of investment from Australians.

We also have an abundance of regulations that are crippling our country. We have red tape from the bureaucracies at the state, federal and even local level. We have green tape, driven by rampant environmentalists. We have blue tape, driven by the UN. The blue tape is arguably the largest component of tape and the most expensive of all, put in place by Liberal, Labor and Nationals governments.

We then have economic management. How can companies prepare and plan for the longer term, which is needed these days, when we have governments making economic management decisions based purely on electoral payoffs, not just every three years, as it used to be, but now annually. Budgets are based on bribing taxpayers to vote for a particular party. Economic management is now a 12-month issue, very short-term, and is counterproductive to a good business environment. We have states now with lower accountability because competitive federalism has been white-anted. The Queensland Labor government can sit on closing its borders and decimating tourism and small business in our state. Why? Under the Commonwealth Constitution, we're supposed to have competitive federalism. Yet in 1943 income tax was stolen from the states and given to the federal government. And now, essentially, more than 50 per cent of state government expenditure is from the federal government, tied to federal government conditions and guidelines, which effectively means that the federal government is running much of what the states do.

The federal government is running much of what local councils do around Queensland and around Australia. I was at the Balonne Shire Council in February 2017. In answer to a question of mine they told me that 73 per cent of their annual revenue comes from the federal government, with strings attached. Not only does the federal government tell them how to manage their local community; the federal government only has three- to five-year windows, which means local councils can't go beyond that time frame in doing their planning. How can local councils make a long-term plan? This is what's hampering governance in this country.

I plead with the government to make sure that we focus on our economic productive capacity, our economic resilience, our economic sovereignty, our economic security, our economic independence, which has been smashed by the elitist quest for interdependence, which is really depending on others—that is, a loss of dependence. Nonetheless, this legislation will help all Queenslanders to improve our state's economy and to repay the debt hole in which the Labor government in Queensland has buried Queenslanders. We need training but we need jobs. We need Australian jobs, we need Queensland jobs, especially in regional Queensland. Training is a minor component yet an important component. Beyond that, we need to get back to basics to create the economic environment to drive Australian investment.

I will say it again. We need our economic productive capacity to be restored, we need our economic resilience to be restored, we need our economic sovereignty and independence to be restored, and we need our economic security to be restored. Australia has the people, the resources, the opportunity and the potential. We just need to get back to what we had, get back to the basics. Australia led the world in per capita gross domestic product and income in the early years of our Federation—when our Constitution was followed and the states behaved competitively towards each other. That's what we need to get back to—a productive environment.

Senator GREEN (Queensland) (21:37): It's good to hear from another Queensland senator tonight about some of the issues facing skills in Queensland. Through you, Madam Acting Deputy President, I congratulate Senator Roberts for bringing up so many issues around manufacturing and skills—and even privatisation. We know that some of the best and brightest apprentices in Queensland are Ergon apprentice electricians and we want to make sure that we do not privatise our electricity assets, because we would not have those apprentices there.

Tonight I want to speak a little bit more about the National Skills Commissioner Bill. There has never been a more important time for this country to make sure that we have the skills for the future so we can recover and rebuild after the coronavirus pandemic. While the Prime Minister is out there making announcements about bringing forward infrastructure, which is something Labor had been calling for before this pandemic, we are in a skills crisis. We have slogans about how much infrastructure we're going to build, but we don't have the skills to build it. We have a government with a track record of killing skills, underfunding TAFE and ignoring young people. Although Labor supports this bill, we urge the government to step up to the plate and build a skills system that will deliver the skills that we need and the jobs that young Australians deserve.
As indicated, I'd like to speak about the skills crisis facing regional Queensland at the moment. When it comes to apprentices and trainees, the Morrison government is failing North Queensland. And new modelling suggests that it's likely to get much worse. According to Department of Education data, in Townsville, in the electorate of the member for Herbert, Phillip Thompson, there has been a massive drop in the number of apprentices. There are 1,200 fewer apprentices and trainees—or 35.88 per cent—than when the Liberal-National government came to power in 2013. In Mackay the member for Dawson, George Christensen, has seen his electorate suffer the steepest drop in the state, with 77.46 per cent or 1,453 fewer apprentices and trainees since September 2013. In the federal electorate of Leichhardt, in Cairns, where I live, MP Warren Entsch has already overseen a massive drop of 28.66 per cent or 932 apprentices and trainees since the Liberal-National government came to power in 2013, and that's according to data from the department of education. In the federal seat of Kennedy we've seen another significant drop of 46.16 per cent.

It's clear from these numbers that North Queensland has suffered a large drop in apprentices and trainees, falling from 17,837 in September 2013 to 9,575 now. This drastic fall will come on top of the 20,000 apprentices and trainees that Queensland is expected to lose this year alone, according to new modelling from the National Australian Apprenticeships Association. The Liberal-National government has created this tradie crisis by presiding over cuts to TAFE, including $1 billion of underspending. Suffering TAFES in regional Queensland deserve better.

The government has had seven years to work with the states and territories to improve the vocational education and training system and associated outcomes, but it's failed to do so. This skills crisis is happening at the same time as youth unemployment is going up. Figures released by the ABS reveal that 14.7 per cent of young regional Queenslanders are now without work.

Senator Colbeck interjecting—

Senator GREEN: I'll take that interjection. You may not want to hear statistics, but this is a particularly important one, Minister Colbeck, because it is 13.8 per cent of young people in Australia that are unemployed. I do believe that it's your responsibility to deal with that, but so far I haven't heard a contribution from you in this place that has talked about how you're going to assist young people. All we've heard from the minister for youth is a declaration that he was going to 'cut red tape' to help young people.

Senator Colbeck interjecting—

Senator GREEN: I listen to everything you say, and I know that young people are not being listened to by this government. Youth unemployment in Cairns has jumped 2.5 per cent since last year. It's now 12.1 per cent, and in Townsville it has reached a shocking 16.4 per cent. That's not just a statistic. Those are young people without work, looking for jobs.

So how do the LNP fix a skills crisis in regional Queensland? When they're faced with an issue like youth unemployment, what do they do? How do they go about fixing a crisis? Before the last election, this skills crisis was evident in regional Queensland, so the federal government sought to fix it in Far North Queensland not by creating more apprenticeships, supporting trainees or putting together a plan to make sure that people were employed in good jobs but by entering into a Designated Area Migration Agreement with the Cairns Chamber of Commerce. My criticism of this agreement is not a criticism of the chamber; they are working with what they have been given. It's a criticism that asks why we needed a DAMA to fix a skills gap in regional Queensland if the government had planned ahead and invested in the skills we need and if the government was doing something to fix youth unemployment.

Although an announcement was made in the days before the last election, the details of the scheme were not released by the local member, Warren Entsch. All we had before the election was a press release. We didn't actually have the details of the DAMA, so people in Far North Queensland did not get to see the agreement before the election; they didn't get to understand exactly how extensive this agreement was. We've got the details of the agreement now, and the DAMA provides for 200 migrant worker visas per year.

We have significant industries in Far North Queensland that are suffering from a skills crisis under this government. So it is understandable that some occupations might need to access a scheme like this. We concede that. But there is a list of occupations that are covered by the DAMA in Far North Queensland. It is a list of 70 occupations under this agreement. Again, I'm not criticising the chamber, but this is a list that shows the extent of our skills crisis. If I go through some of these occupations, they are aged care or disability worker, aircraft maintenance engineer, building associate—there are 70 here, so there are a lot to go through. We've also got an electronic instrument trades worker. That's the extent of the skills crisis in Far North Queensland. We've got to put that occupation on a DAMA. There are also metal fitters and machinists, motor mechanics, small engine mechanics.
Sometimes people will say, 'Well, of course we need skilled migration in places like Far North Queensland,' because we do have a tourism industry that needs specialist people working as dive operators or as chefs or working in restaurants, but this is an extensive list. It did surprise me to see one of the other skills that is on this list is vocational education teacher. We don't even have vocational education teachers in Far North Queensland under this government. They've had to put it on the DAMA.

Some of those occupations also have concessions for skills and languages. They've had concessions attached to those occupations, so they don't have to meet those requirements. That's understandable in some circumstances, but there is also a concession in place called the TSMIT. When I saw this abbreviation, I wasn't quite sure what it meant, but it's the Temporary Skilled Migration Income Threshold. It's a salary that's set at $53,900, above which temporary skilled migrants must be paid. As the ABC explained, occupation lists, labour market testing and equivalent salaries for migrants in local jobs all help support the integrity of visas. But the Temporary Skilled Migration Income Threshold is the core mechanism preventing the importation of migrant workers on lower wages. It is the core mechanism that stops migrant workers being imported into Far North Queensland on lower wages than what local workers would be being paid. And it is the core mechanism that is meant to stop jobs going to people other than local workers or young people.

The threshold has been held at the same level since 2003, meaning it hasn't risen with living costs, but the concession is a discount. Under the DAMA, they essentially can pay people less. Again, you would think that there are some occupations that this government thinks are worth being less than what the threshold is. It's okay getting a concession. I guess you would think that maybe one or two of the list of 70 should apply for this threshold, but 62 of the 70 occupations are eligible for this concession, meaning they do not have to pay an income equivalent to other visa requirements. Sixty-two occupations are able to get away with not paying the migrant threshold income.

In year 2 of the scheme, variations have been sought from the Department of Home Affairs to include additional occupations and more concessions as DAMA is in place in Far North Queensland. It's shocking that this government thinks that this is the solution to our skills crisis in Far North Queensland—to put together an agreement and allow extensive occupations to be added to that agreement, to allow concessions and to allow people to be paid less than what local workers would be paid.

They're not going to go out there and fund TAFE the way they should be. They're not going to go out there and give money to the Great Barrier Reef International Marine College, a fantastic TAFE facility in Cairns, where we train people like dive operators, who are listed on the DAMA. Instead they are going to use this DAMA to fill the gaps that they have created by failing the system. There is a place for skilled migration in our country, but this government cannot use the system alone to fix our skills crisis.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Brockman) (21:50): Order! I propose the question:

That the Senate do now adjourn.

COVID-19: Queensland

Senator STOKER (Queensland) (21:50): I rise to provide context and to apologise for any genuine hurt caused by a comment I made last Thursday which was raised in this chamber during question time today. The comments made were in response to a question about the closure of Queensland's borders, an issue which has caused many constituents of mine to contact me with heart-wrenching and emotional accounts of the damage that it was causing to them and to their businesses and to their families. I'd heard devastating stories of livelihoods lost, people whose mental health was tenuous because of the financial stress that they were suffering and stories of families struggling to get by, given the loss of their jobs in the tourism and hospitality industries.

I am willing to admit it: I was angry; I still am. I likened the Queensland Premier's refusal to open the borders to choking the Queensland economy. I used an unfortunate turn of phrase. It wasn't premeditated, rehearsed or intended to offend.

Senator Watt interjecting—

Senator STOKER: Show some grace, Senator Watt. It was an impromptu comment meant to demonstrate to those people affected by those border closures that someone understood their pain.

Now, some of those opposite have sought to sensationalise that comment beyond its intent. For anyone genuinely hurt or offended, please know that was never my intention. I do apologise for any genuine offence or hurt caused.
But one thing I know is that Labor, and specifically Senator Watt, are not genuinely offended. If they were they would've raised it last week. Instead they waited for a news day where they badly needed a distraction from Labor's corruption allegations. I note that while they are fast to claim outrage when someone who is not part of their political tribe is loose with their language, there is silence—crickets—when a member of the Left does the same thing. I won't repeat my concern about that hypocrisy, which I raised in this chamber last Tuesday, but I did want to put these remarks on the record tonight. Thank you.

**Renewable Energy**

**Senator O'NEILL** (New South Wales) (21:52): I wish to draw the attention of the Senate to a very important matter regarding the national interest, particularly with regard to Australia's renewable energy future, foreign investment and the security of Australian utilities. That matter is the reputed management of pumped hydro resources by Chinese company Goldwind.

In my great state, New South Wales, pumped hydro plans will be critical to Australia's future renewable energy. Research from the Australian National University has found that there are 22,000 potential sites across Australia for pumped hydro energy storage. Pumped hydro can be developed quickly and is the lowest-cost large-scale energy storage technology available.

Given the pending closure of the Liddell power station, pumped hydro should be a clear contender to replace its impact on the grid, to push down power prices and support the transition to a renewable energy market. Realising this, WaterNSW ran a process to seek input on the development of commercial pumped hydro assets on some of their dams. Yet this process was flawed from the start. A number of bidders have commented that it was like they were bidding for a toll road public-private partnership—a triple-P contract. The process was run so poorly and the proposed terms of the deal so restrictive that large Australian players in the electricity business, like Origin, AGL and Meridian Energy Australia, pulled out of the competitive process.

That brings us to the company which has been rumoured to have won the bid: Goldwind. Why would this company want to invest in a process that other energy retailers don't want to touch with a 10-foot pole? What potential gains did it see that Origin, Meridian and AGL were unable to find in this process? Also, why has Goldwind repeatedly lied and obfuscated about its relationship with and indeed ownership by the Chinese Communist Party? I am deeply, deeply troubled by these rumours and the prospect of a major utility with access to critical New South Wales energy assets being owned and managed by a company with major ties to a foreign power. What's even more troubling to me is Goldwind's desire to hide their ties with the ruling Chinese Communist Party. They have repeatedly denied any links to the CCP.

Let us look at the facts. Goldwind was established in the 1980s. It was owned by the Chinese Communist Party until it was listed. Over 40 per cent of the current investors in Goldwind, just gathered from among the top 10 per cent shareholders, are unquestionably state owned corporations. All companies within the People's Republic of China are ultimately controlled by the government. More troubling facts emerged the more I heard about Goldwind. It was reported in the *Beijing Business Today* publication that, in the midst of the pandemic, Goldwind shipped critical medical supplies to China from Australia and other countries. I quote from the translated article: 'In the early stage of the outbreak, Goldwind technology used the company's global business network and channels to purchase medical surgical masks, protective clothing, medical isolation goggles and medical gloves in many countries and regions, such as the United States, Germany, Australia, Turkey and Ukraine; a variety of domestically needed anti-epidemic materials; received active local help; and provided strong support for the domestic fight against the epidemic.' This is what Goldwind appears to have done with medical technology that Australia and its medical professionals needed to fight the pandemic. Should this company, Goldwind, be trusted with infrastructure critical to Australia's future energy needs? If it cannot be trusted with medical gloves and masks, how can we expect it to act in Australia's interests with our dams and our power grid?

It's also very surprising to find that a process led by KPMG would allow a company like Goldwind to participate in bids for critical Australian infrastructure. I was troubled to learn that, while KPMG were running the process for WaterNSW, they were also receiving large contracts from Goldwind, advising them regarding their wind-farm business. This is yet another example of dual loyalties or conflicts of interest from one of the big four firms that throws a cloud over the entire process.

I will reiterate that I have been informed of these troubling matters, about the acquisition of these dams by Goldwind, by concerned citizens who have contacted me because of their genuine desire to protect national security and concerns about the L-NP's failure to protect our sovereignty. We have seen from the Chow Tai Fook Alinta Energy purchase scandal earlier this year that strict conditions actually need to be enforced with foreign investors when they purchase Australian utilities; otherwise, Australians are put at risk. Goldwind's alleged...
behaviour during the pandemic does not give me great confidence in their ability to run our utilities should another crisis of the scale and impact of COVID-19 hit Australia.

Pumped hydro will provide the energy for Australia's future, provide much-needed jobs in regional New South Wales and ensure that Australia fights climate change in a responsible and orderly way. This is a critical piece of infrastructure, a critical infrastructure asset, and we can't afford to bungle it. The purchase of a key national water security asset intimately entwined with stable electricity supply is not a process that we can allow to be bungled. It's not a process that should enable acquisition and control by those who have so clearly shown during the pandemic that they do not have Australia's best interests at heart.

**All Lives Matter Movement**

Senator ROBERTS (Queensland) (21:59): As a servant to the people of Queensland and Australia, I want to speak on a fundamental for human progress: freedom and freedom of speech. Freedom of speech is enshrined in our country after many High Court rulings. It's not specifically covered in our Constitution, yet it's implied, and because of the High Court's rulings it is enshrined in our country. Yet today freedom of speech is under threat, and it is under threat in this parliament. In fact, our whole way of life is under threat. Listen to these wise words from African American economist and philosopher Thomas Sowell, who says:

*We are living in an era when sanity is controversial and insanity is just another viewpoint—and degeneracy only another lifestyle.*

and this:

*Have we reached the ultimate stage of absurdity where some people are held responsible for things that happened before they were born, while other people are not held responsible for what they themselves are doing today?*

Take the case of All Lives Matter. Surely there wouldn't be anyone in Australia who would disagree that all lives matter, yet in just four days we have witnessed the following events. Labor Senator Helen Polley tweeted the words 'all lives matter' last Tuesday and was eaten alive by her own party. She retracted the tweet. Senator Pauline Hanson stated in her matter of public importance speech that we need and she wants all people to be equal under the law, yet Greens Senators Rice and McKim and Labor Senator Ayres implied or stated that Senator Hanson is racist and that I am racist. Senator McKim said it before I even started my speech. Their statements and implied statements are false. They are lies, and lies are a form of control. People lie when they lack a coherent argument and cannot counter our argument, so they resort to personal attacks and lies. Liberal speakers during the debate on Senator Hanson's matter of public importance said many times that all lives matter. Senator Hanson tried to move a motion the next day that all lives matter. The government and Labor stopped Senator Hanson. All senators in this chamber except for me and Senator Hanson disagreed, it seems, that all lives matter. So the people leading this country don't think that all lives matter.

The next day, the fourth day, I tried to present data showing the data on deaths in custody, and the government stopped me presenting their own data. Notice that I said 'deaths in custody', not 'black deaths in custody', not 'Aboriginal deaths in custody'—'deaths in custody', and it came in this report from the Australian government's own Australian Institute of Criminology. It's the 2020 report entitled *Deaths in custody in Australia*, written by Laura Doherty and Samantha Bricknell. I'll go through the data from it. In 2017-18 the rate of death in custody for prisoner types was for Indigenous persons 0.14 per 100 prisoners and for non-Indigenous prisoners 0.18 per 100 prisoners. Non-Indigenous appears to be 25 per cent higher, yet I tell the truth and I do not mislead. This would not be a statistically significant difference, as the sample numbers are so small, so we can say without any doubt that non-Indigenous and Indigenous persons die in custody at roughly the same rate. The 2017-18 number of total deaths in police custody and custody related operations was three for Indigenous people and 14 for non-Indigenous people. In 2017-18, 79 per cent of Indigenous deaths in prison custody were due to natural causes. Four-fifths of deaths in custody were due to natural causes. The 2017-18 number of total deaths in police custody and custody related operations was three for Indigenous people and 14 for non-Indigenous people. In 2017-18, 79 per cent of Indigenous deaths in prison custody were due to natural causes. Over the decade to 2018, non-Indigenous persons were nearly twice as likely as Indigenous persons to hang themselves in prison custody. Motor vehicle pursuits represented 38 per cent of Indigenous deaths in police custody and custody related operations—almost four in 10—driving the vehicle themselves.

From 2006 to 2016, a 41 per cent increase in Indigenous imprisonment rates corresponded almost exactly with a 42 per cent increase in people identifying as Indigenous. In other words, the rate of Indigenous deaths in custody stayed the same in proportion and did not increase. Using the figure of 437 unconvicted Indigenous deaths without reference to critical detail and context results in a distorted discussion of Indigenous issues. When real issues remain hidden, they cannot be solved. That leads to proposed solutions being not useful and possibly harmful. The issue is not unequal treatment before the law. The real issue for Aboriginal people may be lifestyle or cultural or poverty or welfare dependency. But let's have the truth, because only then can we identify core problems and only
then can we identify core solutions. Only then can we really care for the disadvantaged and help them solve the challenges they face. But all people must be equal before the law.

Another real issue is dishonesty in parliament and fear of data. Data is what brings objectivity, yet the people in this parliament run from it—their own data. So I want to make these core points. Firstly, these are hard data from the government's own agency, yet the government is jumping at its own shadow, afraid to debate the data even though the points are supportive of its case. That begs the question: is the government afraid of a split within its own ranks—the wokes versus the real Liberals? Several Liberals have approached me and discussed their party's fear of data and reality.

Secondly, the Left, or the control side of politics, hates data. It undermines their use of opinion, hearsay, smears, emotions, propaganda and lies to hijack issues. That fabricates victims and that weakens the very people they claim to be helping. Their ideology is based on victimhood as a means of creating division and separation. And that cripples people.

Thirdly, the government's position in suppressing the data shows a fear of data, a disdain for data, a disrespect for people. It highlights how issues are pushed to avoid data. As for climate, former senator Ian Macdonald stood up in here on the last Monday of 2016 and looked across at me and said, 'I don't always agree with Senator Roberts, but I've got to admit and respect him for starting the debate on climate science that we have never had in this parliament,' and still have not had. The absence of data allows destructive policies that are hurting and killing people, and certainly making life miserable financially, materially and emotionally.

With the exception of Senator Hanson and me, all other senators have effectively voted that all lives do not matter. All other senators have effectively voted that they are not interested in data, not interested in objectivity and not interested in truth. I stand by my belief and statement, and that is this: all lives matter. I will continue to support free speech as crucial to democracy and freedom, and that is essential for human progress.

**COVID-19: Community Services**

**Senator SCARR** (Queensland) (22:08): I rise tonight to acknowledge and express my deep appreciation to two faith based community organisations in the Ipswich-Springfield region who are doing wonderful work to assist Queenslanders who are suffering during the coronavirus pandemic. They're doing that great Australian thing of reaching out and extending a helping hand to people in need. The first of those organisations is a wonderful organisation called the Westside Community Care Network. They're the charity arm of the Springfield Christian Family, led by a wonderful Australian by the name of Pastor Phil Cutcliffe. I had the pleasure of visiting their establishment and seeing firsthand the great work they're doing in distributing groceries, blankets, warm clothing and second-hand goods to people in need during the coronavirus pandemic, and it was absolutely heartwarming.

One of the things that I took away during that visit was an expression that they use: 'pay it forward'. What that means is that if you do someone a good deed and they seek to repay you, then you say to that person: 'No, don't repay me; pay it forward—help someone else. I've helped you; now you help someone else. Pay it forward.' It's a wonderful concept, and perhaps the best compliment I could pay to Pastor Phil Cutcliffe and the wonderful volunteers at Westside Community Care network is that I've actually been reflecting on that concept and how it could be applied in my own life. It's just a wonderful concept.

Another thing which I took away from the visit was the wonderful positive energy that was there and the wonderful group of volunteers. One of their volunteers had actually previously received help from Westside Community Care network, and that's a great example of that 'pay it forward' concept of helping people once you've been helped yourself. I'd like to name some of the volunteers I met on the day. They're wonderful people, all of them: Cherie Horwood, Yvette Atkins, June Johnson, Tasha Tutagalevao, Rhonda Lawson, Celine Dew, Helen Dew, Colin Lacassie, Tamahana Johnston—just wonderful, wonderful people. I think they were all, from my perspective, summed up in a conversation I had with Colin. Col told me how he'd actually helped his community, which was hit hard by the floods in Brisbane a number of years ago now, and that, on one occasion, there were some political leaders and journalists who wanted to come along and do some media with Col, and Col said: 'No. I'm not going to do media with you, because it's not about me; it's about the community.' He's just a wonderful, wonderful human being, as they all are wonderful, wonderful people.

Pastor Phil Cutcliffe I think summed up the philosophy of Westside Community Care network when he said: 'We try to show unconditional love, not just to people that we know but to anyone.' I saw that in practice, and I saw what it meant to the people who went to Westside Community Care network for assistance, and I really do express my deep appreciation to them.

The second organisation I visited was Cityhope Care, which is led by Pastor Mark Edwards, the senior minister of Cityhope Church. During the coronavirus pandemic, they have been providing 'Hampers of Hope'—emergency hampers. When I entered into the Cityhope Church, there was a very high wall and it was covered with these
hampers. It was extraordinarily impressive. There were dozens and dozens of hampers. They told me that they had been sending out over 100 hampers, distributed through their agency partners, each week during the coronavirus pandemic—100 hampers a week. Each hamper is specifically tailored to meet the needs of the family or group receiving it and contains various food items, alongside additional supplies such as nappies, baby food, pet food, and even some basic household appliances. Each month they're sending out between $7,000 and $15,000 worth of goods to those who need them.

It's not the first time that Cityhope Care has been helping people in need. They have a wonderful project where they have domestic and family violence packs, and they showed me these packs. In conjunction with the Queensland police, if there's a family that's impacted by domestic violence, they provide these packs to the police and the police provide them to the mothers and kids who have fled a domestic violence situation. It actually gives them a bit of confidence and a bit of hope, because it's specifically tailored to the situation of each family. They'll have a pack for a lady who's in distress who has small toddlers, and they'll have a pack tailored in particular for an older lady in the same situation. They told me that the impact of these domestic and family violence packs is just extraordinary, in terms of giving people hope and confidence. I would like to pay my respects, and pay tribute, to all of the people who I met—many being volunteers—at Cityhope Care, led, as I said, by the marvellous Pastor Mark Edwards. There was also Pastor Ryan Germain, who is the Ripley Campus pastor; Sarah Doherty, general manager and executive assistant to the office of the senior minister; Glenda Coxeter, who is the manager of Cityhope Care; Amanda McLeod, who is the Hampers of Hope team leader; and two wonderful volunteers who were there when I visited. They reminded me of Colin, who I had met at the Westside Community Care Network, and their names are Russell Wilks and Sallyanne Wilks. You really do know that you've met a fabulous volunteer when the leader of the organisation takes you aside and whispers in your ear: 'You know, Paul, they just keep turning up, and sometimes we need to tell them, "You need to go home and rest; you've just been here too long, and you need to go home and rest." But they won't rest until the job is done.' Russell Wilks and Sallyanne Wilks, I congratulate you for all of your efforts.

So, at the time of this coronavirus pandemic, I never cease to be inspired by all of the wonderful community organisations—in this case two faith based community organisations in the Ipswich-Ripley-Springfield area—who are doing wonderful work extending a helping hand to their fellow Australians and representing all that is good about Australia.

Senate adjourned at 22:16