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SITTING DAYS—2016

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

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

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

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

**Parties**

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

**Heads of Parliamentary Departments**

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

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

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

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**Party Abbreviations**

AG — Australian Greens
ALP — Australian Labor Party
CLP — Country Liberal Party
DHJP — Derryn Hinch’s Justice Party
FFP — Family First Party
IND — Independent
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NATS — The Nationals
NXT — Nick Xenophon Team
PHON — Pauline Hanson’s One Nation
## Turnbull Ministry

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<tr>
<td><strong>Prime Minister</strong></td>
<td>Hon Malcolm Turnbull MP</td>
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<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
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<tr>
<td><strong>Minister for Women</strong></td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>Senator the Hon Arthur Sinodinos AO</td>
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<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td><em>Minister Assisting the Prime Minister for Counter-Terrorism</em></td>
<td>Hon Michael Keenan MP</td>
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<tr>
<td><em>Minister Assisting the Cabinet Secretary</em></td>
<td>Senator the Hon Scott Ryan</td>
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<tr>
<td><em>Minister Assisting the Prime Minister for Cyber Security</em></td>
<td>Hon Dan Tehan MP</td>
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<tr>
<td><strong>Assistant Minister to the Prime Minister</strong></td>
<td>Senator the Hon James McGrath</td>
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<tr>
<td><strong>Assistant Minister for Cities and Digital Transformation</strong></td>
<td>Hon Angus Taylor MP</td>
</tr>
<tr>
<td><strong>Deputy Prime Minister and Minister for Agriculture and Water Resources</strong></td>
<td>Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td><em>Assistant Minister for Agriculture and Water Resources</em></td>
<td>Senator the Hon Anne Ruston</td>
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<tr>
<td><em>Assistant Minister to the Deputy Prime Minister</em></td>
<td>Hon Luke Hartsuyker MP</td>
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<td>Hon Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade, Tourism and Investment</strong></td>
<td>Hon Steve Ciobo MP</td>
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<tr>
<td><strong>Minister for International Development and the Pacific</strong></td>
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<tr>
<td><strong>Attorney-General</strong></td>
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<tr>
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<td>Hon Kelly O'Dwyer MP</td>
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<td><strong>Minister for Small Business</strong></td>
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<tr>
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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. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*. 

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Each box represents a portfolio except for (1) which is in the Education portfolio, (2) which is in Treasury portfolio and (3) which is in the Health portfolio. **Shadow Cabinet Ministers are shown in bold type.**
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Tuesday, 22 November 2016

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 12:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: I table documents pursuant to statute. The list is available from the Table Office or the chamber attendants.

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

COMMITTEES

Meeting

The Clerk: Proposals to meet have been lodged as follows:
Community Affairs References Committee—public meeting during the sitting of the Senate today, from 5 pm, to take evidence for the committee's inquiry into the medical complaints process.
Parliamentary Joint Committee on Intelligence and Security—private briefings during the sittings of the Senate on—
  Thursday, 24 November 2016, from 9.30 am.
  Thursday, 1 December 2016, from 9.30 am.
Legal and Constitutional Affairs Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.
Joint Standing Committee on the National Disability Insurance Scheme—private briefing during the sitting of the Senate on Wednesday, 23 November 2016, from 10 am.
Joint Standing Committee on Northern Australia—private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate on—
  Thursday, 24 November 2016, from 9.30 am.
  Thursday, 1 December 2016, from 10.45 am.

The PRESIDENT (12:32): Does any senator wish to have the motion put on any of those committee meetings? There being none, we proceed to business.

BILLS

Building and Construction Industry (Improving Productivity) Bill 2013

Second Reading

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

Senator CAMERON (New South Wales) (12:32): I rise to oppose the Building and Construction Industry (Improving Productivity) Bill 2013 on behalf of the Labor Party. This is just another element of this government's antiworker agenda. It is another element of their anti-union agenda. This bill is a significant attack on Australia's working class. The bill is the product of the coalition's ideological hatred for collective bargaining and workplace rights.
Decent bargaining rights, the capacity to increase wages and conditions, the right to be treated with dignity and respect when you clock on at work are threatened by this government and by this legislation. Even the International Monetary Fund has recognised that unions are the bulwark—the barrier—against increased inequality. Yet this mob do not care. They simply want to see the destruction of collective bargaining and union rights in this country.

The coalition has used a royal commission with politically generated terms of reference and a compliant royal commissioner to deliver recommendations that weaken collective bargaining and working people's rights. The royal commissioner, Dyson Heydon, was biased and demonstrated his determination to deliver the coalition government's agenda during the conduct of the commission. It is a sad and disappointing end to Royal Commissioner Heydon's public career.

The party which gave us John Howard, Tony Abbott, Peter Reith and Work Choices can never be trusted. The party which gave us the 2014 budget, hacking away at welfare in this country, hacking away at support for families, hacking away at pensions—this is a government that cannot be trusted. The party which supported workers being unfairly dismissed cannot be trusted. This is the party which said: 'If you are a small company, you can unfairly dismiss someone. Unfair dismissal is okay.' This mob cannot be trusted on any of these issues. The party which wants to destroy penalty rates and annual leave loading cannot be trusted.

The party which lost 10 MPs as a result of a New South Wales ICAC inquiry—Liberal MPs were systematically breaking the law by accepting donations from developers—cannot be trusted. You never hear them talking about upholding the law anywhere except in the building and construction industry. They are a law-free zone when it comes to every other area. The Liberal Party, whose MP was busted accepting illegal cash payments in a brown paper bag in the back seat of a building developer's Bentley in Newcastle, surely cannot be trusted.

The Turnbull government are a divided disgrace. They are a rabble who are disunited and at war with each other. The only things that bring them together are attacks on minority groups and the workers of this country. The only time you see them getting excited about anything is when they are attacking workers, attacking pensioners, attacking multiculturalism and attacking the rights of working people in this country. That is when they get excited. That is when they start jumping up and down. They do not get excited about anything else. They are certainly not excited about the current Prime Minister, Malcolm Turnbull. They are not very excited about him at all, and why would they be? What a disappointment that guy is.

The Turnbull government has ignored one of the biggest problems in the building and construction industry—that is, the non-payment of contractors, subcontractors and employees for work that they carry out. The recent Labor initiated inquiry into security of payments in the building and construction industry has been ignored by this government, even though the recommendations brought forward by Labor would commence a process to resolve the non-payment of $3 billion a year to hardworking Australians in the industry. The evidence before the committee was compelling that the non-payment for work carried out by workers, contractors and small businesses in the building and construction industry—not being paid for the work they had done—creates industrial disputes, under-resourced companies, declining productivity, unsafe workplaces, bankruptcies and suicides. We heard evidence of a Perth
builder committing suicide. He had a successful business. One of the tier 1 contractors would not pay what they owed him and he committed suicide because of the stress. It was an outrageous proposition.

The coalition have had this report in their hands for months and they have done nothing about it. If you could solve that one problem in the industry, you would solve much of the industrial disputation as unions try to make sure that their members get paid and are not ripped off by pyramid contracting and by phoenix companies closing down one day and rebirthing the next day. They do nothing about it—absolutely nothing. All they want to do is hammer the trade union movement and try to diminish collective bargaining in the industry.

The bills do nothing for what is recognised by the Labor Party and participants in the industry as a fundamental fault in the building and construction industry that needs to be resolved. It would be far more productive and it would be in the interests of the industry and its workforce if we were discussing legislation that provided security of payments in the industry rather than an ideological attack on workers through the proposed ABCC.

These bills and their predecessors have been discussed ad nauseam in the last few years. I have been involved in a number of inquiries that have exposed the lies being perpetrated by the coalition that these bills will increase productivity, reduce industrial disputation and usher in a new era of industrial calm in the industry. You only have to read some of the comments that have been made publicly in the last few weeks about the attacks on collective bargaining through the implementation of what is called the Building Industry Code.

A fundamental part of this bill is a code that has been established to determine how Australian workers are allowed to bargain with their employer, and how employers are allowed to bargain with their employees. I do not know of anything else like it anywhere in the world, yet in Australia under the coalition government, as an attack on collective bargaining, they are prepared to put in charge of determining whether companies and unions have been bargaining effectively a person who has never bargained in his life. He is an ex-Federal Police officer who worked with the Royal Ulster Constabulary and has been involved in all sorts of issues, but not bargaining. He knows nothing about it, and he has been given, under this bill, the opportunity to determine bargaining outcomes for workers. There has been lots of analysis done on the code, but the key findings in relation to the issues in the code are that it is highly objectionable as it contains restrictions on legitimate industrial relations practices that are lawful in every other country. No other country has a code like this in place. There is a booming construction industry out there, and that certainly undermines the government's justification for what is happening. The industry is booming, and that is under the laws without any changes. There is no need for this act that they would have.

The code adversely impacts the number of apprentices. Over 27 years as a full-time union official, I have negotiated many, many agreements over many years, and one of the things that my union, the metalworkers union, used to do was say, 'Let's negotiate with the boss to try and get some more apprentices on the job to give young kids a chance in the industry and an opportunity for an apprenticeship and a trade.' We wrote that into agreements all over the country, and we wrote into those agreements decent wages and decent conditions for the apprentices, because not only was that an investment in the future for the company but it actually increased the productivity and skill base for the industry in the future. Any of the crossbenchers that are here at the moment or listening in should understand that, if you back
this in, you are denying unions and workers collectively the ability to negotiate to get more apprentices on the job and give young Australian workers an opportunity to get an apprenticeship and a trade. That is a key part of this legislation through the code, and you should understand what you are going to do if you back this in. You are taking opportunities away from young Australians, and that would be an absolute disgrace.

The code impacts more businesses and more workers in more harsh ways than ever before. It places more bureaucracy on businesses large and small, and it will dampen growth; there is no doubt about that. The code disproportionately impacts women, older workers and unions. Some of the commentary that has been out there recently is that, if this code comes in and the agreements that are out there—thousands of agreements across the industry—become noncompliant then what you are actually achieving is a bargaining round of a size you have never seen before for many years in this industry, because the unions will be entitled to go out, if the code and this bill determine that their agreements are no longer lawful, and bargain for new agreements. So there will be disruption across the industry, and that would be a disaster. That would be absolute stupidity from this government, and that is another reason why we should not put this bill in.

I spoke earlier about the head of the fair work building commission—the person who will probably head up the ABCC and the hero of the extreme Right in industrial relations—Mr Nigel Hadgkiss. This is a man who has never negotiated an industrial agreement in his life, but who will have control of the code under this government's proposal to dismantle collective bargaining in the industry. This is a man who has treated the Senate with absolute contempt. This is a man who is simply a puppet of the coalition. He was an appointee of Senator Abetz when Senator Abetz was the IR minister. Senator Abetz appointed this man because of his right-wing views. He has set about trying to ensure that he is not subject to accountability, as are other public servants and other heads of government business organisations. He has continually defied the estimates process and the call from this Senate itself to provide details of what he is doing and what he is spending money on.

This guy is really unfit for the job. If you agree with this bill, you will be putting in charge of this ABCC, with more powers than ever, someone who is entirely unsuited to the job of applying a fair, reasonable and unbiased approach to working people in the industry. The agency that he heads up has great power over working people. I just think it is terrible that he would not advise the Senate estimates committee on the issues that every other head of department and every other head of an agency do as a matter of course at estimates.

He reported in one of his annual reports that he had visited 50 companies and gone to 50 boardroom meetings. He expended public money to go to those boardroom meetings. When I asked in the estimates process, 'Who did you meet and what did you do?' he basically said, 'None of your business.' Well, it is the Senate's business. This guy has no understanding of his obligations as a public servant or of his obligations to the Parliament of Australia. He treats it with absolute contempt.

He said, 'I don't have a diary.' He could sit down and write a report and remember that he had met 50 companies in 50 boardrooms, but he could not tell us who they were, he could not tell us when he went there and he could not tell us who he met with because he claimed he does not keep a diary. It is just unbelievable for a senior officer of a government agency not to have a diary. In fact, I think it breaches a lot of Public Service requirements.
So this is the guy who sets about telling the Senate, 'I'm not telling you what I am spending money on.' We asked him, 'Who are you employing?' He employs a lot of former Federal Police officers and New South Wales and Victorian police officers in the agency, but he will not tell us what the make-up is so that the public, who pay the bills, can understand what is going on.

The worst part about this guy is that he sets about denying right of entry for union officials to sites to deal with health and safety issues. It was clear recently. On 25 November 2015 two Irish backpackers were employed on the Jaxon site in Bennett Street, East Perth: Gerry Bradley and Joe McDermott. They were out here on working holiday visas. They were sitting, having their morning tea, and they were crushed to death under a concrete block. I met the parents, the brother and sisters, and the partner, and it was tragic. Part of the problem was the union could not get on that site to deal with proper health and safety issues because of the fair work building commission bill. It will be even harder under the bill that is being proposed.

In Senate estimates they would not answer up-front; they took questions on notice. We finally got some facts back from them. What came out in Senate Estimates was that there were six Jaxon jobs in Perth at the time and the union had raised serious safety issues about Jaxon. It was confirmed that fair work building commission inspectors had visited three times the site where Gerry and Joe were killed. That was about keeping the unions off the job. There were 11 requests to the WorkSafe commission to attend Jaxon sites over two years. But what we do know is, if you are a construction worker in Perth and you have serious safety failures and you want them fixed, you are more likely to get a visit from a fair work building commission inspector helping the boss to keep the union off the job than you are to get a visit from the safety regulator.

The other day a 27-year-old German backpacker working on a Western Australian construction site fell 13 floors to her death. The site is run by notorious anti-union company Hanssen, whose managing director, Gerry Hanssen, is well known for his anti-union position. So it is absolutely essential that unions get access to look after the safety of workers on the site, whether they are backpackers, 457 visa workers, Australian workers or apprentice. There should be access to those sites. The systematic approach of keeping the unions off the site through Nigel Hadgkiss and his biased approach at Fair Work Building and Construction should be stopped.

But it is not just the Labor Party that is seeing that there are problems with this new bill. The Senate Standing Committee for the Scrutiny of Bills, which has the job to oversee these bills, said that there are a number of examples where human rights are diminished under this bill, such as allowing officers into residential premises without a warrant. The fair work building commission has greater rights than the police force in terms of entering properties. The police force needs a warrant—not the fair work building commission. They do not need a warrant to enter residential premises. The bill trespasses on personal rights and liberties and reverses the onus of proof. This is a bad bill. This is bad legislation. It is based on a government wanting to reduce the rights and capacity of ordinary workers to get a decent living in this country, and it is all on the basis of looking after the big end of town and big business. You should reject this bill as bad legislation. It is a bad bill. (Time expired)

Industry (Consequential and Transitional Provisions) Bill 2013. Today is another day under the Turnbull government and another day of brutal attacks on working people. Yesterday we saw in this parliament a debate on the registered organisations bill—a bill to damage unions, to tie them up in red tape, to make it difficult for them to do their work representing working people and for working people to collectively organise.

What we are seeing today is a targeted attack on one particular group of workers: construction workers. The workers who don those fluoro jackets that are so popular with the likes of Mr Turnbull and many of his ministers. They use those fluoros when it is convenient. But, when it comes to ensuring that the workers who are building our hospitals, our homes, our schools and the infrastructure we need to drive this country are still alive at the end of the day and can come home, they are not interested. What they are interested in is delivering for their corporate mates, for the people who have put them into office, for those who have given them millions and millions of dollars in donations. What is going on here is a very ugly story. If it were happening in another country, it would be called out and out corruption where a government comes into office and delivers for those who have, over the years, put millions of dollars into getting them elected, by weakening the laws to benefit the profit line of those companies.

This issue about the rights of construction workers is very important. I will come to it in more detail in a moment, but right now I want to deal with this issue of safety. We know that in the period the ABCC was operating—under the legislation that was in force previously—more people died, particularly young male workers whose families thought they would see them again, but they did not come home. It is absolutely sickening, really deeply sickening. The figures bear this out. In 2005, just before the ABCC came in, the number of fatalities on building sites had actually been dropping: it was around 3.51 per 100,000. By 2007 it had risen to 4.7 per 100,000. It has been well documented that the ABCC puts lives at risk. It puts lives at risk because it is harder for construction workers to organise and harder for the CFMEU to be active on building sites. We have heard the minister proudly denounce CFMEU officials for trying to get onto building sites. They are trying to get onto those building sites to ensure the sites are safe. That is why more people died when the ABCC was in operation. I congratulate the CFMEU for its activities in working to improve the working conditions and pay of construction workers and for the work that it does to ensure that the people who build our homes, our schools and our hospitals come home at the end of the day.

We all go home, and they should have the right to. So what we need—

Senator Williams interjecting—

Senator RHIANNON: I am happy to take the interjection always, Senator Williams. Why is the government—you would know this from your background, Senator Williams—obsessed with bringing in this legislation? Why does it want to deliver for the companies that give them so much backing? This is not coming just from a position of an obsession with marketplace Thatcherite ideology.

There is a real aspect of self-interest for the Turnbull government. The self-interest I am referring to is in the political donations that it picks up. The Greens' Democracy For Sale project has just been expanded. It has identified that since 1998, which is when political donations started to be recorded, to 2015 the property development industry has donated $64 million. It comes from a range of companies, from property developers, construction
companies and related companies. The bulk of that $64 million goes to the Liberal and National parties, so it is not surprising that Senator Williams interjects. These issues are getting a bit close to the bone when we start making the links between the money coming in and how the government delivers. How does it deliver? It is delivering right now with this ABCC legislation. It has delivered in other ways. We have seen it in state parliaments, where the coalition weaken planning laws.

In New South Wales we had a fine piece of legislation that was introduced off the back of the very impressive green ban movements and resident action groups that were all over Sydney and other urban areas in the 1970s. They had such a strong voice that when the Environmental Planning and Assessment Act was introduced into New South Wales in 1979 the Premier of New South Wales actually paid tribute to the green ban movement and the resident action groups and said a foundation of planning has to be consultation with the community. But what did we see? When the next Labor government, the Carr Labor government, came in, hand in hand with the Liberals and Nationals in New South Wales, every year there would be amendments to weaken that legislation. Who benefited? The developers. At the very same time we were seeing a weakening of the planning laws.

I do not know what deals went on with donors behind closed doors with regard to the last election, when the Turnbull government barely scraped in. From what I understand, the examples that Senator Cameron and I have spoken about with regard to the Newcastle incident, where paper bags of money from developers were handed over to some Liberal politicians, are not actually such a common way of buying favours these days. I refer senators to the High Court case I have spoken about before. But the trend now is that the culture of the major political parties is: how do we deliver for our donors? Rather than governing for the common good—the public good—they think, 'Well, what will make our donors happy?' All the people sitting on the government side know that, with the ABCC legislation, they will be getting slaps on the back. They will be favoured at all their cocktail parties. They will be the centre of attention if this legislation goes through, and in no way should it go through. It is damaging legislation not just for construction workers who might be injured or might die and whose families would grieve; it is damaging to the fabric of Australia.

Why go after the CFMEU? Why have the ABCC legislation come in? Yes, the CFMEU is a radical and militant union, it is well organised and it is out there winning good conditions and pay for its members. If you weaken that union, you start to weaken the union movement across the board. Again, it is another way for this government to deliver for its constituency, the big companies that it works with so closely.

So this is a piece of legislation that we have great concern about. Is it a coincidence that the for-profit sector that gave the most money to the coalition will benefit the most from the ABCC? We need to start asking that question. I will keep raising it, because we need to focus on what is actually going on here. The government's stubborn attempts to revive this legislation mean the attacks from the ABCC on construction workers are well documented, and they are worth reiterating.

First, I would just like to go through some of the myths that the government has peddled. The government claims that the ABCC will improve productivity. That is always a favourite, but it is false. Even the sham Heydon royal commission noted that studies did not provide credible evidence that the previous ABCC regimes increased productivity.
The government claims the ABCC is about criminality and corruption. Being in this place with the likes of Senator McKenzie, Senator Cash and Senator Abetz when he had the job, I say: seriously! So many of those examples that I gave were, I would say, trumped up. So many of them involved CFMEU delegates and officials doing their job. Again I will say that I am not excusing criminality. I am not letting them off the hook. We know that the laws are in place to deal with that. Yes, it is a rough and tumble industry and, yes, people swear on building sites, but what those representatives of the government have been going on about is so often people, including construction workers, out there to save lives and get some decent pay for these construction workers when they go home. They are actually doing their job.

The argument about criminality and corruption is another one that is not true. The ABCC has no power to investigate corruption or allegations of a criminal nature. You would think again, from listening to the representatives from the government, that the ship would turn around and now we would have this wonderful body that can get out there and investigate these shocking crimes like construction workers having stickers on their hats and maybe swearing on a picket line. But no. That is not what it is up to.

The government claims the ABCC will not breach civil liberties. Again, this is wrong. Workers will be forced to be silent about questioning. For those senators who are still thinking about what their position should be, I would really ask them to consider this aspect of the legislation we are debating here. Workers will be forced to be silent about questioning. That means they cannot talk to anybody. This is Australia in 2016, and we are debating a law in the federal parliament that might do that to workers in this country. To do it to anybody is wrong. Workers will no longer have the right to silence or protection from self-incrimination. People have fought for those legal rights, and our forebears in our parliaments have passed legislation to ensure that was the case, but we are on the cusp of unwinding that. And why? Because this government works so closely with construction companies and developers that it has moved totally away from what the public good means and what one should be doing when one comes into government.

The ABCC also reverses the onus of proof, forcing workers to prove that they are acting within the law—again, a huge change to how our legal system works, something that we all should be questioning and not accepting. The government claims that the ABCC will improve safety. I have shared with you some of the figures on that—figures showing something deeply alarming: that many people who go off and don their fluoro for real reasons do not come home, because it is a very, very dangerous industry. This is probably the worst of the lies, because we are dealing with people's lives—their families, their friends, the wellbeing of so many people—because when one person dies on a construction site, so many people suffer.

During the last version of the ABCC—and I want to go through this again, just to really emphasise these figures—deaths on construction sites increased, reaching a peak of 45 lives lost in 2007—one industry, 45 lives lost. Why were they lost? Often these are very young workers. They go on the job and the boss tells them to go and do things and they do not know what their rights are. They do not really want to challenge it when they are not too sure. They want to keep their jobs. And what ends up happening? As Senator Cameron described, a concrete slab falls on them. He told us about the tragedy in Perth, and I relayed a similar incident that happened in Queensland. It sounds like they actually saw the concrete slab
coming towards them—just horrendous. Surely there is some humanity here on the government benches to consider this.

In 2013, after the ABCC was replaced, the number of deaths in one year dropped to 17. Still, that is 17 tragedies—many more, because all those people would have had loved ones who would still be grieving for them. But it was a vast improvement. The weeks since the Prime Minister's attempted power play, setting up the special sitting of parliament, have exposed that this government's supposed concern over corruption and wrongdoing within the construction industry really is farcical. It is a cover. As I said in the debate on registered organisations, the government cannot come in here and be honest about why it is introducing this. If it were honest, it would say, 'We've got to deliver for our constituency.' It cannot say that, so it comes up with deception after deception.

So, what do they do? They attack their political enemies—the enemies of their political donors, the union movement. I think many people are aware of the truth. I think when people hear what is actually going on they want people to be safe at work, and they are concerned about how this is playing out. It has been made even clearer by the government's refusing to support the Greens's call for a royal commission into the big banks and the financial sector—a sector in which we have heard time and time again of alleged misconduct. This white-collar crime has affected the lives of tens of thousands of victims. This is where we have this huge inconsistency in how this government operates. And I believe many people can join the dots, that they can see that inconsistency, that the government is harassing one section of the community for its own political self-interest and, where it should be putting its efforts, sidestepping its responsibility.

If the government were serious about tackling corruption and criminality it would get behind the Greens's call to set up a royal commission into the financial sector. It would get behind the Greens's call to get big money out of politics, and it would get behind the vast majority of Australians who are echoing the Greens's call for a national corruption watchdog. We need that so urgently to hold politicians and public servants to account. But time and time again it was resisted. We saw it voted down again last night. Again, disappointingly, Labor was there with the Liberals and the Nationals. It is time to sort this one out. It really has to happen. It becomes quite farcical that of all the jurisdictions in Australia we are the only ones that have not had a national ICAC. The fact that it is not even on the agenda with the Liberals and Nationals really does further expose their double standards when they bring forward legislation like the registered organisations legislation and this ABCC bill.

This bill to bring back the ABCC is a linchpin in the government's ongoing attack on unions. Why? Because unions look after workers. Trade unions were founded for that very purpose, for protecting the rights and interests of working people. When you start undermining unions it means that you are undermining the collective ability of workers to organise and to be able to improve wages and conditions. So, what is going on here is very fundamental. But it is not something new with conservative governments. Again, I outlined it in the speech last night on registered organisations. When we have a conservative government, one of the first things they do, from the penal powers of the Menzies era through to the Howard, Abbott and Turnbull governments—their core business—is get out there with their anti-union legislation and push it through by demonising unions, demonising workers and lying time and time again.
This bill would give workers in the construction industry fewer rights at work just because of the industry they work in. It would give them fewer rights at work than accused criminals and even accused terrorists. It is seriously extraordinary that it has got to that point. With this bill the government wants to set up a new secret police in the construction industry. Unfortunately I am running out of time, but the idea that Nigel Hadgkiss may rise again and be the head of this star chamber is deeply disturbing—a man so committed to delivering some of the most ugly outcomes for working people. Where this government has ended up is deeply troubling.

The government wants to go out at the end of this year and obviously head off to the next election with claims of Australia's improving productivity and cracking down on the wrongdoing of unions. You can see the headlines in The Australian and The Telegraph now. You can hear the speeches coming out of Minister Cash and Prime Minister Turnbull. The lines would already be written up—their great victory, standing up for ordinary people, for mums and dads, for productivity. But it is all built on a lie: not only will it damage working people themselves, but many will not come home. We know that the number of injuries and deaths will increase, which also damages the fabric of our life, or our society. This bill should be defeated.

**Senator HUME** (Victoria) (13:12): I rise today to speak on the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013. Our construction industry builds the offices, the apartments, the roads, the shopping centres, the hospitals, the universities, the schools, the airports and the other important infrastructure—vital infrastructure—that all Australians use and depend on daily. The construction industry is the third-largest industry in Australia, representing some eight per cent of our gross domestic product. Furthermore, the construction industry employs approximately 1.1 million Australians in one capacity or another. Indeed, there are more than 300,000 small businesses that fall within the parameters of the construction industry in Australia. Let us just recap those facts for a moment: eight per cent of gross domestic product, 1.1 million Australians employed and over 300,000 small businesses in operation. By any means, this is a substantial industry, and so important in the greater make-up of the Australian economy.

There is not a person in this place, no matter whether they choose to admit it or to feign ignorance, who is not aware of the toxic culture of the Construction, Forestry, Mining and Energy Union, or the CFMEU. We have seen this culture of intimidation, economic blackmail, violence and thuggery on TV screens, in print media and, for the most part, uncovered as part of the royal commission into the trade union movement. Commissioner Heydon—one of the finest legal minds in Australian history, I might add—described the deplorable union behaviour uncovered by this royal commission as 'only the tip of the iceberg'. The behaviour of unions, such as the CFMEU, is not isolated to their own operations. Rather, the effects of behaviour such as this flow on through the Australian economy, with devastating results.

As of October 2016 some 113 CFMEU officials are before the courts charged with more than 1,100 alleged contraventions of various Australian laws—an absolutely astounding figure. If we were to work that out as an average it would be 9.7 alleged contraventions per individual. The CFMEU must think that they are above the law. Do they? Is this what they
think? They seem to believe that the law applies to all Australians but them. But it must be noted that these matters are before the courts and as they currently stand they are alleged. Nevertheless, it is worth noting that in recent years courts of various jurisdictions have imposed more than $8 million in fines as punishment for the CFMEU’s callous disregard for Australian laws. So brazen is their attitude that one Federal Court Justice remarked that the CFMEU’s record of noncompliance with the law is ‘notorious’ and their record ‘ought to be an embarrassment to the trade union movement’. This seems to be an embarrassment that those opposite do not wish to acknowledge, but they should, because the rest of Australia certainly does.

While some may trivialise the unruly behaviour of some unions, it is incredibly dangerous to do so. The rate of industrial action in the construction sector is nine times higher at present than the average across all other industries in Australia—a truly staggering statistic. To further illustrate this point, it should be noted that two of every three days lost to an industrial dispute in this country are lost from within the construction industry. Because of this and the continuing behaviour of rogue unions, the taxpayer dollar is wasted. The taxpayer must pay more. It seems that those opposite are content with that. The building of vital infrastructure—of schools and hospitals—costs 30 per cent more owing directly to that industrial action on building sites.

The ABCC is the proven solution to ameliorate this situation. The proven solution in putting a stop to lawlessness and thuggery in the building industry is the ABCC. Let us look at some facts about the ABCC. Before the ABCC was initially introduced, the rate of industrial disputes in the construction industry was five times the average across all other industries. During the ABCC’s operations, disputes fell to just two times the average. But, on average, since the ABCC’s abolition, disputes have gone back up to five times the average across all other industries. Since the ABCC was abolished by Bill Shorten in 2012, the rate of disputes in the construction sector has increased by 40 per cent, whereas the rate of industrial disputes across all other industries has decreased by 33 per cent on average. When the ABCC was in force, productivity in the construction sector grew by 20 per cent, yet it now remains relatively stagnant.

This bill will restore the ABCC as the industry-specific regulator for the construction industry. It will restore penalties to their former level. It will retain the current compulsory evidence-gathering powers but remove the sunset clause, and these powers are held by other regulators, such as the ACCC, ASIC, the ATO, Centrelink and Medicare. This bill will introduce new measures to deal with unlawful picketing and the disruption of transport and supply to building sites, including those located offshore. It will remove the inability for the ABCC to enforce the law where private settlements occur. Otherwise, it would be like police having no power to prosecute a driver for running a red light and causing a crash if the driver reached a private settlement with the other driver. This bill will enable a strong building code to be made for government projects. This will help improve standards and create a fairer playing field for businesses in the industry.

Despite the misinformation spread by those opposite, the ABCC legislation does not amend any workplace safety law. It will in no way prevent safety issues from being raised or addressed by employers, by unions or by health and safety regulators. Senator Rhiannon’s comments were incomprehensible. All the stats show that, under the ABCC, the number of
deaths and accidents actually went down, that productivity increased, that the number of days lost to strikes also went down, and that the vast majority of workers reported being much happier in their construction workplaces. But, since Labor abolished it, lawlessness has gone up again and days lost from strikes have increased. This is taxpayer money for infrastructure projects that is being wasted.

I would like now to turn to one case study examined at length quite recently by the Menzies Research Centre in their report entitled Constructing a better future: restoring order and competition in the building industry. The example relates to the Wonthaggi desalination plant in my own home state of Victoria. The Menzies Research Centre reports that construction of the Wonthaggi desalination plant at Dalyston on the Bass Coast of Victoria was commissioned by John Brumby's Labor state government in July 2009 and completed in December 2012, a full year behind schedule. Plagued by cost blowouts, delays, waste and excessively high labour costs, Wonthaggi exemplified the very worst of public construction in Australia. When construction began in late 2009, it was expected to cost $3.1 billion, an estimate that was itself considerably above the cost of similar projects in Australia. The Kwinana desalination plant south of Perth, for instance, completed three years earlier, holds approximately 30 to 50 per cent of the capacity of the Wonthaggi desalination plant, but it was completed at a cost of $387 million, only 12.5 per cent of the cost of the Wonthaggi plant. The final price tag of the Victorian plant hit a staggering $5.7 billion.

An analysis by Independent Contractors Australia found that, had the Victorian plant been completed with broadly the same cost-effectiveness as the Perth plant, the project should have totalled no more than $2 billion. Labour costs were locked in at an extraordinary level under a greenfields bargaining agreement struck in 2009 between the head contractor Thiess Degremont, the AMWU, the AWU, the CEPU and the CFMEU. This agreement allowed for 26 rostered days off, 12 public holidays, a picnic day, and fixed long weekends that coincide with the RDOs. It included not only superannuation and long service leave, a 17½ per cent holiday loading and annual leave, but also termination pay of an extra couple of weeks, a redundancy allowance of $5.44 per hour, clothing allowance, spectacle allowance, and six-monthly pay increases totalling approximately $200 per week. An extraordinary element was a tax-free living-away-from-home allowance of $700 per week, or $36,400 annually. Wonthaggi is barely 75 minutes drive from the south-eastern suburbs of Melbourne. This was struck at a time when the going rate for living-away-from-home allowances in genuinely remote areas such as the Pilbara was $400 per week. Wages at the plant were reliably estimated to be 40 per cent—40 per cent!—higher than those found at desalination plants interstate, providing trade workers with $150,000 annual salaries before factoring in the generous conditions and allowances.

For instance, a carpenter under the agreement earned more than $200,000 in wages and benefits—roughly twice the income of a school principal. Worse still, under the terms of the agreement the only direction in which wages could move would be higher. The greenfields agreement covering the plant's construction contained a clause stating that Thiess could only engage contractors who applied wages and conditions no less favourable than the wages and conditions provided for in the agreement for similar or equivalent work. Now, the effect of this clause is to remove competition between subcontractors entirely from the tendering process.
The desalination agreement locked in considerably higher increases in remuneration than those under standard CFMEU industry EBAs. Wages increased in six-monthly increments of 2½ per cent over three years, a total of 15 per cent over three years. Under the standard EBA wages increased by a lesser amount, while allowances were linked to CPI.

A lack of transparency in the tendering process added to concerns. The winning bid from the AquaSure consortium, which included Degremont Australia, Macquarie Capital and Thiess, was in fact higher—higher!—than the losing bid from John Holland. Industrial relations commentator Robert Gottliebsen wrote that the Leighton subsidiary John Holland, which had not done the deal from hell with the unions, actually tendered a lower price for the desalination plant than Leighton’s other construction subsidiary Thiess. But the Victorian government took the higher tender. It took the higher tender to look after its union mates who had secured this truly amazing deal from the Theiss-Leighton subsidiary. Leighton also gave some iron-clad price guarantees.

There is an enormous cultural difference between John Holland and Thiess, which gives the union what they want because they can add it on to the price, management style. Clearly, Thiess was awarded the project, at least in part, on the basis that it would assuage union demands and avoid disruptive industrial action. In turn, Thiess signed on to a clause that would ensure the terms of its ‘peace at any price’ deal were reflected in all contractors connected to the plant, negating any chance of competition. The cruel irony for Thiess and for the Victorian taxpayers is that despite such efforts, the project was fraught with strikes and other delays that ended up costing Thiess over $1 billion.

This is only one of many possible examples, but it is just as pertinent as the rest. To those opposite today I say that while Labor did not support its two million union members last night in voting against the registered organisations bill, there is still a chance to do so here. There is still a chance for you to do so today. These are your constituents; these are the people you represent. It is your responsibility to do right by them. Vote for this legislation. Vote for this legislation so that we can return the rule of law to our construction sector. Vote for this legislation to make our construction sites safer, to make our construction sites fairer and to make our construction sites free of coercion and free of intimidation and, so importantly, to improve competition in the construction industry—not just in Victoria but all over Australia.

Allow Australia to build the vital infrastructure it needs in a fair and cost-effective manner. This is the only way; it is the proven way to ensure that the Australian economy has the chance to flourish, to thrive and to prosper.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (13:29): I, too, rise to speak on the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013, because, whilst a lot of people have talked about workplaces and costs and other things, it is not until you actually start putting it into the perspective of things that people consider to be important that you understand just how critical these issues are. Looking at the Defence budget, the defence white paper looks at the amount of investment that is going to go into infrastructure—we are talking civil works and building works—and if you look at the actual dollar figure over the next 10 years, for the first time we actually have a very clear picture, because of the way this white paper and the Integrated Investment Plan has been put together, of the actual amount that is going to be spent on infrastructure, and it is in the tens of
billions of dollars. If you overlay that at the same time with various reports that have been made by external accounting companies, and also a recent report by the Menzies Research Centre, what you see is that the scale of the inefficiencies can be anything from around 10 per cent up towards 30 per cent. I am a conservative kind of guy so I will take the lower figure of that. But even if you take that 10 per cent figure, what you realise is that you can very quickly show that lawlessness on worksites stands to cost the Australian taxpayer, in the Defence portfolio, some billions of dollars.

If you consider that one of the most recent acquisitions for the Navy, the Romeo helicopter, which is considered to be one of the world's best submarine-hunting helicopters, was acquired at less than $2 billion, what you see is that Defence would have to be spending billions of dollars—so potentially another whole fleet of helicopters, which means a whole area of capability—unnecessarily, if the inefficiencies in our construction sector continue. So with MYEFO coming up, when we are looking, potentially, at the kind of budget issues such as the structural spending that has been locked in for a number of years now, and that we have sought in this place to undo, budget pressure is going to come on and that is going to impact on the money we want to spend on road infrastructure, on hospitals, on schools, or on our defence budget. It is inexcusable that we would expect the Australian public to be seeing a department of this government spending billions of dollars unnecessarily on infrastructure, when they could have the same infrastructure at a lower cost and return that money either to the Defence budget so that we could procure more capability we need, or, more likely, actually return that money to consolidated revenue so it could go into any number of other areas that Australians believe are important.

In South Australia, the state Labor government has commissioned a hospital that is reported by various people to be one of the world's most expensive buildings in terms of the dollar cost per square metre of the building. I note that it is still not open, well after its due date, and it may be quite a few months if not late next year before we finally see patients in there. But even that, the most expensive building in the world, is still cheaper than the money that Defence will have to spend unnecessarily on infrastructure works it is doing if the ABCC bill is not passed.

So, as people consider this bill what I would invite them to do is consider the fact that this bill is not going to impact on workplace safety. This bill is all about getting rid of the lawlessness on worksites that we see reported week after week in the media. We see union officials in court being charged with various offences, and we see the cost impacts. With those figures I talked about for the Menzies Research Centre, I took their lower estimate. If you took their upper estimate of around 30 per cent, and that is less than other estimates which are the artificially inflated costs for construction in Australia, then the Australian taxpayer will be unnecessarily spending between $7 billion and $8 billion on the Defence budget alone. Mr Acting Deputy President, you are reasonable man, and so I ask you how could we expect the Australian taxpayer to think that that was a good use of the money which we are stewarding on their behalf? Speaking for myself and for this side of the chamber, we cannot—it is indefensible.

We cannot allow the lawlessness to continue on worksites. It creates the kind of inefficiencies that artificially bump up those prices so that people in our departments who are spending money on infrastructure have to spend unnecessary money. Sometimes people say
to me, 'What do you mean by inefficiencies?' What are some of the examples when people talk about inefficiencies? Some of the stories that have been reported are things like concrete pours, where the pour starts and then somebody comes along and says, 'Stop the pour.' It could be there is a workplace condition which they do not believe has been met; or perhaps they are unhappy with the employer because he has not signed the agreement that gives them the leave they want. As you would know, Mr Acting Deputy President, the media has recently been reporting agreements signed between some of the large construction companies and the CFMEU which give quite large pay rises and all kinds of additional leave. The critical thing is the action on the worksite. If you imagine the cost and the time of doing a large pour which is disrupted part way through such that it has to stop, you then have remedial works to extract that which has already been poured and redo all the formwork or to do additional engineering works to work out whether it is even possible to continue the pour at a later time. There is also the issue of concrete that is perhaps waiting in trucks just off the site and what happens to that.

One simple act on one day on the worksite can set back a project weeks in time and tens of thousands of dollars in money. Those kinds of actions are pursued in an almost bloody-minded manner by some unions and then there are the illegal actions—the bullying of people on worksites. All those sorts of things have an impact which can lead to five, 10 and up to 30 per cent inefficiency on our civil construction sites. As I say, when you look at something like the Defence budget, where we are finally restoring the funding for Defence and, for the first time ever, we are not just calculating the cost of buying the equipment over 10 years—that is an easy thing. People like to say, 'These many tanks or planes or ships will cost us whatever,' but that is not a real capability unless you have the infrastructure behind it—whether that is new runways or new hangers or new wharves that are required. It is all that infrastructure spending that Defence will be doing that is critical in building the Defence capability that we need to have.

Why should the Australian taxpayer accept the fact that the votes of 30-odd people in this Senate could cost the country billions of dollars that it does not have to spend? How can that be justified? The Australian public quite rightly should be asking the question: why does the Defence department have to spend billions of dollars unnecessarily because of the decision of 30-odd people in the Senate chamber who decide to support, in this case, the CFMEU, which has been widely reported and acknowledged as one of the unions with the worst record of illegal activity and people who are before the courts as a result of that illegal activity and have complete disregard for the law? If there was a valid reason—if all of these things were actually changing the safety outcomes—there might be even part of the case. But, given the costs and the disruption and the fact that it is not having that effect, this is not about workplace safety. And there are lots of reports—longitudinal studies and reports about rates of accidents—that show that this change is not about safety. This change is about increasing the productivity and the lawful behaviour on worksites.

Mr Acting Deputy President Sterle, I would encourage you and people on your side of the chamber, as you go back and speak to your constituents at the end of this week and over the weekend, as you hear the calls for funding, whether it is in legal and community services, health, or road infrastructure, to think of the billions of dollars that your votes will constrain spending, in this case, by the defence department, completely unnecessarily. It should not be
so. The nation entrusts the moneys that we raise through tax to us as parliamentarians and the executive government to spend wisely on their behalf. This is not a good use of that money, and it is not good to see billions of dollars spent unnecessarily.

I conclude my contribution by drawing people's attention back to something they think is important. Everyone says: 'Great. We love to see you spending more on defence. It is great you are going to spend up to two per cent of GDP on defence. It is about time we did that.' But they may not understand that there are billions of dollars that have to go into infrastructure, tens of billions of dollars that we know we will be spending over the next 10 years and billions that are unnecessarily being wasted because of the illegal activity and inefficiency on worksites. I would ask those of you on the other side of the chamber to decide whether your 30-odd votes are actually in the national interests or whether they are purely in the interests of the union movement, as so many of you are here, I understand, because of their patronage and support.

At the end of the day, each of us is here predominantly in the national interest. If we are not here in the national interest, then we should be considering our positions. I will certainly be supporting this bill because it is in the national interest of this country to have safe but efficient and effective workplaces so that we can attract investment, create jobs and build a better nation not only for ourselves but, more importantly, for the generations to come.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (13:42): What we have here is the Prime Minister's get-out-of-jail-free card. It is safe territory for the Prime Minister. He has clearly besieged at the moment. He is leading a party that is incredibly divided, and divided on all sorts of issues. But there is one thing that unites the Tories, and it is making sure that you do all you can to dump on the union movement—a bit of good old-fashioned union bashing! Nothing brings those disparate voices within the coalition closer together than a bit of good old-fashioned union bashing.

Do you remember it was the reason we went to the double dissolution election? A lot of people have forgotten, because it was the legislation that dare not speak its name. It was the trigger for the double dissolution election—not a peep for the entire duration of that election campaign and not a peep for months afterwards. And so here we are, on the back of a late-night sitting last night, with legislation rammed through thanks to the support of the crossbench and people like Nick Xenophon who thought this legislation was so critical that after five months we had to sit until three in the morning to pass it. And here we are now, debating the abolition of the ABCC.

When it comes to tackling corruption in this country, the government is not interested in tax manipulation or scandals. We have heard about lots of them within the banking and the financial sector. They are not interested in corruption within the Public Service. We have heard evidence of that, with many examples within state parliaments. The government seems only interested in tackling wrongdoing by its ideological foes—that is, when working people come together under the banner of the union movement.

We have heard time and time again about the misconduct and conflicted incentives in the banking industry. That is actually having a material impact on the lives of ordinary people. This is actually ruining people's lives; it is eroding their life savings and it means that many of them, when they face injury or the death of a loved one, are unable to get the sort of support and assistance they believe that they paid for. And yet we have the government refusing to
support the Greens' calls for a royal commission into the big banks and the financial sector. Instead, what they want to do is to make life easier for unscrupulous employers and harder for ordinary working people.

I will just say to them: if you are so concerned about the issue of widespread corruption, why not get behind the Greens' call for an anticorruption watchdog? It is something that would have the capacity to look right across different sectors within our economy, not just at employees and unions but at employers, and not just at the construction industry but right across the economy—including the work that we do here in this parliament. But instead of supporting the creation of a national anticorruption watchdog what we have is the government intent on coming together and uniting a party room that is incredibly divided and, of course, resorting to its get-out-of-jail-free card: a good old-fashioned bit of union bashing.

The question we have to ask ourselves is, 'How did we get here?' Of course, we still are not clear about where crossbenchers are and we are not clear about what amendments have been negotiated. We are not sure about the role of regulation through extensive legal coercion powers. It is, unfortunately, much like last night: a bit of a black box at the moment. And let us be clear about what we are trying to protect: we are here to protect ordinary working people coming together, looking to defend their rights at work. Remember that the trade unions were founded with the purpose of protecting the rights and interests of the workers that they represent. Unions are nothing other than a collection of workers organising to ensure that their rights are represented in what is often an unfair and unequal playing field.

We hear time and time again that when things go wrong in workplaces it is the unions that actually step up and help to look after those people affected within the workplace. And this is true within the building and construction industry. We know that construction workplaces are unsafe. We know that there are many people who do not return home after being injured at work, and we know that some of them come to very serious harm. We know that families are left grieving because of unsafe workplaces, and it is the role of the construction union to ensure safety within the workplace.

What this bill does is give workers in the construction industry fewer rights at work because of the industry they work in. We are just singling out one industry and saying, 'Because you work in that industry we're going to strip away some very basic rights and we're going to make your industry the target of laws that no other industry is subjected to.' With this bill the government wants to set up what is effectively a new secret police within the construction industry. They are going to have the right to take workers off site, to pull them in for questioning and to demand answers of them. They are not going to have the right to silence—a basic right afforded to common criminals. They will not be able to talk to others about the fact they have been pulled in for secret questioning.

And let's look at the justification. You would think that with laws this draconian and this extreme that, clearly, there must be widespread evidence of gross malfeasance. When you are going to use such a big sledgehammer, what is the justification? What is it? No-one is suggesting that there are not issues in the construction industry—of course there are. As I said, there are people injured and dying, tragically, on construction work sites every week. There are many workers coming in from overseas or who are being exploited, working on $10 or $12 an hour. The government could be working to stamp out sham contracting. Even the
title of the bill, the Building and Construction Industry (Improving Productivity) Bill 2013, is confused and untargeted.

Let us remember this: when the Australian Building and Construction Commission existed, productivity in the construction industry flatlined. Once the commission was abolished, we saw productivity increase. Again, let us look at what the experience was when the Australian Building and Construction Commission was established under a previous government. We saw that productivity was flat and, when the commission was abolished, we saw a significant increase in productivity. What kind of wider economic effect is the government seriously expecting from this legislation? What is going to be the impact of this legislation? The answer is 'none'. If past experience tells us anything, it is that this bill is not about productivity. It is not about corruption. It is not about anything other than a targeted, ideological attack on the opposition. This parliament should not be so narrow and so petty that, as the centrepiece of the government's legislative agenda, it chooses to confront an issue like this. If this is the peak, if this is at the centre of the government's legislative agenda, then this is going to be a period of government with a clear lack of any coherent vision, a period of government that will be unproductive and a period of government that ignores the challenges that face us as a nation.

We could focus on the great challenges that lie ahead of us: catastrophic climate change and the role that Australia could be playing in bringing down our emissions, creating jobs and investment in those regional communities who so desperately need them and creating international investment around the renewable energy sector. We could recognise that we have huge challenges when it comes to addressing the structural problems within the budget. We have a revenue crisis, but we have an opportunity to be able to pay for the services and the foundations of a decent society through ending the rorts of negative gearing and capital gains tax, ending multinational tax avoidance and ensuring that we do not provide tax cuts to the wealthiest Australians—instead raising revenue from those people who can afford it most. Instead of dealing with those challenges, we have a government with no agenda, no plan and no vision, looking to unite a divided party room over a piece of legislation that strips away basic rights for ordinary working people.

The Australian Greens will oppose this legislation. We will ensure that we do whatever we can to strengthen the rights of people at work, rather than to weaken them.

Senator HINCH (Victoria) (13:52): Four letters triggered a double dissolution and a federal election on 2 July—though the government hardly mentioned those four letters, ABCC, during the marathon election campaign. I will give this bill its official name: the Building and Construction Industry (Improving Productivity) Bill 2013. It is from 2013—that is more than three years of gestation. There have been thousands of words on both sides over the months and over the years—union bashing and union championing—and I do not intend to go back through it all. But I will make several points and refer to amendments that I have put to the government to improve the bill and to allay some of the opposition's fears—I hope. My comments reflect what I repeated during the auditors and whistleblower amendments yesterday: I am pro worker and anti corruption.

In reaching my position on this bill and the proffered amendments, I have spent a lot of time with ministers, shadow ministers, union officials—including the CFMEU, several times—and other senators. I will be voting for the amended bill, if the planned amendments
pass in this chamber. If the bill is not properly amended, I am not afraid to vote it down. In my discussions with government ministers and the opposition, I have concentrated on several areas. I want to deal with them, but not in any order of priority or importance.

One major area is the protection of sub-contractors—the subbies. Too often, they are left holding the bag. Confected disputes over supposedly shoddy work or missed completion deadlines can see money—earned money—going from A to B but not getting to C. Sometimes it is a case of robbing Peter to pay Paul in a stalling tactic which might otherwise see a boss guilty of trading while insolvent. A fast-track tribunal hearing with the disputed money held in trust is good idea and a possible solution, I believe. So I agree with Senator Cameron when he said earlier today that we must improve payment protection for the subcontractors. I also agree with him that we need incentives to encourage employers to take on more apprentices.

Another issue that has cropped up regularly in recent weeks is retrospectivity. A number of big companies that have signed five-year EBAs in recent times have expressed concerns that they could in future be locked out of government contracts. Of course, the other argument is that these bills have been around for a couple of years and so everybody on either side of the industry, contractors and the unions, are very well aware of all the details. With this and other pieces of legislation I do not like retrospective legislation of any kind, but maybe six months could be the buffer. So, with question time coming up, that is where I stand, and I will say, like last night, that with the auditors and the whistleblower amendments I got here to this position without making any deals with either side.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (13:56): I rise also to make a contribution on these bills—the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013. As you would be fully aware, Mr Acting Deputy President Sterle, the construction industry is vital to Australia's economy. It contributes to employment, productivity and to just about any aspect of the economy that you care to think of. The construction industry is vital and at the heart of it. It builds the offices, apartments, roads, shopping centres, hospitals, universities, schools, airports and other infrastructure that every single Australian uses every single day. In that sense, it is also Australia's third-largest industry, which highlights the significance of the construction industry to the economy. It contributes eight per cent to gross domestic product. I mentioned also that it employs people. In fact it employs nearly 1.1 million Australians. There are more than 300,000 small businesses in the building industry. They can be from sole trader plumbers and electricians up to very, very large companies that are involved in construction, employing many hundreds and in some cases thousands of Australians.

But there is a big problem with the construction industry in Australia as it stands today. There is a toxic culture in the Construction, Forestry, Mining and Energy Union, which causes this big problem in the construction industry. This big problem creates issues that flow right through the economy, and that undermines the positive effect that the construction industry has on the Australian economy that I was referring to before.

As at October 2016, just last month, there were 113 CFMEU officials before the courts for more than 1,100 suspected contraventions. In recent years, the courts have imposed more than $8 million in fines on the CFMEU's lawbreaking. In the words of a Federal Court judge, the
CFMEU's record of noncompliance with the law is 'notorious', and their record 'ought to be an embarrassment to the trade union movement.'

I would have thought that every single member of the trade union movement who is a member because they want to do the right thing by the workers and ensure that workers' rights are appropriately protected and looked after would consider those quotes by that judge, and the other evidence that backs up the big problem I am talking about, abhorrent. They would also reject those problems that we see, as demonstrated by the findings about the CFMEU and other unions.

How does this play out? What costs does this imposed on our economy? Currently around two out of three working days lost from industrial disputes are in the construction industry. Given that that the construction industry represents about eight per cent of our GDP, the fact that 66 per cent— (Time expired)

QUESTIONS WITHOUT NOTICE
Murray-Darling Basin Plan

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:04): My question is to the Minister representing the Minister for Agriculture and Water Resources, Senator Canavan. I refer to Minister Joyce, who says that delivering the Murray-Darling Basin Plan in full is 'impossible'. Does the minister agree with the Deputy Prime Minister?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:00): I thank the senator for his question. The government will be implementing the Basin Plan consistent with how the Basin Plan was written and agreed to by members of the Labor Party. It will be implemented. In that agreement it states that we will not do anything, we will not produce—

Opposition senators interjecting—

The PRESIDENT: On a point of order, Senator Farrell.

Senator Farrell: President, it was a very simple question to the minister. Does he agree with the Deputy Prime Minister that the implementation of the Murray-Darling Basin Plan in full is impossible? That is the question.

The PRESIDENT: I think we need to be a bit fairer to the minister and allow him a bit more time to answer the question. The minister was certainly on topic.

Senator CANAVAN: As I was saying, we will be implementing the Basin Plan, and we will be implementing it in the fashion that was agreed to between states and territories and the former government. In that agreement it is very relevant to note that, on the issue of whether additional water will be delivered under that agreement, under clause 717 it says that the efficiency contributions to the proposed adjustments must achieve neutral or improved socioeconomic outcomes compared with the outcomes under benchmark conditions, and that is what we will be implementing.

There is obviously an issue at the moment. There was an issue under discussion about whether that additional water can be delivered consistent with this condition that was agreed to by the former government. There are different views at the moment, as I understand it, between states and territories on this issue. There are different views between governments of
states and territories of different political parties on this issue, but we are committed as a
government to ensure that we deliver a balanced Murray-Darling Basin Plan and that we
deliver a Basin Plan that delivers environmental outcomes, that delivers on economic and
social outcomes and that delivers a triple bottom line, because we all want to achieve things
for the environment, but we must do so in a way which does not pull the economic rug out of
communities that produce our food, that put our protein on our tables and that produce jobs in
regional areas. All of these things must be balanced, and we are committed to doing that while
we implement the Basin Plan.

The PRESIDENT: Senator Farrell, a supplementary question?

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate)
(14:03): I refer to Mr Turnbull's previous commitment to South Australians that the Basin
Plan would ensure that 'South Australia is no longer neglected and treated with contempt by
the upstream states'. Why is the Deputy Prime Minister ignoring Mr Turnbull's commitment
and walking away from the Prime Minister's promise to South Australians?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia)
(14:03): We are not walking away. As I just outlined, we are implementing the plan as agreed
and as the terms are written in black and white. That is what we are doing. That is what we
are committed to.

There are some people in this debate who are treating people with contempt—that is
definitely the case. We know that the South Australian water minister the other week did treat
people definitely with contempt. We know that certain words was used, which I cannot repeat
here, words that might rhyme with 'firetruck'. Those words were used, and the South
Australian Premier has not, that I have seen yet, condemned that behaviour. He has walked
past that behaviour. He is not condemning it. That is what I would call 'contemptible
behaviour'. That behaviour should be condemned, but it is not being by the South Australian
Premier. He should come out and admonish his minister about it, but he came out and excused
it on ABC radio the other day. That is inexcusable. That should be condemned.

The PRESIDENT: Senator Farrell, a final supplementary question?

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate)
(14:04): Thank you Mr President, I have a further supplementary question. Given that the
Deputy Prime Minister is intent on ripping up the Basin Plan, is it safe to assume that his
advice of 2010 still stands and that downstream states just need to 'move to where the water
is'?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia)
(14:04): The starting statement—the starting words—in your question are incorrect. We are
not ripping up the Basin Plan; we are implementing the Basin Plan. Indeed, we will also
implement the Basin Plan in a much more responsible way than the former government was
doing.

Senator Wong: South Australians should move to where the water is—is that the
government's position?

Senator CANAVAN: The former government—I think Senator Wong might have had
something to do with it—was buying water willy-nilly all over the place, with no
consideration of the impact on basin communities. They were paying out $300 million to
Johnny Kahlbetzer and more than $20 million to buy Toorale Station without even considering the impact on these basin communities.

That was not how the Basin Plan was meant to be implemented. The Basin Plan was meant to be implemented in a way which balanced economic, social and environmental considerations. That is not the approach of the former government, but it is the approach of this government. That is what we are committed to doing. We are committed to doing that with the states and territories. We should all get back to cooperating about this important national reform.

DISTINGUISHED VISITORS

The PRESIDENT (14:05): Before I call the next questioner, could I draw to the attention of honourable senators the presence in the President's gallery today of the Australian Political Exchanges Council's 11th Delegation from New Zealand, led by Mr Fletcher Tabuteau MP. On behalf of all senators, I wish them a warm welcome to Australia, and in particular to the Senate.

Honourable senators: Hear, hear!

The PRESIDENT: Could I also acknowledge with the delegation is former senator and President, Alan Ferguson. He is supporting the Movember outfit. Welcome to former Senator Ferguson. Also in the public gallery we have former Senator Mark Furner. We welcome Mark also.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Building and Construction Industry

Senator PATERSON (Victoria) (14:06): My question is to the outstanding Minister for Employment, Senator Cash. Can the minister inform the Senate of the need to reform the workplace culture in the building and construction industry?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:07): I thank Senator Paterson for his question. It is a fact that Australia and Australians simply cannot afford the lawlessness which we continue to see in the building and construction sector. It is the third-largest industry in Australia, and we must do everything we can to ensure that it continues to prosper and grow. Across Australia there are approximately one million Australians who are employed in this vital industry, the building and construction sector. But for them to do their jobs effectively, we as policy makers need to ensure that their work environment is a cooperative and productive one.

It is a fact borne out by Federal Court decision after Federal Court decision that when you go to work in the building and construction industry it would appear that the rule of law does not apply. Why is it that when any other Australian goes to work on a daily basis they have to comply with the rule of law that applies in their workplace, and if they do not they know that there are consequences for doing that? There are approximately 300,000 small businesses in this vital industry. They need a system. They need policy makers in this place to ensure that they have a system that is free from bullying and standover tactics that they are currently subjected to.
I am also concerned that the CFMEU’s toxic culture is turning away females from this industry. It is a fact that women make up just 11 per cent of construction industry workers—a percentage that has declined over the last 30 years.

Senator Cameron: What's turning women away from you lot?

The PRESIDENT: Order on my left!

Senator CASH: There are currently in excess of 100 CFMEU officials that are before the court. There is a deficiency in the law and it is up to us to rectify it. (Time expired)

Honourable senators interjecting—

The PRESIDENT: Order on my right and on my left! Senator Paterson, a supplementary question?

Senator PATERSON (Victoria) (14:09): I thank the minister for her excellent answer. Is the minister aware of any impediments to productivity-boosting reforms in the building and construction sector?

The PRESIDENT: A point of order, Senator Hinch?

Senator Hinch: Mr President, it may be my ignorance, but is it form for question time to be used to debate issues that are already in legislation before the Senate?

The PRESIDENT: Thank you, Senator Hinch. The question is certainly in order, and I call the minister.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:09): Unfortunately, yes, I can, and, of course, it is those opposite. Over the last 20 years the Australian Labor Party has received approximately $14 million from the CFMEU. In addition to that, we have recently witnessed a video showing how the CFMEU are buying up the Labor Party and demanding outcomes for themselves. To quote a senior CFMEU official who appeared in the video, who said:

… what we're actually going to do is take ownership and -responsibility of the ALP … We're getting influence in the ALP and that's how we're going to get in there. We're not going to wait for the politicians to come and do it for us …

…… …

We're not going to just ask them to do it, we're going to go in there and demand they do it …

The CFMEU has a hold over the Labor Party and that is to the detriment of the building and construction industry in Australia.

The PRESIDENT: Senator Paterson, a final supplementary question.

Senator PATERSON (Victoria) (14:10): Can the minister inform the Senate of the importance of a productive building and construction sector to the Australian economy?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:11): As I said, the construction industry in Australia is our third largest employer. Over a million Australians rely on this vital industry each and every day for their job. The fact of the matter is: if there is a problem in the construction industry, it is a problem that affects all Australians. If you look at the rate of industrial action in the construction sector, it is currently nine times higher than
the average across all other industries. That fact costs our entire economy. It is estimated that
important infrastructure, such as schools, roads and hospitals, cost taxpayers up to 30 per cent
more because of the number of working days lost through industrial action at building sites.
There is a clear problem, and as policy makers we need to address it.

_Attorney-General_

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**Senator CHISHOLM** (Queensland) (14:12): My question is to the Minister for Resources
and Northern Australia, Senator Canavan. I refer to Senator Brandis, who said in relation to
the Queensland Liberal-National Party that:

They're not very good … I'd say that the state opposition is very, very mediocre …

Does the minister agree with Senator Brandis?

**Senator CANAVAN** (Queensland—Minister for Resources and Northern Australia)
(14:12): I said yesterday and I will say it again in the chamber: I have different view. I think
the LNP opposition is doing a fantastic job against a very mediocre government in
Queensland at the moment. That is for sure. What the good Senator Chisholm failed to do was
to refer to the fact that Senator Brandis said that the government of Queensland was also
'very, very mediocre'. So he is selectively cherry-picking quotes. We all have opinions, Mr
President, and we all have particular views. My view is that Queensland would do much
better under a Liberal-National government, because a Liberal-National government would be
getting on with the job of building things in Queensland—projects like Rookwood weir, near
where I am. There are enormous opportunities up there.

One of your colleagues, Senator Watt, came up and had a meeting at the Trades Hall in
Rockhampton last week. He spoke about 457 visas but did not say anything about Rookwood
weir. He did not say anything about whether he supports the biggest job creating project in the
region, the Rookwood weir, which will create 2,000 jobs in our region. Instead he was putting
out a scare campaign about some 457s, which, I think, is about 300 jobs.

It does not make sense to me. There are real issues in Central Queensland that the Liberal-
National Party are focused on, creating jobs in the agricultural sector and creating jobs in the
mining sector. We have had Mr Shorten up in Queensland last week and, from all reports I
have seen and all the transcripts we have been through of Mr Shorten's interviews in regional
Queensland, he did not mention the Adani coal mine once. He did not mention it once! It
would create thousands of jobs for regional Queensland, but again it is the Labor Party that is
doing nothing and has no plans for jobs in regional Queensland. That is why we would be
much better off with a Liberal-National Party government in Queensland. They are doing a
great job, and I cannot wait for the next state election.

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**Honourable senators interjecting—**

**The PRESIDENT:** Order on my right! On my right! On both sides! On my right and on
my left. Senator Chisolm, a supplementary question.

**Senator CHISHOLM** (Queensland) (14:14): Again I refer to Senator Brandis, who
considers the merger of the Liberal and National parties in Queensland may be revisited
because of the reintroduction of compulsory preferential voting, and I quote:

… attacks the raison d'etre of the merger.
Does the minister agree that it is time for the Queensland Liberal and National parties to part ways?

Honourable senators interjecting—

The PRESIDENT: Order! I will just advise the minister that he can answer what parts of that question he wishes to answer.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:15): I want to answer it, Mr President—I do want to answer it! I know it is hard for the Labor Party to get this through their heads, that in Queensland our party, unlike in the Queensland Labor Party, is run by its members. Our party is a grassroots party: it is run by the people who turn up to the branch meetings week after week and volunteer their time. That is why I am here, that is who I am representing and that is why I spend so many nights in this place, away from my wife and family, because I want to help their aspirations and their ideas to get support in Queensland.

So, any decision about the Liberal National Party is one for its members. It is not like the Labor Party, where decisions are made somewhere in Brisbane—I do not know where they are based in Brisbane, but somewhere in inner-city Brisbane. Our decisions are made all over Queensland, by all the members in Queensland—by the 14,000 members of the LNP. That is who makes the decisions. So it is not for Senator Brandis or me. No-one cares what our opinion is in the LNP; it is the opinions of the party that matter.

The PRESIDENT: Senator Chisholm, a final supplementary question.

Senator CHISHOLM (Queensland) (14:16): I refer to reports out of the National Party room that under Mr Turnbull this government is focused on issues that:

… very few people in the real world are worried about.

Isn't it that the federal coalition is very, very mediocre?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:16): Of course, I am not going to comment on matters from a party room meeting. That would be completely inappropriate, so the question is completely irrelevant. But what I would say is that we are a government that is getting on with the job of doing things in this country. We want to get on with the job of doing things. We are the government of this country which is passing laws to ensure that the unions look after their members, not their own interests first. We are the government that has a plan to build infrastructure right through our country. We are the government that has a plan to develop the north of our country—the enormous opportunity that exists in Northern Australia, right across those three states.

I wish that some of my Queensland Senate colleagues would have offices based in the north and people based in the north. But we are proud that we are focused on the future of this country. We are focused on developing the opportunity that all Australians have, and that is what we are focused on—not what scuttlebutt is recorded in the media.

Minister for Immigration and Border Protection

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:17): My question is for the Minister representing the Prime Minister, Senator Brandis. The Prime Minister today described the immigration minister as ‘thoughtful and compassionate’. Does the minister believe that it is thoughtful and compassionate to claim that the former Liberal Party Prime
Minister, the late Malcolm Fraser, made mistakes in welcoming Lebanese Muslims into Australia in the 1970s because a small number of their children or grandchildren may have committed a crime? Minister, how is it thoughtful or compassionate to describe generations of hardworking immigrants, who have made an enormous contribution to this multicultural nation of ours, as a 'mistake'? 

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:18): Senator Di Natale, I entirely agree with the description of Peter Dutton, the Minister for Immigration and Border Protection, as thoughtful and compassionate. I entirely agree, having known Peter Dutton as I have for some 17 years. A more thoughtful and compassionate minister you will not find on either side of this chamber.

And the evidence of the thoughtfulness and compassion of Peter Dutton is to be seen in particular in the fact—through you, Mr President—Senator Di Natale, that because of Peter Dutton there are no children in detention any longer, whereas when the coalition came into office some three years and two months ago there were almost 2,000. Because of Peter Dutton and the policies that he is superintending—

The PRESIDENT: Pause the clock. Senator Di Natale, a point of order?

Senator Di Natale: Yes, a point of order on relevance. I asked specifically: how is it thoughtful or compassionate to describe generations of hardworking Lebanese immigrants as a 'mistake'?

The PRESIDENT: That was the second part of your question. The first part was: 'Does the minister believe that Minister Dutton was thoughtful and compassionate?' And the minister directly answered that question.

Senator BRANDIS: So, I do think that it is compassionate and thoughtful to superintend a policy which has saved hundreds, perhaps thousands, of lives at sea, because, as we know, under the previous government's immigration policy at least 1,200 people—men, women, children and infants—drowned in the ocean, drowned at sea. And those are only the ones we know about; there are numberless others that we will never know of who drowned at sea. Because of policies implemented by Mr Scott Morrison and Mr Peter Dutton—

The PRESIDENT: Pause the clock. Senator Di Natale, a point of order?

Senator Di Natale: Yes, on relevance. The minister has spent the entire duration of his answer ignoring the second part of my question: how is it thoughtful or compassionate to describe generations of hardworking Lebanese immigrants as a 'mistake'?

The PRESIDENT: As is the practice with all ministers when answering questions, provided that they are relevant to a portion or all of the question—and in this case the minister is relevant to a portion of the question—I cannot direct the minister as to which part of your question he addresses. The minister is relevant.

Senator BRANDIS: So, I think it is compassionate to have saved all of those lives. I think it is compassionate that Mr Dutton has most recently negotiated an agreement with the United States of America so that people who were placed in offshore detention by the previous government can be resettled in the United States of America. I think that is thoughtful and compassionate too. (Time expired)
The PRESIDENT: Senator Di Natale, a supplementary question?

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:22): Minister, there was a time when the Prime Minister understood the difference between 'thoughtful and compassionate' and racism. Does the Prime Minister now also believe that it is thoughtful and compassionate for the immigration minister to describe refugees as 'illiterate' and 'innumerate', to describe them as 'illegals' who will 'take Australian jobs or languish on dole queues'?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:22): Well, I will tell you what the Prime Minister believes—as every man and woman of this government also believes—and that is in a successful, multicultural Australia—

Senator Hanson-Young interjecting—

Senator BRANDIS: which, as we know from our own historical experience and from the historical experience of other nations as well, depends on public confidence that we are in control of our own borders so that, as John Howard once famously said, 'We decide who comes into this country and the circumstances in which they come.'

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

Senator Back: Yes, a point of order on reflection, Mr President. Senator Hanson-Young cannot make statements like 'Mr Dutton is a racist and a bigot' without it being challenged. I ask you to call her to withdraw those statements. It is the second time during Senator Di Natale's questions that she has made those statements. They are unacceptable.

The PRESIDENT: I did not hear the comments that you have asserted were made by Senator Hanson-Young. Senator Hanson-Young, if you made comments that were unparliamentary I would ask that you would withdraw those.

Senator Hanson-Young: Mr President, I stand by it. I think Peter Dutton is a racist bigot.

The PRESIDENT: Well, that is unparliamentary language directed at a member of the other house. I ask that you withdraw that, please, Senator Hanson-Young.

Senator Hanson-Young: It is my opinion, Mr President—

The PRESIDENT: I would ask you to withdraw it.

Senator Hanson-Young: I will withdraw it for the sake of the chamber, but honestly—

The PRESIDENT: Thank you. Do not repeat it.

Senator BRANDIS: So, Mr Dutton, and Mr Morrison before him, has presided over a suite of policies that not only have produced the outstanding humanitarian outcomes of—

The PRESIDENT: Pause the clock. Senator Di Natale?

Senator Di Natale: A point of order on relevance: the question was very, very narrow. How is it thoughtful or compassionate to describe refugees as illiterate and innumerate, to describe them as illegals who will 'take Australian jobs or languish on dole queues'? It is a very narrow question.

The PRESIDENT: I remind the Attorney-General of the question.
Senator BRANDIS: Senator Di Natale, the point I am making to you is that we believe, Mr Dutton believes, in a successful and prosperous multicultural Australia, but there are certain requirements and conditions to enable that society to prosper—(Time expired)

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:25): Mr President, I ask a further supplementary question. Is the government so clearly lacking an agenda and is this Prime Minister so desperate that he needs to take a leaf out of the handbook of Donald Trump, and indeed the One Nation Party, by openly adopting their harmful, divisive, racist rhetoric that marginalises millions of Australians?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): Senator Di Natale, I think it is very unfortunate that you would continue in your denunciation of the President elect of the United States of America, with whose administration the Australian government will work and needs to work for years to come. What we in this government believe in, as I was trying to point out to you before, is a successful, cohesive multicultural society, and that depends upon public confidence in our immigration program, and, in particular, public confidence that it is the government, not the people smugglers, who decide who gets to come to Australia to settle. We run one of the most compassionate and generous refugee and resettlement programs in the world. We run, arguably, the most successful resettlement services in the world, and Mr Peter Dutton presides over the success of those programs—(Time expired)

Economy

Senator REYNOLDS (Western Australia) (14:26): My question is to the Cabinet Secretary, Senator Sinodinos, representing the Minister for Industry, Innovation and Science. Can the Cabinet Secretary update the Senate on what the government is doing to make it easier for business in Australia and to create jobs?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:26): I thank the honourable senator from Western Australia for her question and for her interest in promoting jobs in Australia. Removing red tape and reducing barriers to entry leads to a stronger economy and a strong economy leads to jobs and growth for all Australians. In this term of government we will be building on our initiatives in the first term, where we reduced red tape by at least $1 billion a year by tackling unnecessary regulation and by particularly looking at the compliance and the paperwork burden. But in this term we are lifting our sights and looking more broadly at measures that promote productivity, reduce barriers to growth and, importantly, also promote competition. So we have a three-part strategy. The first part, announced by the Treasurer, is the Harper review competition policy, which is now the subject of discussion with the states. There will be a Commonwealth-state agreement around promoting productivity and growth at the state level in particular, and the possibility of competition payments, along the lines of the Hilmer review, in order to encourage higher competition and more growth.

Complementary to that, there will be the Business Simplification Initiative, which will be a national initiative that will also involve the states and territories. At the Business Council of Australia annual dinner the Prime Minister announced that we had struck a landmark agreement with all state and territory governments for this initiative, which will address the complexity of dealing with the three levels of government in Australia. It will reduce the complexity of regulation for business and make dealing with government at all levels easier.
We are now working with the states and territories to identify priority areas for regulatory reform. Already, a number of priorities have been identified. In Queensland they have identified agriculture, manufacturing and hospitality. In Western Australia, quicker and more streamlined ecotourism approvals— (Time expired)

**Senator REYNOLDS** (Western Australia) (14:29): Mr President, I ask a supplementary question. Can the Cabinet Secretary also advise the Senate what progress has been made to deliver the National Business Simplification Initiative?

**Senator SINODINOS** (New South Wales—Cabinet Secretary) (14:29): The response from ministers and jurisdictions has actually been very positive. Ministers and officials are now working together on initiatives flowing from Victoria's small business regulation review, including work to increase alignment of the information provided on business.vic.gov.au and business.gov.au, and supporting the Queensland government to progress the priorities identified in the Red Tape Reduction Advisory Council Report, another initiative to reduce red tape and help businesses to transact more easily with government. This is happening with Labor governments as well as coalition governments across the country. We are working with Western Australia on this 90-day ecotourism regulation review to make running an ecotourism business easier, simplifying food safety auditing requirements in South Australia and streamlining regulations to make it easier to start and run a nature based tourism business in Tasmania.

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

**Senator REYNOLDS** (Western Australia) (14:30): Can the Cabinet Secretary also advise the Senate what other innovation initiatives are being pursued by the coalition government?

**Senator SINODINOS** (New South Wales—Cabinet Secretary) (14:30): The single online business registration service is a collaborative project between the tax office, the Treasury, ASIC and the Department of Industry, Innovation and Science. It will make it easier for businesses to complete their business and tax registration by providing a single site that allows registration to be completed within a single process.

The opposition should be excited about these sorts of initiatives. They are making it easier to do business in Australia and to keep jobs in Australia. If we make dealing with regulation in Australia easier, we will attract jobs overseas as well. President-elect Trump has announced that one of his first 100-day initiatives is reducing regulation. Well, we have to be in the field. We better make sure we are keeping those jobs in Australia and that they are not being attracted to overseas jurisdictions. Business registration will be easier. It will be seamless. There will be a single website and it will in time cover state and territory governments as well. (Time expired)

**Attorney-General**

**Senator MOORE** (Queensland) (14:31): My question is to the Leader of the Government in the Senate, Senator Brandis. On Sunday the Leader of the Government in the Senate was recorded telling Mr Michael Kroger that the Queensland Liberal National Party is 'very, very mediocre'. Does the Leader of the Government in the Senate stand by this statement?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:32): I did make some observations about Queensland politics on Sunday morning during the course of what I understood to be a
private conversation. But, nevertheless, since you have referred to it, Senator Moore, one of the things I said during the course of making those observations was that the Queensland government is very, very mediocre. And so it is. This is the record of mediocrity of the Queensland government. Since the start of this year alone under the Palaszczuk Labor government 68,000 Queenslanders have lost their jobs and another 90,000 have given up looking for work. That is the record.

The PRESIDENT: Senator Gallagher, a point of order?

Senator Gallagher: I have a point of order on relevance. As interesting as the Leader of the Government in the Senate can be, the question was very specific around the Queensland Liberal National Party and the comments that the leader made saying that they were 'very, very mediocre'. It was not about the government of Queensland.

The PRESIDENT: The Attorney-General is in response to the question, which did have the component, 'Does the Leader of the Government in the Senate stand by his statement?' The Attorney-General acknowledged the comments up-front in his answer. He did not detract those comments, so I will take it that he does stand by his comments and he is enhancing his answer, as all ministers are entitled to do.

Senator BRANDIS: I think it is only honest for the full sentence to be quoted, Senator Moore, in relation to the great mediocrity of the Palaszczuk Labor government. Do you know, Senator Moore—and you should—that Queensland is now Australia's most greatly indebted state? This is for a population, by the way, of some 4.9 million people. State debt is now almost $80 billion—more than $15,000 of state debt for every man, woman and child in Queensland. Meanwhile, the unemployment rate in Queensland, at six per cent, is 0.4 per cent above the national average and has been so consistently.

Senator Moore, you and I both have the good fortune to come from Queensland. We are used to Queensland being a powerhouse economy. We are used to Queensland riding the mining boom—riding the economic wave. But, under the Palaszczuk Labor government, Queensland has stopped dead in its tracks.

The PRESIDENT: Senator Moore, a supplementary question.

Senator MOORE (Queensland) (14:35): I refer to assistant minister Jane Prentice, also a Queenslander, who said that Senator Brandis's criticisms of his own party were, 'a bit harsh,' and suggested that the ABC interview Senator Brandis himself and some of his Queensland LNP colleagues to, 'see what they think of his performance'.

Senator O'Sullivan interjecting—

Senator MOORE: Can the Leader of the Government in the Senate explain why his colleagues—maybe including Senator O'Sullivan—think that it is his performance that is very, very mediocre?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:35): Senator Moore, I am only responsible for my own observations, my own statements, and I will elaborate upon the statement that I made that the Labor government of Queensland is very, very mediocre. Let me tell you further, Senator Moore, why I say that and why I made that observation on Sunday. Do you know that the Queensland Labor government promised the sky, when it was elected, in infrastructure projects under its Building our Regions program? Do you know what
percentage of those projects have even commenced? One per cent of the Building our Regions projects have even begun, and you wonder why I say, Senator Moore, that under the Palaszczuk Labor government Queensland, which is so used to being one of the boom economies of the nation, has come to a halt.

The PRESIDENT: Senator Moore, a final supplementary question.

Senator MOORE (Queensland) (14:36): Though I know the Leader of the Government in the Senate is only responsible for his own comments, I wonder whether he would agree with one of his LNP colleagues who said, 'London can't come soon enough'?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:37): Well, I do not quite understand that reference, so let me expand on what I was saying in response to your initial question. Here we have the labour force indicators for Queensland, issued by the Queensland government economic strategy division, for October 2016. Trend employment, trend unemployment, the participation rate and the number of employed—every metric of employment in Queensland—have deteriorated month on month, quarter on quarter and since the beginning of the Palaszczuk Labor government. Every single metric of employment has deteriorated, and you wonder, Senator Moore, why I say the Queensland Labor government is very, very mediocre. In fact, that description, given their performance, is charitable. (Time expired)

Employment

The PRESIDENT: Senator O'Sullivan.

Opposition senators interjecting—

Senator O'SULLIVAN (Queensland) (14:38): I intend to give you a bit more of Senator Canavan, whether you like it or not! My question is to the Minister for Resources and Northern Australia, Senator Canavan. Can the minister outline to the Senate the importance of resources projects to jobs in Australia and whether there is anything putting these jobs at risk?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:38): I thank the senator for his question. He is right to focus on the importance of jobs that are created in resource projects in this country. He is right to focus on the fact that our mining sector, our resources sector, is a major employer in our nation, employing over 200,000 people. Indeed, that number is now more than double what it was before the mining boom. While some like to propose that the mining boom is somehow over, the facts are that our industry, our mining sector, is bigger thanks to that boom and it will be bigger for decades to come thanks to all the investments that have occurred.

We want to continue to attract investments. We want to continue to attract people here. But those investments are put at risk when we have conduct on building sites from construction unions—from the CFMEU, who otherwise purport to represent mining workers and want to attract mining investment—conduct like that alleged to have taken place by Mr Bradley Upton, a CFMEU official. The Fair Work Building and Construction agency has alleged that Mr Upton was threatening and abusing construction workers on the Gorgon LNG project who were not members of the union. He made comments to the effect that: 'We got you these conditions. We know who you are. We're going to put your names on the backs of toilet
doors. We're going to do standover tactics next year to let everyone know who you—who is followed by words that I cannot use in this chamber.

This is conduct that we see time and time again on building sites all over this country. It also includes construction sites that are integral to getting resources projects up in this country. We have done a good job of attracting that investment, of creating those extra 100,000 jobs in our resources sector. I hope we can continue in the future, but to do so we need to stamp out conduct like that. That is why this government is committed to doing that. That is why this government is committed to making sure we have a harmonious workplaces that can attract investment and create jobs.

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

Senator O'SULLIVAN (Queensland) (14:40): Is the minister aware of any other threats?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:40): Unfortunately, there are other threats to these investments occurring. It is not just the behaviour of some trade union officials that has been alleged that is putting those investments at risk; it is also the conduct of another group in this alliance—environmental activist groups that are seeking to disrupt and delay these projects. We know they are seeking to do that, because they say so themselves. They say that they want to create breathing space through these legal challenges so that they can run a political campaign against the resources sector. They are not running these cases to protect the environment; they are running these cases for political purposes. And they are being supported in that endeavour, of course, by the Greens, but also by the Labor Party, who are also supported by the CFMEU, who also support both those political parties in their endeavours to stop resource projects from coming to this country. A trade union that is ostensibly set up to support mining workers, to support the creation of jobs in our resources sector, is funding the very people that want to stop those jobs being created. Again, that must be stamped out.

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

Senator O'SULLIVAN (Queensland) (14:42): Can the minister update the Senate on the steps the government is taking to prevent such disruption?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:42): The government is committed to ensuring that we can facilitate investment in this country, that we can facilitate projects like the Adani coalmine, which represents a game changer for Central and North Queensland in our country that would create thousands of jobs. They are the kinds of projects we need. To do so, we need to make sure that those sorts of projects are not held up for years in litigation, as this project has been. We need to get behind reforms that the government has previously announced and committed to to facilitate these investments, to unclog our court system from these abusive legal processes. That is why the government will recommit to doing that. We will recommit to trying to do what we can to create jobs in this country, and we will of course commit to reforms to our trade unions. I expressed in my first speech my views on the good work that trade unions have done. But we need to make sure we have laws in place that make trade unions put their members' interests before their own interests.
Australian Defence Force

Senator LAMBIE (Tasmania) (14:43): My question is directed to the Attorney-General, who is representing the Minister for Defence today. Retired Lieutenant Colonel Dubsky is in the public gallery today. He was used as a scapegoat by the Australian Army in the so-called 'Jedi Council' scandal. Lieutenant Colonel Dubsky and his family's lives were destroyed when he was falsely accused of being a member of the Jedi Council. Lieutenant Colonel Dubsky had his name illegally leaked by the Army to the media. Because of unfair attacks on his reputation by his superiors, Lieutenant Colonel Dubsky suffered a complete mental health breakdown. He has survived two suicide attempts and endured many years of psychiatric ward admissions and electroconvulsive shock therapy. His wife and children have also been grievously harmed and forced to suffer significant physical, mental and financial injury. Will the Turnbull government compensate the Dubsky family through a special mediation process or will they be forced into a lengthy legal battle in the courts?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:44): Thank you very much, Senator Lambie. I know that you have taken a close interest in this issue, and I want to welcome Mr Dubsky and his family to the Senate today. You will understand, Senator Lambie, that it is not appropriate to comment on individual cases, and I am not proposing to do that. But I can give you some information about the mental health care and rehabilitation services that the ADF provides to ADF personnel and ex-servicemen.

Since 2009, Defence has invested approximately $201 million in providing a range of education and awareness, treatment and rehabilitation programs for all Defence members irrespective of the cause of their mental health problems. Defence works closely with the Department of Veterans' Affairs on programs and initiatives to strengthen mental health resilience, increase awareness, improve access to care and encourage members and families to seek help early. Defence members and their families are also able to access the Veterans and Veterans Families Counselling Service throughout Australia.

A 2016 budget measure extended non-liability health care to all current and former ADF members for post-traumatic stress disorder, anxiety disorder, depressive disorder, alcohol use disorder or substance abuse disorder. Under this arrangement, treatment can be provided through the Department of Veterans' Affairs, for those conditions, without having to establish a link to military service. The measure is being implemented by the Department of Veterans' Affairs and is currently being passed through the parliament. Injured or wounded Defence members are encouraged and supported to submit claims for compensation to the Department of Veterans' Affairs through their on-base advisory services. (Time expired)

The PRESIDENT: Senator Lambie, a supplementary question.

Senator LAMBIE (Tasmania) (14:46): In relation to the so-called Jedi Council scandal the government has been made aware of a secret New South Wales police report from Strike Force Civet that alleges, firstly, that a number of Australian Defence Force investigative staff deliberately lie, withhold evidence and fabricate information; and, secondly, New South Wales police conduct of future investigations into, and with, the ADF must be viewed with caution and concern. When did the Attorney-General first learn of this report?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:47): I have not read the report of Strike Force Civet. It is not something that would ordinarily come to my attention as the Attorney-General. If it is, as you describe it, a report into alleged behaviours or conduct within the Department of Defence, it is a matter that would be dealt with by Defence legal. I will make an inquiry of the defence minister and provide what further information I am at liberty to provide to you.

The PRESIDENT: Senator Lambie, a final supplementary question.

Senator LAMBIE (Tasmania) (14:47): Just in relation to that, I was going to raise a point of order, if I may?

The PRESIDENT: I will allow you to have a point of order.

Senator LAMBIE: Attorney-General, are you telling me that you did not know the New South Wales police wanted to raid Defence headquarters?

The PRESIDENT: Order, Senator Lambie. That is not a point of order. That is debating the issue and there are other avenues in this chamber for that kind of debate. Do you have a final supplementary question?

Senator LAMBIE (Tasmania) (14:48): I refer to further New South Wales police action in relation to decorated commando and veteran Mick Bainbridge, who is in the public gallery also. Mr Bainbridge and his family were victims of a vexatious report by his commanding officer, who caused a New South Wales police raid on Mr Bainbridge's family home. The raid, by 12 heavily armed officers, caused significant harm. Will the Bainbridge family be compensated through a special mediation process or will they be forced into a lengthy legal battle?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:48): Once again, Senator Lambie, it would be quite inappropriate for me to comment on proceedings that have not run their course and which may or may not result in compensation orders. But I can provide you with a little more information in relation to the Jedi Council matter. It has been extensively investigated by the ADF's investigative service and its handling of the matter was reviewed by the Inspector General of the Australian Defence Force. The investigative service led to the termination of service of 11 former ADF members. Defence, including—

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

Senator Lambie: My point of order is this, and I have made it quite clear, that when it comes to ADFIS they deliberately lie, withhold evidence and fabricate information.

The PRESIDENT: No, Senator Lambie, that is not a point of order; that is a debating point. There are other avenues within the Senate for you to debate that. Attorney-General, you have the call.

Senator BRANDIS: I can tell you, Senator, that Defence cooperated fully with the New South Wales police forces' criminal investigation into the matter and complied with a search warrant issued by the New South Wales police. You referred to Private Michael Bainbridge. I am advised that Senator Payne, the Minister for Defence—since you raised your concerns
with her—has personally committed to ensuring that Private Bainbridge is provided with the best possible support. *(Time expired)*

**Gun Control**

Senator STERLE (Western Australia) (14:50): My question is to Senator Canavan, the Minister representing the Deputy Prime Minister. Given the minister missed last night's boat, I ask you: will you confirm that you support the Prime Minister's position that imports of the Adler A110 shotgun ought to be banned—a very simple yes or no.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:50): I thank the senator for his question. I support the government's position on the National Firearms Agreement. I support that agreement and what it has been able to achieve in this country over 20 years. It is an agreement that is the envy of the world, and something that on this side of politics we are particularly proud of, given we put it in place. I support the government's position on it.

In our party here, the Nationals party, we also support responsible gun ownership among the more than 800,000 Australians who own at least one gun. We are proud of that support and we are proud of the support for the laws that we have in place to ensure that ownership is made in a responsible way and people can enjoy the benefits of gun ownership for both environmental and recreational, and other, uses. While, as I have said, I support the government's positions on these issues, I also would like to take this opportunity to say how proud I am as a member of the Nationals in this place of my colleagues who stand up and support the interests of gun owners in this country, who stand up and support the constituents that they represent.

I know it is a concept that is sometimes difficult for the Labor Party to understand or for other parties to understand, but we do support the rights of individual senators in this place to express their views, to have independent thoughts and to ensure that they are supporting the interests of their constituents. I am very proud of the way that the members of the Nationals here do that. That is why we have lasted for nearly 100 years. It is a very proud moment for me to stand with my colleagues on all of those issues that are important to our constituents.

The PRESIDENT: Senator Sterle, a supplementary question.

Senator STERLE (Western Australia) (14:52): When did the minister first become aware that not a single National senator would vote in support of the Prime Minister's position?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:52): I read those reports in the paper this morning. I think I was alerted to it last night, but I am not quite aware of exactly when. I should say, of course, it is not an area in my portfolio. I do not have anything further to add.

The PRESIDENT: Senator Sterle, a final supplementary question.

Senator STERLE (Western Australia) (14:53): I refer to reports that in the Nationals' party-room meeting yesterday, Mr Turnbull was described as 'out of touch'. Are National Party senators planning more splits on the floor of the Senate to distance themselves from an out-of-touch Prime Minister?

The PRESIDENT: Minister Canavan, you can answer what portion of that you wish to answer.
Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:53): I do wonder if questions today are been coordinated, because I believe this question has already been asked this morning, with those exact quotes. As I said to that earlier question, I am not going to discuss matters that occur in the Nationals party room. That would be completely inappropriate, and I will not do so.

Pacific Women Shaping Pacific Development

Senator HUME (Victoria) (14:54): My question is to the Minister for International Development and the Pacific, Senator Fierravanti-Wells. Can the minister advise the Senate what the Turnbull government is doing to promote gender equality and reduce family violence in our region?

Senator Hanson-Young: It will be a short answer.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:54): I thank Senator Hume for her question and, no, it will not be a short answer, Senator Hanson-Young. Perhaps if you listen you might learn something, especially, Senator Hanson-Young, I would say to you, in the lead-up to White Ribbon Day and the United Nations international day for the elimination of men's violence against women, both of which are on 25 November.

The Turnbull government is committed to eliminating violence against women—indeed, eliminating all forms of domestic and family violence—and to promoting gender equality not just in our own country but in our region as well. Our Pacific Women Shaping Pacific Development program is Australia's flagship program. It is a 10-year $320 million initiative which supports improved political, economic and social opportunities for Pacific women.

Pacific Women has provided a variety of support services and programs and these include, and I just mention some by example, ensuring the participation of over 1,700 women in training and accessing financial services, running small businesses and improving financial literacy, seeing over 4,700 women become part of market vendor associations and thereby influencing market governance structures in their countries and ensuring nearly 13,000 women have access to a variety of crisis support services, including counselling, health and legal support.

In addition to Pacific Women, Australia supports a number of other gender equality initiatives in the Pacific, in law and justice, in health, in education and in economic growth. For example, providing financial literacy training has been provided to over 13,000 women, in PNG, in 2014-15 through microfinancing projects. *(Time expired)*

The PRESIDENT: Senator Hume, with a supplementary question.

Senator HUME (Victoria) (14:56): I thank the minister for her answer, which is indeed heartening. Can the minister outline the importance of providing development assistance to improve gender equality in our region?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:57): Women in the Pacific face numerous and entrenched challenges and so change will always be incremental. More than 60 per cent of women surveyed had experienced physical or sexual violence. Pacific women make up 6.7 per cent of parliamentarians—the lowest rate in the world—compared to a global average of 21 per cent.
Across the Pacific, men outnumber women in paid employment outside the agriculture sector by approximately two to one and women occupy only a third of the formal sector jobs. Of course, the causes of gender inequality are complex and they are interconnected. Our overseas development assistance programs have been working at the individual, at the family, at the community and at the national levels. We partner with local organisations and with government, but change in one area alone will not be sufficient. We need to access women's economic security to ensure that they do have a voice.

The PRESIDENT: Thank you, Minister. Senator Hume, with a final supplementary question.

Senator HUME (Victoria) (14:57): Can the minister explain how promoting gender equality in our region directly benefits Australia?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:58): Gender equality is directly relevant to our national interest objective of a stable, secure and prosperous Pacific region. By increasing women's economic empowerment, by eliminating violence against women and improving leadership for women, we will help women contribute to the economic stability of their country and, in turn, the region.

Through our Pacific Women program we aim to ensure women and women's issues are represented and visible in leadership positions, at all levels of decision-making, to expand opportunities for women to earn an income and accumulate economic assets, to reduce the prevalence of violence against women and to ensure that survivors of violence have access to support, to services and to justice—because when a woman succeeds so does her family. And when her family prospers so does her country. These objectives all correspond directly to our national interest of a stable and secure region.

Imports

Senator KIM CARR (Victoria) (14:59): My question is to the Minister for Finance, Senator Cormann. I refer the minister to a report in this morning's Herald Sun revealing widespread purchasing by federal government departments of paper from foreign suppliers that the Anti-Dumping Commission identifies as being in breach of the WTO rules and of the government's own dumping standards. Minister, why is the government allowing so many agencies—including the Department of the Prime Minister and Cabinet and your own department—to put Australian jobs at risk by supporting unfair and damaging trade practices?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:59): I thank Senator Carr for his question. As he knows, Australian suppliers are very well represented in Commonwealth procurement, with approximately 94 per cent of Commonwealth contracts being awarded to Australian suppliers in each of the three years from 2012-13 to 2014-15. The Anti-Dumping Commission has a current investigation into the alleged dumping of copy paper exported to Australia from countries that account for the most significant volumes of paper exports to Australia, namely Brazil, China, Indonesia and Thailand. On 29 September the commission found that A4 paper exported from China and Thailand had been dumped. On 4 November it made the same findings for paper from Brazil and Indonesia, and the commission has required securities in
respect of interim dumping duties that may become payable. So the laws are being implemented as appropriate.

Labor's record of high energy costs and industry shutdowns have not been helpful to Australian manufacturers. The federal government will deliver $43 million, for example, to support the Hazelwood power station workers in Victoria's Latrobe Valley following closure of the facility in 2017. These are some of the practical steps that we are taking. Labor made manufacturing businesses in Australia less competitive internationally. It is Labor's responsibility because they put burdens onto those manufacturing businesses by imposing a carbon tax which was pushing the cost of electricity to manufacturing businesses up and up and up—costs that are not faced by our competitors in other parts of the world. Of course, if Labor ever had the chance of getting back into government, they would come back and introduce a carbon tax again; they would again impose burdens on manufacturing businesses in Australia, making it harder for them to compete. This government has a proud record when it comes to supporting Australian manufacturing.

The PRESIDENT: Senator Carr, a supplementary question.

Senator KIM CARR (Victoria) (15:01): Minister, why is your department purchasing 41 per cent of its paper from Indonesia, which the dumping commission has found to be dumped? In light of the imminent closure of the Hazelwood power station, and given that APM's mill in Maryvale is the second largest employer in the region, should the Australian government not be doing its bit to support families in the Latrobe Valley by using Australian made paper?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (15:02): The Australian government wants Australian businesses to have the best possible opportunity to sell products and services all around the world. We want Australian manufacturing businesses and Australian businesses generally to be able to export Australian products and services. The Commonwealth procurement rules, as Senator Carr well knows, identify that potential suppliers to government must be treated equitably and cannot be discriminated against due to their size, degree of foreign affiliation or ownership location, or the origin of their goods or services. This is an important principle that our exporting businesses also rely on when supplying goods and services in overseas markets because, importantly, the nondiscriminatory rules contained in our various export agreements ensure that Australian suppliers are not disadvantaged when tendering for government procurement in countries with which we have such agreements in place. The senator for Pyongyang, the senator from North Korea, he wants us to go back to a situation—

The PRESIDENT: Senator Cormann, that is not in order and your time has expired. Senator Carr.

Senator KIM CARR (Victoria) (15:03): Minister, when will the Australian government finally repudiate its ongoing campaign against the interests of Australian families and use its purchasing power to support Australian paper workers in Australian jobs at Australian factories?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (15:03): Where has the proud old Labor Party of Bob Hawke and Paul Keating gone? Where has the Labor Party gone that was promoting Australia as an open

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trading economy? Where has the party of Bob Hawke and Paul Keating gone which lowered tariffs in order to ensure that the Australian economy could be the most competitive it possibly could be internationally, which made sure that Australian businesses were able to sell high-quality Australian products and services in other parts of the world so consumers here in Australia could benefit from the competitively priced high-quality products that were coming here from other parts of the world? The Australian economy is in its 26th year of continued economic growth, and that is based on the proud reforms of the Hawke, Keating, Howard and subsequently Abbott and Turnbull governments. I know that Senator Carr wants to take Australia backwards into the period when we had a big fence around Australia. That is not the approach of the Turnbull government. We stand for an open, prosperous trading economy. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Medicare

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:04): Mr President, I wish to provide further information in response to the question asked of me yesterday by Senator Brown in relation to bulk billing rates in Tasmania. Senator Brown will recall that I was able to provide her with some information in relation to national bulk-billing rates but not the relevant information she sought in relation to movements in the Tasmanian bulk-billing rate for the September quarter. I can advise Senator Brown that GP bulk-billing rates for the September quarter in Tasmania have actually increased. They have actually increased, from 75.5 per cent in the September 2015 quarter to 75.7 per cent in the September 2016 quarter.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Murray-Darling Basin Plan

Attorney-General

Gun Control

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (15:05): I move:

That the Senate take note of the answers given by the Minister for Resources and Northern Australia (Senator Canavan) and the Attorney-General (Senator Brandis) to questions without notice asked by Senators Farrell, Chisholm, Moore and Sterle today.

You may recall, Deputy President, that I asked Minister Canavan a very simple question. I asked him: did he agree with the Deputy Prime Minister, Mr Barnaby Joyce, that the implementation of the Murray-Darling Basin Plan was impossible? When I did not get an answer to that, I took a point of order. When I took the point of order, regrettably, the President let the minister continue with his answer and we never found out the answer to that question. It was a very simple question, very straightforward, and it should have had a straightforward answer—yes or no. We never got an answer to it.

I can only conclude from the fact that we did not get a straight answer that it is the view of the minister that he agrees with Deputy Prime Minister Joyce that it is impossible to deliver on the Murray-Darling Basin Plan. That is a terrible outcome, not only for the people in South
Australia, where I come from, but for all Australians. It was one of the crowning achievements of the Gillard government that they got the Murray-Darling Basin Plan through the parliament—through the lower house and through the Senate—and it got with the cooperation of all of the states, because that is what was required to get the legislation through. That was a crowning achievement because of the years and years of drought that affected south-eastern Australia and the desperate state that we found the Murray-Darling Basin in when we came into government. Something needed to be done about it.

Of course, John Howard did attempt to do something about it. Senator Brandis will recall this. I know he has such a good relationship with former Prime Minister Howard.

Senator Brandis: We were great friends.

Senator FARRELL: You may be now. You were not back then, as I recall, Senator Brandis. Prime Minister Howard gave $10 billion to the then minister, Minister Turnbull, to fix the problem. But of course he could not fix it. He did not have the skills to fix it.

Senator Brandis interjecting—

Senator FARRELL: Well, let’s be clear about this. We got the Murray-Darling Basin Plan through—Senator Wong, Tony Burke and I, as the Parliamentary Secretary for Sustainability and Urban Water at the time. We got this plan through the parliament. What is happening now is that this government is on the cusp of ripping up the Murray-Darling Basin Plan.

Okay, there has been a little bit of rain in the system, but the whole point of the Murray-Darling Basin Plan is not to deal with circumstances when there is rain. The whole point of the Murray-Darling Basin Plan is to deal with the droughts and the dreadful circumstances, particularly in South Australia, that happened to the communities along the Murray-Darling Basin.

What we need to do is to have a strong Prime Minister in this country. We need a strong—

Senator Brandis interjecting—

Senator FARRELL: I can see you are agreeing with me, Senator Brandis, because you know what I am saying is true. You know that this is not a strong Prime Minister. He is a weak Prime Minister. He has caved in once again to the Nationals. He has caved in on so many occasions and he is caving in on this one. He is failing to pull the Deputy Prime Minister into line. He is failing to pull him into line and the consequences could be catastrophic for the great Murray-Darling Basin. If this Prime Minister does not restore some of his authority and say to the Deputy Prime Minister—

Senator Brandis interjecting—

Senator FARRELL: Well, it is starting to look that way—he does not have any authority, I am afraid to say. It is starting to look like he has no authority and he is unable to do what he needs to do. He has to pull the Deputy Prime Minister into line. He has to come in and back the Murray-Darling Basin Plan, and he has to do it quickly. (Time expired)

Senator BACK (Western Australia) (15:10): When I heard Senator Farrell get up earlier, I thought to myself, 'My conscience, it's getting to sound a little bit like Christmas!' Imagine Senator Farrell giving us the opportunity to talk about the failure of the Gillard-Rudd-Gillard governments when it came to the Murray-Darling Basin! In a moment I am going to address
myself to Queensland's Senator Chisholm, through you, Madam Deputy President. I saw ex-
Senator Mark Furner in the gallery earlier. What a shame he is not still there, because
probably one of the only opportunities for the failed Labor government in Queensland would
be to give Mark Furner a go in the leadership.

But let me go back to the Murray-Darling Basin before Senator Farrell, in his
embarrassment, leaves the chamber. This is the organisation, if you recall, under the so-called
brilliance of the then Gillard government, with Minister Wong at the time having the control
of the purse strings—more regrettably for the Australian taxpayer as we watched national
debt and deficit go through the roof. This was the Minister Wong who paid, as I understand it,
some $300 million of taxpayers' money to the Kahlbetzer family, an agribusiness family on
the Gwydir River for water rights. And do you want to know what, Madam Deputy President?
There were no links from the Gwydir River to the Murray-Darling system! The $300 million
was wasted! Squandered!

But do we think that was bad enough? No, Senator Wong, then Minister Wong, was just
warming up. Then we go to the Tooralie Station at Bourke. We all know the poetry about the
back of Bourke. Well, unfortunately, neither Senator Wong nor any of her advisers went out
to the back of Bourke to have a look at Tooralie Station, because they paid—if you do not
mind!—a cool $24 million of taxpayers' money for that station, plus the cattle. I am not sure
how much they paid for the cattle. But, once again, do you want to know, Madam Deputy
President, about that expenditure of $24 million for water to go into the Murray-Darling? The
thing was that not only did they not go out there they did not even have a look at the map,
because once again there was no link to the Murray-Darling Basin system.

So what did we find the other night in Adelaide, in advance, purely in accordance with this
absolutely magnificent Gillard government plan for the Murray-Darling Basin? There is a
process called sustainable diversion limits, which within the Gillard plan—probably not a bad
one—was the fact that if there were likely to be any situation in which federal, state and
territory ministers and others might have to review the plan at any time, there should be what
is called consultation. Isn't that amazing? Consultation!

The consultation process as I understand it—and I am sure there will be a South Australian
in the chamber in a few moments who can confirm this—started out with a letter from the
minister with responsibility in the federal government: the Deputy Prime Minister, Minister
Joyce. He wrote to the South Australian water minister, Mr Ian Hunter. In his letter to Mr
Hunter he said, 'Look, what we want to do is to sit down and have a discussion—South
Australia, New South Wales, Victoria and the federal government—about this matter.'

So Barnaby, being the good communicator he is, followed his letter up, just in case
Minister Hunter had been too busy to read it. He followed it up personally with a phone call.
So when they met last Thursday night, what do you think Minister Joyce was met with? He
was met with a mouthful of the most vile abuse from Minister Hunter. The words that I heard
were 'threw a tantrum'. He abused not only federal counterparts but also state counterparts and
staff from all jurisdictions—including his own—in the middle of a public restaurant in
Adelaide. What a great way to respond to the communication!

What happened then? Of course, we have this wonderful Premier in South Australia—the
bloke who cannot control his ministers and cannot keep the lights on. The only way he
organises and controls a budget in South Australia is to take GST money from Western
Australia. Premier Weatherill does not even have the wherewithal to actually discipline Minister Hunter.

If this is an example of the Gillard government's Murray-Darling Basin and if this is an example of the capacity of the water minister from South Australia to be able to communicate on issues of relationship, it is little wonder that South Australia cannot keep the lights on. It is little wonder that the Premier of that particular state is so incompetent that he not only cannot do his own job but cannot discipline his ministers. At the end of the day the Murray-Darling Basin is not the better for his interaction.

Senator CHISHOLM (Queensland) (15:16): This has been a sorry 48 hours for Senator Brandis on top of a sorry five months since the election, in what has been a pretty sad political career. Added to his litany of catastrophes since the election—let's have a look at what they are. There is the disgraceful dispute with the former Solicitor-General; the sneakiness surrounding the government's relationship with former Senator Bob Day, which is now referred to the High Court; the embarrassment of having to refer a second senator to the High Court; and then we have the Attorney-General's latest effort, entirely of his own making. This is not to mention the treatment of Gillian Triggs and also the confusion around Social Justice Commissioner Mick Gooda with regard to the Don Dale inquiry.

What this has done is really show up the splits in the Liberal Nationals in Queensland. What caused this? Let's go to the quotes from Senator Brandis from Sunday. When asked, 'How is Tim Nicholls going?' he said: 'Um, well they're not very good … I'd say that the State Opposition is very, very mediocre'. Then, when talking about compulsory preferential voting, he goes on to say:

Yes they are … which somewhat attacks the raison d'être of the merger of the Liberal Party and National Party. I think there might be a revisiting of things as a result of compulsory preferential voting. So what we have seen is a full-glare spotlight put on the splits in the LNP in Queensland.

This was reinforced in spectacular fashion only last night when it came to the debate and the vote around the Adler shotgun, with the Nationals splitting and voting in opposition to the Prime Minister's motion. This is all happening under the leadership in this chamber of Senator Brandis. It is hardly surprising that you see these splits when they are being led by this person who is responsible for such catastrophes.

What we saw in question time today was a further example of the split between Senator Canavan, a National Party senator here in this chamber, and Senator Brandis. These are the two most senior Senate contributors from Queensland in open conflict in this chamber. The LNP in Queensland is not a happy place, and this federal LNP government is not a happy place either. We know that because we have heard out of the National Party room that under Mr Turnbull this government is focused on 'issues that very few people in the real world are worried about', which Senator Canavan accepted in question time today. In the same meeting of the Nats the PM was also referred to as 'out of touch'. I could not agree more. The PM is completely out of touch, but his entire government is out of touch as well.

Coming back to Queensland and this LNP merger, this was an absolute sham marriage from the beginning. I used to be a party official in Queensland when this merger took place. We always knew it was just going to be a matter of time before this busted up. It was a marriage of convenience that was always going to end in tears, but the divorce has been sped
up because of the arrogance of the Prime Minister and because of the ineptitude of the
government leader in the Senate, George Brandis.

The poor leadership we are seeing from them at the federal level has also manifested itself
in Queensland under the leadership of Tim Nicholls. I would have to agree with Senator
Brandis: his leadership in Queensland is very, very mediocre; that is absolutely true. But it is
what we have come to expect of the LNP, not only in Queensland but around the country, in
this regard.

What we saw with that merger back in 2008 was the fact that the Nationals in Queensland
were really going down the tube. They had not won an election in their own right since 1986,
and they realised that the only way they could try to get back to power was to try to arrange
themselves with the Liberal Party. But what that actually meant in Queensland was that it was
a National Party takeover of the Liberals. So, that was a Nationals-led takeover, and they are
the ones who are running Queensland, and that is why Senator Brandis has such problems in
regard to controlling the LNP in Queensland.

We know, and we saw today, that there is open conflict amongst the LNP in Queensland.
This is only going to grow, and the people who are at risk of this are the Prime Minister and
Senator Brandis. (Time expired)

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water
Resources) (15:21): I too rise today to take note of answers given by this side of the chamber
to questions asked by that side of the chamber, particularly in relation to a question asked by
Senator Farrell in relation to the Murray-Darling Basin Plan and comments of recent days.
Firstly, it is a beat-up. The Australian government—the federal government, the Turnbull-
Joyce coalition government—stands by the delivery of the Murray-Darling Basin Plan in full.
We have never said anything to the contrary, and we stand by that today. Much of the
comment that has been going on around this particular subject seems to have been driven by a
communication that occurred between Minister Joyce and Minister Hunter, the South
Australian water minister, and it seems to have been a desire of the South Australian
government to beat this up into something that it was not. What has actually been happening
here is that we are seeing the South Australian public, the river system and the potential
implementation of the Murray-Darling Basin Plan put in jeopardy by a government that is
prepared to play politics instead of sitting down at the table and discussing the real facts and
the issues that are on the table before us.

Firstly, the 450 gigalitres of so-called up water, to which Premier Weatherill and Mr
Hunter seem to have themselves so terribly exercised about, was water that was negotiated
when Minister Burke was the environment minister in this place. The act says that an
additional 450 gigalitres must be recovered through efficiency improvements which have
neutral or improved social and economic impacts. That is, we need voluntary participation by
irrigators and we need states to agree to the measures that will go into the delivery of this
water. Now, nobody is saying that we are moving away from the 450 gigalitres. What we are
saying is that it is becoming increasingly obvious that there will be some challenges in being
able to deliver this water under the current terms of the methods and measures by which we
can return it that are not going to possibly and probably have consequential detrimental
impacts to the river communities, not just in the upstream states but also in South Australia, in
the Riverland, in the community in which I live.
What Barnaby Joyce is seeking to do and what I am seeking to do is to sit down and have a constructive conversation about ways in which we can deliver the plan in full, as per the legislation, without having catastrophic negative impacts on our colleagues who are irrigators along the entire Murray-Darling Basin system. I think that is an entirely reasonable thing for the federal government to be doing. But we also need to remember that no change can be made to the plan unless all the jurisdictions agree, and that includes South Australia. Premier Weatherill and Minister Hunter know full well that no changes can be made to this plan without their approval. They know they hold the trump card there, yet they are quite happy to jeopardise the implementation of this plan by playing politics, poking the upstream states bare to see what is going to happen, just for some political gains at home. This is irresponsible behaviour.

So, I would say to Premier Weatherill and to Minister Hunter that we need to sit down and have a conversation, because there are two paths we can follow here. We can follow a path of mature, responsible, adult debate about how we are going to implement the Murray-Darling Basin Plan in full but without causing detrimental impact to our irrigation communities that supply so much support for the economy of Australia. Or we can embark on a path of mutual destruction where we destroy the Murray-Darling Basin Plan. South Australia will ultimately be the largest loser from the Murray-Darling Basin Plan not proceeding because South Australia currently stands to be the greatest winner if the plan proceeds as currently legislated.

I also draw attention to comments today about the 70 gigalitres in the northern basin review that has been reported by the Murray-Darling Basin Authority. That is all that has happened. The Murray-Darling Basin Authority has put this on the table as what they would refer to as the northern basin adjustment mechanism solution, much the same way as we have agreed to an adjustment mechanism in the southern basin to make sure that we deliver our environmental outcomes by using other measures so that we are taking the least amount of water out of productive use. But that does not mean to say that we will shy away from delivering environmental outcomes such as keeping the mouth of the Murray open nine years out of 10 and making sure that the wetlands and floodplains are getting water periodically.

What we have seen from the South Australian government is nothing more than a beat-up that is currently jeopardising our ability to negotiate an outcome for the benefit of all of our basin states and all our basin communities and, ultimately, given the economic value of this plan, the whole of Australia. (Time expired)

**Senator POLLEY** (Tasmania) (15:26): I have to respond to some things that both Senator Ruston and the former government senator talked about in this debate when they used the word 'consultation' and said that this government consults. It does not matter whether we talk about the Abbott government or now the Malcolm Turnbull government; they do not know the meaning of the word 'consultation'.

I would also just like to place on record that I actually wholeheartedly agree with Senator Brandis's comments when it comes to describing the Queensland LNP. Yes, it is on the record that I support him, because they are mediocre. But I think it is important, too, for Senator Brandis to reflect on his comments about his colleagues and have a look in the mirror, because his reputation in this place has been soiled continuously since the election of the Abbott government.
It does not matter if you reflect back on the time when he was Minister for the Arts. There is no doubt he will go down as the worst arts minister in this country’s history. That is pretty hard, actually, because the arts, I would think, would be a very interesting but not overly challenging portfolio responsibility. But he cut $100 million out of the arts budget. He also put his own personal touch on where that money should go.

But there is more. There is a lot more. According to what I have read in the media and have heard in the chatter around this place—and most of the time it is pretty accurate—there is not anyone in the government who actually wants to stand by Senator Brandis because his reputation goes before him. We all remember the $16,000 bookcase that he had put in his office here in Parliament House—$16,000 for a bookcase! He was not like the rest of us who make do with the fabulous furniture that is provided to us in our suites here in Canberra. We know he has a love of books. That is not a bad thing. In fact, it is quite a good thing. But he was a bit arrogant at the very least when minister at the table in Senate estimates. While other senators were asking questions of the witnesses when he was there at the table representing the government, he would just read. He would float off in his own little world and read. That is the arrogance of this man.

But we also know that he is very, very good at attacking those people who do not have the same opportunities to defend themselves in this place. We know he is a poor example of an A-G. In fact, I think most of us on this side would say that he is unfit for that office after the way he dealt with the second-leading legal adviser in this country. It was absolutely appalling. We can all reflect on the treatment Ms Triggs has received from Senator Brandis with his responsibilities both in this chamber and at Senate estimates. Then there is also the issue around 18C and his view that everyone in this country has the right to be a bigot. As a mother, I have to say that that really is not the sort of thing I have taught my daughters.

But we also know that on many occasions he has misled this place in regard to the dealings he had with the issue around the second-highest legal adviser of this country. We know that he has not been forthright with the comments there. As always, he has his own take on everything.

I would have thought that somebody who would be considered to be less than mediocre would be the last person in this place to attack his own colleagues. But I actually believe and support what he said, because I think it is fairly obvious from the Nationals senators who failed to come into this place and support the Prime Minister and the Australian community by banning the Adler. For people like the senator and myself, who are from Tasmania, this has a very strong personal relationship. After all, we are from the state of Tasmania and we all remember the tragedy at Port Arthur. So, for a Nationals senator and a member of the cabinet— *(Time expired)*

Question agreed to.

**Minister for Immigration and Border Protection**

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) *(15:31)*: I rise to take note of a question that was asked during question time relating to Mr Peter Dutton. I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Di Natale today relating to the Minister for Immigration and Border Protection (Mr Dutton).
Today I asked Minister Brandis why it is that the Prime Minister would describe the immigration minister as 'thoughtful' and 'compassionate'—

**The DEPUTY PRESIDENT:** Senator Brandis on a point of order.

**Senator Brandis:** The point I was trying to make is that you do not take note of questions; you take note of answers.

**The DEPUTY PRESIDENT:** For the sake of clarity, Senator Di Natale is taking note of answers supplied by Senator Brandis.

**Senator DI NATALE:** Today the Prime Minister's response to the immigration minister, who described the wave of Lebanese Muslims to Australia as a 'mistake', was that the minister is both 'thoughtful' and 'compassionate'—this from a man who has made jokes about Pacific islands losing their lands; this from a man who, when asylum seekers were detained in our concentration camps and set themselves on fire, blamed lawyers and advocates; this from a man who talks about asylum seekers and innocent people as illiterate, innumerate and taking Australian jobs. This has now become a reflection of the Prime Minister's judgement. The time has come for the Prime Minister to declare where he stands. He either stands with multiculturalism or he stands with Minister Dutton. It is time for the Minister Dutton to go.

Question agreed to.

**Australian Defence Force**

**Senator LAMBIE** (Tasmania) (15:33): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Lambie today relating to an incident involving members of the Army.

Today, two courageous and dedicated veterans, retired Lieutenant Colonel Dubsky and retired commando Mick Bainbridge, sat in the Senate public gallery to hear the Attorney-General reply to two simple questions relating to restitution and compensation. I acknowledge those veterans' continued presence in the public gallery. Both of these men have also sat before the defence minister to explain their grievances. Today, the Attorney-General, on behalf of the Turnbull government, had an opportunity to start a process that finally delivers speedy justice to these veterans and their families and holds to account the guilty. I am very sad to say that the Attorney-General today failed to commit to a quick resolution for retired Lieutenant Colonel Dubsky and retired commando Mick Bainbridge.

The Attorney-General's reply indicated that justice will not be delivered quickly. I remind the Senate why justice needs to be delivered quickly. Lieutenant Colonel Dubsky was used as a scapegoat by the Australian Army in the so-called Jedi Council scandal. He was falsely accused by the then Chief of Army, David Morrison, of being a member of the Jedi Council, which supposedly was an organised group of Australian Defence Force personnel who shared demeaning emails and pornographic images of women via official Army email. Lieutenant Colonel Dubsky had no involvement with the Jedi Council. His crime was that he received and deleted two inappropriate emails from a man he met twice in two years. While David Morrison was in charge of the Army, Lieutenant Colonel Dubsky had his name illegally leaked to the media and had his good reputation and army career dragged through the media, marred and totally destroyed. A secret police investigation into the Jedi Council, Strike Force Civet, vindicates Lieutenant Colonel Dubsky and makes damning observations about the
honesty and integrity of the Australian Defence Force Investigative Service and others. The New South Wales police Strike Force Civet report raises serious questions about the honesty, trustworthiness and integrity of the Australian of the year, retired Lieutenant General Morrison, and all senior members of the military who were involved with investigations into the Jedi Council.

On Saturday morning there was a knock on the door of the commando Mick Bainbridge's home just as he and his young son were preparing some lego and paints for father-son bonding. When Mr Bainbridge opened his door he was greeted by 12 heavily armed officers of the New South Wales Police Force, who had been wrongly and maliciously told by Mr Bainbridge's commanding officer, Lieutenant Colonel Lawson, that he had threatened to commit suicide. Police were also there to involuntarily detain Mr Bainbridge under a mental health order, after once again acting on misinformation supplied by Mr Bainbridge's commanding officer, Lieutenant Colonel Lawson. After meeting with Mr Bainbridge, New South Wales police quickly decided against the course of action.

It is clear that Mr Bainbridge's first mistake was to complain to the Army about not being able to access advanced hearing aids. Mr Bainbridge, while on his fifth tour of the Middle East, damaged his hearing after a Taliban RPG hit a vehicle he was travelling in. Mr Bainbridge was also foolish enough to admit to suffering from PTSD to the Army, which promptly ordered him to go home to go on leave without pay. On the day before the New South Wales police raided his family home, Mr Bainbridge had been ordered before an Army Individual Welfare Board, where his commanding officer made a decision that effectively downgraded his qualifications and pay. It meant that Mr Bainbridge would suffer a financial loss of about $40,000 a year after he was discharged from the Army, which would mean he would lose his family home. Mr Bainbridge, as he travelled home after the welfare board, told Army psychologists to piss off and leave him alone while he processed his commanding officer's decision. That telephone conversation was the basis of the commanding officer's tip-off to the New South Wales police. Mr Bainbridge is a third-year law student and has kept meticulous notes and records to support his claims.

Question agreed to.

NOTICES

Presentation

Senators Sterle, O'Sullivan and Back to move:

That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 19 May 2017:

(a) the impact of granting of patents in Australia over the use of genetic sequences that are naturally occurring, including genetic markers, in animal genetics and breeding;

(b) the impact of patent rights in the Australian animal and agricultural sector, relating to:

(i) the conduct of research and its subsequent application and commercialisation, and

(ii) the investment and economic importance of national genetic improvement programs for livestock, and any risks posed by the granting of patents;

(c) the rapid advances in genome research and related technologies and its impact in assisting to understand and improve the quality of Australian livestock, which contributes to Australia's economic development and its food security;
(d) the economic, legal, technological and ethical access and equity issues relating to the intellectual property protection of genes and related livestock technologies;

(e) existing laws and practices relating to patent rights over genetic resources and related technologies in livestock, and their ability to serve in the national interest through encouraging research and investment in the Australian livestock industry;

(f) any mechanisms to ensure the granting of patents related to livestock genetics are carried out in Australia's national interest, especially where the patent is for a genetic sequence that is naturally occurring;

(g) the trade and investment issues relating to the intellectual property protection of genetic resources and related technologies;

(h) international practices and developments, including any existing or proposed international obligations; and

(i) any other related matters.

**Senator Rhiannon** to move:

That the Senate notes—

(a) the Shop, Distributive and Allied Employees’ Association's (SDA) recent failure to negotiate fair working conditions for its members, as evidenced by:

(i) the decision of the full bench of the Fair Work Commission that 77,000 Coles employees faced significant underpayment under a deal agreed to by the SDA, at an estimated cost to workers of $70 million per annum, and

(ii) Fairfax investigations that approximately 250,000 employees working under deals agreed to by the SDA are being underpaid, including employees of Woolworths, Hungry Jack's and KFC, at an estimated cost to workers of $300 million per annum; and

(b) that the formation of the Retail and Fast Food Worker's Union (RAFFWU) will provide an alternative for employees in the retail and hospitality sectors who are seeking fair wages and conditions.

**Senators Whish-Wilson, Di Natale, Urquhart and Lambie** to move:

That the Senate—

(a) notes that the Meander Valley Council, Tasmania, is characterised by an aged population, high youth unemployment and under-employment, and low household income; and that it experiences all the attendant health and social challenges associated with rural areas across Australia;

(b) notes the success of the Meander Valley Council in utilising federal funding to develop essential youth and social work practices to support the community, including in health prevention and mental health, particularly through the Westbury and Deloraine Community Health Centres;

(c) recognises that health outcomes in rural and regional Australia continue to lag behind the rest of the country;

(d) notes the motion of the Meander Valley Council expressing concern about the impact of the proposed changes to funding for the Rural Primary Health Services Program;

(e) notes that these changes follow harsh cuts by the Federal Government to the Health Flexible Funds which have disproportionately impacted regional communities; and

(f) calls on the Federal Government to recognise the importance of the Westbury and Deloraine Community Health Centres to the Meander Valley when implementing its changes to the Rural Primary Health Services Program.
Withdrawal

Senator KAKOSCHKE-MOORE (South Australia) (15:38): I withdraw business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today proposing the disallowance of the Civil Aviation Legislation Amendment (Part 101) Regulation 2016.

BUSINESS

Rearrangement

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:38): I move:

That general business order of the day no. 35, Racial Discrimination Law Amendment (Free Speech) Bill 2016 be considered on Thursday 24 November 2016 under consideration of private senators' bills.

Question agreed to.

Postponement

Senator Gallagher (Australian Capital Territory—Manager of Opposition Business in the Senate) (15:39): I move:

That business of the Senate order of the day no. 2 relating to a reference to the Economics References Committee be postponed to the next sitting day.

Question agreed to.

COMMITTEES

Economics References Committee

Reference

Senator KAKOSCHKE-MOORE (South Australia) (15:39): On behalf of Senators Lambie, Griff and Xenophon, I move:

That the following matters be referred to the Economics References Committee for inquiry and report by 22 June 2017:

(a) increase in the cost of home, strata and car insurance cover over the past decade in comparison to wage growth over the same period;
(b) competition in Australia's $28 billion home, strata and car insurance industries;
(c) transparency in Australia's home, strata and car insurance industries;
(d) the effect in other jurisdictions of independent home, strata and car insurance comparison services on insurance cover costs;
(e) the costs and benefits associated with the establishment of an independent home, strata and car insurance comparison service in Australia;
(f) legislative and other changes necessary to facilitate an independent home, strata and car insurance comparison service in Australia; and
(g) any related matters.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:40): I move:

CHAMBER
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Australian Organ and Tissue Donation and Transplantation Authority Amendment (New Governance Arrangements) Bill 2016
Superannuation (Excess Transfer Balance Tax) Imposition Bill 2016
Treasury Laws Amendment (Fair and Sustainable Superannuation) Bill 2016.

Question agreed to.

MOTIONS

Skilled Migration Program

Senator RHIANNON (New South Wales) (15:40): I move:
That the Senate—
(a) notes that:
(i) last year, the Fair Work Ombudsman found evidence of exploitation of 20 per cent of workers on the 457 visa,
(ii) the problems with the 457 visa scheme result from weak regulation and exploitative employers,
(iii) exploitation of foreign workers also increases exploitation of Australian workers, and
(iv) promoting division between workers based on ethnicity and nationality is a common tactic used by conservatives to distract from exploitation by employers; and
(b) calls on:
(i) the Government to reform migrant worker visa schemes to prevent employer exploitation of all workers, and
(ii) all parties to cease promoting division between foreign and Australian workers.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (15:41): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: Exploitation of any migrant worker will not be tolerated. The coalition government has already established a Migrant Workers’ Taskforce to identify and swiftly rectify instances of worker exploitation. This taskforce has already commenced its important work, which includes examining the failings of 7-Eleven to address the significant breaches of workplace laws by its franchisees. The government has committed an additional $20 million in funding to the Fair Work Ombudsman to enhance its powers and ensure investigations into potential breaches of workplace laws are effective. The government has also committed to increasing penalties on employers who underpay their workers or failed to keep proper employment records.

Question agreed to.

Public Transport

Senator RICE (Victoria) (15:42): I move:
That the Senate—
(a) notes that:
(i) the funding reallocated by the Turnbull Government last week from the now defunct East West Link was directed almost entirely to roads in Victoria, despite the original $3 billion in funding being earmarked for public transport,

(ii) the Turnbull Government is yet to commit funding to any major public transport projects in our urban centres, and

(iii) investment in well-designed public transport infrastructure is essential to tackle congestion in effective, economic, equitable and less polluting ways; and

(b) calls on the Government to prioritise funding for public transport in our major urban centres, which boosts productivity and addresses car-dependence in our cities.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:42): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: The government recognises that investment in public transport is a critical part of easing congestion and boosting productivity in our major cities and regions. The government is funding urban rail infrastructure through the Infrastructure Investment Programme and Treasury initiatives, including the Asset Recycling Initiative. Recent commitments include: $490 million for the Forrestfield Airport Link in Western Australia; $95 million for the Gold Coast Light Rail Stage 2; $43 million for the Flinders Link in South Australia; and $10 million funding for additional planning for Brisbane's Cross River Rail project. A further $1.7 billion has also been committed to Sydney Metro under the Asset Recycling Initiative.


The President: Leave is granted for one minute.

Senator Rice: Victorians voted to dump the East West Link in favour of world-class public transport, but all we are getting from the federal government is more and more roads. Despite the Prime Minister's selfies on trains, currently only one per cent of federal funding is going into public transport. Yet we know that trying to ease congestion by building more roads is like loosening your belt to cure obesity. The only way to solve our congestion woes is to give people the choice to get out of their cars and free up our roads for the people who need them.

Young Australians who are living in the outer suburbs and the regions are being left behind because of where they live and whether they can afford to run a car. A quarter of unemployed young people say that accessing transport is a key barrier in finding a job, and 61 per cent of them do not drive. The Turnbull government must stop following Mr Abbott's agenda and prioritise funding for trains, buses and trams.

Question agreed to.

Murray-Darling Basin

Senator Hanson-Young (South Australia) (15:44): I seek leave to amend general business notice of motion No. 117 standing in my name for today relating to the Murray-Darling Basin Plan.

Leave granted.

Senator Hanson-Young: I move the motion as amended:
That the Senate calls on the Turnbull Government to deliver the Murray-Darling Basin Plan in its entirety, including the additional 450 gigalitres of environmental water that the science shows is the minimum necessary amount of water diversion required to keep the Murray River healthy, flowing and the mouth open at least 9 out of 10 years, as well as the South Australian agricultural sector and environment thriving.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:45): I seek leave to make a short statement.

The President: Is leave granted? Leave is granted for one minute.

Senator McGrath: The government is committed to delivering the Basin Plan in line with the relevant legislative requirements including section 7.17(2)(b) of the Basin Plan 2012. This section outlines the conditions that must be met as part of the efficiency measures program which will deliver the additional gigalitres. The delivery of this water is driven by the voluntary participation of water entitlement holders and state governments.

Question agreed to.

COMMITTEES
Community Affairs References Committee
Reference

Senator Siewert (Western Australia—Australian Greens Whip) (15:45): I, and also on behalf of Senator Griff, move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 21 March 2017:

Changes to the Aged Care Funding Instrument announced in the 2015-16 Mid-year Economic and Fiscal Outlook (MYEFO) and 2016-17 Budget, with particular reference to:

(a) the impact of these cuts on service delivery and the level of care that older Australians receive, including in regional and remote communities;
(b) the impact of these cuts on the sector including the sector's capacity to deliver complex health care, and the ongoing viability of the sector;
(c) the impact of these cuts on state and territory governments if health systems are required to provide more complex care as a result;
(d) the assumptions and data underlying projections by the Government;
(e) the consultation process with consumers, community groups and aged care service providers in relation to these changes; and
(f) any other related matters.

Senator Polley (Tasmania) (15:46): I seek leave to make a short statement.

The President: Is leave granted? Leave is granted for one minute.

Senator Polley: Labor remains concerned about the ongoing sustainability of the Aged Care Funding Instrument. There is tremendous instability and uncertainty around aged care funding under the Turnbull Liberal government, just as there is with everything under this government. This instability means nobody can have confidence that older Australians will have access to the care they need. Labor has consistently supported the sector in its call for an immediate independent review and reform of the Aged Care Funding Instrument. This remains our commitment as the only path to a sustainable, transparent and predictable...
residential aged care funding model. We call on those concerned to show they are serious about the care of older Australians and back Labor's move for a full independent review into aged care funding that can deliver a sustainable future funding model.

Question negatived.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:47): Mr President, I will not call for a division but I want it noted that Labor and the coalition voted this down.

The PRESIDENT: It is so noted.

MOTIONS

United States Alliance

Senator DI NATALE (Victoria—Leader of the Australian Greens) (15:47): I ask that general business notice of motion No115, relating to the United States alliance, be taken as a formal motion.

The PRESIDENT: Is there any objection to this motion being taken as formal? There is an objection.

Suspension of Standing Orders

Senator DI NATALE (Victoria—Leader of the Australian Greens) (15:47): Pursuant to contingent notice 2, I move:

That so much of the standing orders be suspended as would prevent Senator Di Natale moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion No. 115 relating to the US alliance.

I move this motion very reluctantly. What has emerged here in this chamber is a consensus between the government and indeed the Labor Party that foreign policy motions can no longer be discussed in this chamber. It has not always been that way—we have consistently, during the time I have been here, been able to talk about issues relating to foreign policy. Let us remember, there are very few opportunities for us as a Senate to do this. We understand that some of these issues are difficult and complex, but so too are many of the other motions that are discussed in this chamber. Just think about it—we were denied leave only a few short weeks ago to condemn the extrajudicial killings that are going on in the Philippines right now under President Duterte. We were denied motions regarding the bombing of medical facilities in conflict zones. In the case of the US alliance, this denial is particularly egregious because this is one of the few opportunities we have to put forward a position and make statements about it. What we have now is this consensus between the Liberal Party and the Labor Party to shut down debate—the old duopoly is at it again.

We were here till nearly 3 am last night debating legislation that could have been debated during ordinary business, yet here we are making a very active decision that we cannot have an open, frank and mature debate about the status of a really critical piece of foreign policy, and that is the US alliance. Many Australians have had conversations about this. They are concerned about what lies ahead for Australia’s future under President Trump and what his election means for our chance of handing a livable climate to our kids. They are concerned about whether we are at risk of war and what he will ask of us as an ally.

We want to put forward a simple proposition to the Senate to be able to debate and vote on, yet—despite the overwhelming interest of the Australian people in what a Trump victory
means to Australia—we have been shut down. The motion that has been put forward—and it is a sensible one—has been shut down. Again, we have the two old parties teaming up to deny us the chance to talk about it. We do expect this from the coalition, but it is disappointing the ALP has fallen in right behind them. Let me say that from this point onwards when we are denied leave to put a motion to this Senate we will use every means available to us to be able to put our position on the record. If that means suspending standing orders because you are consistently denying us formality, then we will do so.

Let us remember that we are the only party in this place pushing for an exchange in ideas in the context of what has been a seismic shift in global politics. We are saying that if the coalition and the Labor Party do not allow us to have this debate, well, who knows where that might lead? Are we going to be enmeshed in another misguided conflict? Are we going to be forced to increase our defence spending in line with the demands of the president-elect? What does it mean for US bases here on Australian shores? Let us have that discussion. Let us put forward that motion. If people want to seek leave to make a statement and put their position on the record, they can do so. But to deny us the opportunity to even have a vote on one of the most critical areas of foreign policy, which should be entertaining the minds of all people in this chamber, just highlights that this place has become an opportunity for the coalition to railroad legislation through the parliament, as it did last night at nearly 3 am. We have a critical motion, a motion that allows us to at least put on the record our position on issues around the US alliance, and we are being denied that.

You have commentators suggesting that the US election could very well mark a fundamental shift in world order. The Brookings Institution has said:

No other election has had the capacity to completely overturn the international order …

Yet what is the response? Australians being dudded by their elected representatives. Foreign policy issues are critical and we should be able to put motions to this chamber relating to such issues.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:53):
The government does not support a suspension of standing orders, in line with the government's longstanding view—and this includes when Labor have been in power and when we have been in power previously—that motions that cannot be amended or debated should not deal with complex foreign policy matters. Australia's relationship with the United States is based on enduring national strategic and economic interests as well as close people-to-people ties developed through business, culture, tourism, trade and education.

What we actually see with this motion today is that the Greens are the sooks of Australian politics. They are the party that do not respect the democratic process. We saw it with their appalling treatment of Senator Hanson and the other One Nation senators. The point of democracy and the point of elections is that sometimes people may get elected who you may disagree with; sometimes people may get elected who you do agree with. But when you come to this mighty chamber, this state's house, it is, at the very least, common courtesy and good manners and, at the very most, a hearty respect towards our democratic traditions that when people are elected and you oppose their views—as diametrically as you are opposed to the views—you respect them.

What we see with the motion, here, is that our good friends, our good allies, the United States had an election, a few weeks ago, a very exciting election. Sadly, for the Greens and
the travellers on the left, their preferred candidate was not elected. To their shock and horror the great people of that great American democracy voted for someone they disagree with. It is not up to the Greens to use this chamber, in the manner that they are doing today, to move this motion to dissect the relationship between Australia and the United States.

President-elect Donald Trump and vice-president elect Pence have not taken office. They will not take office until 20 January 2017. It is premature, at the very least, for the Greens to be moving such motions when the President has not taken office. What would be more beneficial for the relationship between Australia and the United States than moving a motion like this would be to sit down and respect the American people for the decision they made several weeks ago in the election of their President.

I say to the American people: good on you for choosing President-elect Trump, because if you believe in democracy—I suspect the Greens do not believe in democracy unless it is the type of democracy where it is a Greens one-party state, where the only views you can have are those of the Greens and the only people you can vote for are the Greens; otherwise, you do not like the outcome and you do not like the views that have been expressed.

What is disappointing is that you talk a certain talk but you never deliver that, in terms of your treatment of the One Nation senators here in this chamber. I am not here to defend One Nation. They can look after themselves. But I think there should be a certain courtesy in this place, a respect we give towards the democratic process and a respect we give to our American cousins who, only two weeks ago, elected Mr Trump to the great office of President of the United States. That is so complex and wonderful it cannot be dealt with in a motion moved here today.

**Senator GALLAGHER** (Australian Capital Territory—Manager of Opposition Business in the Senate) (15:58): The opposition will not be supporting this suspension of standing orders motion currently before us. I should say in response to Senator Di Natale's criticisms of the Labor Party, in relation to how foreign policy matters are handled in this place, that we were happy to deal with and vote on the motion today. We were not going to deny formality. I would also add that we were going to vote against the motion, but we also respect the right of the government to deny formality. We were not going to deny leave. You are putting us both in the same basket, in the comments you made, Senator Di Natale. We were happy for the motion to be taken as formal but we do accept the decision of the government to deny formality. Foreign policy matters judged, in this case, by the government as complex or contested should not be dealt with through formal motions where there is no scope for debate.

I will take the opportunity that is provided to me, here, to make a short statement on Labor's views on Australia's relationship with the US. As the shadow foreign minister, Penny Wong, wrote last week, there is and will continue to be strong bipartisan support for the US alliance. Labor supports the alliance as a critical element of Australia's foreign and defence policy. For Labor, however, the US alliance has never meant that we agree with every aspect of American policy, and the fact that we share an alliance does not mean that we trade away our values. Labor will continue to advocate for our values and for an independent foreign policy that reflects Australia's national interests within the alliance framework.
In terms of the matter before the chamber today, we were happy to deal with the motion. We were going to vote against the motion. But we will not be supporting the suspension of standing orders here today.

Senator HANSON-YOUNG (South Australia) (16:00): I rise to speak in favour of the suspension of standing orders today. I think this is an important debate that we need to have. Of course, it goes to a bigger issue in this place, such as outlined by Richard Di Natale, the Leader of the Australian Greens. Every time we have an issue that the Labor Party or the government the day, the coalition, do not want to deal with, they deny formality. Over and over again on issues of foreign policy, issues that relate to Australia's place in the world, we see that it is all too complex to have a discussion or indeed to make a stand in this place on these issues.

Often we hear the argument that there is not enough time to debate the motion. How about putting aside some honest time to have a discussion in this place about something no more important than Australia's relationship with the United States? Only today we saw President-elect Donald Trump say that on day one of him becoming President he will dump the Trans-Pacific Partnership arrangement. This will have a significant impact on Australia, especially given that we have a Prime Minister here in this country, Malcolm Turnbull, who is, despite all of the science, continuing to flog a dead horse. How about we have that debate? How about we have a discussion about what our relationship with the United States will be or what we want it to be going forward, given the significant change that has happened in that country, which is now having ripple effects right across the world?

Whether this government likes it or not, Australia is a member of the global community, and it is dangerous to pretend that some kind of isolationist position (a) will be good for free trade; (b) will be good for peace and security in our region; and (c) will in any way put us in good stead for a secure economic future. We need to have these discussions, whether they are about our alliance when it comes to armed conflict, when it comes to peacekeeping or when it comes to what types of standards we accept under various trade arrangements.

I want to touch on how frustrating it must be for many in the Australian community today when you have the President-elect of the United States saying that the US are not going to move forward with the TPP. We now have our own Prime Minister almost begging at the table, yet of course we will not have an honest discussion about what our relationship with the US is going to be in months and years to come. We know that this issue is only going to grow. Donald Trump dumps the TPP—which, I must say, is one of the few things I agree with Donald Trump on, not perhaps for the same reasons but because I am sick and tired of seeing big corporations have power over the people in these arrangements. These deals are not about what is good for Australia. These deals are not about what is good for Australian consumers or Australian farmers or Australian workers. They are all about what is good for the big corporations. What corporations are going to benefit the most out of this deal? US corporations. Big pharmaceutical companies are going to be pushing up the prices of cancer drugs—they have a monopoly on cancer drugs. Big corporations are going to be able to sue governments here in Australia as well as in the region. These deals are for big corporations and not for the people.

No wonder this government is so gutless and so scared to debate these issues in this place. It does not want to talk about it, because it does not want people to know how weak it has
been and how treacherous it has been. In fact, it does not want any attention on it at all. What
you see is the Prime Minister, Malcolm Turnbull, now begging to have this deal rushed
through, not prepared to be honest with the Australian people and not seeing the writing on
the wall. People are speaking up. They are sick and tired of these arrangements between
countries and governments being done behind closed doors, in the interests of big
corporations and without the public having a full picture of what is going on. Silencing
dissent is not going to help you.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (16:05): A little
bit of clarification: what are we actually doing here? We are currently—

Senator Kim Carr: That is a good point. What are we doing here?

Senator BUSHBY: Through you, Mr Acting Deputy President, we might teach Senator
Carr a thing or two. He has been here for quite a few years, but he does not seem to
understand. What we are doing here—

Senator Kim Carr: Why are you wasting time? You have nothing else to do.

Senator BUSHBY: Through you, again, we did not move the suspension motion. We are
responding to the suspension motion. Where we are currently at today is formal motions.
What we are dealing with is formal motions. Formal motions are a part of the day that was
developed in order to put through motions that can be dealt with without debate. That is
inherently what we are looking at here at the moment. That is the very reason why

Senator Di Natale interjecting—

Senator BUSHBY: I can hear Senator Di Natale, who has moved the suspension motion,
out over to my right objecting. He stood up earlier and, in his five minutes, talked about the
weighty issue that this motion deals with. We can have a separate debate on the weightiness
of the issue. His very point that these issues are, as he claims, 'weighty' in the subject matter
that they are dealing with is the very reason why they should not be dealt with by a formal
motion. It is the very reason why the government and the opposition for many, many years
have had the position that complex foreign affairs motions should not be dealt with formally
without debate. They deserve to be properly debated and not dealt with in a formal fashion.

Senator Di Natale interjecting—

Senator BUSHBY: That is a separate issue, Senator Di Natale. For you—

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Senator Bushby, do
not take the interjections. Direct your comments through the chair.

Senator BUSHBY: Through you, Mr Acting Deputy President, it is a separate issue as to
when you might deal with debate. There are all sorts of opportunities for private senators to
raise things: in adjournment debates, in senators' statements or in private senators' time. There
is a matter of public importance every day. There is general business on Thursday afternoon,
where there are a number of hours available for members of the Senate who are not from the
government to be able to raise an issue like this and debate it properly. But the time to do it is
not formal motions, which are specifically designed and specifically included in the program
for the day to deal with issues without debate.

As I said, Senator Di Natale talked about this potentially being a fundamental shift in the
world order. If it is a fundamental shift in the world order, would you deal with it by moving a
motion and not debating it? Surely when the parliament of Australia is dealing with issues which Senator Di Natale says 'constitute a fundamental shift in world order' you do not deal with that without debate. You look for another opportunity, and I have mentioned the other opportunities. There are other opportunities where you can do that. You do not deal with it with a formal motion in the Senate. The Senate would be neglecting its duty in dealing with such weighty matters without looking properly at the issues surrounding those issues and dealing with them.

Looking at the motion itself, it starts off and talks about the election of Mr Donald Trump raising concerns with the Australian community, including amongst Australia's foreign and defence policy experts. That is a blanket statement that has been made in this motion. In my view, when you are dealing with something which constitutes a fundamental shift in world order, those sorts of statements need to be tested in debate. It is an assertion that is not backed up by any evidence. It needs to be tested. You do not deal with that in a formal motion. The motion goes on to talk about how Australia is the only country to have joined the United States in every major military intervention and that Australia's security and prosperity is inextricably linked to who it actually maintains ties with. These are issues that need to be properly tested and debated; they are not issues that should be dealt with by a formal motion and without debate.

Senator Di Natale also talked about the fact that you can have one-minute statements, which is a practice that has developed recently. But that practice, once again, is not in place and has not been developed in order for people to debate the issue or even to talk about the merits of the motion they are putting forward. It is more to explain the position that they might be taking in response to a motion that inherently does not have a debate. So, if the Greens move a motion, it gives the government an opportunity to say, 'We're not going to support this, and this is why.'

**The ACTING DEPUTY PRESIDENT:** The question is that the motion to suspend standing orders be agreed to.

The Senate divided. [16:14]

(The Acting Deputy President—Senator Whish-Wilson)

Ay s ...................... 8
No cs ...................... 40
Majority ................. 32

**AYES**

Di Natale, R Hanson-Young, SC
McKim, NJ Rhiannon, L
Rice, J Siewert, R (teller)
Waters, LJ Whish-Wilson, PS

**NOES**

Abetz, E Back, CJ
Brown, CL Burston, B
Bushby, DC Cameron, DN
Canavan, MJ Carr, KJ
Cash, MC Chisholm, A
Question negatived.

MATTERS OF PUBLIC IMPORTANCE

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (16:18): I inform the Senate that, at 8.30 am today, Senators Gallagher and Siewert each submitted letters in accordance with standing order 75. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, I inform the Senate that a letter has been received from Senator Gallacher:

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

The Turnbull Government's failure to ensure secure, well-paid, jobs for Australian workers.

Is the proposal supported?

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

The ACTING 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 POLLEY (Tasmania) (16:18): I rise to speak about the Turnbull government's failure to ensure that well-paid jobs are available for Australian workers. Labor puts the interests of working Australians first, unlike the Turnbull government, which focuses on lining the pockets of big business. Instead of growing inequality, Labor wants to grow decent jobs that grow our nation. We need to stem the rise in insecure work, underemployment, casualised labour and depressed wages, which are making it harder for families to make ends meet. It is extremely difficult for too many Australians to try to manage their family budgets.

What we have seen this week, and what we have seen for the last 4½ months is a desperate government, bereft of any plan or any outline of a strategy for moving this country forward and giving this nation the future that it deserves. This is a government that has been so preoccupied with its infighting and division that it has resulted in the Prime Minister just grabbing any thought bubble that passes by. We have seen this time and time again. We
remember so vividly Mr Turnbull and his Liberals during the election campaign—in fact, one could remind people here that if you were outside the office of the former member for Bass every morning you would hear him and his staff chanting, 'Jobs and growth! Jobs and growth!' They were using that as part of their motivation.

Well, we listened and we heard, just like the Australian people, that 'jobs and growth' mantra. We heard it day after day. But what have we seen since the election? Nothing. What we do understand is that that was all just noise—cheap words and slogans which the Australian community have come to expect from a Liberal government. After all, Mr Abbott, when he was the Prime Minister of this country, was renowned for his three-word slogans.

And we might have some critical things to say about Mr Abbott, but one thing you could say about him is that he actually knew how to campaign—unlike the current Prime Minister. At least with Mr Abbott you knew what you were getting. You knew what you were getting—you knew, if you voted for Mr Abbott, the sort of government that would be delivered to you. This is unlike the current Prime Minister, who only seems to be focused—surprisingly—on his own job.

Unfortunately for the Australian economy and for workers in this country, we have a government that has no leader and we have a leader who has no authority. He has no leadership in terms of being able to guide the economy and create the framework for jobs to be created in this country. We are almost at the end of the parliamentary year, and I am sure I am not alone in wondering what the point of this government is, because they have delivered very little. In fact, every time they set out to achieve something the end result is that they stuff it up.

I am trying to think: what would come first to mind in relation to how they have let down Australians when it comes to jobs? Well, we know that the Deputy Prime Minister, Barnaby Joyce, has spent the last 18 months creating uncertainty within the agriculture industry, amongst our fruit growers, and in the tourism industry while he has been unable to resolve the backpacker tax issue. This is having a huge impact right around the country, no more so than in my home state of Tasmania. As I said, 18 months! Barnaby is pretty good at mucking things up, but 18 months? Even now, in the second-last week of the parliamentary sitting, we are yet to have any legislation before us to have that issue resolved. And I know, because I was on the committee when we were taking evidence in Launceston where the fruit growers were giving evidence, that the tax is not just an issue confronting backpackers, because if they do not have these backpackers coming in and picking the fruit then that fruit will just rot on the trees and fall to the ground, and no-one will have a job. With those backpackers coming in they are able to create real jobs—meaningful jobs—for local Tasmanians.

This government, quite frankly, is a failure on all levels. The Prime Minister did promise that he would fix the budget and create jobs and growth, but all he has delivered to date is a growing deficit, more debt, record low wages and record underemployment, and we know that his government has put at risk the triple-A credit rating. The unemployment rate in this country is at 5.6 per cent—90,000 jobs, full-time jobs, have been lost this year as a result of the failures of this government. We have over 261,100 young people unemployed in this country. It is an absolute tragedy. Over 1.8 million Australians are looking for work, and we know that in excess of 700,000 Australians cannot find any work at all. That is without those who are under-employed. We have the highest number of Australians since 2006 giving up on
finding a job, and the participation rate has dropped to 64.4 per cent. They should be ashamed of themselves.

We cannot forget about wage growth for the year, which is at 1.9 per cent. This is the lowest wage growth on record. It is the lowest wage growth we have seen since data was collected. Families are having trouble managing their budgets. They are having trouble paying their mortgages and their rent. All these statistics point in one direction, which is to the failure of the Turnbull government to provide confidence in the economy, in jobs and in wages.

We also know that this government will do whatever it can to attack working Australians. We saw that last night with their attack on workers, when we were here until about a quarter to three in the morning. We stayed to debate until the wee hours of the morning and today we see them beating their chests because they are all so proud of themselves because they think they have got another one on the union movement in this country. Little do they know and understand that we know they have an agenda to do everything they can to remove penalty rates for hard-working members of our community, particularly in low-paid areas in hospitality, and others. We know that once they get a little bit closer to taking penalty rates away they will then act like the vipers they really are.

But we know that wage growth is flatlining in this country. We have full-time jobs falling for the year. We have a record number of people who cannot find a job and a record number of people giving up even looking for a job. It is devastating and it is so un-Australian.

We know that this government has always supported the big end of town. The big policy item they took to the election was that they were going to give a $50 billion tax cut to the big end of town. We know that Prime Minister Turnbull is beholden to his caucus, particularly those from the right of the party. He will do and say anything to keep his job. He has demonstrated that. The people who voted for him at the last election thought he was a different Mr Turnbull. But what they have seen after voting for him is that he is a man who is just a shadow of its former self, a man who is consumed with keeping his own job. Through the course of the debate this morning I outlined that there is someone else in this place who is fighting to keep their own job—that is, the Leader of the Government in the Senate, Attorney-General Senator Brandis. How many more gaffes will he have before the Prime Minister acts.

Senator Ian Macdonald interjecting—

Senator POLLEY: We here the laughs from the good senator over there. Well, he was calling your colleagues in Queensland 'mediocre'. The reality is that the LNP in Queensland and across this country are all mediocre. This is a government that is mediocre, and this Prime Minister has failed to deliver on the promise he made to the Australian people, which is to be a 21st-century agile government. He has failed miserably. (Time expired)

Senator IAN MACDONALD (Queensland) (16:29): I think Senator Brandis could well have been talking about the opposition debaters in this particular debate before the chamber. If I have heard a mediocre attack on the government that was it. And if that is the best the Labor Party can do then I do not think we have a great deal to worry about at the next election. I do go off the subject to simply say in defence of Senator Brandis, not that he needs me to defend him, that he has done such an excellent job that every attack the Labor Party has addressed to him as been flitted away, almost like brushing a fly away from the front of your face. The Labor Party's last great attempt to get Senator Brandis was the Gleeson Solicitor-
General affair, when the Labor Party set up this sham inquiry to get Senator Brandis. All they achieved was to get the Solicitor-General—that Mr Dreyfus himself appointed to that position just a few weeks before the 2013 election. I can understand why the Labor Party are fixated with Senator Brandis.

**Senator Polley:** Acting Deputy President, I would ask you to draw the senator back to the topic we are debating today.

**The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson):** That is not a point of order, Senator Polley.

**Senator IAN MACDONALD:** Senator Polley spent some time talking about Senator Brandis and this is a debate, so I am responding to her comments. Why the Labor Party seem to be fixated with Senator Brandis is that he does such a wonderful job as Leader of the Government in the Senate. The Labor Party never lay a hand on him, in all of their attacks. He handles every question with great skill and aplomb. The Labor Party get very distressed by it. They keep bringing these futile attacks against Senator Brandis that get absolutely nowhere. Sometime the penny will drop upon the Labor Party, in this chamber, in that they perhaps should look further afield for some other attack focus.

The debate is about plans for jobs and growth. That was the broad program the government took to the last election and the Australian people supported it. It was a plan for Australia. It involved innovation. It involved some of the old industries. It involved some new areas that the government is looking at. But, all importantly, it was a plan. It centres around our enterprise tax plan, which is aimed at unleashing a new wave of investment, particularly for small businesses who provide about half of all the jobs in Australia. That is why it is so important to support small businesses. They contribute very significantly to our economy.

To make it easier for these businesses to invest and expand, to create more growth and jobs, the company tax rate is to be cut. That is how you expand the economy. That is how you create jobs. You encourage business to create new employment positions. You do that by trying to reduce the company tax rates that we have in Australia which, by comparison with the rest of the world, are very high. We do not compete with a lot of investment into the country, because our tax rates for companies, which expand and create jobs, are far higher than they are across-the-board in other countries. That is why the Turnbull government has this plan to reduce tax, to encourage investment, which means encouraging growth and jobs.

By contrast, we have the Labor Party's plan for Australia's economy. I remember Mr Shorten talking about this during the election. I looked up his media release. It was pretty shallow but it did say, 'Go to this website and you can find out more about the Labor Party's plan.' I went to the website thinking I would get this glossy brochure that I had seen somewhere. Lo and behold, all the Labor Party's website did, when it went to this Labor Party 10-year plan for Australia's economy, was refer me straight to the ALP website—on which there is nothing about an economic plan or jobs. It was quite interesting. Unfortunately, I could not find that brochure on the website, but I did find a copy that I must have put aside. I am looking through this brochure for what the Labor Party's plan might be, but it is mainly full of glossy photos. There is not much about policy in it; there is not much depth to it. There are very nice photos, but there is not a single economic policy designed to support investment for small businesses, which generate, as I say, half the jobs in Australia. There is not a single policy in this program designed to repair the budget so that future generations of hard-
working Australians are not saddled with higher taxes and debt. There is not a single policy in this document or any reference to any economic growth, which, as we all know, is the main driver of good, well-paid jobs in Australia.

Trying to find this thing which had miraculously disappeared from the website reminds me of the time many years ago when I was the Minister for Regional Services. I remember then Senator Sue Mackay was shadowing me; Senator Singh will remember this, because Senator Singh was Senator Mackay's media officer at the time. We were always keen to see what the Labor Party was doing and so we had a look at Senator Sue Mackay's website where we would find out all of the Labor Party's policies for regional Australia. Do you know where it went, Mr Acting Deputy President? You clicked on Senator Mackay's website and it would say: 'To see our economic policy, click this button,' which we did and it went back to my website. So the Labor Party was saying that its policy was the then government's policy on regional services. But it is a bit the same with this—

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Senator Macdonald, please put the prop down. It is unparliamentary to be waving that around.

Senator IAN MACDONALD: I should not be waving it around, Mr Acting Deputy President, you are quite right. What I am trying to do is look through it as I speak and try to find in this document anything that represents an Australian Labor Party policy for jobs and growth.

The Turnbull government, and before it the Abbott government, has a real vision for Australia that creates jobs. I am very familiar, as is Senator Canavan, who is the Minister for Northern Australia. We are very well aware of a detailed plan for the development of Northern Australia. That is not just a glossy brochure and it is not just there because the words sound good. It is actually a plan to develop Australia, to create jobs, to create exports and growth. Senator Canavan, as the relevant minister, is doing a wonderful job in promoting that plan for the development of Northern Australia. More than just a plan, it comes with budgeted money. Already Senator Canavan is having a field day spending upwards of $6 billion on initiatives that will help the growth of Northern Australia. There are things like the CRC for Northern Development and the beef roads project, which will allow one of our biggest industries to get their product to the market as quickly as possible and which in turn developed for productivity. There are plans for water resources—to grow anything in Australia, and growth in agriculture is one of the big futures we look towards, you need water. Up in the north, where most of Australia's rainfall occurs, there are very few catchments for those areas. The Turnbull government, in its wisdom, prior to the last election promised committed money to water infrastructure and provided some for actual work and some for feasibility studies. I suspect that senators from other parts of Australia will not be able to comprehend this, but the Turnbull government has a range of programs right across Australia offering money for water projects to various state governments. We do that because it is the state governments that control water streams and irrigation, not the federal government. We provide the money as the federal government and we have said to all of the state and territory governments, 'Here is some money. Go ahead and see what you can do in getting some water reticulation.'

Of all the states and territories in Australia, there is only one government that has not yet taken it up. All the rest of them have greedily, hungrily—and thankfully, from my point of
view—taken the money and have done things with it that will come to fruition in the times ahead. But regrettably the Queensland government, my own state government, for some reason does not seem to want to use the money. I cannot work that out. Unfortunately, I do not see any Queensland Labor senators here. If they were here I would ask them, ‘Why won't the Queensland Labor government take the Commonwealth's money and start the feasibility of the Hells Gate dam up behind Townsville or look at the raising of the wall on the Burdekin Dam?’

In the city, where my office is in Townsville, the local ratepayers are paying $27,000 a day to pump water from a long way away because there has not been this activity towards water that there should have been over the last 20 years. The federal government wanted to address that, and we have given money to the state government to do these feasibility studies around Townsville that would address that particular issue, but the Queensland state Labor government sits on their hands and do nothing. I do not know why they are doing that. It is not costing them anything; it is federal money. One can only assume that Senator Waters and her Greens mates in these states have threatened the Queensland Labor government, 'If you do anything with water, you won't get our preferences.' For that reason, the Queensland state Labor government sits on their hands and do nothing, and cities like Townsville, where I spend most of my time, run out of water and have to pay tens of thousands of dollars a day to get water pumped to reticulate the water supply.

All of this shows that the Commonwealth government, the Turnbull government, is keen on jobs and growth. We want to create an economy that is growing, because that creates jobs for Australians. I know that those following me in this debate will talk more intensely about the backpacker tax, which I intended to, but I have run out of time. But clearly the Turnbull government has jobs and growth as its No. 1 priority.

**Senator Di Natale** (Victoria—Leader of the Australian Greens) (16:42): Donald Trump, Brexit and, here at home, One Nation—the common thread running through all of these political tremors is a discontent, a frustration and a disappointment that people are being left behind in droves and that they are not enjoying the spoils of economic growth. Wages are flat. There is casualisation of the workforce. There is a lack of infrastructure, whether it be public transport infrastructure or energy infrastructure. All of that is happening at the same time that luxury car sales are going through the roof and waterfront house prices are smoking hot. The obvious response to this is to say: 'It's not working. This isn't working for ordinary people. It's time to recast the old economic consensus where you let the market rip, let dog eat dog and turbocharge casino capitalism and crony capitalism. There's something going wrong there.' That would be the response from a rational person. Yet what is this government proposing to do? This government decides that it is going to play the race card. It wheels out Peter Dutton and starts blaming: 'It's all the Muslims' fault. It's those Lebanese Muslims you've got to worry about', instead of looking in its own backyard and instead of giving the tax cuts a rest. It has nothing to do with jobs and growth; they are basically a way of concentrating wealth in the hands of a privileged few. Let's ditch those tax cuts. Let's walk away from the Trans-Pacific Partnership, which is a trade deal that says to an ordinary punter: 'We don't care about you. We care about the profits of a big multinational. In fact, we care about them so much we're going to give them the power to sue sovereign governments if a government does anything to protect the environment or public health.'
Walk away from the trade deal for goodness sake. The Trans-Pacific Partnership is not in the interests of ordinary people. That would be one of the big lessons to be learnt from what is happening right across the world, but Australian wages are going nowhere and the Reserve Bank said they are going to be flat for the foreseeable future. We know it is happening right around the world.

We have jobs data that shows that employers are casualising workplaces. And they like doing that; they prefer having more flexibility within their workplaces. Of course, the problem with casualisation for ordinary workers is that they feel less secure and find it hard to plan for the future. They are vulnerable; they go to the bank and they cannot get a mortgage because they have no certainty. Add soaring property prices on top of that and you have a series of things that are festering within the community. It leads to resentment, it leads to a feeling of betrayal and it leads to a sense of the political establishment failing the community.

Of course, you get a potent cocktail when you find somebody who is able to channel that resentment towards somebody else—to make it somebody else's fault, whether it be Muslims, whether it be Mexicans or whether it be women. When you combine those issues of race and misogyny with the underlying problem of growing inequality then you have a very potent political cocktail. That is what is going on here, and we have a choice about whether we respond and listen to the concerns of ordinary people and do something about the growing inequality in Australian society or whether we go down the low road.

Let me talk about going down the low road: we saw the Labor Party put forward a policy called 'Australia first'. It was not Australia first—it was One Nation first! How about we put some humanity first? We can look after the sovereignty of this country and we can look after ordinary working people without blowing the dog whistle or, in some cases, the foghorn. We have had barely a year where the Labor Party sided with the Liberals to defeat Greens legislation that would have required local advertising of jobs under the China free trade deal and that would have required particular standards to be met within some employment classes. Barely a year after the Labor Party sided with the coalition now they come forward with their Australia first policy.

That is not the answer: retreating into nationalism and preying on other people is not the answer. If you are serious about inequality you do not cut taxes for the wealthiest Australians. You do not remove supports from those people who need them most. In this chamber we have a responsibility: we have to listen; we have to recognise that race is a potent political weapon and that we have to take a stand against it whenever we see it; and we have to make sure that the prosperity of a strong Australian nation is shared equally amongst all Australians and between generations.

**Senator STERLE** (Western Australia) (16:47): Unfortunately, I only have 10 minutes but I just want to highlight a problem we have in this nation. In fact, it is a national disgrace. I am going to talk about the corruption within certain RTOs—registered training organisations—in this nation when it comes to heavy-vehicle licensing. I think that everyone should pay a lot of attention to this. This is not whistleblowing.

I want to talk about the failure of the Turnbull government to secure well-paid jobs for Australians, but it has got worse than that. And before I go much further I want to thank my fellow members of the Rural, Regional Affairs and Transport Committee—not only from this side of the chamber but also from the government benches—who are just as alarmed as I am.
This started earlier this year, around March, or something like that. I saw a tweet, and all I could see was the back of the taut line of a trailer with a bridge in front of it. As it worked out, there was a B-double—Scotts Transport—using subcontractors. This B-double was on the M5 in Sydney, and the drivers in it—two drivers, one in the bunk and one behind the wheel—thought to themselves, 'Oh-oh! We're not supposed to be on this road. We're not going to fit under there.' This is just the start, and I am not making this up—this is fair dinkum. A Hollywood scriptwriter could not write something this alarming. They could not back it up. They could not back the B-double up! And it got worse—they could not uncouple the B-double. So they blocked three or four lanes of peak-hour traffic until someone from RMS, which is Road and Maritime Services in New South Wales, came up, broke it all up for them, moved it out of the way and got the traffic going—whatever they did.

The police were there, RMS were there and then they put these Indian truck drivers in the truck. I am not having a go at Indians; let's make this very clear—this is anyone who has been exploited. Then the police and the RMS waved them goodbye! Sayonara, see you later!

I am a heavy-vehicle operator, as everyone knows. I did not come to this place because I fell through university and then on campus one day thought, 'Geez, I wouldn't mind being a senator.' I actually went out and worked. I was a small-business owner—my wife and I ran our own little trucking company and we worked out very early on in the piece that if you want to make a small fortune out of transport, start with a large truck. We put in our hard yards. We absolutely put those hard yards in, and I am proud to say my son is doing it and my old man did it before me.

This is something that really alarms me. We had the ability, through the Rural and Regional Affairs and Transport References Committee, to have an inquiry, and we have been calling people in. RMS are out there and they know I want to talk to them. They were going to come last week, but something popped up. But they have promised me faithfully they are going to come back.

I want to highlight that we are talking about the Turnbull government, and there is 13 minutes of my life—I am going to be very careful and watch what I say under the standing orders—that I am not going to get back after I had to sit in here and listen to some of the drivel from a previous speaker—oh, Senator Macdonald! I just want to correct the record: we want to talk about Australian jobs. I have absolutely no problem with foreign workers coming into this nation, as long as Aussies are employed first. If you are going to condemn me because that is a sin, well, you had better start throwing rocks at me now, because I am not changing my platform. I want to see Aussies employed first, and I want to see the big end of town actually take their hands out of their pockets and put some dollars on the table for training. We should be doing everything possible to support the development of our fine, young Australians.

I do not think I would find one person on that side of the chamber—well, there might be the odd fruit loop—who would want to have a public argument with me. We all want to see our kids employed. Look at the state where I and Senator Smith come from, Western Australia. It was only six years ago that we were in here bagging about Western Australia. We had bragging rights—it was the engine room of the economy. It is not the engine room of the economy anymore. Our eggs were in one basket, and all those workers have gone. I will just remind the chamber, for Senator Smith, sadly, our unemployment rate in WA is higher than in
South Australia and Tasmania. I am not casting aspersions on South Australia and Tasmania—everyone else does that—but that is how bad we are going at the moment. There is nothing on the horizon in WA.

I want to get back to this: alarm bells are going off in my head. We have heavy vehicle operators out there running interstate operations with B-doubles—we are not talking about a little Toyota ute running around the back blocks of Western Sydney or something—who are not even properly trained. I raised the problem with the Queensland Department of Transport and Main Roads. I will tell you what happened: we found this RTO. This RTO is called ACT, and they will have the opportunity to clear their name. There is no problem. I wanted them to come to me and say that they had nothing to do with that horrible, corrupt trainer who they employed.

I will tell you what he did. He is Indian, and he even exploited his own mates. These poor buggers were coming out here with the hope of being able to get a job and being absolutely exploited, and I will get to how they got here. There were 114 of them who this crook trained and assessed. He trained them and assessed them. How corrupt is that? They got their licences and they were off; they were B-double operators, no worries. The Queensland Department of Transport and Main Roads told us that they issued them with show causes as to why their licences should not be taken from them. Of the 114—this is the alarming bit—80 had their licence downgraded from a heavy vehicle licence to a car licence. Of these 80, 17 failed a class heavy rigid Q-SAFE practical driving test and 63 downgraded their licences voluntarily. Thirty-four licence holders have passed the class heavy rigid Q-SAFE practical driving test and are eligible to upgrade to higher classes. Can we believe that? This is in Australia. Credit to the Queensland Department of Transport and Main Roads, who were onto this straightaway. They have fixed it up.

I ask the question: what about the corrupt trainer? And I will go out there and say it—do not worry about that; I am not hiding behind parliamentary privilege. He got suspended for a year. I thought to myself, 'Does that mean he can come back?' Fortunately, the Queensland Department of Transport and Main Roads have made it very clear that if he thinks that after the suspension he will be licensed and ready to train and assess in 12 months time he will have a lot of difficulty passing the law.

I have to go on, and this is what makes me so angry about that side over there. This is not new because, as we have uncovered—and I had no idea at the time—in Victoria there was another corrupt trainer who was training. He worked for one of the major transport companies. The major transport company, to their credit, had nothing to do with this and no knowledge of this. They raised the alarm, and good on them. They went to VicRoads and their name is as clear as anything. Six hundred and fifty drivers got put through—tick, flick, no worries—who had not even done the training, because he was getting the kickback, so VicRoads had to go back and reassess them. These are people out on our streets with your kids, my kids—all of us. They are coming at us with juggernauts. We are talking 60-odd tonne coming at us and they are not even doing the training properly.

This is the crown jewel, this one. There was one in New South Wales. Listen about this fellow. His name is Christopher Binos. He was working for none other than RMS, I believe. I think he was training for RMS. I will check that just to make sure. He was a trainer and he got done for accepting bribes to falsely certify logbooks. I am reading from an ABC press release.
It says the inquiry heard he issued licences to 91 truck drivers without assessing them. So you can understand my passion and my anger. If we add up all these truck drivers—and these are just three incidents we know of—there are 650, 140 and 91. The lot of them had not even done the training properly.

I have something on Facebook, if you want to see what is coming on that. We are going to continue this inquiry with the good help of my fellow senators across the chamber as well as on this side and hopefully your good self, Mr Acting Deputy President Whish-Wilson, or whoever the Greens transport spokesperson will be this year or next year. There is a lot more that is rotten in truck training land, I can tell you. If you wonder why I get passionate it is because these should be Aussie jobs with proper training for Aussie kids. Do not anyone try to tell me that there is a shortage. We have truck drivers literally on the streets looking for work. It is one of the industries in Australia that is really, really struggling.

Like I said, for 13 minutes I had to listen to Senator Macdonald giggle his way through the stupidity of his presentation. He was laughing because it was all a big joke to him and he was holding up props and all sorts of stuff. No wonder this nation is in trouble. I just make a plea. I have members of the Nationals and the Liberals who are backing me on this. They will continue to work with me. But when we talk about Aussie jobs this is not dog whistle stuff. When anyone says that it is okay and that we have to look after the bottom line and that it is too expensive to have Aussie jobs and Aussie wages, I want to vomit. It absolutely makes me want to puke. They think that is all okay because they are worried about productivity and sustainability. Yes, we have to be productive. Yes, we have to be sustainable. But if you want to push and argue for wages and conditions that match Asia's then why don't you lot on the opposite side go and live in Asia? Why don't you go and live on the same pay rate as those people? You would not, because—through you, Mr Acting Deputy President—you are hypocritical. I have a lot more to do on this transport stuff, I can tell you. I have six years to play with this. I am not going anywhere. This is my hobby.

Senator PATERSON (Victoria) (16:57): It is a pleasure to follow Senator Sterle after that very interesting contribution to the debate. I am going to see if we can bring the debate back to the topic at hand and perhaps look at some evidence that would help illuminate the debate on the topic at hand. Although Senator Sterle's contribution was certainly very passionate and heartfelt and I do not doubt his sincerity at all, one thing that he did not mention in his very interesting address is exactly where the Australian job market is at the moment, what the unemployment figures are, what this government's record has been in this area and what the task is for us ahead. So I am going to bring the debate back to that during my contribution.

I would like to begin by talking about the most recently available updated employment figures. They are the labour force figures from October. These figures show that our unemployment rate in Australia has remained steady at 5.6 per cent for the month of October. That is 0.3 of a percentage point lower than it was 12 months ago in October 2015 and it is the equal lowest on record since February 2013, seasonally adjusted. Employment rose in October by 9,800 jobs. That was driven by a significant increase in full-time employment of 41,500 jobs. That is welcome because it has certainly been a feature of the debate in previous months that there has been a lot of growth in part-time employment, so it is pleasing to see some growth in full-time employment. Total unemployment fell by just over 2,000 jobs for
the month and has declined by 38,900 jobs or 5.2 per cent over the year to, as I mentioned, the lowest level recorded since February 2013.

Breaking down those figures, there were some other encouraging results. The female unemployment rate is now the lowest it has been since July 2013. Particularly encouraging, given the real challenge that I think everyone agrees we have with youth unemployment, is that it dropped by 0.2 of a percentage point to 12.5 per cent—although of course the government recognises that there is much more to do in this area.

Let us talk about the record of the government not just in the last month but since we came to office in September 2013. I think the record there is a strong one, although I certainly would not suggest that the task is finished. Since September 2013 a total of 467,100 jobs have been created. That leaves the total employment figure standing at 11,938,900 in October 2016. So, under this government, employment has actually continued to grow. It grew by 0.9 per cent in the past year. That stands in contrast to our predecessors. Under Labor, the jobless queues grew by 200,000 during their six years in office. In particular, in the time that the Leader of the Opposition, Mr Shorten, was the workplace relations minister, the number of unemployed people increased by around 70,000, and the unemployment rate rose from 5.2 per cent to 5.6 per cent. So, when we hear those opposite, and particularly the Leader of the Opposition, suggest that they would do a better job, I think it is instructive to look at their record and Mr Shorten's record personally in this area.

From November 2007, when Labor won the election, to the end of their time in office 128,800 manufacturing jobs—which is one in every eight—disappeared completely. During the two years in which Labor's illustrous and infamous carbon tax was in place around 125,000 more Australians joined the unemployment queues. This government, as we discussed at length during the campaign and since, does have a plan for jobs and growth, and we would be able to further improve the good, solid results we have had in the space if those opposite got out of the way and allowed us to implement the plan we took to the election and implement the plan the Australian public sent us here to do.

A particularly important centrepiece of this plan is our plan to reduce company tax rates. This financial year we hope that the tax rate for companies with an annual turnover of less than $10 million will be reduced to 27.5 per cent. That will decrease the tax rate for around 870,000 companies who employ around 3.4 million workers. Those lower tax rates will allow those small and medium businesses to employ more people to invest back into their businesses and to continue to grow the economy.

Over 10 years the government plans to reduce tax rates for all businesses down to a rate of 25 per cent by the year 2026-27. That is a really important reform, and, as I want to talk about now, a reform which has in the past enjoyed bipartisan support, a reform which has enjoyed support from across the spectrum of the economics profession, including from people as respected and non-partisan as Ken Henry, the former Treasury secretary, who found and recommended that cutting the company tax rate is the most powerful thing a government can do to encourage investment and therefore, flowing on from that, encourage the creation of jobs.

It is easy for those opposite—and they certainly did so during the election campaign—to run a scare campaign on this issue. It is not immediately intuitive when you explain to people why reducing company tax rates will benefit them. I understand why people might initially be
skeptical, but the evidence base on this is actually very strong, and there is very little debate about it in the economic community. Everyone agrees that the most powerful bang for your buck in cutting taxes comes in the company tax area, and that flows on to higher returns on investment, higher returns for shareholders and better wages for employees.

The reality is that we live in a globally competitive economy, and we are fighting every day out there to attract that marginal dollar of capital that we can invest here in Australia to increase our productivity, to improve employment and to provide more opportunities. We want that investment here in Australia. We want to fight for it as strongly as we can. To do so we need to provide the most attractive opportunities for investment, because if a global investor who can choose between us and many other alternatives knows he is going to get the same return on investment in Australia as he is going to get in another country—let's say in South-East Asia, where company tax is a lot lower—but the company tax rate is going to be lower and the return on investment is the same, then of course he or she is always going to invest in that country that has a lower rate of company tax, because that overall return on investment for him or her and their shareholders is going to be higher. So the reality is that if we want to compete in the global economy, if we want to attract investment, if we want to have jobs, we need to have a globally competitive company tax rate.

The election of new President Donald Trump provides a further incentive for Australia to address this issue. He has promised to substantially reduce the United States corporate tax rate. It is currently far above our corporate tax rate but he is proposing to slash it down to 15 per cent. That is a significant decision for a major global player, and we should be very sensitive to it just because of that alone—but we should be particularly sensitive to what the United States is doing because the United States is our largest source of foreign direct investment. At the moment an American investor looking at Australia knows that for an equivalently good investment they are going to get a better return for their shareholders in Australia because we have a lower corporate tax rate. But if that equation changes, if the corporate tax rate becomes lower in the United States, those investors will reconsider their investments in Australia, they will focus instead on the United States, we will lose that capital investment in Australia and as a result we will all be poorer for it. That will flow through to lower wages and fewer jobs. That is why this is critically important.

I thought—I still hope for this deep down—that those opposite believed that. When the opposition leader, Mr Shorten, was in government, when he actually had the burden of office and making decisions which affected people's lives, he had a much more responsible, much more mature, attitude on this issue. In 2011 he talked about the then Labor government's tax reform agenda. He said it 'has a strong focus on ensuring that Australia remains an attractive place to invest.' He went on:

Cutting the company tax rate is an important step along this road.
This recognises the benefits to investment and growth from lower company tax rates and a trend to lower rates across the OECD over the past 30 years.
He was recognising the global reality then—I do not know why he has forgotten it since. In 2012, when he was the Minister for Financial Services and Superannuation, he said in a Sky News interview on 13 March:

Any student of Australian business and economic history since the mid-80s knows that part of Australia's success was derived through the reduction in the company tax rate.
He went on to say:
We need to be able to make life easier for Australian business, which employs two in every three Australians.

Speaking in the House of Representatives in 2011, he said:
Cutting the company income tax rate increases domestic productivity and domestic investment.

This is the crucial part:
More capital means higher productivity and economic growth and leads to more jobs and higher wages.

Those opposite say they want more jobs, they say they want higher wages. They used to have a plan to achieve that but they have since abandoned that plan. Mr Bowen, who is now the shadow Treasurer, took the time to study this issue, to look at the evidence, and he wrote a chapter in a book promoting growth through cutting company tax. It is pretty clear where that was heading in 2013. He talked about the achievements of Paul Keating, a former Treasurer, and the company tax cuts he made and the great dividends that paid. He talked about what the United Kingdom is doing presently, which is drastically slashing their corporate tax rate—another major source of foreign and direct investment for Australia, another country where investors will be considering whether they should invest their money at home in the United Kingdom or overseas in Australia. A big factor in their decision making is going to be the company tax rate. Mr Bowen said:

... the United Kingdom, facing a much tougher fiscal situation than Australia's, cut its company tax rate to 23 per cent in April 2013, to be reduced further to 21 per cent in April 2014.

Members and senators will be aware that they plan to reduce that even further, down to 17 per cent or possibly further under the government of Prime Minister Theresa May. What Mr Bowen was recognising was that even in a tough fiscal environment it is important to provide strong incentives for investment, because that drives job creation. Even in their situation, with a far higher budget deficit than us, having to have far more substantial spending cuts to their domestic spending programs, he recognised that company tax cuts were the right way to go. Finally, he said:

At 30 per cent, our company tax rate is now above the OECD average ... it is how the rate compares to that of our competitors that counts.

That is the key factor. Since he wrote that in 2015, the trend has continued—company tax has only been cut further. If we do not do the same, we are going to be left behind and we are going to have fewer jobs and less investment as a result.

Senator LAMBIE (Tasmania) (17:09): I rise to speak today on the matter of public importance. Wage growth is at its weakest. Full-time work is dropping and casualisation is growing. The outlook for Australian workers is bleak. In a deregulated world and a free trade economic environment, if we are to create national wealth and protect Australian workers' wages, the only solution is for our governments to deliver the cheapest electricity and power in the world to our pensioners, families, industries and entrepreneurs. As long as our focus is on renewable energy targets we will never have well-paid work, because a focus on renewable energy targets drives up electricity prices. The only target we should have is the cheapest electricity in the world, creating an attractive environment for investment.

This was championed by Dr Thomas Barlow, an Australian research strategist, specialising in science and technological innovation. He authored a critically acclaimed book called
Between the Eagle and the Dragon: Who is Winning the Innovation Race? Dr Barlow reminds us: ‘At the moment the US is having an energy revolution. They have cheap energy. The cost of natural gas in the US is about a third of what it was in 2008. And as a consequence we see manufacturing flow back to the US.’

Dr Barlow also reminds us that cheap power and relatively high wages during the industrial revolution caused a perfect financial and social mix, which gave entrepreneurs the incentive to develop new technology and machinery to replace manual labour. This enterprise generated massive national wealth and technological advancement and allowed Great Britain to stay great for hundreds of years.

With a national gas reserve policy, Australia can use the same formula for national wealth and prosperity. Furthermore, considering that we have 30 per cent of the world's uranium in our own country, I do not know why we are not talking about nuclear energy.

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (17:11): I rise to speak on this matter of public importance: the Turnbull government's failure to ensure secure, well-paid jobs for Australian workers. The Australian people do care deeply for the principle that governments put in place policies and programs to ensure well-paid jobs for the Australian people.

The Australian people expect and deserve a government whose priorities are growing secure, well-paid employment. Critical to that is the use of positive language by political leaders that reinforces the economic conditions and collaborative culture needed to improve employment in this country.

On all fronts, the Turnbull government continues to fail Australian workers and those looking for work. Instead of pursuing policies that ensure secure, well-paid jobs, and instead of using language that encourages increased work security and commends fair pay increases, this government, led by Prime Minister Turnbull, attacks workers and employers and is devoid of ideas.

Tragically, thousands of Australians face insecure work through this government's policies and inactions. This is a government that is more concerned with attacking workers than growing jobs. This is a government that, after three years and two elections, still thinks it is the opposition, whose agenda is to blame the previous government for everything and to provide no vision beyond excessive, unnecessary tax cuts for big business. This is a government whose purpose it is to cut jobs, rights at work, services and living standards for working Australians. All the while they blame workers and make it harder for people to retrain and find new opportunities.

In the three years of the Turnbull and Abbott governments, we have seen the former Treasurer, Mr Joe Hockey, goad the car makers and encourage them to end production. We have seen the former Minister for Employment, Senator Abetz, cut the Wage Connect program and bungle its Tasmanian replacement, the Tasmanian Jobs Program.

Last week, in one of the most arrogant moments of mansplaining, the Prime Minister launched an attack on the CFMEU and Lendlease for reaching an agreement which locks in a 20 per cent wage increase for workers over the next four years and paid domestic-violence leave. It is disgusting that a Prime Minister would attack a private agreement entered into by
workers and their employer. I commend the workers, their union, the CFMEU, and Lendlease for reaching the agreement.

I call on the government to abandon its politically-motivated, ideologically-driven attacks on working Australians. Rather than blaming workers, rather than cutting programs to help the long-term unemployed and rather than attacking unions, this government needs to outline how exactly it is going to create those well-paid, secure jobs for all Australians. The Australian people expect better than baseless attacks and ideologically-driven policies. This government's recipe for improving the Australian economy is to undermine unions, to remove workers' ability to collectively organise and to provide massive tax cuts for big businesses while cutting skills, training and research programs. Together, these measures will only ensure one thing: that the Australia of tomorrow is not a land of opportunity for all but a land of opportunity for those with means, where the extra profits from lower taxes will go to higher dividends and share buybacks, and the only employees set for wage rises are those that hold executive positions.

Prime Minister, the losers from your policies will be Australian workers and their families. To assert that the Australian people must accept being losers in your agile, innovative economy and that the Australian people must accept reduced living standards and reduced rights at work so that you can provide tax cuts and more power to big business demonstrates that you are no different at all from your predecessors, Mr Abbott and Mr Howard. Prime Minister, your comments demonstrate you have no appreciation for the hard labour and sacrifice of Australian workers, and no inclusive plan for the future of work and life in this country. Your philosophy of letting the market rip by the magic touch of an invisible hand will not solve our challenges and it will not absolve you of your responsibility for those left behind. The poor and the marginalised cannot be set aside as collateral damage in your pursuit for economic growth. It is not a matter of accepting your false dichotomy that we must follow your plan or face deteriorating living standards. They deserve better leadership, particularly from the Prime Minister. (Time expired)

Senator ROBERTS (Queensland) (17:17): Thank you, Mr Acting Deputy President, for the opportunity today to speak to this matter of public importance raised by Senator Gallagher regarding secure and well-paid jobs. As a servant to the people of Queensland and Australia, I am in total agreement that secure and well-paid jobs for Australian workers have not been allowed to be ensured due to government failure. Such government failure has been all too common at federal and state level since at least the mid-2000s onwards, including during Senator Gallagher's time as Chief Minister of the ACT between May 2011 and December 2014. Government failure is, in particular, two things. Firstly, it is a failure to understand everyday people's concerns that 'It's the economy, stupid'—in other words, a failure to understand sound economics in terms of both principles and evidence. Secondly, it is a failure to pursue sound policies based on sound economics or a failure to have the courage to pursue such policies—that is, a failure to listen, a failure to stand up and a failure to be accountable. The elites have abandoned us, the people. Who do they think they are?

Sound economics, time and again, has shown us that it is the freedom over control of individuals, groups and economies that creates and sustains the opportunities for more jobs and higher real wages because freedom enables the greatest driver of jobs: creativity. Why is that? In a nutshell, greater freedom leads to greater creativity and initiative, which lead in turn
to greater productivity and savings, which lead in turn to greater service quality at lower costs and prices, which results in greater prosperity and charity, including, of course, secure and well-paid jobs for Australian workers.

Sound policies start, of course, with sound economics, but also include identifying and pursing areas for increased freedom over control. What are some of these areas?

I and my Senate colleagues from Pauline Hanson's One Nation party aim to organise and host four more 'freedom, not control' town hall meetings next year which will focus on the following crucial policy areas, where opportunities for more sustainable jobs and higher real wages are currently being destroyed, not created: in quarter 1, energy and water, to echo Senator Lambie's perfect comments on the importance of energy; in quarter 2, money, including banks and central banking; in quarter 3, regulation, including land and infrastructure; and, in quarter 4, the big one—tax. In conclusion, I and my Pauline Hanson's One Nation colleagues will always welcome—

Debate interrupted.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order! The time for this discussion has now expired.

DOCUMENTS
Consideration

The following orders of the day relating to government documents were considered:


Australian Human Rights Commission—Report—Willing to work: National inquiry into employment discrimination against older Australians and Australians with disability 2016. Motion to take note of document moved by Senator Paterson and debated. On the motion of Senator Bilyk the debate was adjourned till Thursday at general business.

The following orders of the day relating to government documents were considered:


Orders of the day nos 157 to 167 and 171 to 174 relating to documents were called on but no motion was moved.
Australian Health Practitioner Regulation Agency and the National Boards
Consideration

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (17:20): I move:
That the Senate take note of the document.

The Australian Health Practitioner Regulation Agency, AHPRA, and the National Boards annual report 2015-16, reporting on the National Registration and Accreditation Scheme, is a very important report. In general, strong results and the smooth running of the registration renewal process for all 14 regulated professions have been achieved. Amazingly, the number of online renewals reached a new high of 98 per cent. That is a very, very good figure. A risk assessment tool developed and trialled in Victoria, Tasmania and the Australian Capital Territory as part of the notifications process is helping bring in these good results.

I make the point that there is a new initiative to release quarterly performance reports to increase transparency and accountability. There has been continued improvement in the experience of complaints, either when making or being the subject of a complaint. This included redrafted communication materials to make letters more conversational and less formal, and web content that is more user-friendly. A national campaign to increase awareness of the scheme was undertaken, including social media channels, news media and major health publications.

Of 6,125 practitioners audited across the 14 professions, 93 per cent were found to be in full compliance. That is a pretty good result, 93 per cent of practitioners found to be in full compliance. While it is a decrease of three per cent from 2014-15, less than one per cent of all audited practitioners were formally cautioned—the same as last year.

Some statistics as at 30 June 2015 are that 657,621 health practitioners in 14 professions were registered in Australia. This is an increase of over 20,000 since last year in the number of practitioners registered. There was an increase in all professions, except nursing and midwifery, and in all jurisdictions. It is very concerning that there has been no increase in nursing. I remember some years back we did an inquiry into the number of nurses in Australia; by 2025, I think it is, we are going to be short of nurses to the tune of 109,000. With the ageing population progressing, of course, the percentage of elderly people who need care will increase. It is concerning to me that the numbers of nurses are not growing as quickly as they should, and I hope that improves in the years to come. There were 153,710 students studying to be health practitioners.

There was a 19.7 per cent increase in notifications lodged, and 1.5 per cent of all practitioners were subject to notifications. There was an increase of 166 per cent in statutory offence complaints received, which include complaints about unlawful advertising and unlawful use of protected titles. Complaints about advertising accounted for 75 per cent of all offence complaints, and 57 per cent of these complaints related to chiropractic services.

This is a very important report, and I bring it to the attention of the Senate. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Australian Human Rights Commission

Consideration

Senator PATERSON (Victoria) (17:24): I move:

That the Senate take note of the document.

The government welcomes the Australian Human Rights Commission's inquiry report *Willing to work: national inquiry into employment discrimination against older Australians and Australians with disability—2016*. I would like to thank the Hon. Susan Ryan AO and her team at the commission for their fantastic work on this important workplace issue.

The inquiry was commissioned by this government in April 2015 to investigate employment discrimination against people with disability, and older Australians. All Australians deserve fair and equitable treatment in the workplace. Organisations with greater diversity have greater productivity and performance and their employees are happier. They understand that investing in a diverse workforce is an investment in their future.

While I am on my feet, it would be remiss of me not to acknowledge that this has been a particularly productive use of the commission's time, and this stands in stark contrast to some of the commission's other activities. I am referring, in particular, to the commission's decision to host an inquiry into children in detention, not under the former government, when those numbers were on the increase and reached their peak of 2,000 children in detention, but under this government, when those numbers were decreasing and ultimately reduced to zero.

It also stands in contrast to the Human Rights Commission's utter failure in the recent Queensland University of Technology students case. The handling of that complaint by the commission has been an utter disgrace. The students in that case have been treated appallingly by the commission. The President of the Human Rights Commission, Gillian Triggs, and her delegates have demonstrated that the Human Rights Commission is in dire need of reform as a result of the handling of that case. The first is the commission's extraordinary decision to sit on the complaints from the applicant for a period of 14 months before informing the students who were subject to the complaint. They only decided it was necessary to inform the students three days before a compulsory conciliation which they were ordered to attend. That meant, as a result, that a number of the students were unable to attend and were unable to arrange representation—

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Brown, on a point of order?

Senator Carol Brown: I may be confused, but I thought we were talking about the *Willing to Work* report.

The ACTING DEPUTY PRESIDENT: Yes, we are, but I note that Senator Paterson has in fact made a significant link to that report that we are discussing and contrasting it to other reports. I think he is in order.

Senator PATERSON: The first issue is their utter failure to notify the students in the appropriate way. That resulted in some of those students being unable to attend the conciliation and some of those students being unable to arrange for legal representation at the conciliation. That was an extraordinary failure. The second extraordinary failure of the commission in this case was to not immediately dismiss it, as it has the power to do under the
Human Rights Act, as a vexatious case or a case without merit. This case should never have
gone to court. It should never have taken up 3½ years of the lives of the students in question.
The commission had the power to alleviate that, and what they did is extraordinary and
disappointing. It was particularly disappointing, after the successful resolution of this case
when the Federal Court comprehensively dismissed the complaint, that Ms Triggs went on
7.30 on the ABC and, when asked by the host, Leigh Sales, why she did not dismiss this case,
said it was because she thought it had merit. That is an extremely disappointing thing.

While I am talking about the QUT case, I think it is relevant to point out some appalling
comments that were made on the Q&A program last night by the member for Griffith, Terri
Butler. She smeared the students involved in this case by linking them to comments which
have been found by the court to be utterly false. One of the students was alleged to have used
the ‘n’ word in a Facebook post. No evidence was provided to the court that he had done so.
He has asserted, since the beginning of the case, that he did not have a Facebook account at
the time, that it was a prank and that someone else had done it in his name. The applicant in
this case and their lawyers provided no evidence to contest that, and the judge
comprehensively dismissed the complaint against this student because there was no evidence
for it. So for a Labor member of parliament, on a national television program with hundreds
of thousands of viewers, to imply that this student had in fact made this comment, when there
is no evidence to find that he did and the court has comprehensively dismissed the
complaint against him, is a disgrace.

In my view Calum Thwaites, Alex Wood, Jackson Powell and also Kyran Findlater, the
students in the case who we know the most about from public media reporting, have done an
exemplary thing for their fellow Australians. They have stood up to extraordinary bullying
and inappropriate use of law, and for free speech. If they had not had the courage to do so, we
would not know how badly this law is functioning, how direly reform is necessary to fix this
law. I think that rather than attacking them and smearing their reputations in the national
media, all of us should be grateful for what they have done and should be thanking them for
what they have done and for their courage. It was not an easy thing to stand up to this—many
students who were accused chose not to, and I understand why they did—but we owe them
our grateful thanks.

**Senator CAROL BROWN** (Tasmania) (17:29): I rise to speak on the Australian Human
Rights Commission report *Willing to work: national inquiry into employment discrimination
against older Australians and Australians with disability*. In doing so I congratulate
Commissioner Susan Ryan on this significant report. I would also like to say that I am quite
disappointed in the contribution by Senator Paterson, where he spoke for about 30 seconds on
the report that is before the Senate today. It was a pretence—going on to other issues, which
is the real reason he is here.

I would like to start off by thanking the Attorney-General, senator George Brandis, for
having referred what is a critical issue to the Australian Human Rights Commission for an
inquiry. This report is informed by 120 public consultations held in all state and territory
capital cities and some regional locations. Through this consultation process the commission
met with over 1,100 people, including older Australians, Australians with disabilities, carers,
advocates, community organisations, employers, businesses, trade unions, peak bodies and
academics. The inquiry received 342 submissions. In her foreword Commissioner Ryan states:

The Inquiry is grounded in the voices of individuals affected by discrimination, the experiences and perspectives of employers of all sizes and across all sectors, extensive research and the ideas and expertise of advocates, legal practitioners, policy experts, industry representatives and unions.

This is one of the critical elements of this report. It is informed by a significant consultation process and reflects the voices and concerns of people in real-life experience.

It should come as no surprise that the inquiry found that many Australians with disability and older Australians who want to work are shut out of the workforce because of assumptions, stereotypes or myths associated with their age or their disability. These viewpoints lead to conscious and unconscious discrimination. This discrimination impacts on people in recruitment, in the workplace and in decisions about training, promotion and retirement, and comes at a cost to individuals, businesses and our economy.

The report notes:

International comparisons by the OECD show Australia lagging behind similar countries in terms of employment of older people and people with disability.

Everyone has a role in addressing this gap and in attacking the systemic discrimination that has created such a significant barrier to workforce participation for too many people in our community.

It is incumbent upon everyone at every level to take action to address the issues identified in this report. As individuals, we all need to work to change attitudes about older employees and employers with disability. Employers and businesses need to build understanding and awareness of discrimination, and the benefits of employing older people and people with disability. And governments need to take action to ensure that policies and programs do not create disincentives to participation, and appropriately encourage businesses to employ older workers or workers with disability.

The report includes a range of practical strategies for change, as well as measures for monitoring progress and outcomes. Critically, the report also recommends introducing a national education campaign to dispel the myths and stereotypes about older people and people with disability that lead to discrimination. It is promising to read some of the examples of best practice that are highlighted in the report and see that with the right information and understanding older Australians and Australians with disability and businesses can all reap the benefits.

I also commend the resource for employers the commission produced, along with the inquiry report. The resource sets out the commission's recommendations to businesses, examples of existing good practice and provides details of available resources. Once again I would like to thank Commissioner Susan Ryan for her work on this report and the incredible job she has done in the dual role of Age Discrimination Commissioner and Disability Discrimination Commissioner.

Senator IAN MACDONALD (Queensland) (17:34): I also want to talk, unusually for me, about some of the positive work of the Australian Human Rights Commission. My normal inclination would be to follow my friend and colleague Senator Paterson, but today I do want to join with Senator Brown in congratulating former senator the Hon. Susan Ryan for her
work in this area of barriers to employment for people with disability and older people in or remaining in the workforce, I guess before I start I should declare an interest because I am what some might call an older person wishing to remain in the workforce. I might come back to that later.

Susan Ryan did respond to a referral by Senator Brandis to look into this very vexed question, and the inquiry was known as the 'Willing to Work' inquiry. Susan Ryan and the commission produced a quite formidable report, having undertaken an enormous body of work in the last year or more. As Senator Brown said, there were 120 consultations around every capital city and in many regional areas and over 1,000 people contributed to this inquiry. Some 340-odd written submissions were received as well. As a result of all of that work, the commission and Susan Ryan have produced a very significant report.

Amongst the findings of the report, we learn that people aged 55 years and older, although making up roughly a quarter of the population, represent only 16 per cent of the workforce. We learn that 83.2 per cent of people without a disability participate in the workforce, but only 53.4 per cent of people with are participating in the labour force. We also learn, I am sorry to say, some tales of discrimination—27 per cent of people over the age of 50 reported experiencing discrimination in the workplace on account of their age.

I never complain about my lot in life. Nobody forces me to be here and I am okay, but I just make the point that even in this august body every year that I stay in parliament costs me in cash terms $40,000.

An honourable senator interjecting—

**Senator IAN MACDONALD:** I am not after sympathy, but it is a fact that is not well known. People talk about politicians' superannuation. I contribute about $10,000 or $11,000 every year towards my superannuation, but every year I stay here the capital sum of my superannuation reduces by five per cent in cash.

**Senator Pratt interjecting—**

**Senator IAN MACDONALD:** I am not after your sympathy, Senator Pratt. I am simply saying that here in this parliament, this body and this government that is having inquiries into discrimination against people who want to remain in the workforce, in my case—and I am sure it would happen to others as well—here is a positive discrimination if you want to stay in the workforce over the age of 65, as I am. I am well over that. Once you reach 65 in this place, that is what happens to you. How come the government and this parliament support that sort of proposal while at the same time having Susan Ryan deal with discrimination of those who are older but who want to work? So I appreciate Susan Ryan looking into this. As I say, I am not making a complaint for myself. I will get by; I will be fine. But it is an interesting fact that discrimination against older people occurs even in this building and in this government.

I know that there are many in the Labor Party that would say that they agree with discrimination in this case because they would like to see me go! They would have liked to have seen me go five years ago. But I will be here for another 10 years or so yet, unlike Senator Cameron, who is bailing out. He should have resigned already! But I will be here for a long, long time yet. The money does not worry me, but the discrimination against older people does, and the government should look at it. *(Time expired)*
Department of the Prime Minister and Cabinet
Consideration

Senator DODSON (Western Australia) (17:40): I move:

That the Senate take note of the document.

The annual report 2015-16 goes to the work of the office of the Executive Director of Township Leasing. The office is an independent statutory authority under the portfolio and responsibility of the Minister for Indigenous Affairs, Senator Scullion. Its role is to hold and administer leases on behalf of the Commonwealth and the Northern Territory. The leases are located over Aboriginal communities and over Aboriginal title lands in the Northern Territory. The Executive Director of Township Leasing holds that title, and not the Aboriginal Lands Trust. He controls the use and goes through a consultative process with the traditional owners of the lands but he is not bound by their desires.

The executive director, Mr Greg Roche, has expressed some frustrations in his report with regard to progress in discharging his responsibilities. At pages 5 and 6, he is frustrated at the lack of commitment from both the Commonwealth and the previous Northern Territory government to establish some policy positions in relation to the Alice Springs town camps. These are important places to the Arrernte people and for those who live in the camps. Their wishes need to be respectfully weighed and considered. The agreement was executed in 2009 and extended for another three years. Today the Northern Territory government is in occupation of the town camps on a monthly-paid lease. The executive director expressed concern that no negotiations occurred under the previous CLP government and no clear position has been reached about the future of the town camps.

It is disappointing that the previous Northern Territory government was not able to address this issue in a timely fashion and did not engage appropriately with Aboriginal landowners and their organisations. I am informed that the new Labor government is awaiting the results of an independent review into the town camps situation and is willing to work cooperatively with the federal minister and his officials on developing options for a way forward, including on housing. Discussions of the future of the town camp leases in Alice Springs must include the relevant Aboriginal organisations such as the Central Land Council and Tangentyere Council. They must be partners in negotiations over the future of the town camp leases.

The executive director describes consultative forums he established on Groote Eylandt and the Tiwi Islands as 'crucial to the governance of the township leases'. He says that he pays close attention to the views of the forums in relation to the exercise of his powers under the lease. This is not good enough. There is a gap between paying close attention and engaging in meaningful negotiations with the owners. These leases are on Aboriginal lands and in Aboriginal communities. He must pay more than close attention to the views of land owners. He needs to listen respectfully not only to their views but to their property rights and be willing to negotiate in good faith.

This thinking in my view is a regrettable legacy of the intervention, and we need to keep careful watch on the role and function of the Executive Director of Township Leasing and how the property rights of traditional owners are in fact respected. In contrast, Monday's Australian carried an article about a historic 99-year township lease agreement negotiated by my old friend and colleague, Mr Galarrwuy Yunupingu. I note that this agreement has been
facilitated and signed by the Northern Land Council on the recommendation of the Aboriginal Lands Trust. Mr Yunupingu said this was 'the culmination of many years of hard work to make it happen' after being announced by the Prime Minister Tony Abbott in 2014. One can ask why it took so long to deliver what was announced as a fait accompli more than two years ago under a different Prime Minister.

I wish the Gumatj people well as they negotiate the economic development and jobs—something that Labor holds dear. Without constructive participation by the banks, government outlays are going to be necessary to leverage the Gumatj as a base, so that they do not lose it. The Gumatj approach is very different from the approach offered by the office of township leasing, especially on Groote Eylandt and the Tiwi Islands. Under the new Gumatj agreement, traditional owners who control the corporation will hold the lease, grant subleases and enforce conditions.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Dodson, your time has expired.

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

Leave granted; debate adjourned.

BILLS

Migration Legislation Amendment (Regional Processing Cohort) Bill 2016

Report of Legislation Committee

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (17:46): On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, I present the report of the committee on the provisions of the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Government Response to Report


Leave granted.

The document read as follows—


November 2016

Recommendation 1

The Committee recommends that the Jobs Families Project be further developed to incorporate accurate assessments of both qualifications and experience that are required for a given role. The
Committee further recommends that, in its implementation of the First Principles Review, the Department of Defence develop its strategic planning and appointment process to ensure employees have task-specific competence for their role, and that opportunities are actively created for personnel to obtain this relevant experience.

**Government response**

**Agree.**

The Defence Australian Public Service Job Families Project was completed with the establishment of 20 job families and over 2,100 occupation profiles. The evolution of job families is now part of business as usual. Development of the Defence Strategic Workforce Plan is progressing, which will include consideration of the Australian Public Service workforce. The Defence Strategic Workforce Plan will inform job family workforce plans that will drive workforce management including recruitment, learning and development, performance and talent management.

In preparation for the job family workforce plans, occupation profiles are being reviewed and amended to reflect changing Defence business and to identify key capabilities, key technical and core knowledge and skills, and other requirements such as qualifications and licenses.

Skills censuses of Australian Public Service staff are to be conducted during 2016 as part of the Defence census, which will enable assessment of individuals' capabilities against those of the occupation that they are engaged in. This information will provide significant input to workforce plans and subsequent initiatives including learning and development.

The Defence census and workforce planning will be part of a regular business planning cycle enabling Defence to monitor progress and adjust plans to address areas of workforce risk. This work is being undertaken, reported and regularly reviewed as an element of the Workforce Work Stream of the First Principles Review.

**Recommendation 2**

The Committee recommends that the Department of Defence collate and periodically publish figures on the effect of Project Suakin, including statistics on:

- the breakdown of personnel in each service category;
- Australian Defence Force critical categories;
- re-engagement by service and sector including assessment of industry skills captured; and
- quantification of the benefits of personnel retention.

**Government response**

In close consultation with the Services, Project Suakin (Suakin) has established a comprehensive evaluation framework based on a broad range of quantitative and qualitative data. The framework has been designed to measure the effectiveness of the Total Workforce Model in generating and sustaining Defence capability, and specifically determining the extent to which the benefits identified in the original case for change and subsequent design activity have been realised. This data would be reported externally via the Defence Annual Report.

With respect to the various components of Recommendation 2:

- 1st dot point: **Agree.**
- 2nd dot point: **Agree in principle.**
- 3rd dot point: **Agree in principle.**
- 4th dot point: **Agree in principle.**
1. The breakdown of personnel in each service category
   • This metric will be measured through data obtained in the Human Resources Data Warehouse (through PMKeyS/Defence One).
   • Data will be refreshed on a monthly basis in the Human Resources Metric System.
   • The first batch of data will be available approximately two months after the Total Workforce Model is enabled in Defence's Human Resources system (PMKeyS).

2. Australian Defence Force critical categories
   • The measurement of Australian Defence Force critical categories is an existing metric in the Human Resources Metric System, and Suakin does not propose changing the way in which critical categories are measured.
   • Suakin is proposing an additional method of analysing the data by enabling a cross-reference to the relevant Service Category that these members are in.
   • The publication of statistical data regarding Australian Defence Force critical categories will be done in a way which prevents disclosure of points of fragility in Australian Defence Force capabilities.

3. Re-engagement by service and sector including assessment of industry skills captured
   • It is not practical to collect and validate quantitative data to support the recommendation as it is worded, however, Defence will collate and publish information about transfers between service categories and the application of service option D (an arrangement whereby a member's skills and experience are shared between Defence and an industry partner).

4. Quantification of the benefits of personnel retention
   • The Total Workforce Model evaluation approach is designed to assess whether the outcomes intended by the implementation of the Total Workforce Model have been realised and have, as a consequence, contributed to the generation and sustainment of Defence capability. With the strategic goal of enabling Defence capability in mind, the framework is structured around the optimisation of the personnel and organisation fundamental inputs to capability.
   • A number of quantitative and qualitative measures have been developed that inform the achievement of effects a Total Workforce Model will generate.
   • One of these effects is "sustainment of capability by attracting and retaining the right people". There are many Defence and single Service initiatives currently underway that influence a number of these metrics and that the Total Workforce Model will not be the sole contributor to the outcomes realised.

**Recommendation 3**
The Committee recommends that the Department of Defence develop more innovative ways to recruit, especially in the science, technology and engineering fields. The Committee further recommends that the Department, together with the Service Chief's, utilise the following initiatives to better attract people with science, engineering and technical skills:
• engagement with secondary schools at the Year 10 level such as visits, placements and work experience;
• the Australian Defence Force Gap Year; and
• Defence University Sponsorship.

**Government response**

**Agree.**

Defence agrees that further attention to attracting personnel in science, technology, engineering and mathematics fields is required and intends to build on existing programs. Defence notes the recommendations of the Committee and advises the work to date in this area is as follows:

• Engagement with secondary schools at the Year 10 level. Defence Force Recruiting’s workforce includes a large cohort of serving Australian Defence Force members who operate in Careers Promotions Teams, conducting a range of local recruiting events, which enable Defence Force Recruiting to engage with prospective recruits with specific science, technology, engineering and mathematics skills. These events include school visits, career expos, information sessions and targeted experiences to attract suitable candidates. They also include familiarisation tours to Defence establishments to view training, undertake military presentations and engage with key staff and cadets.

• The number of events conducted in financial year 2014-15 was 4,107, with 2,610 conducted thus far in 2015-16, across Australia. Recruiting events are conducted at high schools, TAFEs and universities to targeted audiences (16-24 year old men and women) studying science, technology, engineering and mathematics subjects.

• Career advisers from universities, high schools and private practices are given the opportunity to enhance their knowledge of the career pathways available in the Australian Defence Force through science, technology and engineering programs.

• Three Specialist Recruiting Teams—one each for health, engineering and technical trades, with the last one focused on universities and TAFEs and the first two specifically focused on promotion of the Defence University Sponsorships to undergraduates.

• Defence also recognised the attraction science, technology, engineering and mathematics has within the culturally and linguistically diverse communities and has incorporated this engagement as a critical element of the recruiting culturally and linguistically diverse strategy.

• Examples of current events and discussions include support of the Society of Automotive Engineers’ Formula student design competition, discussions with the Engineering Faculty at Sydney University to formalise engagement with student societies in 2016, presentation to high school students at Royal Australian Air Force Base Richmond supported by Honeywell Engineering, and a Defence University Sponsorship campaign conducted at Garden Island.

• Defence Force Recruiting notes that Australian Defence Force Gap Year was re-introduced in 2015 and will continue as a key component of the Australian Defence Force engaging young Australians.

• Defence implements a range of strategies to attract young women studying culturally and linguistically diverse to the Australian Public Service through high school awareness programs, graduate entry level programs and university sponsorships. Such strategies include:
o collaboration with the Australian Business and Community Network through its Influence-Her program for high performing Year 10 female students studying culturally and linguistically diverse to improve awareness of technical careers for women in the Defence Australian Public Service;

o implementation of a dedicated science and technology recruitment and development stream in 2016 for Defence Australian Public Service graduates, to attract and train high performing university students for careers in research and innovation in Defence Science and Technology and for technical roles in the Defence Intelligence Agencies; and

o sponsored university study through the Undergraduate Scholarship Program for Female Students in science, technology, engineering and mathematics at the Australian National University, the University of New South Wales and the University of Adelaide; and the Defence Civilian Undergraduate Sponsorship for engineering students to study for free through the University of New South Wales, Canberra, currently comprising 13 students, seven of whom are female.

Recommendation 4
The Committee recommends that, whilst maintaining physical standards, the Department of Defence ensure the standards are fit for purpose and exercise flexibility on a case-by-case basis.

Government response
Agree in principle.

Defence continues to explore ways to enhance and increase the participation of diverse groups in the Australian Defence Force while recognising the unique nature of Australian Defence Force requirements, sometimes under strict parameters.

The aim of the physical employment standards is to identify appropriate physical tests for entry and continued employment in employment categories in order to select personnel best suited for the demands of that employment group. As a second order effect this may reduce injuries, with a consequent increase in personnel availability for operations and training and reduction in costs of health care and compensation.

The physical employment standards for combat roles recently opened to women were reviewed to ensure they are scientifically based, occupationally relevant and do not discriminate based on age or gender. The physical employment standards will be reviewed annually to ensure the assessments still meet the requirements of each employment category. These standards apply a fit for purpose methodology, therefore Defence agrees with the recommendation that the physical standards are fit for purpose.

Defence will apply flexibility with the physical employment standards on a case-by-case basis for specific medical circumstances only. All personnel will be required to pass the physical employment standards in order to be fully qualified in their specific employment group.

Recommendation 5
The Committee recommends that the Departments of Defence and Veterans’ Affairs report the progress and results of their mental health programs, including the Longitudinal Australian Defence Force Study Evaluating Resilience.

Government response
Agree.

There are a range of mental health programs which are conducted jointly and separately by Defence and the Department of Veterans’ Affairs (DVA). The Departments will report on the progress and results of these mental health programs through the following reporting mechanisms.

Defence programs. Defence provides a comprehensive range of mental health programs that are available across the career lifespan of a member from enlistment through to operational deployment.
through to transition from the military. These include programs which are designed to: increase mental health awareness; provide skill-based training to Defence personnel on the management of mental health in Defence; provide clinical up-skilling to Defence health professionals on the assessment and treatment of mental health conditions; and the delivery of mental health and psychology services to Australian Defence Force members. The progress of these initiatives are reported against the Australian Defence Force Mental Health and Wellbeing Action Plan and in the Joint Health Command Annual Review.

In addition to the above, progress against mental health research projects are reported to the relevant approving ethical review bodies and results are disseminated through specifically designed communication strategies. For example, a comprehensive communication strategy will be developed for the final Longitudinal Australian Defence Force Study Evaluating Resilience report and actioned upon receipt and acceptance of the report by the Commonwealth.

**Joint programs.** Since 2013, Defence and DVA have operated under a Memorandum of Understanding (MoU) for the Cooperative Delivery of Care and Support to Eligible persons. Collaborative projects are managed under the MoU, with Defence and DVA maintaining a strong joint approach to mental health programs and research including the Transition and Wellbeing Research Programme, Defence referrals of Australian Defence Force personnel to the Veterans and Veterans Families Counselling Service (VVCS) for counselling, and the development of a range of e-mental health smart phone applications. The progress and results of these programs are reported to the Defence / Department of Veterans' Affairs Executive Committee as well as other relevant groups such as the Department of Veterans' Affairs Research Board or the Joint Health Command and VVCS Agreement for Services Steering Committee. Progress and results of joint programs are also reported against the Australian Defence Force Mental Health and Wellbeing Action Plan and in the Joint Health Command Annual Review where relevant.

The Government also notes that Defence and DVA already provide annual reports to Parliament and are accountable to Parliament, including through the Budget estimates process, for supplying any reasonable request for information.

**DVA programs.** DVA purchases and provides a range of mental health services for its clients: online mental health information and support through the At Ease mental health portal at www.at-ease.dva.gov.au, GP services, psychologist and social work services, psychiatric services, pharmaceuticals, posttraumatic stress disorder programs, and hospital services for those who need it. VVCS also provides counselling and group programs to veterans, peacekeepers and eligible family members. VVCS is a specialised, free and confidential Australia-wide service and may be contacted 24 hours a day by calling 1800 011 046. DVA can pay for certain mental health treatment whatever the cause (whether or not the condition is related to service), and the conditions covered are PTSD, anxiety, depression, alcohol use disorder and substance-use disorder. From July 2016, eligibility for these non-liability mental health arrangements is available to anyone who has had permanent service in the ADF, no matter what the service or how long.

The Government has committed to an annual Ministerial statement to Parliament on key issues impacting upon the veteran community and the performance of the Department of Veterans' Affairs. This will be a transparent process which will measure the performance of the Department and increase accountability to the veteran community. Tackling the mental health challenges for veterans and their families is a pillar of the Government's plan for veterans' affairs and will feature in this annual Ministerial statement.

The Government announced on 11 August 2016 that the National Mental Health Commission in conjunction with clinical experts and a reference group comprised of current and former members of Defence, will analyse the effectiveness of existing suicide and self-harm prevention services.

**Recommendation 6**
The Committee recommends that the Department of Defence develop methods to collect and collate data on the On Base Advisory Service to measure its effectiveness.

**Government response**

**Agree in principle.**

The On Base Advisory Service is administered by the Department of Veterans' Affairs with the support of Defence. On Base Advisory Service activity data is reported to the Defence Links Steering Committee, a joint Defence and Department of Veterans' Affairs committee. The Department of Veterans' Affairs is in the process of refining the On Base Advisory Service performance framework. This work will enable the Defence Links Steering Committee to more effectively monitor the performance and effectiveness of the On Base Advisory Service.

**Recommendation 7**

The Committee recommends the reporting to Parliament on the Joint Strike Fighter Program be more comprehensive and equivalent to that made available to the United States Congress.

**Government response**

**Disagree.**

As a partner in the United States led global F-35 Joint Strike Fighter Program, Australia gains insight into the Program through a range of mechanisms and forums. While we are a partner with a level of influence, the United States leads the F-35 Program and is directly responsible for the conduct of the global F-35 Program.

In the United States context, the delivery of the Joint Strike Fighter capability attracts a high level of scrutiny as the largest global Defence acquisition project to date. Reports by the Director Operational Test and Evaluation and United States Government Audit Office are produced by organisations independent of the United States F-35 Joint Program Office and are made publicly available. Defence analyses these US reports and includes specifics as it relates to the Australian JSF Program.

As part of the Major Projects Review, the Australian National Audit Office conducts an annual audit and report of the Australian Joint Strike Fighter Program. This report is equivalent to the reports produced by the United States organisations. In addition, Defence reports to Government annually on the status of the F-35 Program and regularly provides evidence to Senate Estimates and the Joint Standing Committee on Foreign Affairs, Defence and Trade. The Joint Strike Fighter Division of the Capability Acquisition and Sustainment Group is also required to provide annual advice to the Australian Government as an update on the Australian Joint Strike Fighter Program, including specific briefings on the more classified elements of the Program.

Defence believes the current level of reporting of all major programs, including the Australian Joint Strike Fighter Program, closely mirrors United States congressional reporting, with some exceptions like the Director Operational Test and Evaluation report which has no equivalent organisation or report in the Australian context.

**Recommendation 8**

The Committee recommends that, to aid transparency and accuracy, the Department of Defence record and periodically report the quantum of unfunded liabilities held by Defence, including:

- where the unfunded liability occurred;
- how the unfunded liabilities were created; and, where relevant
- factors and decisions that led to funding being reallocated.

The Committee does not expect this reporting to form part of Defence's annual financial statements.

**Government response**

**Disagree.**
Defence's actual and contingent liabilities, as defined by Australian Accounting Standards, are accounted for and disclosed in the annual financial statements. Underinvestment in Defence capabilities is considered in the preparation of the annual financial statements when identifying whether assets may be impaired in accordance with Australian Accounting Standards.

The Framework for the Preparation and Presentation of Financial Statements issued by the Australian Accounting Standards Board notes that an essential characteristic of a liability is that an entity has a present obligation. A decision by management to acquire assets in the future does not, of itself, give rise to a present obligation.

As part of the White Paper process Defence has rebalanced the funding assigned to Defence in the budget and over the forward estimates against the Government’s future requirements. This rebalance has allocated funding to Defence capability, including major capital equipment, facilities and infrastructure, and information and communication technologies. This rebalance has been rigorously cost assured by external assessors. Any future variations to the funded commitments in the White Paper will be considered through the mechanisms developed in accordance with the recommendations of the First Principles Review. As such, any additional commitment will be managed transparently in an enterprise-wide approach across the Defence portfolio, with in-year commitments managed by the Enterprise Business Committee, and future commitments managed by the Investment Committee. Any changes in planned expenditure across Defence programmes which may result in unfunded capabilities will subsequently be detailed in the Portfolio Statements which are open to scrutiny through the Senate Estimate Committee process.

**Recommendation 9**

The Committee recommends that the Defence Annual Reports include appropriately detailed information on the Fuel Services Branch, in particular the progress of fuel farm remediation and remaining work to be done. The Committee further recommends that the Department of Defence actively explore options to engage and collaborate with industry on fuel management and security.

**Government response**

Agree in principle.

Future Defence Annual Reports will provide more detail on the reform of the Defence Fuel Supply Chain and initiatives to enhance its operational resilience.

The establishment of the Fuel Services Branch in early 2015 was a key recommendation of the Wraith Review (commissioned by the Secretary of Defence in late 2013) to support the appointment of Commander Joint Logistics as Head of Defence Fuel Supply Chain, creating a single point of accountability for the on-time and in-full delivery of fuel to meet the needs of capability managers. This replaced a fragmented and dysfunctional management structure that did not have clear roles or lines of responsibility.

Throughout 2015, Fuel Services Branch focused on remediating the issues identified by the Wraith Review as being of greatest concern, notably the asset integrity of Defence fuel installations, working relationships between facility operators and maintenance contractors, safe work practices, staff training, and capital estate management for existing and new fuel infrastructure. An extensive Hazard Risk Assessment program commenced in mid-2014 to identify key risks and issues across the primary Defence fuel installations, leading to these now being managed in a more coordinated and structured way with key stakeholders across Defence. The Hazard Risk Assessment program has also assisted in focussing specialist fuel engineering expertise on the asset integrity of the Defence Fuel Supply Chain, which will be further assisted by the design and development of a centralised Defence Fuel Supply Chain Engineering Management System during 2016. The Hazard Risk Assessment program will be completed by 30 June 2016.
Commander Joint Logistics promulgated the Defence Fuel Supply Chain Strategic Plan 2015-2022 internally on the Fuel Services Branch intranet site in November 2015. The Plan sets out the key strategic goals for Defence to develop end-to-end management within the Defence Fuel Supply Chain and also to optimise the safe, effective and efficient delivery of fuel to meet capability. A complementary Defence Fuel Supply Chain Operational Plan for 2015-16 has also been promulgated internally that will address all of the key recommendations of the Wraith Review.

Key to both the Defence Fuel Supply Chain strategic and operational plans is the roll out of the Defence Fuel Management System during 2016 and 2017. The Defence Fuel Management System will provide a comprehensive and integrated system for identifying and managing all Defence Fuel Supply Chain related risks. It describes what controls are to be implemented for Defence Fuel Supply Chain functions and minimum requirements related to those controls. System level requirements also describe key roles and responsibilities for each function (aligned to the Defence Fuel Supply Chain organisation) and related performance measurement and evaluation requirements.

The Defence Fuel Management System is designed so far as possible to operate seamlessly with whole-of-Defence, Joint Logistic Command and single Service safety and environmental management systems. It seeks to contextualise the requirements of those systems into one set of documents focussed exclusively on Defence Fuel Supply Chain related activities and operations. An important element within the Defence Fuel Management System is performance monitoring and governance, which is being designed to provide a multi-layered and robust performance monitoring and governance framework to ensure risk control performance is monitored at all levels.

Chief of Defence Force in July 2014 and seeks to identify opportunities for greater industry participation through reduced costs of ownership, reduced enterprise risk and rationalisation of certain military-specific fuels in favour of commercial grade products. The Fuel Network Review is focusing on bulk fuels only and is due to be completed by December 2016.

**Recommendation 10**

The Committee recommends that the Department of Defence, in partnership with Defence Housing Australia, prepare an effective consultation and communication framework with the community for use in ongoing and future redevelopments.

**Government response**

Agree.

Defence Housing Australia has a strong record of establishing and maintaining relationships with the communities in which Defence Housing Australia developments are constructed. In addition, Defence Housing Australia continues to review its practices to ensure they are tailored to meet the specific needs of each development.

Defence Housing Australia aims to make information about development projects publicly available wherever possible, in line with the requirements of the applicable local council or authority. Community engagement can occur in various forms, from listening to the community in the early stages of planning through to keeping local residents and community groups informed as the project advances. Community engagement is conducted in line with Defence Housing Australia process instructions for Development Marketing and Defence Housing Australia Development Marketing Community Engagement guidelines.

Defence Housing Australia has well practiced and successful procedures in place to engage with the community and stakeholders regarding its developments. These involve communication strategies such as letter drops, internet sites, newsletters and community meetings. Consultation with the community is broad and feedback is considered as part of the planning process for every development.
The ways in which Defence Housing Australia consults and communicates with the community for developments, as per Defence Housing Australia Development Marketing Community Engagement guidelines, are shown as follows:

<table>
<thead>
<tr>
<th>Channel</th>
<th>Audiences</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence Housing All</td>
<td>Local community, wider community</td>
<td>Provide up-to-date information and include an option to register for more information.</td>
</tr>
<tr>
<td>website</td>
<td></td>
<td>______________________________________________________________________</td>
</tr>
<tr>
<td>Newsletters / letters</td>
<td>Local community and relevant stakeholders</td>
<td>Inform the community on project milestones and invite them to upcoming events. Encourage residents to visit the Defence Housing Australia website and register for more information.</td>
</tr>
<tr>
<td>Print media</td>
<td>Local community, wider community</td>
<td>A mix of media releases, paid advertising and editorial.</td>
</tr>
<tr>
<td>Digital including social media</td>
<td>All</td>
<td>A mix of radio ads (promoting events), video, social media etc. as required.</td>
</tr>
<tr>
<td>Information session / briefings</td>
<td>Local community, relevant stakeholders</td>
<td>Hold information sessions to keep communities up-to-date on major milestones. Attend community group meetings, as required.</td>
</tr>
<tr>
<td>Events</td>
<td>Local community, new homes buyers, Defence families, relevant stakeholders</td>
<td>Host a range of formal and informal events throughout the life of the project to help strengthen relationships and celebrate milestones.</td>
</tr>
<tr>
<td>Signage</td>
<td>Local community, wider community, new home buyers, prospective developers</td>
<td>Install site signage to raise awareness and create interest.</td>
</tr>
<tr>
<td>Community relations</td>
<td>Select stakeholders</td>
<td>Community activities with stakeholders to strengthen relationships and positively position Defence Housing Australia as part of the community, e.g. Memorandums of Understanding with local community groups.</td>
</tr>
</tbody>
</table>

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (17:47):
In respect of the government response to the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade on its inquiry into the review of the Defence annual report 2013-14, I move:

That the Senate take note of the document.

I am pleased to see this response. It is a response to an inquiry that was conducted some time ago. The inquiry was post that annual report being delivered. With the fluxion of time, and an election in between, clearly the response had taken some time to come. But I am pleased, as I read through it, to see a number of the recommendations agreed with. There are a couple that are not that I would like to comment on.
For a start, recommendation 1 goes to the skill sets, the competence and the experience of people in Defence. The recommendation was:

... the Job Families Project be further developed to incorporate accurate assessments of both qualifications and experience that are required for a given role.

This is important. If you look at other safety-critical areas, such as the oil and gas industry, they normally work on quite a strict matrix of both qualification and experience before somebody is delegated a certain level of authority to make decisions.

What we have seen too often in the past is that, where Defence feels it has been constrained by the posting cycle, or by the people who are available, whether they are in uniform or the Public Service, people are put into a role even if their qualifications or experience are not necessarily the most appropriate or, in some cases, I would argue, even adequate for that role.

Over a number of inquiries, I have been making the point that, whether we are talking about somebody who is a contract negotiator, somebody who is working in a force development area or somebody who is engaging with industry, the competencies required for the role—that mix of qualification and experience—should be clearly defined.

The concern I have had with the Job Families Project in the past is that, for example, if you needed neurosurgery done, the job family for the person that would do that is somebody in the health stream of Army, somebody who is qualified and senior enough to be a surgeon. So the Job Families Project identifies such a person. They are available, so they get posted. But if the person happens to be an orthopaedic surgeon—they are still in the medical family and they still have that level of training with good qualifications—the actual task-specific competence may not be there for the job you want. Neurosurgery should not be done by an orthopaedic surgeon. It is a very simple example.

Defence has some areas where it does this well. In aerospace engineering, for example, the regulator—the Directorate General Technical Airworthiness—will look at the person whom the Chief of Army, Navy or Air Force wants to post into a position and will assess their qualifications and experience and say what level of authority they will delegate to them. Within that airworthiness framework, Defence has a model that works well, but across many areas we see people posted into positions where they do not actually have the requisite experience to do those roles. I welcome the fact that Defence has agreed to this recommendation, or has looked to further involve the Job Families Project so that they actually do an audit of the qualifications and experience that any given role might need so that they can identify the gaps and help those people achieve the goals.

There is also a link with this recommendation in the Defence Industry Policy Statement and the first principles review which look at the kinds of programmatic capabilities that Defence requires. Again, I will come back to aerospace engineering, because it is one that I think is a good example to work with. For many decades Australia has had that quite robust system of taking graduates from university, training them in aerospace engineering or in structures or systems engineering and giving them hands-on experiences with maintained aircraft, and then they get posted to various parts of the organisation, whether they are maintaining or procuring equipment—being that classic smart buyer of equipment. What we are seeing as we have more and more of our aircraft purchased off the shelf is that the cost case that is often used to justify buying something off the shelf is that a lot of the design support network and the through-life engineering support is done by the providing country. If
we buy something from the United States then either the US Navy or Air Force or the original equipment manufacturer will provide that engineering. What that means is that we have less opportunity for graduates here to actually get their hands dirty, so to speak, and get the competence—the experience as well as their qualification to do the role.

So, one of the things that I see that the Defence Industry Policy Statement leads to is that it has this concept of industry skills being a fundamental input to capabilities. The service chief now has the opportunity to look at these skill sets that are required and look at their workforces—not only uniformed but also including the Australian public servants and including industry people. Whether they are contracted, is in the services, or whether they are contracted into a defence organisation, for the workforce they are looking at, the spread of competence covers all three of those areas. So, for something like aerospace engineering, if we do not have the opportunity—because for things like the Joint Strike Fighter or the Super Hornet all that work is done overseas—if we want to have people who are competent to actually be in our technical airworthiness areas in the future and in our procurement areas and to be the smart providers, we have to look for other opportunities to give them that hands-on experience. In the past, with a program like the PC-9 replacement, we would see that as a training aircraft with no operational need to have all the back-of-house functions to support it, so we probably would have gone out to seek a power by the hour arrangement where somebody else would provide the aircraft on the flight line, ready to fly.

But the thinking of the first principles review and the Defence Industry Policy Statement is that if this is the most cost-effective way for Defence to develop its future workforce of aerospace engineers then perhaps we should actually look at taking this training platform and doing a certain amount of that design support engineering—that continuing airworthiness work—here in Australia so that we can take young graduates who have their degree and give them practical hands-on experience so that when we need people at that more senior level to interface with the US Navy, the US Air Force, British forces or the manufacturers we have people with the requisite level of competence to engage and be that smart buyer or that smart maintainer of our equipment. There is a fair bit in that one recommendation and I am pleased to see that the government has picked that up. We will look to develop that further as the Defence Industry Policy Statement is implemented.

That also goes to recommendation 3, which looks at ways to increase STEM—science, technology, engineering and mathematics—engagement of young people. Increasingly, and it has probably ever been thus, we need to get lower down into the schools, at the year 9 and 10 type levels. This is so that when young people are making decisions about the subjects they will choose they will have a vision of what the job might entail, of the opportunities that working in an engineering type field might present to them, so that the subject choices they make at that mid-high school level are not limiting their options if they want to go on and pursue that technical type of stream. I am very pleased to see the government agree to support that.

Recommendation 7 is around the Joint Strike Fighter and a more comprehensive evaluation of project status. I have raised, in the past, the point about the conspiracy of optimism in how many Defence projects are reported to the parliament and that this has led to false expectation about the time frame and level of capability that will be delivered. Where there is any doubt or concern about the progress, through the manufacturing, testing or certification, that should
be made abundantly clear in reporting opportunities, whether that be through ANAO reports, the annual report or reports on major projects.

In the past it has been disturbing to see summaries of really significant projects, like the Joint Strike Fighter, have an almost one paragraph 'It's all good, Guv' type story, when you read in open sourced American literature, through things like their Operational Test and Evaluation program, that there are significant concerns about the rate of progress.

I believe that whilst Defence, in their response, have indicated the US is the predominant builder of the aircraft and therefore it is their role to highlight if there are deficiencies in the program, our reporting should at least acknowledge and link or point to the American reporting. That is so the casual or interested reader, here, will realise it is not all an optimistic view and that perhaps there are other things they need to consider. *(Time expired)*

**Senator BACK** (Western Australia) *(17:57)*: It is my pleasure to comment on the Australian government response to the Joint Standing Committee on Foreign Affairs, Defence and Trade report into the review of the Defence annual report 2013-14. In so doing, I acknowledge the role of Senator Fawcett in his capacity as chair of that review committee.

The committee resolved, in that report, to focus on five principal areas: firstly, the First Principles Review; secondly, matters pertaining to personnel; thirdly, mental health; fourthly, capability development and major projects; and fifthly, Defence support. During that period 2013-14, July to June, the ADF was involved in three whole-of-government operations: Operation Sovereign Borders, which is highly successful and continuing, Operation Southern Indian Ocean and Operation Bring Them Home. During that period, the Defence Force completed two operations. It is a little while ago now but think back to operation New South Wales bushfires and Operation Philippines Assist. Both benefited enormously from the professionalism in the involvement, the speed and the rapid deployment of Australian Defence Force personnel.

During that time the Department of Defence commenced major organisational change with the release of the First Principles Review, the abolition of the Defence Materiel Organisation and its replacement with the creation of the new Capability Acquisition and Sustainment Group. It was a very busy period during that era.

The first principles review has been mentioned by the previous speaker. Personnel matters were a major element of the committee's review, forming some of the recommendations about which I will speak. Matters covered included Project Suakin, addressing itself to the question of the Total Workforce Model, developed by the Chief of the Defence Force and his colleagues; recruitment and employment of women; cultural reform; and military justice. In the space of mental health, areas examined included mental resilience, particularly at the stage of recruitment into the Defence Force; the culture towards mental health in the ADF; and the work being undertaken—we see a continuation of it now—with personnel transitioning out of the services. It is gratifying to see that the work we are doing at the moment in the Foreign Affairs, Defence and Trade References Committee is picking up and continuing to look at these very areas.

The Joint Standing Committee on Foreign Affairs, Defence and Trade report quite correctly recognised and appreciated the work undertaken by Defence and the Department of Veterans Affairs, acknowledging the importance of the collaboration between the two
departments in addressing mental health conditions, which are all too relevant, all too important and require the very highest level of attention by the Senate itself. I am pleased that the report acknowledged the dedication and commitment of the men and women of the Australian Defence Force and commended them on the outstanding service that they provide to the nation. One should never forget the wider and extended Defence family. When a person is serving, whether they be deployed here in Australia or overseas, we know only too acutely the role of the extended family—the parents, grandparents, siblings and others—and the contribution they make.

I am delighted, in speaking to the Australian government's response to the report, to confirm the commitment of the Turnbull government to Australia's long-term security and economic prosperity as they relate particularly to the roles undertaken by our defence industry and Defence personnel. The review of the Defence annual report has been welcomed. As Senator Fawcett was discussing previously, the review made 10 recommendations, which I intend, if time permits, to address briefly, particularly the one or two that my colleague did not have the opportunity to comment upon.

I do want to emphasise the financial commitment the Turnbull government is making to ensure the long-term security of the country and the viability of the Defence Force. We know—it is picked up in the review and the government's response—that the government is acutely aware that Defence must be prepared for a more uncertain operating environment in the future, and that of course has been highlighted only over the last few days. We know that we have both state and nonstate actors who now have access to a range of cheaper, more precise and capable weapons systems. We know that sophisticated cyberthreats continue to evolve. Of course, my own particular area is in biosecurity and the capacity of terrorists and others to use relatively cheap organisms for devastating impact, not only within our shores but in other areas we would seek to have some involvement in in terms of protection. We know the Defence Force does operate and will continue to operate in congested environments, where the adversary is not easily identified and of course has the capacity to move quickly from tension to conflict and back again. We have seen evidence of that in the past; we are seeing more evidence of it now.

What is very pleasing is that so much of the review—the comments in it, the recommendations made in it by the committee chaired by Senator Fawcett—has now found its way into policy and procedures which we are seeing being played out. For example, the Turnbull government has increased defence spending by $30 billion over the next decade so that we will move back to a level of defence spending of two per cent of GDP, which is in stark contrast, regrettably, to the last Labor government, where, in terms of GDP expenditure on defence, we were down at levels not seen since 1938, assisted by the slashing of some $18 billion from the defence budget. The white paper prepared at that time, but not really ever announced or released to any extent, was left shattered.

I had the privilege earlier this year, and the company of the Prime Minister and the Minister for Defence, to be at ADFA for the release of the white paper, the 2016 document that will form the basis of Defence Force activities going into the future. At the same time, the wisdom of Defence Minister Payne was evident in ensuring that the defence industry paper was released on the same day, emphasising the integral need and role of Australian industry in delivering on what will be the commitments for defence into the future. The white paper, of
course, is now so readily accepted and so readily understood. Along with that, the defence industry paper is working with the white paper to deliver for the Australian community and for the Defence Force.

Central to this whole project is the concept of continuous naval shipbuilding, which will secure Australian naval shipbuilding capacity right out for the next 30 to 40 years, not just providing employment for Australians in manufacturing and construction, but providing an ongoing and integral role for Australian industry in the whole-of-life example for the vessels—we all well know of the dozen Future Submarines that will be constructed, with the oversight of DCNS, in Adelaide; the Future Frigate Program; the future offshore patrol vessels; and indeed the Pacific Patrol Vessels, which are already under construction. In observing the Australian government's response to this particular review, I am pleased to report on the strong commitment of the government in terms of personnel, management, funding and whole-of-life for our defence forces.

Senator IAN MACDONALD (Queensland) (18:07): I, too, would like to commence my contribution to the discussion of the government response to the review of the Joint Standing Committee on Foreign Affairs, Defence and Trade of the Defence annual report 2013-14 by congratulating the chairman, Senator Fawcett, on the work he is currently doing and the work he did in relation to this particular review. I note with some interest that four senators are intending to speak on this particular report, from the government side at least, and all four of us—Senator Cash, Senator McKenzie, Senator Fawcett and I—are actually members of the joint standing committee and were involved in the preparation of this review of the Defence annual report 2013-14. The report was tabled some time ago. Since then the government has responded to the report and in the time available to me I want to address just a couple of the recommendations and the government's response to them.

Those of us involved in and around our defence service personnel understand the importance of mental health programs. Indeed, we do understand that active service in the military forces of any country, since time immemorial almost, does have an impact on the mental health of many of the participants in combat and combat operations. I am based in Townsville, in North Queensland, the home of Australia's largest army base, Lavarack Barracks. From Lavarack, almost since its inception in pre-Vietnam war days, troops from Townsville have gone overseas to be engaged in active combat situations. They return, and very often in the community we see the results of the difficulties experienced by serving members of the Defence Force coming back from those engagements.

One of the recommendations of the committee, recommendation 5, was that the Department of Defence and the Department of Veterans' Affairs report progress and results on their mental health programs, including the longitudinal Australian Defence Force study Evaluating Resilience. The committee went through this issue at some length and made that recommendation. The government's response to that recommendation has been that the government agrees. In its agreement, the government says this in its response:

There are a range of mental health programs which are conducted jointly and separately by Defence and the Department of Veterans' Affairs (DVA). The Departments will report on the progress and results of these mental health programs through the following reporting mechanisms.
Then the response by the government goes through those. They include Defence programs, joint programs and DVA programs. The government's response indicates how that happens in each case. In relation to Defence programs:

Defence provides a comprehensive range of mental health programs that are available across the career lifespan of a member from enlistment through to operational deployment through to transition from the military. These include programs which are designed to: increase mental health awareness; provide skill-based training to Defence personnel on the management of mental health in Defence; provide clinical up-skilling to Defence health professionals on the assessment and treatment of mental health conditions; and the delivery of mental health and psychology services to Australian Defence Force members. The progress of these initiatives are reported against the Australian Defence Force Mental Health and Wellbeing Action Plan and in the Joint Health Command Annual Review.

In addition to the above, progress against mental health research projects are reported to the relevant approving ethical review bodies and results are disseminated through specifically designed communication strategies.

I thank the government for its comprehensive response to that recommendation dealing with Defence programs. In relation to joint programs, the response says:

Since 2013, Defence and DVA have operated under a Memorandum of Understanding (MoU) for the Cooperative Delivery of Care and Support to Eligible persons. Collaborative projects are managed under the MoU, with Defence and DVA maintaining a strong joint approach to mental health programs and research including the Transition and Wellbeing Research Programme, Defence referrals of Australian Defence Force personnel to the Veterans and Veterans Families Counselling Service (VVCS) for counselling, and the development of a range of e-mental health smart phone applications—That is an innovation which will become more and more useful as the years roll on—

The progress and results of these programs are reported to the Defence / Department of Veterans' Affairs Executive Committee as well as other relevant groups such as the Department of Veterans' Affairs Research Board or the Joint Health Command and VVCS Agreement for Services Steering Committee. Progress and results of joint programs are also reported against the Australian Defence Force Mental Health and Wellbeing Action Plan—that I mentioned previously.

In addition to that, as the government's response shows, the Department of Veterans' Affairs also purchases and provides a range of mental health services for its clients. Online mental health information and support through the At Ease mental health portal is also available. There are GP services, psychologist services, social work services, psychiatric services, pharmaceuticals, post-traumatic stress disorder programs and hospital services for those who need them. This program also provides counselling and group programs to veterans, peacekeepers and eligible family members. Of course, family members are an important element of these programs in the understanding of the issues faced by some of our returning and even current Defence Force members.

There are 24-hours-a-day phone lines to help with any problems that might need addressing at all hours of the day and night. DVA can also pay for certain mental health treatments, whatever the cause—whether or not the condition is related to service—and conditions covered by PTSD, anxiety, depression, alcohol-use disorder and substance-use disorder. From July this year, eligibility for these non-liability mental health arrangements will be available to anyone who has had permanent service in the ADF, no matter what the service or for how long.
The government indicates in its response as well that it is committed to an annual ministerial statement to parliament on key issues impacting upon the veteran community and the performance of the Department of Veterans' Affairs.

I have just mentioned elements of this response at length because it does show that the government, indeed, as it should, on behalf of all Australians, does whatever it can to assist those who have served their country but who may be suffering some sort of mental health issue. Sometimes in this chamber we hear about those things, but we do not often hear about the extent of the provisions that the government has developed to do everything possible to address some of these issues. I am delighted that it has done so. As I say, as a nation that is grateful for the work that our service personnel have done, they should expect nothing less and neither does the nation.

Senator McKENZIE (Victoria) (18:17): I rise to speak to the review of the government's response to the Defence annual review. The Turnbull government is committed to ensuring Australia's long-term security and economic prosperity. I welcome the review of the Defence annual report 2013-14 by the Joint Standing Committee on Foreign Affairs, Defence and Trade. I know I am not the only one. We have heard from Senators Macdonald, Back and Fawcett about our government's commitment to the security of our nation and additionally to ensuring that we procure as much as possible from our local market, developing those skills and providing jobs and growth right across our nation as a result of our focus on our defence capability.

I particularly welcome the recommendations, and later in my contribution I will go through those recommendations in more detail. As detailed in the 2016 Defence white paper, there is a comprehensive, long-term plan to ensure we have more a potent, agile and innovative Australian Defence Force capable of achieving Australia's strategic objectives.

I have just left a briefing from some of the larger international players in our defence industry here in Australia. They are quite buoyant. They are excited about the opportunities provided by the government's Defence white paper and the jobs and growth that it will provide not just in capital cities and not just in South Australia, as welcome as that is, but right across our nation.

In the few minutes available to me, I will go into more detail around our ability and capacity as a nation of federal and state governments working together to build those science, technology, engineering and mathematics skills so that we have a workforce that is able to meet the demand that will be coming, growing and sustained over coming decades as a result of our government's commitment and investment in defence industry. Our commitment is based on the government's detailed assessment of Australia's strategic outlook to 2035. It is the most comprehensive defence white paper ever and it, for the first time, properly aligns strategy, capability and resources to make the Australian Defence Force more capable, agile and potent.

We are acutely aware that Defence must be prepared for a more uncertain operating environment. State and nonstate actors will have access to a range of cheaper, more precise and more capable weapon systems. Sophisticated cyber threats will continue to evolve, and the Australian Defence Force will often operate in congested environments where the adversary is not easily identifiable and contingencies move quickly from tension to conflict. Through the government's white paper, Defence will have highly capable and flexible forces.
Our government has increased defence spending by $29.9 billion over the next decade, as we deliver on our commitment to increase spending to two per cent of GDP. Also, we are not just going to be throwing the money out with a lack of accountability and transparency; we are going to track this over time, which is a welcome change.

The 2016 budget delivers on the government's commitment to ensuring our long-term security and economic prosperity. Through the implementation of the first principles review, the Turnbull government is delivering on our 2013 election commitment to ensure that Defence is appropriately structured and organised and has the right business practices in place to support the Australian Defence Force in the 21st century.

It was only last week that I was joined by the Minister for Defence Industry, Minister Pyne, in my home state of Victoria at Victoria Barracks to see the first 10 Hawkei vehicles handed over to the Defence Force. The Hawkei is a responsive vehicle, a high-protection vehicle, that builds on the design perspectives and research from the famous Bushmaster vehicle, which has taken the world by storm. The Bushmaster has protected Australian soldiers in theatres—particularly in the Middle East—but it is exported to other nations and it is an incredibly useful piece of equipment in the defence arsenal.

The Hawkei protected vehicle is produced in Bendigo, in the heart of regional Victoria, and as a result of Thales Australia winning that contract 170 jobs have been able to be retained and maintained locally, in the Bendigo region. This vehicle is Australian-designed—a world class design—and we are hoping not only that we can have our own soldiers using the vehicles in theatres right across the world but also that this vehicle—as it is world class and world leading in the type of technology it employs and in its design—will be a vehicle we can export to other nations. I know Thales is working very, very hard on that.

In terms of sustainment of the vehicle over time, 30 jobs will be created, primarily in Queensland. What is unique about the vehicle is that, while it had to have the high level of protection that you get from the Bushmaster, it had to be very light. You had to be able to lift this vehicle up with a Chinook and cart it wherever you needed it, which provided some challenges in trying to marry that personnel protection aspect, which makes it very heavy, with the light weight so that it can be moved around and give that agility and capability to our defence forces. Defence signed a $1.3 billion contract with Thales Australia last October to produce 1,100 Hawkei vehicles with more than 1,000 companion trailers. It was very, very exciting to be with the minister at Victoria Barracks last week to actually see those vehicles and get to sit in them.

I want to briefly touch on the recommendations from the review. Senator Fawcett went into some detail on the 10 recommendations. The government has agreed to a number of them. Having just now come out of the briefing with the Defence primes about the types of skills we need and the level of engagement they are having with Australia universities, in niche areas, to build collaboration, and hopefully commercialisation, of that research over time, it is very exciting. Recommendation 3—that Defence develops 'more innovative ways to recruit, especially in the science, technology and engineering fields'—goes to the very heart of our government's agenda around ensuring that Australia is ready, capable and excited about an economy based on science. I remember that in his speech at the Prime Minister's science awards last year the Prime Minister said that science was going to be at the very heart of our nation's economy. It is true, and it must be so in the 21st century. So I am very proud of our
government for pursuing a range of initiatives in this place to ensure that that becomes a reality.

In terms of recommendation 3, which I just read out, the government agrees around a number of initiatives to better attract people with science, engineering and technical skills into the defence field. I heard it directly from the Prime Minister that we need to be getting into secondary schools. We need to be saying to those young people that defence holds an exciting future for them and they just need to get involved in these subjects. So, recommendation 3 includes more engagement with secondary schools, at the year 10 level, such as visits, placements and work experience; ensuring that the Australian Defence Force gap year is promoted; and the implementation of a Defence university scholarship.

Defence agrees that further attention is required to attract personnel in the science, technology, engineering and mathematics fields, and to build on these existing programs. The review notes the work that was done. I suggest to senators who are interested in this area to go to page 4 of the government response, where there is quite a detailed outline of the initiatives undertaken and where Defence can actually build greater collaboration. One of the implementation strategies was around attracting young culturally and linguistically diverse women to the APS through high school awareness programs, graduate entry-level programs, and university scholarships.

I am very proud to be part of a government that is investing in defence and in projects that will ensure supply chain jobs. Coming from Victoria, with its automotive industry closures, this is exciting news for our state.

The DEPUTY PRESIDENT: The question is that the motion moved by Senator Fawcett in relation to the Defence annual report be agreed to.

Question agreed to.

Intelligence and Security Committee

Report

The DEPUTY PRESIDENT (18:28): The following reports were presented for publication on the dates indicated pursuant to standing order 38(7)(a):


Senator McKENZIE (Victoria) (18:28): by leave—I move:

That the Senate take note of the reports.

One of the interesting things that has occurred post the election is that I am now a member of the Intelligence and Security Committee. It is a fascinating place to be. So, on behalf of the Parliamentary Joint Committee on Intelligence and Security I would like to make some comments on these reports: the review of the relisting of six terrorist organisations under the Criminal Code, the review of the declaration of Islamic State as a terrorist organisation under the Australian Citizenship Act 2007, and, third, an advisory report and addendum on the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016.
I am pleased to talk to the report on the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016 as the bill provides for the continued detention of high-risk terrorist who, following an application by the Attorney-General, are found by a state or territory supreme court to present an unacceptable risk to the community at the end of their prison sentence. In the course of the inquiry, the committee received 18 submissions and five supplementary submissions and conducted a private and a public hearing with a range of witnesses. The committee carefully considered the evidence it received and, in a strong endorsement of the proposed bill, concluded that the continuing detention order regime will form an important part of Australia's multifaceted response to the terrorist threat.

In this bipartisan report, the committee has recommended that the bill be passed by the parliament and has made 23 additional recommendations aimed at amending the scope of the bill's application, clarifying operation of the regime, and strengthening the reporting and oversight mechanisms. Specifically, the committee considered that the scope of offences should be limited to terrorism related offences and has recommended, most notably, that offences for treason be excluded from the regime. The committee understands that no person has been convicted of a treason offence under Australian law since the Second World War. The committee has also recommended extending the time available to the Attorney-General to make an application for a continuing detention order from six months to 12 months prior to the end of an offender's sentence. This will provide all parties more time to prepare for the respective court proceedings.

The committee has made a series of recommendations intended to provide greater clarity as to the intended operation of the bill. These amendments to either the bill or to the explanatory memorandum would provide greater clarity to the definition of 'relevant expert' in the bill and the process for the court to determine the admissibility of each expert's evidence, make explicit that the offender is to be provided in a timely manner with information to be relied on in an application for a continuing detention order, clarify the interaction with parole and bail provisions, clarify what is proposed by a rehearing as set out in the bill, and clarify the process for the initiating a periodic review of a continuing detention order. The committee has also recommended that a 10-year sunset clause be placed on the legislation, with reviews by the Independent National Security Legislation Monitor and this committee to occur five and years following the passage of the bill, respectively.

The committee was asked by the Attorney-General to look at the interaction between this proposed continuing detention order regime and the existing control order regime. The committee in this respect has recommended that the Criminal Code be amended to make it explicit that a control order can be applied for and obtained while an individual is still in prison but that the controls imposed by that order would not apply until the person is released. Further consideration of the interaction between these two regimes and any proposed improvements will occur during the mandatory reviews of the control order regime by the independent monitor and the PJCIS to be completed in 2017 and 2018 respectively.

The committee report recognises that considerable work will be required following the passage of the bill to implement the regime, with many operational aspects yet to be fully developed. This includes the risk assessment tools that will be used to assess offender's conditions of detention and rehabilitation programs. The government has therefore established an implementation working group to progress these matters. The committee has
recommended that the Attorney-General report back to the committee with a clear development and implementation plan prior to the bill's debate and that a timetable for implementation of any outstanding matters being considered by the implementation working group is provided back to the committee by 30 June next year.

Subject to these recommendations, the committee strongly supports the bill's passage through the parliament. I would like to thank all members of the committee for their hard work and commitment in achieving the bipartisan outcome in very tight time frames. There was quite a collaborative approach by all senators and members on the committee. I would also like to thank the secretariat and the chair of the committee, Michael Sukkar, for his leadership in this area. It is very, very handy to have on that committee those senators and members from both sides of the parliament who have been longstanding members of that committee and are highly experienced in the contributions they are able to make. I think that one of the great strengths of this committee is our joint resolve to get the balance right in these very difficult and nuanced times when it comes to security matters. I am confident that the committee has achieved that result. Thank you.

Question agreed to.

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Intelligence and Security—Joint Statutory Committee—Criminal Code Amendment (War Crimes) Bill 2016—Advisory report. Motion to take note of report moved by Senator McKenzie and agreed to.

Intelligence and Security—Joint Statutory Committee—Item 28 of the Law Enforcement Legislation Amendment (State Bodies and Other Measures) Bill 2016—Advisory report. Motion to take note of report moved by Senator McKenzie and agreed to.

COMMITTEES

Membership

The DEPUTY PRESIDENT (18:35): The President has received a letter requesting changes in the membership of committees.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (18:35): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Education and Employment Legislation and References Committees—
Discharged—Senator Kitching
Appointed—
Senator Bilyk
Participating member: Senator Kitching

Publications—Standing Committee—
Discharged—Senator Bilyk
Appointed—Senator Kitching

Resilience of Electricity Infrastructure in a Warming World—Select Committee—
Appointed—Senator Gallacher.
Question agreed to.

**BILLS**

Customs Tariff Amendment (Expanded Information Technology Agreement Implementation and Other Measures) Bill 2016

Social Services Legislation Amendment (Family Assistance Alignment and Other Measures) Bill 2016

Veterans’ Affairs Legislation Amendment (Budget and Other Measures) Bill 2016

First Reading

Bills received from the House of Representatives.

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (18:36): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (18:37): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

**CUSTOMS TARIFF AMENDMENT (EXPANDED INFORMATION TECHNOLOGY AGREEMENT IMPLEMENTATION AND OTHER MEASURES) BILL 2016**

The Customs Tariff Amendment (Expanded Information Technology Agreement Implementation and other measures) Bill 2016 implements commitments made in the 2016-17 Budget to reduce customs duty on certain information technology products.

This Bill contains amendments to the *Customs Tariff Act 1995* to reduce the customs duty on certain information technology products to Free. These reductions will occur incrementally over time, commencing on 1 January 2017.

The customs duty for the majority of products included in this Bill, including printing ink and certain types of equipment used in the manufacture of printed circuits, will become Free on 1 July 2019. A small number of products, including certain types of audio speakers, will become Free on 1 July 2021.

Australia is a net importer of information technology products. The progressive elimination of customs duty on certain information technology products will benefit Australian industries and consumers through lower costs.

**SOCIAL SERVICES LEGISLATION AMENDMENT (FAMILY ASSISTANCE ALIGNMENT AND OTHER MEASURES) BILL 2016**
This Bill introduces amendments to align the time period for income reconciliation for certain Family Tax Benefit recipients for the 2012-13, 2013-14 and 2014-15 financial years and to correct an unintended consequence generated by the Youth Allowance Rate Calculator.

Specifically, amendments will be made to the date of effect provisions to clarify longstanding administrative practices in relation to the payment of arrears of family tax benefit. In effect, the amendments will ensure it is clear that an individual cannot be paid Family Tax Benefit supplements and top-ups where they notified that they were not required to lodge an income tax return more than one year after the end of the relevant income year.

These amendments ensure consistency with the equivalent timeframe currently applying to families who were required to lodge a tax return for the 2012-13, 2013-14 and 2014-15 financial years.

These amendments strengthen existing provisions to ensure that their interpretation is beyond doubt. There will be no material effect on Family Tax Benefit recipients for these years given the one year timeframe has been in effect since the 2012-13 year and has been communicated to recipients clearly since this time.

One year is considered a reasonable amount of time for families to notify Centrelink that they are not required to lodge and/or provide details of types of income not included in a tax return in order for reconciliation of their Family Tax Benefit entitlement to occur.

These amendments will ensure that full effect is given to the original 2013 Realignment of Time Period for Income Reconciliation Budget measure and that the intent of the family assistance programme is met, which is to deliver financial assistance to families to help with the cost of raising children when it is needed.

The Bill also includes contingent amendments to remove reference to Family Tax Benefit supplements in the event they are phased out as part of the Social Services Legislation Amendment (Family Payments Structural Reform Bill and Participation Measures) Bill 2016, designed to improve the sustainability of the family payments system.

The Bill also introduces amendments to correct an unintended consequence of amendments that were made in Part 3 of Schedule 1 of the Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Act 2015 to the Youth Allowance Rate Calculator in section 1067G of the Social Security Act 1991.

It is intended that the rate calculator produce a fortnightly rate. Currently there is an inconsistency in that step 1 of the rate calculator is expressed as an annual amount while subsequent steps are expressed as fortnightly amounts. The result is that comparing the outcome of the subsequent steps from the calculation in step 1 does not generally provide the correct threshold test outcome, and in most cases will result in a harsh outcome.

The error occurred because of introducing complex maintenance income rules from A New Tax System (Family Assistance) Act 1999 (which are predicated on annual amounts) to the Social Security Act 1991 (where payments are based on fortnightly amounts). The change that is proposed amends step 1 in the rate calculator to reduce the figure to a fortnightly amount consistent with the original intent of the changes as announced by the Government in the 2015-16 Budget.

This amendment ensures that the aim to align the parental means testing arrangements for youth allowance more closely with those for Family Tax Benefit Part A will be met.

VETERANS' AFFAIRS LEGISLATION AMENDMENT (BUDGET & OTHER MEASURES) BILL 2016

The Government is pleased to present legislation that will give effect to three Veterans' Affairs' 2016-17 Budget measures.
This government continues to honour its strong commitment to veterans and the veteran community by recognising the unique nature of military service.

The Veterans’ Affairs Legislation Amendment (Budget & Other Measures) Bill 2016 contains three important measures to support veterans. It:

- expands access to non-liability health care
- enables interim incapacity payments to be paid at 100% of Normal Earnings, and
- aligns the cut-off age for incapacity payments to "pension age"

**Non-Liability Health Care**

Expanding access to Non-Liability Health Care is a very important component of mental health treatment for current and former members of the Australian Defence Force (ADF). In the 2016-17 Budget, this Government committed $37.9 million to extend eligibility for Non-Liability Health Care to all current and former permanent members of the ADF for five mental health conditions:

- post-traumatic stress disorder
- anxiety
- depression
- alcohol use disorder, and
- substance use disorder

In addition to expanding the range of conditions for which Non-Liability Health Care may be provided, accessing this treatment has also become easier:

- firstly, a veteran can simply telephone or email the Department of Veterans’ Affairs and ask for treatment – there is no need to lodge a formal application
- secondly, there is no longer the requirement for a person to have had either three years’ continuous full-time service or operational service to be eligible for Non-Liability Health Care – just one day of continuous full-time service means a person can access this treatment
- thirdly, there is no need for a formal diagnosis at the time of requesting treatment.

The treatment is known as Non-Liability Health Care because it need not be linked to a condition arising from the service of the eligible person. Further, it is completely separate from any claim for compensation.

Non-Liability Health Care is available via a legislative instrument made under the Veterans’ Entitlements Act 1986. This has been in place since 1 July 2016 and I am encouraged by reports from the Department of Veterans’ Affairs that there has been a marked increase in the number of requests for Non-Liability Health Care between July – September 2016. This is to be strongly encouraged and I urge any ADF members in need of mental health treatment to get in contact with the Department of Veterans’ Affairs.

**Interim Incapacity Payments**

In the 2016-17 Budget, this Government committed $0.2 million for this measure. It will allow interim incapacity payments to be paid to former ADF members immediately upon discharge at a level that matches their regular salary.

This is important because, currently, when a member discharges from the ADF there can be a period of time - sometimes several months – before incapacity payment amounts can be determined while superannuation entitlements are finalised.

Some members can experience financial hardship during this period. These amendments will enable veterans to receive their pre-discharge salary during this period and the Department of Veterans’ Affairs
will make an adjustment to a person's incapacity payments after the superannuation component has been finalised.

**Align cut-off age for incapacity payments to pension age**

The Government committed $5.5 million to this measure in the 2016-17 Budget to improve support for veterans by increasing the incapacity cut-off age to align with age pension eligibility.

The amendments will enable veterans to continue to receive incapacity payments up until they become eligible for the age pension. Approximately 120 veterans per annum will benefit from this change.

Currently, payment of incapacity entitlements under the *Military Rehabilitation and Compensation Act 2004* (MRCA) ceases when an employee reaches 65 years of age or, if the injury occurred on or after the age of 63, after a maximum of 104 weeks of incapacity entitlements have been received.

However, the legislation needs to be amended to keep pace with the scheduled age pension increases, otherwise injured veterans may be without adequate means of financial support upon reaching 65 years of age once the age pension eligibility changes take effect.

These amendments align the cut-off age for incapacity payments to "pension age" as defined in the *Social Security Act 1991*. Rather than defining a set age, this approach means incapacity payment cut-off will remain in alignment with age pension eligibility age into the future.

**Conclusion**

This Bill will support our veterans in real and tangible ways from increasing access to vital mental health treatment, to better financial support for ADF members transitioning to civilian life and ensuring access to incapacity entitlements through to pension age.

Debate adjourned.

Ordered that the bills be listed on the *Notice Paper* as separate orders of the day.

**Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016**

**First Reading**

Bill received from the House of Representatives.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (18:38): 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 RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (18:38): 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—*

This Bill introduces the 2016-17 Budget measure to transition the Mobility Allowance program to the National Disability Insurance Scheme (NDIS). Mobility Allowance is being transitioned to the
NDIS to ensure that the NDIS is the main program of support for people with a disability who need assistance to enable them to fully engage in the workforce and other economic activities.

The NDIS is the new way of providing individualised support for eligible people with a permanent disability or a significant functional impairment. The NDIS will provide about 460,000 Australians with a disability under the age of 65 with the reasonable and necessary supports they need to live fruitful and successful lives.

As part of the previous Labor Government's decision to commit to the NDIS in the 2013-14 Budget, it was agreed that Mobility Allowance would be one of 17 Commonwealth programs that would be transferred to the NDIS to help fund its implementation.

Implementation of this decision would have required the progressive closing of Mobility Allowance in NDIS sites from 2016-17 in order to align the Mobility Allowance payment settings with NDIS funding estimates.

There are currently around 60,000 Mobility Allowance recipients. However, the NDIS trials have demonstrated that around 30 per cent (or 18,000) of these Mobility Allowance recipients will be ineligible to receive an NDIS package of support. This group includes around 4,000 recipients who will be aged 65 years or older and 14,000 recipients aged under 65 years.

This is in large part due to Mobility Allowance having much broader eligibility criteria than the NDIS. The group of recipients aged under 65 who are expected not to transition to the NDIS includes recipients who have mild to moderate or non-permanent disability and would therefore not qualify for a package of support under the NDIS eligibility rules.

Without additional funding, closure of Mobility Allowance would have resulted in current recipients of Mobility Allowance that are ineligible for the NDIS not being provided with continuity of support as agreed by Governments. This Government is working to ensure that those not expected to transition to the NDIS continue to receive the support they need.

This Bill presents amendments to the Social Security Act 1991, and related legislation as part of the transitioning of Mobility Allowance to the NDIS. It will ensure that continuity of support is provided to current recipients of Mobility Allowance who may not be eligible for the NDIS.

As a first step, the Government provided $46.5 million in the 2016-17 Budget to ensure that such people continue to receive support through the Mobility Allowance program in the short to medium term.

The Government is also considering how such people, including participants in any of the other transitioning programs, who are assessed to be ineligible for an NDIS package, will be supported over the long term under continuity of support arrangements.

To support the transition of Mobility Allowance funding to the NDIS, this Bill will align eligibility rules for new claimants from 1 January 2017 with the NDIS to ensure that the program is targeted to those who need support the most while they wait to be transitioned to the NDIS.

Under current arrangements, Mobility Allowance is a very broad program which is not well targeted. The payment has not led to any significant increase in the workforce participation of recipients. This is partly because, despite its policy objectives, there is no requirement for Mobility Allowance payments to be spent on transport needs or in ways that directly assist a recipient's workforce participation.

There are several differences in the eligibility requirements for assistance through Mobility Allowance and the NDIS, including age of eligibility and disability requirements. Access to the NDIS is limited to those who apply before turning 65 years, whereas there is no current upper age limit for Mobility Allowance.

NDIS eligibility requires that a person's disability is likely to be permanent and substantially affects an individual's capacity for social and economic participation. Mobility Allowance eligibility
requirements are much broader, requiring a disability that affects an individual from using public transport for an extended period of one year or more.

To support the transition of Mobility Allowance funding to the NDIS, Mobility Allowance will only be available to new claimants aged under 65 years, consistent with the NDIS rules. The disability criteria will also be aligned with the NDIS disability criteria which means new claimants must have a permanent or significant disability which prevents them from using public transport without substantial assistance, and be undertaking paid work or vocational training.

These changes will ensure that those who become eligible for the payment from 1 January 2017 are people who are more likely to be eligible for NDIS support.

These changes to eligibility will not apply to existing Mobility Allowance recipients. However, recipients who lose entitlement to the payment and wish to reclaim Mobility Allowance will be assessed under the new rules.

Consistent with the practice implemented during the NDIS trials, a person who receives an NDIS package of support will not be eligible to receive Mobility Allowance payments at the same time.

In addition, and to ensure that eligible participants fully utilise the range of services that will be available to them in the NDIS, this Bill also introduces amendments to prevent a person who receives a package of NDIS supports from being able to opt out of the NDIS in order to claim Mobility Allowance. This means that once a recipient transfers to the NDIS, Mobility Allowance will no longer be an available option for them, even if they discontinued their program of support.

Mobility Allowance recipients currently receive a 12 week continuation period, during which they may continue to receive a payment while not participating in a qualifying activity. For example, a recipient whose casual employment is completed can continue to receive the payment for 12 weeks while they look for another job or seek to engage in another activity. However, the existence of the 12 week continuation period has not led to any appreciable increase in the level of workforce participation of Mobility Allowance recipients.

This Bill will also reduce the continuation period during which a recipient continues to receive Mobility Allowance while they are no longer engaged in a qualifying activity, from 12 weeks to 4 weeks.

Through aligning eligibility of Mobility Allowance with the NDIS and these other additional measures, the vast majority of Mobility Allowance recipients will be receiving individualised supports through the NDIS when it reaches full scheme in 2019-20.

As a result, the amendments in this Bill will result in the closure of the Mobility Allowance program from 1 July 2020, following the full roll out of the NDIS. The closure of the Mobility Allowance program will also be another step towards this Government's commitment to simplifying the welfare payment system.

As Mobility Allowance is a supplementary payment designed to assist with transport costs for eligible recipients undertaking approved activities, closing the program will not disadvantage most recipients as the payment will be replaced with individualised supports provided through the NDIS.

Current recipients of Mobility Allowance, who are still in receipt of the payment as at 30 June 2020 as they have been found to be ineligible for the NDIS, will continue to receive support in the longer term under the Government's commitment to provide continuity of support for existing Commonwealth clients.

It is important to note that there are also a range of other assistance programs available to help individuals who will no longer have access to Mobility Allowance and are ineligible for the NDIS. Some of these assistance programs provide services to address mobility issues faced by individuals. Assistance programs available to these individuals include:
GST exempt purchase of cars for work use, where the individual has a disability affecting to the extent they cannot use public transport;

- the Employment Assistance Fund, providing financial assistance for people with disability or their workforce modification equipment or services;

- Employment services, through jobactive, Disability Employment Services and the Community Development Program assisting job seekers (including those with disability) become job ready and find work, including through providing wage subsidies;

- Disabled Australian Apprentice Wage Support Program, providing wage and mentoring support for the employers hiring apprentices and trainees with disability;

- State and territory transport, vehicle modification and parking subsidies.

Eligibility for social security pensions or benefits will also not be affected by these amendments. The majority (90 per cent) of Mobility Allowance recipients are currently eligible to receive a primary income support payment, such as Disability Support Pension. Most of these recipients also have automatic access to concession cards and a range of supports, employment services and training opportunities through their jobactive and Disability Employment Services providers.

The objectives of this Bill are consistent with the Government's commitment to the full implementation of the NDIS. Together with the transition of other programs this Bill ensures that the NDIS is the main program of support for people with a disability who need assistance to enable them to fully engage in the workforce and other economic activities.

Ordered that further consideration of the second reading of this bill be adjourned to 23 November 2016, in accordance with standing order 115(3).
Prime Minister. That was the intent of the legal services direction which the Attorney-General implemented. It was an extraordinary act, an act that put at risk the integrity of our legal system, and, indeed, I think, the integrity of this parliament. We have seen in this direction the undermining of the separation of government and the independence of our legal system. It is clear to us that Senator Brandis implemented the legal services direction in an attempt to undermine the independence of a statutory officer, the Solicitor-General, and he then went on to mislead the parliament about his conduct. The Attorney-General of our nation—the most senior law officer of our nation—did not comply with his obligation to consult on this matter.

After the damning inquiry into the legal services amendment direction, Senator Brandis went about to withdraw his direction. He did so in accordance with the recommendations of the committee report, I guess to avoid the embarrassment of having it disallowed in this chamber. And while I am pleased with the fact that Senator Brandis has complied with the recommendations of the committee report, the way he went about it in a somewhat sneaky manner without telling anybody demonstrates again his disregard for consultation, as he has never sort to explain his actions to this place. Despite the fact that the legal services direction has been withdrawn, it is critically important that this matter still be disallowed by the Senate, because the Senate must express its view and opinion on the matter of law at the heart of this matter, in terms of how opinions are sought from the Solicitor-General, so that it cannot happen again. It is why this disallowance is proceeding today.

If you look at the very problematic things about the legal services direction as it was tabled, there are some very significant issues with it that really demonstrate the Attorney-General's poor judgement. I refer to some of the evidence that Gavan Griffith QC gave to our committee. He was, in fact, the Solicitor-General for some 14 years from 1984 to 1997 under both Labor and Liberal governments. He construed the direction was in fact ultra vires and of no effect as a lawful direction in terms of its capacity to direct the Solicitor-General. Notwithstanding this, the intent of the direction is to withhold the Solicitor-General from being able to provide advice. Again, the direction is wrong on the basis of law.

Notwithstanding the fact that the direction is wrong on the basis of law, both Gavan Griffith and Ms Appleby talked to the committee about the chilling effect of this direction in creating roadblocks to appropriate, authoritative, welcome or unwelcome advice from the peak level of the second law officer, who, within the Commonwealth, is the leading counsel to the Commonwealth. In other words, it would keep government departments and agencies from seeking the proper advice through the proper channels of government.

Gavan Griffiths went on to say that one of the effects of the legal services direction is that it creates a propensity for government to shop around for advice. Indeed, this is what our current Attorney-General has done on a number of significant matters. This has also been highlighted in evidence to our committee. Gavan Griffiths gave some examples of that.

Lastly, the particularly problematic nature of this legal services direction and why it must be disallowed is that it highlights how the differences between the Attorney-General and the Solicitor-General should not be resolved during their continued incumbency by what Gavan Griffiths calls:

… inappropriate and destructive legislative or administrative measures being imposed which have the effect of destroying the independent office of SG—
that is, the Solicitor-General. These are incredibly important reasons as to why this place must look to supporting this disallowance so that the practice of the Attorney-General can no longer continue to pollute the way in which advice is sought from the Solicitor-General.

I want to highlight some other issues to do with the conduct of the Attorney-General when it comes to this disallowance. The failure of the Attorney-General to consult the Solicitor-General is one of the reasons why the incredibly problematic and wrong nature of the legal services direction was never brought to the attention of this place. It was never highlighted. That meant that the problems with the legal services direction never saw the light of day until it was implemented, which is an incredibly damning thing. The Attorney-General's conduct and his failure to meet his obligation to consult is why we have found ourselves in this place discussing this, as it would have been pointed out that the legal services direction is wrong in law and unimplementable.

But these kinds of actions are entirely consistent with a great many other issues with recent actions of our Attorney-General. We have a claim from the Attorney-General that he consulted the Solicitor-General. It is a blatant falsehood. This consultation never, ever occurred. Indeed, the Attorney-General made what are very clearly false and misleading statements to this place. For the statement that the Attorney-General had consulted the Solicitor-General to be true, the Attorney-General would at a minimum have needed to advise the Solicitor-General of his intention to introduce a new instrument and provide him with the opportunity to comment on its content. At no stage did the Attorney-General do this. Indeed, the only person who Senator Brandis consulted with in large part, it appears, was himself.

Senator Brandis has been caught out on this issue—and not for the first time—breaching one of the most fundamental requirements of our democratic system of government, and that is the principle of ministerial accountability to the parliament. He failed in this instance and in many other instances to meet the fundamental obligations of his office as our nation's Attorney-General—the protection of the independence of our courts and senior statutory office holders and the promotion of proper standards of conduct and the very basic fundamentals of ethical standards and integrity. You can see in this statement that I made that when you reflect on proper conduct he has failed to consult and he has undermined the rule of law in his relationship with this very important statutory office. And he continues to deceive and mislead this place.

He displays, I think, a glittering indifference to the truth of this matter. It is a very serious matter and one that the government and the Senate must also take very seriously. The Senate cannot and should not accept what Senator Brandis has put forward as an explanation. He has failed to meet his most basic responsibilities time and time again, and I think he is behaving in a way that demonstrates complete arrogance and disrespect for this place.

We should not allow this to happen again. Again, that brings me specifically to this disallowance motion. While the direction has indeed been withdrawn, it is important that we prevent this from happening again. It is important that we prevent this from happening again, because the Attorney-General has form on this matter. We know that he tried to interfere with the practice of the independence of the Solicitor-General and we must ensure that this cannot happen again.

While we cannot trust Senator Brandis to act with integrity on this issue, we therefore must take precautions to ensure that the integrity and the independence of our legal system is not
further undermined by his actions. He does not have a great track record on these issues, and I would like to remind us of Senator Brandis's other poor pieces of judgement.

This is not the first time we have seen sneaky and misleading tactics from the Attorney-General. I will only have time today to outline just a few of them. Recently, the Attorney-General misled the Senate by claiming that Australia had the highest rate of economic growth of any G20 nation. This was indeed a falsehood. He claimed to have consulted the Aboriginal and Torres Strait Islander Justice Commissioner, Mick Gooda, before establishing the Don Dale royal commission, when no such consultation had occurred. He failed to consult the Solicitor-General about amendments to citizenship legislation concerning foreign fighters, then claimed publicly that he had consulted—yet again another falsehood: a glittering indifference to the truth. He is also refusing to answer important questions about this conduct.

He refused to answer questions in this place about his appointment of a Liberal donor and lawyer for a family member to the Administrative Appeals Tribunal. Again, I think this is disgraceful. He has breached cabinet rules by disclosing publicly the contents of confidential cabinet debate on national security legislation.

In estimates in May this year Senator Brandis gave evidence that his correspondence with the Lindt Cafe siege terrorist, Man Monis, had been provided to the Thawley-Comley review. He and foreign minister, Julie Bishop, followed up on this, saying that the review had assessed the Attorney's handling of that correspondence and found it did not give rise to any adverse findings. But, senators and Madam Acting Deputy President—guess what? This is another untruth from the Attorney-General. The review had never assessed that correspondence from Senator Brandis because Senator Brandis had not even provided that review with his correspondence. Can you believe it? Unfortunately, I can.

In 2002, Senator Brandis claimed that the Navy was in possession of statements which proved that an asylum seeker aboard an Indonesian vessel, the Sinar Bontang had tried to strangle his daughter. He claimed that statements were made by the crew of the Navy vessel HMAS Arunta, which intercepted the Indonesian vessel. However, what we know is that maritime commander Rear Admiral Geoff Smith later discredited Senator Brandis's claims, saying that no such statements existed. This did not stop Senator Brandis from peddling this story in the press gallery to get a front page in The Australian—again, a glittering indifference to the truth from Senator Brandis.

Senator Brandis, our Attorney-General, has also been interfering in police investigations. He has attempted to interfere in the conduct of an investigation into the Health Services Union. This included calling the New South Wales Attorney-General to pressure him into having the DPP investigate the matter and calling the New South Wales police minister to pressure him into having the police investigate and charge people as well. He also arranged for the New South Wales police minister to call and apply pressure to the police commissioner. All of those people should and have been properly prosecuted. However, it is not the place of our Attorney-General to interfere in those matters in terms of them needing to be politically independent police and investigative matters.

We also have examples of prejudice against international court cases. We know that in 2013 Senator Brandis, our Attorney-General, authorised an ASIO raid on the offices of a lawyer representing East Timor, and this happened just days before an arbitration with Australia in relation to a dispute over oil and gas reserves in the Timor Sea was due to
commence at the International Court of Justice. The International Court of Justice subsequently ordered Australia to stop spying on East Timor and seal all the documents that had been seized in the raid to avoid prejudice to the arbitration. At the time, shadow Attorney-General Mark Dreyfus said that the international court orders damaged Australia’s international reputation and were the direct result of Senator Brandis's inept handling of this matter.

It is these kinds of interfering acts that truly demonstrate why we cannot allow the prospect of another legal services direction to arise. We have here an Attorney-General who is completely out of touch with the standards that are expected from him in this role. He has misled the Senate and acted, I believe, without integrity. He has displayed a glittering indifference to the truth, not only on this matter but on a great many other important matters. He has demonstrated over and over again that he is not fit to hold his high office. It is mind blowing to me, and unacceptable, that Senator Brandis has been allowed to remain in his position. However, that is not the matter before us today. The matter before us is the disallowance, and I commend the disallowance to the Senate.

Senator REYNOLDS (Western Australia) (18:58): I too rise to speak about this disallowance motion on the Legal Services Amendment (Solicitor-General Opinions) Direction 2016. As I said previously in this place, I think the inquiry that was conducted into this matter and the majority report shames all of us in this chamber. Despite what those opposite have now said, I think the facts are very simple. This inquiry was established by Labor and the Greens to king-hit the Attorney-General. Instead, they knocked out the Solicitor-General. After the Solicitor-General unexpectedly fessed up in the hearing that he had breached the caretaker conventions and had a secret conversation with the shadow Attorney-General—and very likely in the process, I believe, communicated privileged information to the shadow Attorney-General during an election campaign during the caretaker period—the Solicitor-General had no choice but to resign when he did. As a barrister, he must have known it was a breach of professional conduct and professional ethics to have an ex parte discussion and breach client privilege so egregiously. Consequently, as Solicitor-General, a key legal adviser to this government, it would be impossible for any future minister—either the Attorney-General or the Prime Minister or any other minister or even the Governor-General—to have confidence in him any more if he was so willing to breach his professional and ethical duties.

The shadow Attorney-General, a previous Attorney-General and a barrister himself, knew far better than to contact the Solicitor-General during caretaker period. The Solicitor-General certainly knew better than to take the shadow Attorney-General’s call and divulge the detail about advice he had given, and his opinion on that advice he had given, the Attorney-General.

Any objective analysis of the Solicitor-General's testimony will find it absolutely riddled with contradictions and, quite frankly, highly unwarranted hubris. I am not surprised that he did not want to answer a single one of my questions on notice—and not a single question—but it was not unreasonable of me to ask these questions. There were 34—not 120—questions very carefully crafted by myself that were explicitly linked to his testimony and in particular his bombshell revelations that he had so secretly and carelessly breached caretaker conventions. I ask all in this place: since when has it been discretionary for any witness in any inquiry to flatly refuse to answer any of question of any senator in this place? The excuse he
gave was that ‘There were too many questions’ or ‘I sort of kind of answered some of them so, hey, I’m not going to answer any of your questions at all.’ If I had been in his position and had breached caretaker conventions I do not think I would have wanted to answer any senator’s questions on that. But that is not the point.

Those opposite, as well as the Labor and Greens members of this inquiry know full well that is not the point. They set up this inquiry, as I said, to king-hit the Attorney-General and instead they knocked out the Solicitor-General. That is their bag, their shame and their disgrace that they have done this.

So two issues should be of great concern to all in this place about the conduct of those opposite and of the Solicitor-General. First of all, as I have said, the contempt the Solicitor-General of this nation showed not just myself but to every senator in this place by refusing to answer any question on notice that flowed directly from the surprise testimony. I am sure none of the Greens or the Labor MPs would have had any idea that he was about to drop the bombshell that he did—that he had breached caretaker conventions and, I argue, had provided privileged information to the shadow Attorney-General. That is the first thing, but the second thing, which should be a great concern to all in this chamber, is the actions of those opposite on this committee. That the committee accepted the Solicitor-General's refusal to answer a single question on notice that flowed directly and very clearly from his bombshell evidence at that inquiry. The majority members' decision is a shocking precedent to set for all future Senate committee inquiries. What? Somebody does not care to give evidence because it is a little bit uncomfortable and so they just tell the committee, 'Na, I don't really feel like answering because it's going to make me look bad.' That is an appalling precedent for this place. As I said, I understand why the majority of committee members did not want these questions answered by the Solicitor-General clearly and that was to protect the shadow Attorney-General from further scrutiny and to protect the Solicitor-General.

Well, too late; it was too late when the shadow Attorney-General had that discussion with the Solicitor-General and when the Solicitor-General failed to disclose that conversation to the secretary of the Attorney-General's Department or to the Attorney-General himself. That horse had well and truly already bolted. It was too late when Labor and Green committee members failed to do any due diligence with the shadow Attorney-General about whether there might be any little surprises that the Solicitor-General may have for them in this inquiry.

The intention of this inquiry was also very clear when, at the beginning of the hearing with the Solicitor-General and the Attorney-General, the coalition members moved that it be heard in camera to preserve the dignity of both the Attorney-General and the Office of the Solicitor-General. Had we gone in camera, their intent of turning it into a political horse trial—pony show, whatever—would have failed.

Senator Bilyk: What exactly are you saying?

Senator REYNOLDS: It was a long night, last night! It was a very long night. Into a show trial. I think that is what I was trying to say.

Senator McKim: A show pony!

Senator REYNOLDS: A show pony. Thank you very much, Senator McKim. Instead of having it heard in camera, where this bombshell advice would have been heard, they turned it into this show trial. Labor did what they do best. They shot the Solicitor-General by mistake.
And what do they do when they go onto the political ropes? They defend by attack. And the facts be damned. Not only did they ignore the facts that we heard clearly and that are clearly there for anybody to see—through the Hansard transcripts of this hearing, and through the dissenting report—they shot the Solicitor-General and went on the attack. Facts be damned. Then we had the chair of the committee, when presenting the committee report, come in here and quote extensively from Alice in Wonderland. As if that was not enough, she then quoted from 'Humpty Dumpty'. No amount of 'Humpty Dumpty' or recitations of Alice in Wonderland can hide the facts. Any member of the public or the media can go online and into Hansard and have a look at the facts.

The facts are these. On 13—that is, 13—occasions from June 2015 to October 2016 the Attorney-General and the secretary of the Attorney-General's Department consulted—discussed, reviewed, whatever you like to call it—with the Solicitor-General. You might call a meeting a 'discussion' but that is consultation. There is absolutely no doubt that consultation occurred. By my counting—this is all on the public record—there were 13 occasions of consultation between the parties. This fact—again, it is on the public record—was conclusively confirmed by the secretary himself of the Attorney-General's Department. He confirmed that this consultation had occurred, and it was the consultation that was legally required to be held.

What occurred during the inquiry was the comprehensive unravelling of Mr Gleeson, arising from the admissions he made of inappropriate conduct. Not only did he disclose that he had had this highly inappropriate contact with the shadow Attorney-General during caretaker provisions, on advice he had given the Attorney-General, but also he disclosed on the public record information regarding advice he had also provided to the government—not just to the government but to the Prime Minister and to the Australian Government Solicitor. He may have shadow-boxed around whether he still considered himself a barrister, but he still uses the post-nominal SC and is providing advice to this government. On any review of professional political standards for barristers, he breached those guidelines. The Solicitor-General of this country did so not once, not twice, not three times but at least four times, by my count, to this inquiry. He breached his professional obligations.

In Mr Gleeson's submission to the inquiry which, again, is on the public record, he released confidential emails with the classification of 'protected'. Even the most junior of public servants knows that you do not release protected documents in that way. From any ordinary legal practitioner, whether a barrister or a solicitor, such behaviour may well constitute professional misconduct. However, the Solicitor-General told the committee—again, on the public record—'Under the Law Officers Act, I do not practice as a barrister.' Really?

Further, the Solicitor-General was asked whether he agreed with the assertion by former Attorney-General Mark Dreyfus QC that the Solicitor-General is 'just a barrister'. So this is former Attorney-General Mark Dreyfus QC saying that the Solicitor-General is 'just a barrister'. The Solicitor-General refuted that; he said, no, that was not the case. But, despite that, he still happily uses the postnominal SC.

In the Solicitor-General's correspondence to the committee, the Solicitor-General engaged in what he called 'voluntary cooperation' with the committee. In other words, he was not compelled to give any evidence, nor was he compelled to produce any documents. But, despite this, he appears to have produced documents, answered questions—and neglected to
claim legal privilege in respect of certain information—without first consulting the government, his clients.

The Solicitor-General also confirmed in his evidence to the committee that—as I have talked about—he accepted a phone call from shadow Attorney-General Mr Mark Dreyfus during the caretaker period, some time in June 2016. He could not recall exactly when it was because, apparently, as a Solicitor-General of this country and as a barrister, he does not keep notes. I find that quite extraordinary. He must be the only barrister in Australia who does not keep detailed notes, particularly of conversations he has with the shadow Attorney-General of this country.

So what did he tell the committee about why he took the call? You would have thought that any Public Servant, if they had had a call from a shadow minister, would have said, 'I'm sorry. I can't take your call. Ring the secretary of the department. Ring the Attorney-General or another minister.' Instead, he said this to the committee: 'It was my duty to tell Mr Dreyfus what I did.' And, if you want to check, it is on page 11 of the Hansard.

Then a bit later, on page 16 of the Hansard, he then agreed that it was not actually within his role or duty to consult with the shadow Attorney-General. And he said this—again, anyone can check this on page 16 of the Hansard.

The appropriate course in the caretaker period was for the secretary of the Attorney-General's Department and the Attorney-General to refer to the shadow Attorney-General that matter.

Well, that was hardly a revelation—but, again, quite contradictory to his first statement.

Following these revelations—and actually having a look at a lot of the inconsistencies in the Solicitor-General's testimony—I provided questions on notice to Mr Gleeson to address these and many others inconsistencies. I very carefully referenced every single question to the testimony he gave on that day in Hansard. And I very clearly gave him the opportunity to expand on that new information that he had provided at the hearing. Again, it is a common practice for all senators in this place to ask questions on notice when you get new information in an inquiry.

Unfortunately—and again, as I said, I think this gives great shame or should at least be cause for concern for all in this chamber—when the Solicitor-General came back and said, 'Well, I'm not really going to answer any of these questions. I sort of kind of answered some of them. There are too many questions. It's all a bit of a bother really', what did the chair of the committee say? The chair said:

The committee has resolved it will not insist upon answers, given that many of the questions—'many', not all—

cover ground that has been discussed … and as a result of the large number of questions which were asked. Since when—34 questions—is it up for the committee chair and the majority on the committee to tell another senator that there are too many questions or that some of them have been answered so, 'Hey, we won't get them to answer any of the questions'? It is absolutely inexcusable and outrageous to exclude the Solicitor-General and to give him a leave pass from answering any questions.

As I said, if I were the Solicitor-General and one of you had put those questions to me, I would not have wanted to answer them either, because they are really hard questions. But that
is no excuse for a committee of this place to not insist on some or all of the questions being answered in at least some way. Mr Gleeson, as the former Solicitor-General, is accountable, like we all are in this place. He is a public official, he is a member of the executive government and he is paid by the Australian taxpayer.

This has set a very dangerous precedent. If followed more widely, it could result in questions being vetted by any committee, any committee chair, and it could result in those being questioned simply choosing not to answer because, ‘Well, there's already a large amount of questions and I kind of don't want to answer them,' or 'They're really going to put me in a bad light, so I don't think I'm going to answer the questions today.' Again, that is completely and utterly outrageous.

The absent chair of this committee sat there and told us at great length in this very chamber that Humpty Dumpty may have sat on the wall—but I have to say that, at the hand of Labor, it was the Solicitor-General who fell off the wall. All of us in this place deserve much, much better than this. To those listening to this broadcast who have an interest in this: please go and search Hansard and have a look at the transcripts of exactly what was said; have a look at the majority report and all the fabulous stories about Humpty Dumpty and Alice in Wonderland. But also have a look at the dissenting report and at the attachments and at the facts contained in there. I challenge any Australian to make their own mind up.

There were 13 lots of contact between them. The whole idea that this directive is somehow trying to undermine the Solicitor-General is completely and utterly false. I would ask any journalist or any member of the public who is listening to go and have a look at section 12 of the Law Officers Act, which the Solicitor-General quoted a lot. It says that advice has to go through the Attorney-General. This great conspiracy of a directive was no such thing. Section 12 is a very short section of the act which provides the Solicitor-General with guidance on his role—his advisory role and his counsel role. Under the act, his advisory role is very clearly at the direction of the Attorney-General of this country. This great conspiracy was developed by those opposite to try to king hit the Attorney-General—you misfired and you knocked out the Solicitor-General. Doing that should be a cause of some great shame to you all, because there was no conspiracy. The Law Officers Act is very clear. The directive is almost word for word with the Law Officers Act. Shame on you.

**Senator McKIM** (Tasmania) (19:18): The Australian Greens will be supporting this disallowance motion for a range of reasons, primarily because the legal services direction is contrary to the rule of law in that it seeks to set the Attorney-General up as a gatekeeper to the Solicitor-General and because the Attorney-General misled the Senate in the material he provided to this chamber with respect to the legal services direction. It is worth pointing out that the Attorney-General is a serial misleader of the Commonwealth parliament. He misleads on every day that he is asked about migration matters in this place when he claims that not one person has died at sea under Operation Sovereign Borders, when he cannot possibly make that claim. He misleads when he claims that no children are currently in detention, when in fact there are children in detention on Nauru as we have this debate today. Of course, he misleads the Senate when he claims to have consulted with the Solicitor-General on the legal services direction, when in fact the Solicitor-General himself made it very clear in his evidence to the Legal and Constitutional Affairs References Committee that he had not been consulted. So this is an Attorney-General who is renowned for his appalling failures and...
lapses of judgement, and this legal services direction constitutes yet another appalling failure of judgement.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (19:20): Order! It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

Mulligan, Mr Ted, OAM

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (19:20): I rise to speak about a fine elderly man called Ted Mulligan. Recently my wife, Nancy, and I were honoured to attend the 100th birthday celebrations of this Guyra legend. Ted Mulligan is a fifth-generation Australian and the last surviving member of his generation of Mulligans. As one of the seven children of Edward and Mary Mulligan, Ted grew up on the family property, Glenore, just west of Guyra, and was initially schooled on the adjoining property Hillsdale before heading off to Guyra Convent and Armidale De La Salle schools.

After leaving school, Ted worked on his parent's sheep and cattle property. He also grew peas and trapped rabbits. He and his brothers trapped around 10,000 rabbits in a two-year period. At the age of 20, he joined the 12th Light Horse Regiment, becoming a member of the Armidale Troop and then transferring to the Guyra Troop after it formed. Ted's horse was chosen out of 700 horses to carry the Governor-General on an inspection of the Northern NSW Troop. After enlisting in the Army, he saw active service in New Guinea and the South Pacific and received 10 bravery and service medals. Post-war, he purchased the property Ellerslie, which adjoins the family farm Glenore, and he married Iris Cox in 1948. They were to spend all their working life on Ellerslie.

Ted provided a school for his children and the children from neighbouring properties, and he and Iris also provided meals and accommodation for teachers at the school. He was a driving force behind the establishment of school bus runs in the 1960s to take children to school in Guyra.

He loved horses and cricket, and a great social outing for the family was always the pony club events. In fact, he helped form the Guyra Pony Club in 1958 and, if some children other than his own did not have a horse, Ted would provide one. At the age of 98 he was still regularly riding 10 miles a day, often with his great mate Doug Faint.

His other sporting love was cricket—and the Australian team could do with a bit of the Mulligan resilience at the moment! Ted captained the Glenore team, and just about every member was a Mulligan. In one game, the whole 11 in the team were Mulligans. He represented Guyra and Northern Tablelands. He was a very handy bat and played on into his 60s. He gave back to the sport as a selector, an official and a team manager and he was the instigator of Guyra's first turf cricket wicket.

Any country community depends on volunteers and people putting their shoulder to the wheel. Ted Mulligan has done more than his fair share, and I will now list some of the organisations he has been involved with in different capacities. He has been a member of the Guyra Show Society for just a little while—80 years! He has been involved with the Sydney
and Brisbane shows. He has been involved with Guyra Pony Club for 58 years. I think he was one of the instigators that got the club going. He has been involved with the Zone 13 Pony Club Association and the Australian Stock Horse Society. He joined the Australian Light Horse Association in 1937 and was one of six chosen to represent the association at the dedication of a memorial to Australian soldiers at Beersheba in Israel in 2008. He has been involved with Guyra Polocrosse Club, Guyra and Northern Tablelands Cricket, and Guyra RSL Sub Branch for 70 years, in a number of active roles. At the age of 100, Ted remains a patron of six organisations.

His service has not gone unnoticed. He was awarded an OAM in 2006, Guyra Citizen of the Year in 2008 and the NSW Seniors Week Local Achievement Award in 2014. Ted has his faith and is a staunch supporter of the St Mary of the Angels School and the Catholic Church in Guyra. The day following his birthday celebration, Ted received a papal blessing.

What makes the Ted Mulligan story so compelling is this: just two years ago, at the age of 98, he was hit by a car and received injuries that resulted in a slow recovery. Back scans revealed not only damage to his vertebrae but also lymphoma, a type of cancer. In typical fashion, Ted fought back and has achieved complete remission. Ted's specialist wrote in a medical journal that, at 98, Ted may be amongst the oldest patients worldwide to be successfully treated for an aggressive lymphoma.

I was truly humbled to be in the presence of Ted Mulligan, his lovely wife, Iris, and the extended Mulligan family. Ted and Iris raised six children. Times would have been tough, and those were the days where you caught as much food as you purchased. I suspect that whilst Ted appreciates the recognition that he has received, his reward has been seeing his family and his town and district prosper. He is truly a great Australian, and I was glad to present the key to Guyra to him with Hans Hietbrink in recent times.

Ted Mulligan: you are a legend and we wish you all the best!

Intercultural Sports League Inc.

Senator CAROL BROWN (Tasmania) (19:25): I rise to speak about a new multicultural and sporting group in Tasmania, the Intercultural Sports League.

The league is the brainchild of a group of people which happens to include three cricketing fanatics—Raj Chopra, Mohan Mattalla and John Paul Palissery. The trio came to Tasmania from India—as you know, Mr Acting Deputy President Gallacher, the biggest cricket-loving country in the world. They met each other for the first time in Hobart when they were playing cricket and, not surprisingly, they decided that they wanted to play competitively. But they were told that if they wanted to play in a competition they would need a home ground, a business plan and their own league. They decided instead to form their own Intercultural Sports League.

I first met Raj, Mohan and John Paul in June this year at a barbecue that they were enjoying to launch their own team, the Intercultural Crusaders. I was overwhelmed by their passion, drive and enthusiasm. They are so focused on friendship and bridging the gap between different communities through sport. They want to promote multiculturalism through sport, and that is just what they are doing. Raj has become the spokesperson for the league, and his energy is infectious. He moved to Tasmania from Delhi in 2013 with his wife and young son, and fell in love with Hobart and its people.
Raj says that his passion is to work towards integrating culturally diverse and migrant communities with local communities. He believes that while there are many supporting groups and clubs in Tasmania there is a need for greater involvement and inclusion of migrants. Raj has approached local councils, businesses and sporting authorities for support in his efforts to use sport—particularly cricket—to promote multiculturalism. From this emerged the Intercultural Sports League.

I am fortunate to be a supporter of the league and I was happy to help organise a quiz night to raise funds to help buy equipment and to ensure that the league can continue to grow and prosper. I was pleased to attend and speak at the official launch of the league in Hobart, attended by nearly 100 people.

I am happy to report that the league is off to a great start. It has six teams of players starting a new 20/20 cricket tournament. The Sunday Tasmanian newspaper has written about the league and reported that it is bringing Hobart's cricket-loving nations together and bringing the World Cup back! It is a testament to Raj, Mohan and John Paul's commitment to multiculturalism that they have been successful in bringing six teams of players of Indian, Pakistani, Nepalese, Bangladeshi and Australian backgrounds together. The six teams are the IC-Crusaders, the Derwent Scorpions, the Pak-Eagles, the Copping Kingsmen, the Greg Chappell Cricket Team and the Tasmania Punjabi Society—which I think is actually topping the table. I am not sure about the cricketing prowess of the Pak-Eagles but I can assure you that they posed a big threat to my team at the quiz night—they finished third.

As I said earlier, the Intercultural Sports League has been launched with a vision to encourage social sports between different communities and to bring people out of isolation. It is targeting participants aged between 12 and 50, but people over 50 are welcome for their guidance for younger participants.

The enthusiasm of Raj and Mohan, who has just become father to his first child—a beautiful son—and John Paul knows no limits. They have enlisted the support of a range of like-minded organisations, such as the Australian Human Rights Commission and the Multicultural Council of Tasmania, to create more awareness and highlight the benefits of multicultural society.

The league's cricket tournament is supported by Cricket Tasmania, who have very generously donated prizes to the quiz night, including two of George Bailey's tops—which he actually did wear in the premier league—and is sponsored by the Royal Gurkhas Institute of Technology, the Annapurna Indian restaurant and various other individuals.

Whilst it is starting with a cricket tournament, the league is keen to branch out into other sports. It is partnered with the Huon Netball Association to promote netball and coaching clinics, and a tournament for women will start at the end of November. I have no doubt the Intercultural Sports League will be a wonderful success. (Time expired)

**Transgender Day of Remembrance**

Senator RICE (Victoria) (19:30): Like so many Australians, I have been appalled by the rise of Donald Trump and the fear and hatred that has accompanied him. The positions that he has taken, especially towards minorities, are simply scary. Perhaps the worst thing is that it is something we are now seeing creeping into the major parties in Australia.
Last Sunday, Transgender Day of Remembrance, was a day for love to fight back. Like many minority groups, the transgender community fears a backlash once the reality TV host becomes President. For example, Trump’s running mate, Mike Pence, has a worrying history of opposing LGBTIQ rights, including the unsettling promise to ‘resolve’ the issue of bathrooms for transgender people. I shudder to think what ‘resolve’ actually means.

So the transgender community has come together. The Trans Relief Project in the US is crowdfunding to assist trans people in updating their identity documents because of fears it will become a lot harder to do this once Trump is inaugurated on 20 January. The hashtag #translawhelp has brought lawyers together with transgender people to do the same thing.

The fears that create the need for these movements, sadly, are not unfounded. The everyday discrimination against transgender people, both here and in the US, is enough to have anyone watching their back. Across the world, it is estimated that one transgender person is murdered every 29 hours. One Australian survey found that 41 per cent of male-identifying respondents and 28 per cent of female-identifying respondents had experienced physical violence within a same-sex intimate relationship.

When acts of violence and hate towards transgender people are so prevalent, it is not surprising that mental health issues are sky high. beyondblue’s 2014 report From blues to rainbows, which went into the health and wellbeing of young gender-diverse and transgender people, found that almost half of the people surveyed had experienced depression, and up to 38 per cent had had suicidal thoughts.

Transgender Day of Remembrance is a day to acknowledge and to remember those we have lost, to take stock of where we are and to set out a path for the way forward. The question for Australia is how to tackle transphobia and to make sure that we celebrate diversity, including gender diversity, as a strength of our society. For me, this is deeply personal. My partner, Penny, came out as trans almost 20 years ago. She has been very fortunate to have strong support networks. We were blessed to have celebrated our 30th wedding anniversary earlier this year. But others are not so lucky.

The Greens are committed to making it easier and safer for trans people to thrive, with access to support services and health treatments they require. One step we can take in this place is to reduce the legal hurdles for young trans people to access the hormone treatment they need. Australia is the only country in the world where young trans people have to go to the Family Court to get approval for hormones, which can cost up to $30,000 and take several crucial years. As the parent of one young trans person said in the gathering that we had here in February earlier this year, ‘The court process is slow but biology is fast.’

We can also rally around the Safe Schools Coalition. The attacks on this program, which is proven to reduce the discrimination of LGBTIQ young people, have been nothing short of a disgrace. I am very pleased to see that the Salvation Army came out in support of the Safe Schools program last week.

In all of our lives we can make sure that our families, our friends, our colleagues and even strangers on the street feel welcome and that we call out bigotry and hatred when we see it. No-one deserves to walk down the street and to fear for their lives just because of who they are. This is why Transgender Day of Remembrance is so important and why it is so important to recognise that the hatred that is encouraged by the populist movements of Trump, Marine
Le Pen, Nigel Farage and Pauline Hanson must be countered with genuine steps to bring our community together, to reduce discrimination and to trump hate. (Time expired)

Aged Care

Senator POLLEY (Tasmania) (19:35): I rise tonight to speak yet again on a very important issue, and that is the state of the aged-care sector in this country. It is very sad that the government has shown no leadership on this very vital area of policy and government responsibility. Ageing and aged care is something that will affect every family and, ultimately, if we are lucky enough, every one of us. We are all ageing.

I want to talk about a couple of places I visited last week. I went to Gertrude Abbott Aged Care and the Sister Anne Court home in Surry Hills in New South Wales. Both of those homes accommodate and care for some of the most vulnerable people in our community, and they do a sterling job. To witness a group of men and women who are living with dementia to various stages interacting in their art class with their wonderful art teacher and to see the quality of their work was really, truly inspiring. I also visited Hammondville in Sydney's southwest. It is another organisation that cares for some of the most vulnerable members of our community, particularly those living with dementia.

The staff who are working in these homes are extraordinary people. They really are extraordinary people. But this government has shown no leadership whatsoever when it comes to ensuring that we have the best carers there can possibly be and the highly skilled people who we need to be looking after those people who we love and are dear to us. This government has failed at every turn to show any leadership. It gives me no joy to come into this place and talk about the lack of leadership in aged care and the lack of leadership from the minister who has responsibility for it. Minister Ley has let the country down. She is letting down the people who built this country by not demonstrating any interest at all.

We have said to both the minister and to the government in general that we want to work with them to support the aged-care sector. It is a sector that has enormous opportunities. The jobs growth of the future is in fact in aged care. There are enormous opportunities. But we have to ensure that we have the best trained people looking after our loved ones. That does not necessarily mean that those people who are acting as personal carers will want to go on and get a nursing degree or go into management. We need to have excellent people who will be the role models and the mentors for those coming into the sector and caring for those who are most vulnerable. As this government has failed to acknowledge, we need to have the government, the opposition, the crossbench, the sector, the community, residents and consumers all contributing to the future direction of aged care in this country.

We did the heavy lifting when we were in government. I have spoken about this many times. It was Mark Butler and others after him who developed the Living Longer Living Better framework. I have to remind people in this chamber that it was the Howard government that failed dismally after 11 years to put into place any structure to look at the future of aged care. We did that.

I am calling on the government to come to us. Let's sit down and work together to resolve some of these challenges that are confronting the sector around workforce. I am asking the government: 'Where is your leadership? Where is your policy development? Why aren't you concerned? Why aren't you being more proactive? Why are you leaving it to the sector? What
is the ideal model for caring for those people who are ageing, particularly those who are living with dementia? What is the model?"

I speak to carers and providers around the country and I really enjoy hearing from them firsthand of their experiences caring for people living with dementia. What we need to be asking is: what is the best way to care for those people with dementia? Who is going to pay the cost of caring for our ageing community? What skills and what training do we need to put in place to ensure that we have the most skilled people working in this sector?

They are the most vulnerable people in our community. We talk about child care and we have raised the expectations of the community about those working in the early education of our young people. Our older Australians deserve nothing less—it would give me no greater joy than to come in here and say that the minister had responded to my plea to come to the table and work together. I regretfully believe that this minister will go down in history—(Time expired)

Transvaginal Mesh

Senator HINCH (Victoria) (19:41): Back in the 1950s and 1960s there was a morning sickness pill that women around the world were innocently taking. And they started giving birth to babies with no arms or legs. After an Australian doctor, William McBride, started making the connection between Thalidomide and deformed babies, drugs like Distaval were taken off the market and a shocked world asked: how could it have gone on so long? How could the drug companies in Australia have known for so many months and put so many pregnancies at risk? How could they put money before morality? Profit before pain? How could our medical authorities and health protection agencies have been so ignorant and so complacent? Thalidomide became a dirty word.

I am about to put a four-letter word into the same category as Thalidomide—a word that is not crippling babies, but has crippled thousands of mothers both here and overseas. And once again, the drug companies and the so-called watchdogs like the TGA—the Therapeutic Goods Administration—are letting victims down. That four-letter word is mesh, transvaginal mesh. For about 20 years this plastic or polypropylene mesh has been permanently embedded as post-natal hammocks, slings, netting, for prolapsed organs and incontinence. It is a miracle treatment for male incontinence too, so I have been told.

The mesh is meant to be chemically inert. Before any implanted device gets clearance from the FDA in the United States, there must be guarantees that it is inert, that it is safe, that it will not change after contact with tissue fluids in the body, that it will not produce allergic reactions, that it will not incite inflammation, will not trigger your immune system, will not Harbour and breed bacteria and, crucially, will stay anchored wherever in the body it is installed. Tragically, painfully, dangerously, transvaginal mesh does not pass any of those tests. And to make the nightmare worse, these mesh hammocks are anchored deep into thigh and buttocks and pelvic region muscles where nerves grow through the mesh, making it almost impossible to remove when things go wrong. It is like a wire-netting fence getting overgrown with creeper in the backyard.

It gets worse: over time, this 'harmless' plastic netting can become brittle and start to break away in shards and splinters. They start to float around the body, causing inflammation and excruciating pain. No wonder these slings have been called 'a torture device'. There have been
cases where a splinter has pierced a woman’s vaginal wall and injured her partner during intercourse. No wonder some of these mesh products have been totally banned in Scotland. No wonder there are nearly 100,000 lawsuits pending in the United States over mesh.

Because no Australian surgeons are qualified to attempt total removals, some Australian women have taken out loans, or increased their mortgage, to cover the $35,000 to $40,000 costs of having the operation overseas. I have met and talked to a number of women from all over Australia who have suffered interminable pain, and physical and mental breakdowns, because of these mesh implants. Some have thought that suicide was the only solution, having first been told that there is only a one per cent chance of an adverse reaction. They have since been treated like mushrooms: kept in the dark and fed bullshit by doctors, hospital administrators, the drug companies and even the TGA. At times they have almost believed that their pain and their debilitative condition was psychosomatic or just a way to get more painkillers. That is what the doctors suggested.

Let me just pass on some of these stories, like that of Cass Chisolm, who recently flew from Perth to Melbourne to see me in the hope that somebody—anybody—would listen. She has started an online support group for transvaginal-mesh injured women. There are now more than 200 Australian women who have joined her group. She wrote:

These devices are in a woman's pelvis until she dies! We have been fighting tooth and nail for a suspension on mesh until an investigation is carried out but the doors have been closed on us and we believe that a Senate inquiry is the only way we are going to get to the truth of this situation. Transvaginal mesh damage is a worldwide problem and Australia is lagging in providing the help that women need to get their mesh devices out. There are only a few renowned surgeons in the world who can fully remove them. We need one of these surgeons to come to Australia to remove the devices in the women who are desperate to get them out. The pain is so excruciating for some, that suicide has become a normal thought to ease the burden of living with the suffering for the rest of their life. This has become their only hope for pain relief. I tell you, it is THAT bad.

And I talked to another victim, Toni Shannon. She says:

I seriously cannot believe that from one innocent minor day surgery and under the trust of my surgeon and the experts of the Australian medical system, that I am left with a permanent disability. I am unable to return to work as I cannot sit, stand, walk or drive for more than five minutes without excruciating pain.

From the prime of my life I became crippled in less than three months. Thankfully, a world-renowned mesh removal surgeon from the USA removed my faulty and recalled product.

I now have severe incontinence, nevertheless, this the least of my worries. Worse is that I am made to feel like a criminal by my insurance company because their doctor and our government do not believe that mesh causes these types of injuries. It has left me suicidal and abandoned. In this day and age, and in our country, I can't believe that this is happening.

So a question: why would the TGA allow this, or why would surgeons implant a permanent and life-threatening device into a woman's body for a non-life-threatening problem such as incontinence or prolapse? The foreign body mesh placed through the vagina cannot be safely removed and it is guaranteed to pick up a bacteria which will fester and create a biofilm. Erosion, nerve and organ damage can happen immediately or, as we have seen, can take up to 15 years. It is not like a pacemaker or other foreign body where one would take the risk to save a life. Besides, even a pacemaker can be easily removed if there is a reaction or if there is a fault. She goes on to say:
None of us were warned that removal of mesh is pretty much impossible. Few of us were warned that it was polypropylene. None of us were warned that there were over 100,000 legal cases against mesh and warnings throughout the world. None of us were tested for allergy or reaction to polypropylene before surgery. Most of us were only offered mesh as a treatment.

And with only a one per cent chance of anything going wrong.

I read these women's case histories and also read about some of the other side effects: infection, bleeding, painful sexual intercourse, vaginal scarring, prolapse return, sepsis, immune system rejection, urinary problems and chronic pain. It just goes on and on and on. It is a national disgrace. Just think of the pain of daily living: stabbing pain when sitting on the toilet, stabbing pain when crawling into bed, pain when walking, pain when sitting at a desk.

I was not exaggerating at the start of my speech tonight when I linked transvaginal mesh to thalidomide, because I believe this is one of the greatest medical scandals and abuses of mothers in Australia's history. I shall not let it rest, and I fervently believe that a Senate inquiry is a must. We have to do it.

Larrakia Nation Aboriginal Corporation

Senator McCarthy (Northern Territory) (19:49): I rise tonight to speak about a Darwin based organisation that is facing an uncertain future, an organisation that serves a vital cultural and service-delivery role to the wider community. This organisation deserves a fighting chance to be able to continue to serve the people of Darwin and Palmerston to the best of its ability. Tonight I want to outline the journey of the Larrakia Nation Aboriginal Corporation.

Darwin is on Larrakia land. Larrakia Nation Aboriginal Corporation is the representative organisation for the Larrakia people, the traditional owners and is also a major service provider for Aboriginal people in the region. Last week my colleague The Hon. Luke Gosling, the Member for Solomon, and I met with staff and board members of Larrakia Nation in Darwin. They are literally fighting for the survival of their organisation, the jobs of local workers—Aboriginal and non-Aboriginal—and the vital services they deliver not only to Larrakia but to all first nations people from across Australia, really, who end up in the Northern Territory, and in particular in the Top End.

The board is made up of representatives of local traditional owners. They are fearful that they may have to close down on 6 December, just a few weeks before Christmas. In fact, the contracts of most of the staff expire on 30 November, which is next week. That is about 60 workers and their families, who are looking at a pretty grim Christmas. Most of these workers and families are Aboriginal people from the local region.

The story of Larrakia Nation is this: they asked to be placed under special administration when it became apparent about five months ago that they were in dire financial straits. I want to make it very clear to the Senate that there has been no suggestion of inappropriate dealings by anyone associated with Larrakia Nation. The debt—and it was sizable, at about $1.8 million when it went into administration in June—was largely due to governance issues, mostly bad luck and complex bureaucratic red tape. The new board members and staff have been working hard to reduce the debt and improve governance and management, and they have cut programs and staff pretty much to the bone. In fact, in just five months the Larrakia Nation has got the debt down from $1.8 million to $500,000. They deserve a fighting chance.
Much of this debt is due to the work Larrakia Nation does with the Return to Country program in Darwin. Let me explain a bit about what return to country means. This is a service for Aboriginal people who are visiting Darwin for health reasons, for education reasons, to go to the jail to visit family and for other reasons that bring them to the Top End. Basically, some of them find it hard to return home. They get stuck in town. Many end up in what we call the long-grass camps around Darwin, and there they live until they can return.

To put this into some context, the Northern Territory is not a cheap or easy place to get around. The roads are long, often dirt and often pretty rugged, especially in the wet season, when most communities can travel to Darwin and the Top End only by air. So, getting back home, travelling thousands of kilometres at times, is not cheap. People often end up living rough. Under Return to Country services, clients pay the costs through deductions from Centrelink benefits, under the Centrepay program. Clients can cancel the deductions once they get back home, as Centrepay is a voluntary service, or the repayments stop if the client's Centrelink benefits stop. We have seen how this is possible and has been happening under different Centrelink programs, when there are cuts to people's programs and attachments to Centrelink, for different reasons, such as where breaches have occurred or other areas of their association with Centrelink has forced it to end. Ultimately, Larrakia Nation becomes a casualty when it stops.

Larrakia Nation has been trying to meet with Senator Nigel Scullion since June to talk about some of these issues. I urge my fellow senator from the Northern Territory—I know that he has so many other things to deal with across this country, but Larrakia people and Larrakia Nation need his attention urgently, right now.

The Return to Country services had to stop in Darwin in 2015 because of funding issues, and were only reinstated early this year. We certainly found out very quickly what the result of that was. There were an estimated extra 700 people sleeping rough, who became homeless around Darwin during those months that the service did not operate. Let me tell you that with Larrakia Nation and the work of the staff there—they are the only ones in the Top End, in the capital of the Northern Territory, who take the time to go around and care for the First Nations people who are stuck in the city. As well as Return to Country services, Larrakia Nation runs aged-care services. It also runs the homelessness services program which I just mentioned, in terms of the long grassers, going around and seeing that they are okay, obviously relocating families who may have children in the long grass and camping.

There are a range of programs there. They are a successful range of programs, and I am incredibly proud of what the women there do. It includes tenancy support—all up, 11 services for the Darwin community. All of these are at risk. Night patrol works to remove people from danger and keep them safe. Seven nights a week, three cars from this specialised service travel through Darwin and Palmerston. I have heard that by having these cars on the road it means less time is needed from the Northern Territory police to have to deal with some of the issues that the night patrol takes up for them. It means two fewer police cars having to go around the camps of Darwin. Last year the night patrol worked with 10,000 clients. This demand is growing every year. If Larrakia Nation closes its doors on 6 December, there will be no night patrol.

Larrakia Nation also monitors people's health and transports them to doctors' appointments, to the hospital and to specialists. The HEAL program is also specifically focused on early health intervention by providing information, provisions such as thongs and condoms, and
environmental safety audits of campsites, looking at sexual health and different things and other issues that impact on First Nations people. The phrase 'economic development' is often thrown around, and we see this with the coalition. Certainly, I look at Senator Scullion and say, please help Larrakia Nation. Give your attention to Larrakia Nation.

The ranger program is one of the commercial arms of the Larrakia Nation. It is a source of income for the organisation, which assists to subsidise the services offered. Croc monitoring is probably a service that is not required in the southern states of Australia, but it is certainly used by various companies when they are working in the waters around Darwin. Sadly, some of the financial issues of Larrakia Nation were incurred when a company who hired the Larrakia rangers to monitor for crocodiles to protect its workers went bust, owing Larrakia Nation more than $200,000.

This organisation, the Larrakia people, have their backs against the wall and they are fighting for their survival. The member for Solomon and myself stand strongly with them. It is not just about service delivery as an organisation. Larrakia Nation plays a wider role in supporting the aspirations, culture and identity of Darwin Larrakia families. As an organisation it has wide support across the community. Upwards of 250 people attended a rally in Darwin today, sending a strong message about the vital roles and value of the Larrakia people and Larrakia Nation. It is time that all nations got behind Larrakia Nation. It is an organisation worth fighting for, and I do not want to imagine a Darwin where we do not have them. I call on Senator Scullion: I know you know how important the Larrakia Nation is to Darwin and to the Larrakia people. I urge Senator Scullion, please meet with Larrakia Nation, and do not just meet with them; give them a reprieve and give them the fighting chance that they deserve. They have shown that they deserve to keep going and to keep being therefore the people of the Northern Territory. I stand with Larrakia Nation. Indigenous affairs minister Nigel Scullion, I hope you do too.

Migration

Senator DI NATALE (Victoria—Leader of the Australian Greens) (19:59): Let me start with a statement of what I believe. I believe that all of the groups of people that have welcomed Australia and that we have welcomed, since the end of the White Australia policy, have immeasurably enriched Australia's vibrant, uniquely successful multicultural democracy. We are a better, stronger, richer nation for their presence.

Yet here we are today, globally and in Australia, a long way from the consensus on immigration, on multiculturalism and the proven benefits that migrants from right around the world have brought to Australia. I worry that we have not yet reached the low point in this government's attack on multiculturalism. I worry that we have further to go. It is now becoming clear that we have a government that has chosen not to fight extreme views on the right of Australian politics but to openly adopt their language and extremism.

We are having a debate now around the Racial Discrimination Act. We have MPs, in this place, who want to dilute protections against racial discrimination, who want to give the green light to hate speech, who want to legitimise views that were previously unthinkable. But we need to remember that this debate comes at a cost. Yes, it might be a deliberate and calculated strategy to win back One Nation voters, but we should also recognise that it incites hostility and division between communities, and that leads to further hostilities and divisions. It has a very dangerous consequence that affects people's lives in very significant ways.
When our nation's leaders say such abhorrent things as one group of people should never have come to Australia, because of the sins of the children or grandchildren, or that people coming to this country are stealing our jobs and are taking away access to services for other Australians, we create fear and division within our community. It is no wonder that so many people within our community are now experiencing targeted attacks on the basis of the colour of their skin or the god that they pray to.

It is critical now, at this time more than ever, that we remind ourselves that the words uttered in this place have an impact, that they sting, that they can cut very deeply, that they can shape the lived experiences of those people who are suffering through racism. We are not talking about isolated racism, we are talking about ongoing institutional, systemic, ideological attacks on people. Let us recognise that at the heart of this is Islamophobia.

I want to tell you about an exceptionally intelligent and articulate young woman who shared her experiences of Islamophobia with me. Sadly, her experiences are not unique. We in these privileged positions need to understand the cause of racism and the level of racism that members of our community are experiencing every day. This young woman was born and raised in Melbourne. She went to a local primary school and then to a private girls school. She was 11 years old when 9/11 happened. As an 11-year-old she said she had no idea that an event on the other side of the world, that had nothing to do with her, would turn her world upside down. The bullying began from that day. As an 11-year-old child she was isolated from her friends. She remembers being ridiculed by peers about her faith. She remembers being asked absurd, silly questions, like whether she was hiding Osama bin Laden in her backyard. It is a memory that sticks with her. She remembers that overwhelming feeling of fear and sadness as a child, knowing that things were going to be different for her forever.

She went on to study engineering at university. A few days into her first job as an engineer she was making a cup of coffee, at her new workplace, when an older colleague came into the kitchen and told her that Arabs suck. She was confused because she herself was not an Arab. She laughed nervously, politely. The man then said to her that the reason that she had to wear a headscarf was that Arab men cannot control their sexual desires. She was shocked and, a few days into her new job, she did not know what to do in response to this abuse. But the abuse continued. A tirade finished with, 'You're all going to be wiped off this earth in a few years, and I'll be the one to make sure of it.' The young woman returned to her desk. She cried, wondering how she would ever fit into a workplace or indeed into a country where this was acceptable office banter. When she finally was advised to report the incident, the man was moved to a different office. This is the experience of a young person straight out of university settling into working life. Just ask yourself whether it is appropriate that she should have to endure such a hateful attack from someone she worked with.

She then talks about an account where she was in Melbourne's CBD on Elizabeth Street in her lunchbreak, on the phone to a friend and waiting for a tram. A man nearby spotted her and a few other people at the stop who he thought were not Australian. He yelled out at them that there was a 'towel head, an Asian, an Indian and an African' at the tram stop and he then walked intimidatingly towards this young woman. He stood next to her, accused her of having a ticking time bomb under her towel, and continued to make derogatory comments about her hijab and her religion. She tried to ignore him, but the man continued to pursue her. When she eventually confronted him in fear of her safety and started to walk away from the scene, she
was followed and chased down Elizabeth Street until she reached the safety of her workplace. This is the experience of a 27-year-old woman living in Australia today, and it is not unique. These stories are occurring all around the country. This country is her home and our challenge is to make sure that she feels at home here.

I want to ensure that we have a swift return to that inclusive society where we celebrate and cherish our diversity, where we recognise that our diversity is our strength, and where we recognise that people from all around the world have made us a stronger, better, richer country. But to do this those of us in privileged positions have to condemn hateful speech, not condone it and not legitimise it. We have to condemn it whether it is on the street, in the workplace or even here in the parliament. We must always take a stand. If anything, the debate in this parliament should be about strengthening protections against racial discrimination. We should be strengthening protections against Islamophobia, against anti-Semitism and against all forms of discrimination.

For multiculturalism to work, it requires effort, it requires commitment and it requires those of us in positions of leadership to ensure that we take a stand against those hateful voices in our community who would choose to divide us. It is for that reason that I will continue to share people's experience of racism here in Australia to help those members of our community understand that their words matter. In the face of attacks against those communities that have made Australia such a wonderful multicultural nation, we Greens say to those communities, 'We stand with you'.

Central Coast: Broadband

Senator O'NEILL (New South Wales) (20:09): I rise tonight to put some remarks on the record with regard to the appalling rollout of the NBN on the Central Coast. I have spoken on this matter on a number of occasions, yet the current member for Robertson continues to claim that this is a successful rollout. I think the facts that I will put on record tonight reveal that it is far from successful—in fact, it is a disaster. My office on the New South Wales Central Coast is bracing for a perfect storm as the cut-off date for connection to the National Broadband Network looms in July-August next year. If last week's report by the Telecommunications Industry Ombudsman is any guide, my office will have its work cut out helping local residents battle through the connection process and the subsequent litany of problems that people are experiencing with the NBN on the Central Coast.

The ombudsman's annual report revealed four of the Central Coast suburb postcodes are featured in the nation's top 10 complaints about the National Broadband Network rollout. I know that we are proud of being in the top 10 at the Surf Life Saving Championships for Australia. I know that we are proud of being in that top 10 and overrepresented for success in sport. But I know we are not happy to be overrepresented—four out of 10—for a failure to be able to rollout the NBN across the Central Coast.

Complaints about the internet and NBN service almost doubled in the past financial year, with the Toukley, Wyong, Central Coast and Gosford postcodes coming fourth, fifth, eighth and tenth for the number of complaints lodged—and that is the people who still had enough energy to complain after the process that they have been through. Slow data speeds were cited as consumers' pet peeve—rising 48 per cent nationally. This is in a time when the government claims it is helping with innovation, yet speeds are declining for people on the coast.
Since January last year, about 100 Central Coast residents have formally lodged complaints with my office over complications with their NBN services. Imagine what that figure will be when everyone on the Central Coast, all residents and businesses, have to—and I want to emphasise that 'have to'—sign-up to a service provider in August 2017. That is a speech for another occasion. There is a whole 10 minutes I could give you about the really aggressive sales processes that are being inflicted on the people of the Central Coast—particularly the exploitation of the elderly, who fear the technology and fear losing their phone line. They are being grossly exploited.

The member for Robertson shrugs off the problem with claims that she has received just a dozen or so complaints and boasts of 27,000 residences and businesses that can now connect to the broadband network. The reality is that an estimated one-third of those connections have been taken up so far. People are hearing in their own community and experiencing amongst their friends, the sharing of their awful experiences of just getting the NBN connected, let alone what happens when you do get it connected.

During the election campaign Prime Minister Malcolm Turnbull rejected reports of bad customer service, citing high levels of customer satisfaction as the reality when visiting the Central Coast and Ms Wicks. I will read into the record just a tiny sample of the cases brought to my staff's attention for mediation and resolution. In one instance a business owner from The Entrance, Michael Bennet, was sleeping under his desk after his landline connection was cut, which meant the security system at his business premises was offline. The best he could do was guard his livelihood himself.

A Kangy Angy business owner, who asked not to be identified, said the rollout of the NBN had caused a headache for his local business and left his household without reliable internet for more than a month, and that is not a bad case. There are some people who have had eight to 12 weeks waiting—I will not talk about my own experience, because it was even longer than that.

An elderly man on the peninsula lost his landline by connecting to the network. He relies on fortnightly calls to the John Hunter Hospital so that he can place the phone handset on a heart monitor that can be read by his medical specialist—a great leap in medical technology and innovation for this elderly gentleman, which saves a very long trip to the hospital. But without a reliable phone connection, that service that he used to have is now totally useless and impossible to achieve.

Michelle Lonie, a mother of three from Tascott, says that the internet is important for her whole family, but especially for her son's homework. But after the NBN rollout along the Point Clare, Tascott and Koolewong stretch of Brisbane Water her family was left without a phone connection for almost a month. To use Michelle's own words:

The internet means my son ... can do his homework on a school night, it means my daughter Sarah can look up University placement opportunities or my husband can do our shopping online.

The NBN on the Central Coast has been a diabolical sham.

Then just recently, in the last week or so, we had the New South Wales Fair Trading Commissioner on ABC radio in Sydney, vowing to take complaints about Malcolm Turnbull's shambolic National Broadband Network to the Telecommunications Industry Ombudsman. Commissioner Rod Stowe said that complaints he had received about the network did not fall within his department's ambit. But he said he would collect consumer grievances and refer
them to the ombudsman for action. There is such a level of complaints on the New South Wales Central Coast—the government's so-called 'testing' ground. It is a live experiment with an entire regional economy that Mr Turnbull directed. It is his choice of a multitechnology mix, which can only now be described as Malcolm Turnbull's mess, and it is all over the Central Coast, apart from one sweet spot in the middle where Labor delivered the real NBN— fibre to the premises—for every business and for every family. The government's testing ground for this rollout has resulted in a less-than-second-rate fibre-to-the-node network and complaints are at an all-time high.

The member for Robertson in the Liberal government can crow all she likes about the number of connections that are possible, but the reality is that the complaints in my office about appalling quality arrive consistently. There is no point in having a number of houses that you pass and possible connections when the connections just are not working. Labor's fibre network would have delivered consumers an internet superhighway with high speeds, greater data volumes and reliability. That is very important, particularly for that gentleman I was talking about who needs that health capacity—to have that reliable data transfer. That is a standard that is operating around the world, but not on the Central Coast—not thanks to Mr Turnbull and his Liberal government.

In August, a Roy Morgan research report found that Gosford had the lowest-ranked score for internet access affordability of all the main regional communities in Australia. The digital divide, effectively the gap between those who have access to the internet and those who cannot afford to pay for that access to have the ability to use a network, is quite simply a gaping chasm on the Central Coast.

The review, entitled Measuring Australia's digital divide: the Australian Digital Inclusion Index 2016, recorded the Australian Digital Inclusion Index for regions across Australia. The ADII measures include internet access, frequency and data allowance. It measures affordability, including share of household income spent on internet resources, and ability in the basic skills, confidence, attitudes and activities that are undertaken. Another source also ranked the Central Coast a disappointing seventh, behind the Gold Coast, Wollongong, Newcastle, Geelong, Townsville and Cairns.

Labor began rolling out the real NBN on the Central Coast at Gosford, East Gosford and West Gosford. When Tony Abbott and the Liberal's Lucy Wicks and Karen McNamara were elected they immediately stopped construction of this superhighway—Labor's fibre-to-the-premises model—and instead proposed what is now being revealed as what we always said it would be: a goat track to the fibre, a box in a node not too far from people's houses. When you have the distance between the node and the house in copper it is a goat track. It is a superhighway to the node and a goat track from the node to house! Everybody on the Central Coast is alive to this reality.

Fibre to the network uses the existing copper wire phone system. Copper wire is a century-old technology, and this is the showpiece for a government that describes itself as a leader in innovation! It has gone backwards in time to inflict this terrible old technology on the Central Coast. Fibre to the node is an absolute disaster. We were given the promise that the NBN under Malcolm Turnbull would be faster, sooner and cheaper. Well, it has been slow in delivery, it is costing an absolute bomb and it is doing so badly that it cannot even go to the
open market. It has had a $20 billion prop up from the government; it is a mess! Malcolm Turnbull's mess. (Time expired)

Malnutrition

Senator MOORE (Queensland) (20:19): Last September our country, along with other nations of the world, joined together at the United Nations to commit to 17 Sustainable Development Goals. These goals are focused on efforts to end all forms of poverty, to fight inequalities and to tackle climate change, while ensuring—and the theme is most important—that no-one is left behind. Twelve months on, there is a chance to see what has actually happened. 'The true test of our commitment as a global community to the 2030 Sustainable Development Agenda will be in its implementation', said UN Secretary-General Ban Ki-moon. He went on:

We need action from everyone, everywhere. If Governments, businesses and civil society work together, we can build a world of peace, prosperity, dignity and opportunity for all by 2030.

In our own region we are being shown some leadership by Pacific nations, who gathered together last month to look at the role of parliamentarians in the Pacific to implement Sustainable Development Goals. Parliamentarians gathered together over three days to talk about how they could work with civil society, with businesses, with regions and with other people to ensure that we could look at how human rights operate and how we could make sure that human rights mechanisms could work with the Sustainable Development Goals to see how we could best build on the 17 goals that look at doing exactly what the claim was—reducing poverty, looking at our climate and ensuring that we have a world that is peaceful and secure.

The parliamentarians identified the roles we could play. Some of the immediate actions identified at the meeting were that we could look at how key government ministries were operating in the SDG environment, organising events or sectors of society to generate broad discussions around these issues, creating awareness in respect of constituencies through national media and other channels, monitoring through public spending and budget execution, and also developing a clear action plan to align SDGs with various parliamentary committees.

It is hoped that the operations of this workshop will be able to give a bit of a map to the parliamentary areas in the Pacific to look at how they could work together, sharing knowledge—in fact, partnership is goal No. 17: working together to achieve real results. Unfortunately that degree of action has not happened as yet in our own country, so I am hoping that over the next few months we will be able to learn from what Pacific parliamentarians have put in place for their own region and be part of that development.

Tonight I want to talk particularly about goals No. 1 and No. 2. The first one is pretty straightforward—it says that there should be no poverty. But what I want to talk about tonight is goal No. 2, which looks at the issue of zero hunger. I want to talk tonight about malnutrition—something that I think we understand, to an extent, but we need to really look at what is happening in our region to ensure that we can make a response to this real threat to sustainability, peace and security. I am grateful to the people at RESULTS, a wonderful NGO based in Australia that has put together some information around the issue of malnutrition and stunting. They have indicated to us that malnutrition alone claims the lives of three million children under age five every year—three million children. It robs millions more of the opportunity to reach their full physical and cognitive potential and costs the global economy
billions each year in lost productivity. Undernutrition is a severe problem for some of Australia's nearest neighbours, with the greatest threats posed in Timor-Leste and Papua New Guinea. In the ASEAN region, 31.5 per cent of children under five are affected by stunting. In Timor-Leste alone, a staggering 58 per cent of children under five are undernourished.

Clear data indicates that we have a window of opportunity for improving nutrition. The first thousand days, from the first day of pregnancy through the first two years of life, is the key period to ensure that children are strong and well-nourished. Damage can occur due to inadequate nutrition during this period and can be extensive and largely irreversible. Tackling malnutrition in the Asia-Pacific is also important to Australia's regional and global interests. Naturally, a prosperous, stable and healthy region is good for Australia's security, trade opportunities and regional cooperation. We in this place, as members of the Joint Standing Committee on Foreign Affairs, Defence and Trade, made a recommendation in an important committee last year calling on DFAT to develop a comprehensive nutrition strategy to guide how the aid program could address nutrition issues. That recommendation came out of evidence that was given to the committee during its hearing looking at these issues of malnutrition in our region.

We have a real opportunity in our region to play a great investment role and ensure that we have strong nutrition. For instance, Australia's investment in Pakistan's 2011 national nutrition survey led to the development of a World Bank multi-donor trust fund for nutrition in which Australia was the founding donor. A review in 2014 noted that many initiatives across all sectors had the potential to impact on undernutrition, but without explicit nutrition objectives and indicators opportunities to improve nutrition may not be fully exploited, and improvements in nutrition as a result of Australian investments may not even be identified. Two case studies in Timor Leste, in the food security sector and the water and sanitation sector, adopted nutrition objectives and indicators mid-implementation showing the way for other initiatives to do so where appropriate.

Undernutrition is a severe problem for some of our nearest neighbours. We have so much data that talks about the impact for children under five. We know that the stunting rates in Oceania where 39 per cent in 2013. That is the highest rate in the world, and the trend is not improving. PNG, Laos and Timor Leste are again the nations where the greatest problems have been identified.

The Joint Standing Committee on Foreign Affairs, Defence and Trade looked at the fact that, despite steady reductions in the prevalence of undernutrition in most of Asia over the past two decades, there have been almost no improvements in the Pacific region since 1990. Australia's investment in undernutrition as a proportion of ODA does not match the severity of the problem in our region. For example, 37 per cent of children in sub-Saharan Africa are stunted. Recent data shows that 10 per cent of Australian aid to this region was provided for nutrition programs. That is 10 per cent of aid, and 37 per cent of children who are stunted—undernourished and not growing. Thirty-nine per cent of children in the Pacific are stunted.

Our data shows that 0.4 per cent of Australian aid in the Pacific was provided for nutrition programs. In Timor Leste stunning rates exceed 50 per cent of children. But only 1.1 per cent of Australian ODA was allocated to nutrition. This corresponds to only 1.5 per cent of Australia's total investment in nutrition.
Given our geographic advantage, Australia has a significant leadership role to play in taking action on nutrition in our region. The high rates of maternal and child undernutrition in PNG, Timor Leste and some South-East Asian countries require increased focus, a bilateral or regional strategy, and more targeted investments that respond to country needs.

Tackling malnutrition in the Asia Pacific is essential to ensuring Australia's regional and global interests. A prosperous, stable and healthy region is good for Australia's security, trade opportunities and regional cooperation. Poor nutrition in our region—such as the fact that 37 per cent of children are being stunted in Indonesia—will impose long-term economic cost to Indonesia and, therefore, also to Australia and the entire region.

The consequences of undernutrition are likely to result in lower cognitive development, lower educational attainment and greater susceptibility to chronic disease. These disadvantages can have serious impacts on economic productivity, including reduced gross domestic product and large public health costs. This will impact on: sustainable development goal No. 3, good health and wellbeing; No. 4, quality education; naturally, No. 5, gender equality. And it will move on, because of the cognitive impairments, to No. 8, decent work and economic growth. Reduced inequality is No. 10. Then there is responsible consumption and development; climate action; peace and justice; strong institutions; and, clearly, No. 17, which is partnerships to make us achieve the goals. Those partnerships are those in which we can lead and share and make sure we work together.

Australia allocates most nutrition funding to nutrition-sensitive interventions that address the underlying causes of malnutrition. Over half of this work is delivered through the rural development and food security sector, with most of the remaining funding tied to the humanitarian, emergency and refugee sector. Only a small proportion of funding in the health sector is allocated to nutrition-specific interventions, which does not seem to make any sense at all. When you think about good health and wellbeing, it seems to be a natural expectation that that would link to effective nutrition and working in partnership to ensure that children are well fed and have the opportunity to grow stronger and safe. Without explicit nutrition related programs and objectives, the opportunity Australia has to significantly boost nutrition in our region is likely to be minimised or even lost. Only such a small portion of the government's nutrition spend is allocated to nutrition-specific programs.

The Department of Foreign Affairs and Trade does not have a comprehensive nutrition strategy to coordinate its approach to the undernutrition crisis in our region. We strongly support the recommendation of the Joint Standing Committee on Foreign Affairs, Defence and Trade calling on the need to develop such a strategy. This planning, this focus, would assist to ensure focus on nutrition in countries where undernutrition is a serious developmental challenge. It would also help the Department of Foreign Affairs and Trade to ensure that a coherent and coordinated approach to nutrition is being rolled out with all our aid partner countries. Australia is starting to apply innovative approaches to nutrition. Last month, DFAT's InnovationXchange and the US Agency for International Development, USAID, partnered for an innovation challenge called LAUNCH Food, which could address issues stemming from globalisation of the world's food supply. The organisations are concerned about the high levels of impaired development, non-communicable diseases and avoidable deaths arising out of undernutrition and overnutrition in lower income countries.
The clear challenge which has been identified will give participants the opportunity to have their proposals reviewed by a network of industry pioneers, government organisations, investors and innovation experts. The innovation processes which are the most progressive will be funded through the platform. That would be a genuine opportunity for people to see how they can share knowledge—again, goal 17: partnerships—and use specialist knowledge to respond to the clear issue of nutrition. That is something that we have not done recently in our programs. As I said earlier, years ago this used to be the focus of AusAID. We would look at issues around nutrition for children, particularly in the first 1,000 days, and at how, through engagement with folic acid, we could help mothers in the early stage of pregnancy and then while breastfeeding to give the strongest, safest start to children so that we will not have those long-term impacts. When we look around at our own children, we see that they do have these opportunities. Why then would those large percentages of children I have spoken of in our immediate region not have the same opportunities and the same chances?

All the Sustainable Development Goals work together. I just want to add some comments on goal No. 6, which is clean water and sanitation. We have launched a program on the issues of safe water, which linked to World Toilet Day, which was on 19 November 2016. A program has been launched by Global Citizen, an exciting international group which challenges all of us, but particularly focusing on young people, to take action to make change to our globe. The campaign, which was started on 19 November, is calling on our government to show leadership by reaching 50 million people in the Pacific with access to clean water and sanitation by 2030. Again, the statistics are exceptionally confronting. Worldwide, some 650 million people do not have access to safe, clean water, and more than 2.3 billion people do not have access to adequate sanitation. The situation in our immediate neighbourhood—in the Pacific and in Oceania—is critical. In PNG alone it is estimated that 4.5 million people live without safe water—60 per cent of the total population—and 800 children die each year from diarrhoea. In the Solomon Islands, only 13 per cent of households have access to basic sanitation.

Again, Australia has an important role to play as a leader in the Asia-Pacific region by committing to investing in water and sanitation projects, but there have been reductions to our overseas aid program over multiple budgets. Some of the investment in water, sanitation and hygiene projects have been reduced. There have been clear links made in recent research between clean water and nutrition, again looking at the impact on children. The statistics say that in Papua New Guinea alone 800 children die each year from diarrhoea, which is almost more than we can comprehend. It is something that is so easily helped in Australia with access to medication, the expectation that we do have safe sanitation, hygienic homes, an understanding of basic hygiene and access to water. These things are acceptable as natural entitlement in Australia, but are not so in our neighbourhood.

Again, this is a challenge to all of us. What I am hoping is that we will take up the challenge that our Pacific neighbours have given to us. The Pacific parliamentarians who met together in Fiji have said that they will be acting within their own parliaments to bring these issues to the attention of other parliamentarians and to the wider community. They will identify how the 17 Sustainable Development Goals will affect their communities and across their whole region. We can do that with them. We can share in that challenge and ensure that we will take the opportunities given to us to identify where the needs are greatest and to look
at the skills and knowledge that we already have in our nation. We will be able to look at
these individual goals and to ensure that children will be able to grow safe and strong.
Sustainable Development Goal No. 2, which says that there will be zero hunger and that
young people will have effective nutrition, will be addressed by effective programs put in
place through our aid program. Also, there is No. 6, which is about clean water and sanitation.
We have talked many times in this place about this issue. We understand the challenges and
we have the ability to respond. Over the next 15 years—the time for the Sustainable
Development Goals—we can ensure that we can make a difference and, indeed, we will
ensure that no-one is left behind.

**Jammu and Kashmir**

**Workplace Relations**

**Senator RHIANNON** (New South Wales) (20:37): The people of occupied Jammu and
Kashmir are facing a humanitarian crisis that requires urgent international attention. The
people who live in this region have a right to live in peace, with their fundamental human
rights to self-determination recognised and honoured. Kashmir has been subjected to centuries
of foreign rule. Today, Jammu and Kashmir are occupied and divided between India, Pakistan
and China. This situation is a product of British colonialism. Britain partitioned the
subcontinent. Nation states were created by drawing arbitrary lines on maps at the close of the
Second World War.

Whilst many of us might associate Kashmir with pleasant holidays, the reality for locals is
very grim. Kilometres of barbed wire run across the landscape. There is mounting evidence
that war crimes and crimes against humanity are being committed in this region. These crimes
should be investigated and steps should be taken to end the human rights abuses. Tragically,
the violence in this region is escalating. There are worrying reports of blockades limiting
supplies of essential commodities to the people of this region. This is from the website of
Amnesty International:

Human rights defenders, journalists and protesters continued to face arbitrary arrests and detentions.
Over 3,200 people were being held in January under administrative detention on executive orders
without charge or trial. Authorities also continued to use 'anti-terror' laws such as the Unlawful
Activities (Prevention) Act and other state-specific laws which do not meet international human rights
standards.

Amnesty International has also released a report called *Denied: failures in accountability for
human rights violations by security force personnel in Jammu and Kashmir*. This report
documents the difficulties involved in resolving human rights violations. The report notes, at
section 7, the Armed Forces (Jammu and Kashmir) Special Powers Act grants virtual
immunity to members of the security forces from prosecution for alleged human rights
violations.

So much of the violence in occupied Jammu and Kashmir violates the Geneva Convention
of 1949 and the follow-up additional protocols of 1977. The distinction between civilian and
non-civilian targets is not recognised. Indiscriminate attacks are not prohibited and state
forces violate international guidelines. A Human Rights Watch report has identified mass
graves of thousands of Kashmiris, possibly as high as 8,000. The Human Rights Commission
inquiry confirmed there are thousands of bullet-ridden bodies buried in unmarked graves in
Jammu and Kashmir. I understand the majority are young men.
Amnesty International recently called on the authorities in Kashmir to investigate alleged mass rapes of over 30 women in North Kashmir, in 1991, in the villages of Kunan and Poshpura. The women raped were aged between 13 and 70. Human Rights Watch has reported that between 50 and 100 women were raped by Indian Army forces on the night of 23 February 1991. At the time, Kashmir police stated that the case was untraceable and stopped the investigation in October 1991.

In 2011 India's human rights commission requested that Kashmir authorities launch a fresh investigation. In June 2013 Kashmir's Judicial Magistrate Court ordered the reinvestigation of the case. In August this year Amnesty International India temporarily closed its offices in India. The decision was taken shortly after Amnesty had hosted a function on recent events in Kashmir. There were concerns for the safety of Amnesty staff. Since July, Srinagar, the capital city of Kashmir, has had its mobile phone networks shut down, many newspaper offices have been raided and papers have been seized.

Tragically, civilians are often the target of attacks. In August, staff at a hospital in Srinagar covered their eyes with patches as an act of solidarity with the children and adults hit with pellets. The doctors and nurses are treating the civilians who are bearing the brunt of the war crimes. 'See our blindness' was one of the slogans on the doctors' placards. The action garnered international attention.

Australia has a strong connection with Kashmir. Successive governments have been engaged in finding a solution to the dispute that has been causing so much hardship since 1948, when the former coloniser of this land, Britain, withdrew from the region. In 1950 an Australian officer, Major General Robert Nimmo, was appointed Chief Military Observer. Australia held this position until 1966. In 1951 Australia sent eight military observers to UNMOGIP, the United Nations Military Observer Group in India and Pakistan. These Australian observers served in Kashmir until 1985. By that time, 150 Australians had served under UNMOGIP. I understand the Australian government withdrew, as they thought the dispute had been resolved.

Also in 1950, the United Nations Security Council appointed Sir Owen Dixon, the sixth Chief Justice of Australia, as the UN representative to organise a plebiscite in Jammu and Kashmir, but the plebiscite was never held. This is not a reflection on Sir Owen Dixon. It was a failure of the international community. Australia should renew its work to ensure that a plebiscite is now held.

I believe Australia has a special responsibility—as a candidate for the United Nations Human Rights Council for 2018-20—to advocate for the protection of human rights of the people of Kashmir and Jammu. The two nations associated with Kashmir and Jammu are Pakistan and India. Both these countries are nuclear powers. If the Turnbull government is responsible, it should be working to de-escalate the current extreme situation. Foreign Minister Julie Bishop should be exploring every avenue to resolve the current tensions and assist to promote peace and justice in this region.

On another matter, yesterday—it might have been today, actually, because we were here into the early hours of the morning—when we were debating the Fair Work (Registered Organisations) Amendment Bill 2014 there were a number of votes, but one of the votes concerned the need to establish a national commission to fight corruption. Again, we saw the Liberal, National and Labor parties voting together to vote that down. I find that very
disturbing. This keeps on happening in this parliament. There really is no movement from the major parties on this issue.

I thought it was timely to pull together a range of organisations and a range of prominent Australians who have so much experience in this area, who have made very clear contributions of the need for a national integrity commission or a national anticorruption watchdog—whatever you want to call it. It is time we worked through this. I want to share the range of support there is with the senators tonight.

Transparency International Australia has done extensive work in this area: a national integrity systems assessment, published by Transparency International Australia and Griffith University, recommended as far back as 2005:

… new independent statutory authority be tasked as a comprehensive lead agency for investigation and prevention of official corruption, criminal activity and serious misconduct involving Commonwealth officials …

Including members of parliament. You could not get it much clearer than that. Transparency International, to their credit, have been consistent in calling for such a body. In 2012 they, again, put forward the need for a national anticorruption plan and made a series of recommendations.

In 2014 Professor AJ Brown, then the head of Transparency International Australia, said, 'a stronger national anticorruption agency' was required and 'Most of the federal public sector continues to lack effective independent oversight.' There it is. That is still the problem today. That is why we keep raising the need for movement in this area. Professor Brown also commented, 'The Australian Commission for Law Enforcement Integrity would need to be rolled into any new body or it would need to dovetail with it.' To quote him, 'There is no reason to continue to leave any Commonwealth agencies outside the jurisdiction of a properly resourced independent anticorruption agency.' He went on to say, 'The Commonwealth needs to make it a policy priority to get on with designing a comprehensive anticorruption agency structure that will work. There is no off-the-shelf model.' There is the challenge. Our job here as legislators is to make it work. Our job is to iron out those differences and get this body up.

The current head of Transparency International, Anthony Whealy QC, reiterated the call for a federal anticorruption body. He did that at the beginning of this year, following the release of the latest Corruption Perceptions Index by Transparency International. That call was similar to the call from the Law Council of Australia, which called for the establishment of a national commission in 2011. This was in a submission on Australia's compliance with the United Nations Convention against Corruption. It argued that existing criminal law enforcement had its place but was not on its own sufficient, and that ad hoc inquiries rely on political will at the time, meaning a standing national agency would be best placed to prevent and address evolving corruption risks. Again, it is another solid recommendations that we should be getting on and doing our job here.

The Accountability Round Table have also lent their voice to this, calling for the establishment of a national commission as the means to improve both coordination and leadership on anti-corruption. They have said that:

Each State in Australia now has an anti-corruption body. But by far the largest quantity of money, power and influence is in the control of the Commonwealth Government in Canberra. There is no reason to assume that the corrupting influences that exist in Sydney, Melbourne or Perth do not operate
in Canberra, where the Federal government each year purchases tens of billions of dollars of goods and services...

Then there is the comment from Professor George Williams, the Dean of Law at the University of New South Wales, who has long argued for a national integrity commission to fill the gaps that the state anti-corruption bodies are unable to address. He has said that:

The arguments for such a body are overwhelming. The litany of corruption and other scandals over a long period of time demonstrates that there is a need for a co-ordinated, national approach to anti-corruption. Past assumptions that corruption was limited to the state and territory level can no longer be sustained.

I acknowledge that there is a similarity in some of these comments but what is very clear here is that people who have such experience in the legal affairs of this country give enormous weight to the need for an anti-corruption watchdog.

Then there is Geoffrey Watson QC, former counsel assisting the New South Wales ICAC, who called for establishment of a national commission in 2015. He stated:

I am satisfied, based upon my work over four years with the two premier anti-corruption bodies in New South Wales—the Independent Commission Against Corruption (ICAC) and the Police Integrity Commission—that we are grossly underestimating the nature and extent of corruption, and in our ignorance we are failing to compile sufficient information so that we can understand and assess its effects on our community.

He continued:

It is only my personal opinion, but I think it would be quite mad not to introduce a specific federal anti-corruption commission. One of the principal arguments put by certain Coalition senators in arguing against the Greens' bill when it was presented in 2013 was that the problem—that is, corruption in the federal sector—does not exist. That claim, if true, makes Canberra the only corruption-free place in Australia and—wait for it—the only corruption-free place in the world.

That is Mr Geoffrey Watson really putting it out there so clearly. It is ludicrous so many of the arguments that have been entertained when we debate the need for a national ICAC.

We also have David Ipp, a former commissioner of the New South Wales ICAC. In 2014 he called for the establishment of a federal anti-graft agency with the powers of a standing royal commission. Mr Ipp told *Four Corners* in 2014:

It is so screamingly obvious that there is a breakdown in trust at the moment. …The only way of maintaining trust or recovering the trust is to demonstrate that there are adequate means of discovering corruption so that the public can be confident that what the Government is doing is not tainted by dishonest behaviour.

Every time Labor, Liberal and National vote together. When senators representing those parties get up and speak against having such a body, they are flying in the face of such considered opinion.

Then there is Tony Fitzgerald, who headed the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct in Queensland in the late 1980s. He backed Mr Ipp's call when saying:

I think it's self-evident. The people who go into state parliaments and the major political parties are the same people who go into federal parliament. … I cannot understand why they'd be corrupt at one level, or be corruptible at one level, and not at the other.
Then we have Graham Samuel, former chair of the Australian Competition and Consumer Commission, who also backs a national anti-corruption body. Then there are numerous journalists who have worked very closely on this and done outstanding work in exposing the problems that we face. Bob Bottom, a retired investigative journalist who played a key role in the establishment of the New South Wales ICAC, is also a strong backer of a national body, as are Quentin Dempster, Nick McKenzie and Kate McClymont, all of whom have done such very important work in exposing issues in New South Wales. When you look at those issues in New South Wales and the corruption that has been exposed there, it flows over—there are so often links to the federal level. But those inquiries have not gone further, because we do not have that national body.

So the pressure is on for a national body. The evidence is overwhelming for a national ICAC. There is a big stumbling block when you have the two major parties working together and voting together to stop it. But the time will come and the embarrassment will be theirs. It is time for a national independent organisation to fight corruption at a national level.

**Australian Defence Force**

Senator LAMBIE (Tasmania) (20:55): The questions I asked this morning of the government and the short five-minute speech I delivered taking note of the minister's answers relating to the New South Wales police investigation into the 'Jedi Council' scandal and the appalling mistreatment—indeed, criminal treatment—of former members of the Australian Defence Force veterans retired Lieutenant Colonel Dubsky and retired Commando Mick Bainbridge were just the entree to the main meal, which outlines deep dysfunction and corruption in the Australian Defence Force Investigative Service and other areas of the military.

I brought to the attention of the Senate this afternoon the stories of retired Lieutenant Colonel Dubsky and retired commando Mick Bainbridge and in doing so made the observation that the New South Wales Police Force in separate cases had made comments and decisions which raised serious questions about the integrity and honesty of Australia's military justice system. Indeed, the police comments in their secret Strike Force Civet report relating to the Jedi Council scandal did more than just raise questions. The Strike Force Civet report identified a lot of official cover-up, crime and misconduct within the senior ranks of our military justice system, without stating a remedy for it—except to say that if the New South Wales police were to conduct future investigations into and with the Australian Defence Force as a whole and the Australian Defence Force Investigative Service and other areas of the military.

It is extraordinary, and very depressing, that the New South Wales police, because of their experiences investigating the Jedi Council crisis, so famously and skilfully brought to the Australian public's attention by former Chief of Army David Morrison, have such a low opinion of the general's Army. Isn't it extraordinary that the New South Wales Police Force do not trust the Australian Defence Force Investigative Service and military justice system as far as they can kick them?

This federal government knows about the New South Wales police report's damning findings. This government knows about the extraordinary findings indicating cover-up, crime and official corruption in the military justice system. What have they done about it? Nothing—absolutely nothing. Indeed, there is evidence that this government has been
complicit or aided in the cover-up, though the Attorney-General's Department and the Commonwealth Director of Public Prosecutions.

The fact that there is such dysfunction, corruption and lack of justice in our military now begins to explain why our veteran and defence suicide rates are so high. It explains why so many resilient, honourable, courageous and intelligent men and women have become broken after being betrayed by a military justice and compensation system whose first priority is to protect the public reputation of the organisation and its famous leaders, at the expense of the lives and wellbeing of the real heroes—the diggers who put themselves in harm’s way.

Retired Lieutenant Colonel Karel Dubsky and retired commando Mick Bainbridge are two of about 700 former members of the Australian Defence Force who have asked me for help and to provide them with a voice. It is my and my staff's honour to help them in their battles for justice. Firstly, I turn to retired Lieutenant Colonel Dubsky's matter, which became linked to the so called Jedi Council crisis. A report by the New South Wales Police Force from Kings Cross detectives, Strike Force Civet, has come into my possession. It confirms beyond any doubt that deep dysfunction and corruption exist in the Australian Defence Force Investigative Service and other areas of the military. In fact, so damming are the comments and findings by the New South Wales police of the Australian Defence Force investigative and judicial system that no reasonable person could ever trust any Australian Defence Force investigation into any serious criminal or misconduct matter.

Perhaps that is why the Chief of Army has instigated his own special investigation into the culture and activities of Australia's special forces. Although that special forces investigation is also open to claims of dysfunction and corruption because it has no independent parliamentary oversight. Ultimately, even though former judicial officers are being used, it will just be another case of Army investigating Army, with predictable results expected.

As New South Wales police's Strike Force Civet proved, when a credible, independent law enforcement body investigates the actions of the ADF Investigative Service and its military justice system the stench of entrenched dysfunction and official corruption quickly emerges. Strike Force Civet, consisting of New South Wales police in Kings Cross, was established on 23 July 2012 to investigate:

The actions of Hastings Frederickson for the offence of the Use Carriage Service to Cause Offence on ADF network.

You may recall that an Army Reserve member Hastings Frederickson's illegal use of the ADF email system started what become known as the 'Jedi council sex scandal'. Offensive images, emails and one video depicting sexual acts were found on Hastings Frederickson's civilian work computer as part of routine security checks. Further checks indicated that these offensive images, emails and video were disseminated, according to New South Wales police, to at least 10 serving members of the Australian Defence Force.

Retired Lieutenant Colonel Dubsky was one of those members who received two emails from a man he met twice in 12 years. These emails were deleted and never opened. Nonetheless, the then Chief of the Army David Morrison wrongly accused Dubsky of being a participant of a 'Jedi council'. This created a horrific chain of events which saw Lieutenant-Colonel Dubsky's name illegally leaked by the military to Channel 7 and the subsequent public humiliation and destruction of his good name, family life and military career.
Tonight I will share with the Senate quotes from the secret New South Wales police report which clearly prove that the Australian Defence Force Investigative Service, ADFIS, and the senior officers which command it cannot be trusted. Under ‘Kings Cross Detectives, Strike Force CIVET’ it said on page 74:

It is the belief of SF CIVET that the actions of a number of ADFIS staff and other sections of the ADF to deliberately lie, withhold evidence, fabricate information and support the conduct of criminal and serious internal offences without any identification let alone sanction or rectification from the body charged with such duties, then the conduct of future investigations into and with the ADF as whole and ADFIS as a body must be viewed with caution and concern.

It said on page 59:

It would appear to be a distinct difference in the findings of the original ADFIS investigation which concluded no service offences and undertook no action, to the subsequent NSWPOL/ADFIS investigation which identified 100 persons of interest committing 400 service offences and 3 persons charged with 9 counts of Use of Carriage Service to Cause Offence and 1 count of supply prohibited drug.

This is important when the basis of the majority of these finding were available to the original ADFIS investigation and had a clear opportunity to identify this behaviour and prevent further identified criminal and service offence offence.

The findings of Brigadier Dunn are contrary to the findings of SF CIVET.

It said on page 62:

It is the belief of SF CIVET that a number of the conclusions and methodology outlined in IGADF Inquiry 28/13 raise serious concerns about the transparency and accuracy of information provided to NSW Police. This could and should impact on future similar investigations in which the sections of the ADF may be required to be dealt with as a partner organisation.

As previously outlined, after request for all relevant documents from the ADF and IGADF, investigators were required to execute a Search Warrant on the ADF to obtain all documents. The wording of the Search Warrant was very specific and was provided to the ADF and IGADF—the Australian Defence Force and Inspector General of the Australian Defence Force—prior to its execution in order to facilitate the collection and dissemination of the relevant ADF and IGADF documents.

It said on page 60:

IGADF Report 31/13

This was the first time that SF CIVET became aware of the existence of a previous IGADF Inquiry Report which in the words of the Brigadier DUNN was a "related IGADF Inquiry (28/13)". Even in the most conservative interpretation of the items listed in the Search Warrant, the failure to not only identify the existence of, let alone provide the documents as specified, is indicative of a complete failure to understand the most basic of legal requirements or a deliberate willingness to withhold or deny the existence of material being subject to a lawfully obtained and executed search warrant.

The process that led to the failure of the identification and service of IGADF Report 28/13 cannot be determined by SF CIVET. Concerns must be raised of an organisation such as the ADF in general and the IGADF in particular being unable or unwilling to comply with search warrants issued and executed by agencies such as the NSW Police Force without the need for unannounced and physical searches and actual ADF office space or locations.
It said on pages 77 to 78:

ASSESSMENT: While Army Headquarters personnel had been told of a group of Army members calling themselves the 'Jedi Council', they did not understand its significance and they did not brief the CA—
Chief of Army—
on the issue.

IGADF Report No.28/13 Page 7

ASSESSMENT: CA first became aware of the Jedi Council, and its possible significance, on 2 April 2013.

IGADF Report No.28/13 Page 8

The nature of these "Assessments" must raise serious concerns about the conduct of the review as they are patently false or deliberately misleading. These assessments are further contrary to the evidence obtained by Brigadier GAYNOR in its own investigation.

They are in fact contrary to the conclusions drawn by Brigadier GAYNOR in his own summary of his own investigation in which he clearly states the following:

01 August 2012: CA was informed that a reservist W02 is under investigation by NSW Police for offences relating to inappropriate ICT use dating from early 2011. CA was not informed of the 'Jedi Council'.

It would be clear that the NSW Police would not be undertaking any investigations pertaining "ICT" offences which are clearly internal ADF issues. The investigation would only be criminal in nature.

It is clear that the rational for the assessment of Brigadier GAYNOR is that although the Chief of Army was advised on 1 August 2012, that a failure for this briefing to be complete or understood is subsequently interpreted as being not advised.

This is very selective logic and would be more indicative of a pre-determined outcome rather than an evidence-based outcome.

It says on pages 98 to 99:

It is clear that on the evidence of Colonel FENWICK and Colonel WILTON that the Chief of Army was notified on approximately 1 August 2012 and this was recorded in the "Daily Summary" for this day.

It again should be noted that this Daily Summary was never supplied under the search warrant.

The findings of the report that NSW Police do not appear to have explained the significance of the "Jedi Council" to LT Col FENWICK is wrong. At the time of notification by NSW Police to the office of the Chief of Army NSW Police had been in possession of the documents pertaining to SF CIVET for one month.

ADFIS had been in possession of these documents for just short of two years and had an extensive period of time to conduct its investigation.

There is enough evidence in the New South Wales police secret report to indicate that then Chief of Army General Morrison, now Australian of the Year; and then Chief of Defence Force General Hurley, now Governor of New South Wales, in order to protect themselves from charges of inaction or cover-up attempts, misled the Australian people about the timing of when they were made aware of investigations and incidents associated with the 'Jedi council'. They need to answer questions—and, if they want to be thought of as decent and honourable, they need to apologise to Lieutenant Colonel Dubsky and his family.

I now turn to the matters surrounding former commando Mick Bainbridge. His grievance is best summarised in a letter I recently sent to the defence minister, which reads:
Dear Minister Payne,

Reference: meeting with Michael Bainbridge

Thank you very much for agreeing to meeting with Private Michael Bainbridge in my office on Wednesday, 12 October 2016.

I was impressed by the care and attention that you showed to Private Bainbridge as he recounted his disturbing experiences with the Army's Individual Welfare Board. (IWB)

Your staff members and Andrew Hocking, the Deputy Chief of Staff to the Commander of the Army, must also be complimented for their respect and thoughtful attention they gave to Private Bainbridge.

I think you'll agree that Michael Bainbridge is an extraordinary Australian. Surely he displays all the best qualities of our original ANZACs?

He's polite, respectful, unassuming, funny, courageous and motivated by a strong love of Australia, his family and fellow special-forces soldiers.

Mr Bainbridge, as you would expect of a Green Beret Commando and bodyguard to some of Australia's highest ranking military officers in a war zone, to me is also credible, balanced, very intelligent, resourceful, resilient and honest.

Mr Bainbridge's exceptional character, personal and professional qualities (3rd year law student) now pose some very serious problems for your Government and the Australian Army.

If your investigation into Mr Bainbridge's formal complaint and disclosures to you and the Deputy Chief of Staff to the Commander of the Army proves that Private Bainbridge has not provided a misleading sworn statement, then it's likely that a crime or crimes have been committed by CO LTCOL Lawson and others.

It's also likely that a high level cover up of those crimes may have occurred.

These crimes could:

1. Involve a senior army officer knowingly making false claims to civilian police in order to take reprisal action against a whistleblower.

2. The official medical records of that whistleblower being fraudulently altered to cover up the abuse of office and false claims.

Unfortunately this is not the first time credible reports of fraudulent alteration of personal defence records have been brought to my attention.

If Mr Bainbridge's sworn Statutory Declaration is accurate and the raid on his home on the 24th of July (while his wife and child were present) by 10 to12 armed Tactical Police dressed in body armour, then I can only draw the conclusion that CO LTCOL Lawson either deliberately and maliciously or incompetently and negligently, caused this unfortunate event.

Of course this police raid, allegedly instigated by CO LTCOL Lawson, and coming a day after her decision to, in controversial circumstances, take $42,000 per year away from Mr Bainbridge's Special Forces disability payments is one of the most extraordinary public interest disclosures I have ever heard from a military whistleblower.

The only other act I can compare it to was the incident where high ranking members of the military sent 28 images of an autopsy of Army Veteran Mr Saltmarsh's best friend (Mr Jones) to Mr Saltmarsh despite being instructed not to.

Private Bainbridge has disclosed to me following our meeting that the trauma he experienced as a result of the armed police raid on his family home was greater than all his experiences of battle against Australia's enemies in the Middle East.
And making that comparison—as you will no doubt agree after reading Private Bainbridge’s distinguished and long military record—gives you a small sense of the deep hurt and betrayal that this great Australian now feels.

Private Bainbridge after joining the ADF just after highschool has been in the thick of action for many years against the Taliban and other enemies. He has described to me extraordinary bloody events in the Middle East that would challenge the imaginations of most ordinary Australians.

I find it extremely sad that he is ready to return all his service medals and dreads the thought that one day his young son could grow and want to join the Australian Military.

I also worry about the trauma and hurt that has been caused to his wife and son, by what was a potentially criminal, vindictive, malicious or careless action by senior ADF officers.

How do you propose to remedy that hurt?

Understandably, Mr Bainbridge and myself are very nervous about the military investigating itself when such serious charges have been levelled at senior officers.

Unfortunately, my experience shows that a culture of cover up and official corruption is beginning to emerge in the senior ranks of the ADF.

Therefore we are happy to have independent law enforcement officers investigate this matter, if that is your recommendation.

In closing, I would also request that CO LTCOL Lawson be stood aside on full pay pending the results of your independent investigation which should be broad enough to review all the Individual Welfare Board decisions that this senior officer has made.

Only a royal commission will be able to repair this military mess. And only a royal commission will bring to justice those high ranking, criminal officers who cover up official misconduct and hide behind the official secrets legislation.

Senate adjourned at 21:15

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

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


Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—

Exemption—hang-gliding and paragliding operations at Hooley Dooley launch site within active restricted airspace at Williamtown, NSW—CASA EX161/16 [F2016L01773].

Repeal of Airworthiness Directive—CASA ADCX 022/16 [F2016L01770].

Commissioner of Taxation—Public Rulings—

Class Rulings—


Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.

Migration Act 1958—Migration Regulations 1994—
Arrangements for Applications for Bridging Visas 2016/095—IMMI 16/095 [F2016L01774].
Australian Values Statement for Public Criterion 4019—2016/113—IMMI 16/113 [F2016L01783].
Class of Persons (Emergency Services) 2016/114—IMMI 16/114 [F2016L01785].
Class of Persons for Temporary Activity (Class GG) Visa and Events and Class of Persons for Subclass 408 (Temporary Activity) Visa 2016/105—IMMI 16/105 [F2016L01781].
Class of Persons for Temporary Work (International Relations) (Class GD) Visa 2016/110—IMMI 16/110 [F2016L01780].
Specification of Occupations, a Person or Body, a Country or Countries Amendment Instrument 2016/118—IMMI 16/118 [F2016L01787].
Visas Attracting a Non-Internet Application Charge 2016/099—IMMI 16/099 [F2016L01779].
Visas Attracting a Subsequent Temporary Application Charge 2016/098—IMMI 16/098 [F2016L01784].

Native Title Act 1993—Native Title (Assistance from Attorney-General) Amendment Guidelines 2016 [F2016L01775].

Public Governance, Performance and Accountability Act 2013—
Commonwealth participating in the formation of a company (provisionally) AusCo—11 November 2016.

Tabling
The following documents were tabled pursuant to standing order 61(1) (b):
Australian Health Practitioner Regulation Agency (AHPRA)—Report for 2015-16.