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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
Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Sam Dastyari

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

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

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; DHJP—Derryn Hinch's Justice Party; FF—Family First 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
# TURNBULL MINISTRY

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<tr>
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<td>Senator the Hon Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
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<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
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<td>The Hon Michael Keenan MP</td>
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<tr>
<td>Minister Assisting the Prime Minister for Counter-Terrorism</td>
<td>The Hon Scott Ryan</td>
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<td>Minister Assisting the Prime Minister for Cyber Security</td>
<td>The Hon Dan Tehan MP</td>
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<tr>
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<td>Senator the Hon James McGrath</td>
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<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>The Hon Angus Taylor MP</td>
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<tr>
<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
<td>Senator the Hon Anne Ruston</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
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<tr>
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<td>The Hon Julie Bishop MP</td>
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<td>The Hon Steve Ciobo MP</td>
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<tr>
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<td>The Hon Keith Pitt MP</td>
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<tr>
<td>Attorney-General</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
<td>The Hon Michael Keenan MP</td>
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<td>Minister for Justice</td>
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<td>Minister for Local Government and Territories</td>
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<tr>
<td>Minister for Infrastructure and Transport</td>
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<tr>
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<td>The Hon Darren Chester MP</td>
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<td>The Hon Paul Fletcher MP</td>
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<td><strong>Assistant Minister for Rural Health</strong></td>
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<td>Leader of the Opposition</td>
<td>Hon Bill Shorten MP</td>
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<td>Shadow Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders</td>
<td>Hon Bill Shorten MP</td>
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<tr>
<td>Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders</td>
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<td>Shadow Cabinet Secretary</td>
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<td>Shadow Assistant Minister for Preventing Family Violence</td>
<td>Terri Butler MP</td>
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<tr>
<td>Shadow Assistant Minister for Digital Economy and Startups</td>
<td>Tim Hammond MP</td>
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Each box represents a portfolio except for (1) which is in the Education portfolio, (2) which is in Treasury portfolio and (3) which is in the Health portfolio. **Shadow Cabinet Ministers are shown in bold type.**
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HANSARD
2016
FIRST SESSION OF THE FORTY-FIFTH PARLIAMENT
(FIRST PERIOD)

The Senate, on 4 May 2016, adjourned until 9 May 2016 at 10 am. By proclamation the Forty-Fourth Parliament was dissolved on 9 May 2016. The Forty-Fifth Parliament was convened for the dispatch of business on 30 August 2016, and the First Session commenced that day.

Tuesday, 30 August 2016
OPENING OF THE PARLIAMENT

The Senate met at 10.30, pursuant to the proclamation of His Excellency the Governor-General.

The Clerk read the proclamation.

The Deputy appointed by His Excellency the Governor-General for the opening of the parliament, Hon. Robert French AC, Chief Justice of the High Court, and the Hon. Susan Kiefel AC, Justice of the High Court, having been announced by the Usher of the Black Rod, entered the chamber.

The Deputy took the chair and directed the Usher to desire the attendance of the members of the House of Representatives.

Members of the House of Representatives having attended accordingly—

The Deputy said:

Members of the Senate and members of the House of Representatives: His Excellency the Governor-General has appointed me as his Deputy to declare open the Parliament of the Commonwealth. The Clerk of the Senate will now read the instrument of appointment.

The instrument having been read by the Clerk—

The Deputy said:

Members of the Senate and members of the House of Representatives: pursuant to the instrument which the Clerk has now read, I declare open the 45th Parliament of the Commonwealth.

His Excellency the Governor-General has commanded me to let you know that, after members of the Senate and members of the House of Representatives have been sworn, the Governor-General will declare in person at this place the causes of his calling the Parliament together.

It is also necessary that a President of the Senate and a Speaker of the House of Representatives be chosen. Therefore, you, members of the House of Representatives, will now return to the House of Representatives and choose a person to be your Speaker, and you,
members of the Senate, will proceed to choose a person to be your President. Later today, you will present the persons you have chosen to the Governor-General.

The Hon. Justice Kiefel will now attend in the House of Representatives for the purpose of administering the oath or affirmation of allegiance to honourable members of that House.

The Hon. Justice Kiefel and members of the House of Representatives having retired—

PARLIAMENTARY REPRESENTATION

Commission to Administer the Oath or Affirmation of Allegiance

The Deputy said:

His Excellency the Governor-General has authorised me to administer the oath or affirmation of allegiance to honourable senators elected on 2 July 2016 as required by section 42 of the Constitution. The Clerk of the Senate will now read the commission.

The commission having been read by the Clerk—

Senators Sworn

The Clerk: I lay on the table the certificates of election of senators elected on 2 July 2016 to serve in the Senate from 1 July 2016 as follows:

New South Wales—Marise Payne, Sam Dastyari, Arthur Sinodinos, Jenny McAllister, Fiona Nash, Deborah O'Neill, Concetta Fierravanti-Wells, Doug Cameron, Lee Rhiannon, John Williams, Brian Burston and David Leyonhjelm

Queensland—George Brandis, Murray Watt, Pauline Hanson, Matthew Canavan, Anthony Chisholm, James McGrath, Claire Moore, Ian Macdonald, Larissa Waters, Barry O'Sullivan, Chris Ketter and Malcolm Roberts

South Australia—Simon Birmingham, Penny Wong, Nick Xenophon, Cory Bernardi, Don Farrell, Stirling Griff, Anne Ruston, Alex Gallacher, David Fawcett, Skye Kakoschke-Moore, Sarah Hanson-Young and Bob Day

Tasmania—Eric Abetz, Anne Urquhart, Peter Whish-Wilson, Jacqui Lambie, Stephen Parry, Helen Polley, Jonathon Duniam, Carol Brown, David Bushby, Lisa Singh, Catryna Bilyk and Nick McKim


Western Australia—Mathias Cormann, Sue Lines, Scott Ludlam, Michaelia Cash, Glenn Sterle, Dean Smith, Patrick Dodson, Linda Reynolds, Chris Back, Louise Pratt, Rodney Culleton and Rachel Siewert

Australian Capital Territory—Katy Gallagher and Zed Seselja

Northern Territory—Malarndirri McCarthy and Nigel Scullion

The abovenamed senators, with the exception of Senator Ryan, made and subscribed the oath or affirmation of allegiance.

The Clerk: I inform the Senate that Senator Ryan is unavoidably absent for personal reasons.

The Deputy having retired—

PARLIAMENTARY OFFICE HOLDERS

President

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:12): Clerk, I remind the Senate that
the time has come when it is necessary for the Senate to choose one of its members to be President. I propose to the Senate for its President Senator Parry, and I move:

That Senator Parry take the chair of the Senate as President.

The Clerk: Are there any further nominations? There being no further nominations, Senator Parry is elected President of the Senate and will take the chair, in accordance with the standing orders.

Senator Parry having been conducted to the dais—

The PRESIDENT (11:13): Senators, thank you. I really appreciate it and I am deeply humbled by the confidence shown in me, especially being elected unopposed. So thank you very much. I intend to continue my presidency as I did in the previous two years. I am a fierce fighter for the independence of the Senate and the independence of the parliament from the executive, but also acknowledging the executive has a role to perform and the parliament should assist that executive. Equally, I will try and impose discipline on the chamber, as I have in the past, in an even-handed manner, and I expect that the Senate will respond likewise. Let’s show the Australian public that we can be a respectful place of debate, of intelligent debate, and pass and debate legislation in a very constructive manner—even though there will be differences from time to time, I am sure.

Could I also suggest to the Senate that, as senators think about the formation of committees—in particular, additional committees—we do consider the workload of the Senate staff and the institution of the Senate, so we do not have too many committee hearings, too many committee reports and devalue the workload of the Senate. We have a high reputation around the world for the way that the Senate does handle committee work and the deliberations and the findings of many of those committee reports. Equally, I think senators should also realise that senators have a finite capacity in which to serve on these committees and to attend hearings and travel to various parts of Australia to undertake that work, so I just do ask senators to be cognisant of that particular workload.

And, finally, I am here as a friend and as a confidant if you need to speak to me about anything, if you need assistance. In particular I direct those remarks to newer senators. I am here in a very impartial way—a confidential way—to assist you as senators to perform your roles. And I want to make sure that this Senate remains a fine institution and I will be your servant to that end. Thank you.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:15): Mr President, on behalf of government senators and, I dare say, I may say on behalf of all senators might I congratulate you on your re-election to the office of President of the Senate. It speaks volumes of the very high regard in which you are held in this chamber that you were re-elected unopposed.

Senator Parry, you have served the Senate since you were first elected as a senator for Tasmania in 2004. You were the Deputy President of the Senate for three years before your first term as President, which began on 7 July 2014. In that term as President you demonstrated two of the great qualities of a presiding officer: you were firm but you were fair. And in the past three years you won the respect of all in this chamber for the even-handed and firm manner in which you conducted your office. You have been a good
President, Mr President, and I predict that in your second term as President of the Senate you will rise to become a great President—one of the great Presidents of the Senate.

The PRESIDENT: Thank you, Senator Brandis.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (11:17): Mr President, on behalf of the opposition I congratulate you on your election—or your re-election—as President. We acknowledge and respect your commitment to and willingness to defend the independence of this institution, the Senate. We look forward to your good judgement, your fairness and on occasion your forbearance. We wish you well.

The PRESIDENT: Thank you, Senator Wong.

Sitting suspended from 11:18 to 14:25

Presentation to Governor-General

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): I wish to inform honourable senators that the Governor-General will be pleased to receive Mr President and such honourable senators as desire to accompany him in the Members Hall immediately.

The PRESIDENT: Honourable senators, I invite you to accompany me to the Members Hall, where I shall present myself to His Excellency the Governor-General as the choice of the Senate to be its President.

Sitting suspended from 14:25 to 15:00

The President and honourable senators proceeded to the Members Hall and having returned—

GOVERNOR-GENERAL’S SPEECH

His Excellency the Governor-General entered the chamber and, being seated, with the President on his right hand, commanded that a message be sent to the House of Representatives intimating that His Excellency desired the attendance of honourable members in the Senate chamber.

Honourable members having come with their Speaker, His Excellency was pleased to deliver the following speech:

Honourable senators and members of the 45th Parliament of Australia.

Australians look to their members and senators to provide them with a parliament that works hard for them.

You come to this place with the honour of being elected by the people to serve as their voice, to represent their interests, in the great debates that will shape our nation's destiny.

Electorates across the country have vested in you their trust to deal sensibly, responsibly and diligently with a multitude of policy choices important not only to how Australians live today but to what sort of society we bequeath to future generations.

In this 45th Parliament, my government will work constructively, cooperatively and creatively with each member and senator to focus on policy that improves the wellbeing, and secures the future, of all Australians, their families and their communities.

This will be a government that delivers.
Senators and members, you have a full agenda of work to complete over the coming three years.

My government is approaching this term with optimism and a strong resolve to deliver on its programs and on the investments promised.

The legislative program will deliver on both the economic plan and budget strategy that was put to the Australian people.

The economy

It is prudent that this parliament prepares for any significant shocks from the global economy by strengthening our economic resilience. Failure to prepare will leave our economy and our living standards vulnerable.

The government is committed to maintaining strong fiscal discipline, strengthening the balance sheet, and supporting policies that encourage jobs, growth and investment.

My government will continue to bring the budget back into balance by controlling expenditure growth and by strengthening economic growth. Considerable effort is needed to reduce spending growth.

My government, with the help of this parliament, will also ensure that Australia’s revenue base is secure, sustainable, efficient and fair.

The government will implement policies such as ensuring multinational companies pay the right amount of tax on what they earn in Australia; strengthening the Australian Taxation Office’s capacity to identify and crack down on tax avoidance by large corporates and high-wealth individuals; and better targeting tax concessions to make our superannuation system more sustainable.

My government is committed to its program of ensuring that all taxpayers—businesses and individuals—pay the right amount of tax.

Middle-income Australians are bearing a growing tax burden, which is why the government will prevent average full-time wage earners from moving into the second top tax bracket, by increasing the 32.5 per cent tax threshold from $80,000 to $87,000.

This will keep 500,000 Australians in the middle tax bracket for longer so they will not be penalised for working hard by paying more tax through a higher rate.

My government will support enterprise by reducing the company tax rate to 27.5 per cent for businesses with a turnover less than $10 million, before decreasing the tax rate on all companies to 25 per cent by 2026–27.

Consumer protection is a key element of my government’s agenda for the financial services sector, with a focus on lifting the professional standards of financial advisers, changes to life insurance remuneration structures, the review of the external dispute resolution framework, bolstering the powers and tools available to ASIC, and improving consumer credit protections.

My government will work with the 45th Parliament to achieve a strong budget position, and to ensure that funding is sustainable over the long term so the government can afford to provide the services Australians rely on every day, and so that future generations will also benefit from the same level of services.
National security

As you serve as a senator or member of this parliament, you uphold the values and freedoms that have been hard won by those who have made, and are still making, the greatest sacrifice of all—as members of our defence forces.

In this coming term, this parliament will have many occasions to honour, with dignity and respect, this tradition of service.

As we conclude the Anzac Centenary, we will commemorate the 100th anniversaries of Polygon Wood, Beersheba and Villers-Bretonneux.

This parliament will also witness the 75th anniversaries of Kokoda, the fall of Singapore, Milne Bay, El Alamein and Hellfire Pass.

This is an opportunity as a nation to commemorate the great sacrifice of brave Australians in each of these conflicts, and to acknowledge our profound debt to them.

Today, we live in a world of great volatility, in a strategic environment as complex as any before it.

The highest responsibility of any Australian parliament is to protect Australians, to keep them safe, to provide the peaceful conditions in which they can live and prosper.

Strong defence capability remains vital to Australia’s national interests.

My government will commence implementation of the largest investment in our naval forces since World War II, equipping the Australian Defence Force with the advanced weaponry, personnel and technology it needs.

Over the next decade Australia will invest $195 billion in defence capability, including the construction of new naval vessels as part of our continuous naval shipbuilding strategy.

It is an investment in our future, our security and our industry.

My government will ensure Australia has both a sovereign defence capability that does not rely on others for our security and a globally competitive defence industry.

It will be transformative for our economy.

Counterterrorism

On counterterrorism, my government will work with all members and senators to ensure that Australia’s counterterrorism framework remains robust and responsive to the modern and evolving security environment. In light of this, the government intends to continue reforming Australia’s national security laws, including through two critical pieces of legislation.

The Commonwealth, state and territory attorneys-general have met and agreed in principle with the Commonwealth’s proposed legislation to implement a nationally-consistent, post-sentence preventative detention scheme, with appropriate protections for high-risk terrorist offenders serving custodial sentences.

A revised Counter-Terrorism Legislation Amendment Bill will also be introduced into parliament as soon as possible. It will allow, among other things, for control orders to be issued for persons as young as 14 years old. The government has accepted all recommendations on this bill from the Parliamentary Joint Committee on Intelligence and Security.
**Digital defence**

In a digital and connected world, online security is also important for Australia to fully realise the social and economic benefits of being online.

My government will foster trust and confidence in cybersecurity by driving the implementation of the Cyber Security Strategy, released in April this year, to ensure Australian interests are not just protected, but also advanced and so that private sector innovation can flourish. Cybersecurity will no longer be a second order issue but a core element of our national security framework and priorities.

**Foreign affairs, trade and investment**

Over the term of this parliament, my government will grow our exports, attract investment and boost domestic competitiveness through new trade agreements.

Australia's expanded overseas diplomatic presence will increase market access for Australian businesses, and ensure that our voice, as one of the world's longstanding democracies and defenders of freedom, is given due weight in the wider world.

My government will pursue a comprehensive trade agreement with Indonesia, continue to push for an ambitious regional comprehensive economic partnership with our largest regional partners and a new trade agreement with Pacific Island countries, moving Australia towards our goal of greater regional economic integration.

The government will seek to launch negotiations for a free trade agreement with the European Union early next year and ministerial discussions have already begun with the United Kingdom to explore avenues to increase trade and investment in preparation for Britain's exit from the European Union.

The government will ratify and implement agreements already negotiated, including the Trans-Pacific Partnership.

Australia will play a leading role in bringing the Trade in Services Agreement— involving 23 parties, including the European Union and the United States of America—to conclusion as soon as possible.

Services make up approximately 80 per cent of Australia's economy; however, they comprise only 20 per cent of our exports, underlining the strong potential of a more global services sector that is well placed to meet the demand from our region's growing middle class.

The government is contributing to positive multilateral trade outcomes by driving the Environmental Goods Agreement and working towards Australia's accession to the WTO government procurement agreement, in order to open access to major government procurement markets.

My government will continue to prioritise 'aid for trade' to developing countries as a means to encourage global trade, economic growth, stability and security.

**Infrastructure**

Every part of my government's policy, every part of the budget, is designed to promote investment and productivity and to increase living standards.

Infrastructure is a key enabler of productivity across the economy and central to our international competitiveness.
The rollout of the NBN is ramping up and NBN Co has continued to meet its targets. As of 17 August 2016, more than 1.2 million homes and businesses have an active NBN connection and over three million premises are able to order a service.

My government’s digital transformation agenda will drive innovation within government, making it easier for individuals and businesses to access better targeted government services.

My government is committed to connecting Melbourne and Brisbane with inland rail and establishing the new Western Sydney Airport.

My government’s $50 billion investment in infrastructure is connecting goods and markets, connecting rural people and industries to neighbouring regional cities, state capitals and international markets, supporting our local industries and getting us all safely home sooner.

Cities

Well-functioning cities are vital to the Australian economy and our quality of life.

The Smart Cities Plan sets out my government’s vision for our cities, and the plan for maximising their potential to be productive, accessible and liveable.

Central to delivering the Smart Cities Plan are the City Deals.

City Deals are a new approach to coordinating investment, planning and reform across the three levels of government.

They aim to deliver better outcomes from the money the government is already spending.

The government has committed to early deals for Townsville, Launceston and Western Sydney.

Regional communities

Cities are crucial, but there are almost eight million Australians living in rural, regional and remote communities. Our regional communities generate 67 per cent of Australia’s export earnings and have untapped growth potential.

My government will tap into that potential with the $200 million Regional Jobs and Investment Package.

The package will support regional communities to invest in and diversify their economies, create new business and innovation opportunities, and help boost jobs in regional areas.

The new Building Better Regions Fund will also provide continued support to regional projects.

The government is also focused on improving digital connectivity in regional areas and fixing thousands of mobile phone black spots.

In addition to my government’s commitment to regional communities, the government will deliver critical road, rail and marine infrastructure in northern Australia.

The implementation of the Northern Australia Infrastructure Facility and the recommendations of the northern Australia white paper will also support the north’s development, including significant opportunities for our First Australians.

Agriculture and water resources

In this term, my government will continue to implement the Agricultural competitiveness white paper.
Initiatives outlined in the paper will strengthen our farming industries, deliver a fairer go for farm businesses, invest in a smarter approach to farming based on a strong research and development system, build 21st century infrastructure and strengthen our approach to drought.

My government is also undertaking the most significant investment in water infrastructure in our nation's history and is already more than half-way through the rollout of more than $10 billion worth of projects in the Murray-Darling Basin, providing not only water security for our farmers, but also enduring, sustainable agricultural production and consequent economic benefits for all Australians.

Environment

As we sustainably use Australia's natural resources to the best advantage, my government will meet our international environment, climate change and energy obligations.

Climate change will continue to be a critical area of policy attention for my government. Australia will meet its 2020 emissions reduction targets, and the government will review Australia's climate change framework next year to ensure it remains effective in achieving the 2030 target.

My government will promote a more effective gas market, improve governance arrangements for Australia's energy markets, integrate emissions reduction as a part of the energy framework, empower energy consumers and ensure the regulatory framework can accommodate the market's rapid transformation.

The attainment of these objectives will be assisted by all aspects of energy policy being combined in the one portfolio of Environment and Energy.

My government will share stewardship of the environment with communities across Australia through the National Landcare Program and the new Solar Communities Program and a range of locally focused environment programs including the Threatened Species Recovery Fund and the Improving Your Local Parks and Environment Program.

Ensuring a healthy Great Barrier Reef for future generations will remain a key focus, as will management of marine reserves and continuing Australia's science leadership in Antarctica.

Science and innovation

My government's National Innovation and Science Agenda will drive investment in innovative businesses, create more job opportunities for all Australians and prepare our children for the jobs of the 21st century.

Innovation and science are critical as Australia's economy transitions from the mining-led boom to one driven by services, exports, innovation and technology.

My government's Innovation and Science Agenda will also support our world-class scientists and researchers by investing in Australia's critical research infrastructure.

Reforms to research funding will encourage more collaboration between researchers and businesses and transform our world-leading science and research into growth opportunities for Australia.
Education
My government is determined that every Australian child must have the educational opportunities to reach their full potential.

That is why the government will provide record funding to Australian schools throughout the life of this parliament, growing above both inflation and enrolments and distributed according to needs based principles.

Reforms will raise literacy and numeracy standards, encourage more students to study science, technology, engineering and mathematics, and improve rewards for our most capable teachers.

Expanding our P-TECH pilot schools, which link major local employers with local schools, is one of the low cost but innovative means by which the government is supporting secondary students to acquire the skills they will need.

My government will reform early education and child care to provide simpler, more accessible and more affordable assistance to families who are working the longest hours but earning the least.

Tertiary education must be accessible to all Australians, from all backgrounds, and be of the highest quality. My government is committed to a tertiary education system that is financially sustainable for students, institutions and taxpayers. It is essential that all of our students choose the kind of tertiary education or training that is appropriate for where they want to be in life. My government will ensure those choices are there.

The National Strategy for International Education will build on the success of Australia’s $19 billion international education sector.

The government will also implement the redesign of the VET FEE-HELP scheme to restore confidence in the quality and integrity of vocational education and training. The government is committed to increasing the number of apprenticeships and has already announced five innovative, industry-led pilots for new kinds of apprenticeship delivery.

Employment
My government will also continue to deliver innovative programs to help young people into work.

The cutting edge Youth Jobs PaTH program, for instance, will create work opportunities and employment for up to 120,000 young people.

Australia needs such innovative programs to ensure that our next generation, and indeed Indigenous Australians, are not confined to a life on welfare.

The government will also encourage greater levels of private enterprise and investment to support job security and promote new employment opportunities.

Fostering this through a reduction in the tax burden for small- and medium-sized enterprises, backing innovation and investment in start-ups and the 10-year enterprise tax plan will encourage businesses around Australia to employ more Australians.

My government will also support the greater employment participation of Indigenous Australians, mature age Australians and women.

Women’s participation in the workforce will be a priority during this term of parliament.
My government is also committed to protecting vulnerable workers in Australian workplaces.

Bills to establish the Australian Building and Construction Commission and the Registered Organisations Commission will be re-introduced to parliament as a priority.

The building and construction industry is one of the largest sectors of the economy, employing more than one million Australians.

It represents approximately eight per cent of gross domestic product so ensuring an efficient and law-abiding industry is not only crucial for the one million workers, it is vital to the Australian economy.

In addition, my government intends to introduce the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016 to ensure that terms in enterprise agreements cannot undermine the ability of emergency services bodies to deploy and manage volunteers.

The government will also seek to amend the Fair Work Act 2009 to increase penalties so they are set at a level to deter exploitation by unscrupulous employers, including franchisors and their franchisees.

My government recognises that jobs are vital to people and growth is vital to Australia’s economy. A strong economy is, in turn, the means by which we remain a country with a generous social welfare safety net.

Health

Australia has a world-class health system underpinned by Medicare, the Pharmaceutical Benefits Scheme, public hospitals and private health.

My government is focused on ensuring our children and grandchildren continue to have this quality, affordable healthcare system into the future.

Strengthening Medicare

Medicare is fundamental to the healthcare of Australians.

In line with my government’s commitment, every element of Medicare currently delivered by government will continue to be delivered by government.

Primary care reform

In one of the biggest patient-focused reforms in Medicare, my government will improve primary care for 65,000 patients with chronic and complex health conditions by establishing the Health Care Home trials commencing in July 2017. This will put patients at the centre of care with their GP and other health professionals, with the aim of keeping them healthier at home and out of hospital.

MBS review

My government is also focused on ensuring people receive appropriate and best practice care, so it has established a review into the Medicare Benefits Schedule. A clinician-led taskforce is undertaking a review of all 5,700 items on the MBS—many of which have not been reviewed in 30 years—to ensure that the services provided are based on the best evidence and appropriate to today’s patients.
Hospitals
The ability of all Australians, regardless of their circumstances, to receive high quality care in public hospitals is a feature of our unique and fair health system of which Australians can be proud.

My government has achieved agreement with all states and territories on funding for public hospitals and will continue to work together with the states and territories to improve quality and safety, and better coordinate the care of patients with chronic and complex conditions.

Mental health
During this term, my government will implement the comprehensive package of mental health reforms which puts people at the centre of care. Care and services will be tailored at the local level, so all Australians in need have access to support, no matter who they are or where they live.

The government will conduct trials across Australia to determine best practice for suicide prevention, including 12 suicide prevention trial sites and innovative IT solutions which put support 'in the hands of people' 24/7.

The government will also focus a number of our trials on improving outcomes for Indigenous Australians, who have double the suicide rate of non-Indigenous Australians.

Aged care reforms
The aged care system must meet the needs of our increasing numbers of ageing Australians and the needs of today.

The majority of older Australians want to remain in their own homes. My government's aged care reforms are designed to support this, including a dedicated Aged Care gateway and, from February 2017, a new system for home support packages to provide more choice and flexibility in home-based services and providers.

My government will work with the community and the health sector to continue to strengthen our health and aged care systems to support Australians now and into the future.

Human services
National Disability Insurance Scheme
Members and senators who served in previous parliaments can be proud that the full rollout of the National Disability Insurance Scheme has commenced and will be at full scheme by 2020. It is a testament to what the parliament can achieve together.

The NDIS will transform the lives of around 460,000 Australians who are living with disability.

My government is committed to fully funding the scheme, and has set up the NDIS Savings Fund Special Account.

Priority investment approach
Transforming lives is also the aim of the Australian Priority Investment Approach to Welfare and the Try, Test and Learn Fund, both of which will finance experimental and innovative responses to meet the needs of the most vulnerable Australians and to increase their ability to live independently.
Cashless debit card

During this term of parliament, the government will decide on the future directions of the cashless debit card. The card is another watershed reform in Australian welfare, significantly helping to reduce welfare-funded alcohol, drug and gambling abuse.

Domestic violence

Addressing domestic violence will continue to be a national priority under my government. Policies will focus on protecting women and children in danger and preventing its causes—gender inequality and disrespect of women. My government will continue to work in partnership with the states and territories to address violence and disrespect towards women.

Outcomes of inquiries

This parliament will show leadership as it considers the outcomes of a number of inquiries, royal commissions, a plebiscite and a referendum.

Royal commissions

At the end of next year, the Royal Commission into Institutional Responses to Child Sexual Abuse will conclude. My government is working to ensure redress is provided for survivors of institutional child sexual abuse by the responsible institutions as soon as possible.

My government has set up a Royal Commission into the Child Protection and Youth Detention Systems of the Northern Territory, which is scheduled to report on 31 March 2017. This will enable a swift inquiry into the failings of the child protection and youth detention systems in the Northern Territory. The royal commission's findings will inform other jurisdictions considering how child protection and youth detention systems can be improved. My government will also take the issues of youth detention and child protection to COAG.

Same-sex marriage plebiscite

A decision on the same-sex marriage plebiscite will be made by all Australians via that plebiscite as soon as practical. My government will ask Australians to make a decision as a nation and then to respect the outcome.

Indigenous affairs

My government, like those in the previous parliaments, will continue to strive for equality of opportunity so the gaps in health, education and employment are closed between our First Australians and the rest of the population.

Our First Australians have cared for this country for tens of thousands of years.

The uniqueness of their cultures brings to our national identity that which enriches all of us as Australians.

The commitment to do things with Aboriginal and Torres Strait Islander Australians, rather than doing things to communities, remains steadfast.

The challenge of this parliament will be to see every minister, every member and senator delivering on that commitment as we forge stronger and deeper relationships built on mutual respect with our First Australians.
Indigenous recognition

Finally, and perhaps the most nation-changing work of this parliament and the Australian people, will be the recognition of Aboriginal and Torres Strait Islanders in Australia's Constitution.

The Prime Minister and Leader of the Opposition have reaffirmed their joint commitment to constitutional recognition, and have sought an interim report from the Referendum Council on its work to date and next steps.

The council has been asked to lead national consultations, including a series of Indigenous-led consultations with Aboriginal and Torres Strait Islander peoples—as no proposal can move from first base without the support of Indigenous peoples.

All Australians will have the opportunity to have their say on this matter because near universal support will be needed to take this proposal to a referendum.

Conclusion

My government is committed to three years of strong, stable economic leadership and to a term of reform and delivery.

Its agenda recognises that lasting prosperity and our nation's ongoing wellbeing comes through embracing new and better ways of doing things and that we secure a better future for generations to come through considered, mature and timely deliberation on the big issues that affect us all.

Though you come from, and represent, many different viewpoints, I urge you to work together to provide Australia with economic security, national security and strong and sustainable support for the most vulnerable and disadvantaged in our society.

I know you will serve the Australian people diligently and constructively, but most of all, I know you will serve with honour and the sense of duty to this nation and its values that has inspired so many Australians before you.

It is now my pleasure to wish you well and carry out my responsibility to declare open the 45th Parliament of the Commonwealth of Australia.

His Excellency the Governor-General and members of the House of Representatives retired—

Sitting suspended from 15:47 to 17:00

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 17:00, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute and returns to order. Lists are available from the table office or the chamber attendants.

I also table documents from the Australian Electoral Commission relating to recounts of Senate votes for the states of New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania, pursuant to section 282 of the Commonwealth Electoral Act 1918.
Consideration

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (17:01): I seek leave to move a motion relating to the consideration of documents.

Leave granted.

Senator BUSHBY: I move:

That the documents, committee reports and government responses just tabled at item 10 on the order of business be listed on the Notice Paper as separate orders of the day and be considered on Thursday, 1 September 2016 at general business.

Question agreed to.

PARLIAMENTARY REPRESENTATION

Commission to Administer the Oath or Affirmation of Allegiance

The PRESIDENT (17:02): I report that, accompanied by honourable senators, this afternoon I presented myself to the Governor-General as the choice of the Senate as President. The Governor-General congratulated me upon my election and presented me with a commission to administer to senators the oath for affirmation of allegiance. I table the commission.

GOVERNOR-GENERAL’S SPEECH

The PRESIDENT (17:02): I inform the Senate that I have received a copy of the opening speech which his Excellency the Governor-General was pleased to deliver to both houses of the parliament.

Ordered that consideration of the Governor-General's opening speech be made an order of the day for the next day of sitting.

BUSINESS

Rearrangement

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (17:02): by leave—I move:

That standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General's opening speech has been adopted.

Question agreed to.

MINISTERIAL ARRANGEMENTS

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (17:03): by leave—I can inform the Senate that, following the election held on 2 July this year, His Excellency the Governor-General commissioned the Hon. Malcolm Turnbull, Prime Minister, to form a government. Ministers and assistant ministers were appointed on 19 July 2016. For the information of honourable senators, I table a full list of the ministry. The document lists all ministers and assistant ministers and the offices they hold. It shows those ministers who comprise the cabinet, and it provides details of representation arrangements in each chamber.
I can inform the Senate that the Prime Minister has reappointed me as the Leader of the Government in the Senate. He has reappointed Senator Cormann as the Deputy Leader of the Government in the Senate and reappointed Senator Fifield as the Manager of Government Business in the Senate. I can further inform the Senate that Senator Bushby will continue in his role as Chief Government Whip in the Senate, and that Senator Fawcett and Senator Smith have both been re-elected as deputy government whips in the Senate.

I congratulate those honourable senators on their reappointment to the Senate leadership, as well as Senator Canavan on his promotion to the cabinet. I also would like to take this opportunity to congratulate senators opposite who have recently been appointed to shadow ministerial roles and other offices within the opposition.

Finally, Mr President, I assure you that, just as we sought to do in the last parliament, we the government will once again work with you and, indeed, with all senators to ensure the orderly running of this chamber and the good governance of the Commonwealth. I thank the Senate.

SHADOW MINISTERIAL ARRANGEMENTS

Senator WONG (South Australia—Leader of the Opposition in the Senate) (17:05): by leave—I advise the Senate that, subsequent to the election, the caucus of the federal parliamentary Labor Party has re-elected me to serve as Leader of the Opposition in the Senate, and Senator Conroy has been re-elected Deputy Leader of the Opposition in the Senate.

I further advise that Senator Urquhart has been elected to serve as Chief Opposition Whip in the Senate—making it almost an entirely Tasmanian lock-in!—and Senators Bilyk and McAllister have been elected to serve as deputy opposition whips. Senator Dastyari has agreed to serve as Manager of Opposition Business in the Senate.

Honourable senators interjecting—

Senator WONG: Pause for effect!

Senator Conroy: Be afraid; be very afraid!

Senator WONG: I wish to congratulate all senators on their appointments, and to acknowledge and thank particularly former senator Anne McEwen and Senator Moore for their outstanding service as Chief Opposition Whip and Manager of Opposition Business in the Senate, respectively, during the last parliament.

Mr President, obviously the opposition would have preferred to have found ourselves on the other side of the chamber in the 45th Parliament; however, we return to this Senate ready to continue to hold this government to account, and we look forward to participating in robust debate and applying forensic scrutiny as we hold the executive to account.

I congratulate government senators who have been appointed to parliamentary positions and particularly congratulate those who have been appointed to the executive. It is an enormous privilege to serve as a minister of the Crown for the Commonwealth of Australia, and we congratulate you on that appointment.

I seek leave to table the shadow ministry list for the 45th Parliament and to have it incorporated into Hansard.

Leave granted.
The document read as follows—

**SHADOW MINISTRY LIST**

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<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
<th>OTHER CHAMBER</th>
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<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>Hon Bill Shorten MP</td>
<td>Senator the Hon Penny Wong</td>
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<td>Shadow Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders</td>
<td>Hon Bill Shorten MP</td>
<td>Senator Patrick Dodson</td>
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<tr>
<td>Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders</td>
<td>Senator Patrick Dodson</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon Jacinta Collins</td>
<td>Terri Butler MP</td>
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<td>Shadow Assistant Minister for Family Violence and Child Safety</td>
<td>Terri Butler MP</td>
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<td>Shadow Assistant Minister for Digital Economy and Startups</td>
<td>Tim Hammond MP</td>
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<td>Shadow Assistant Minister to the Leader (Tasmania)</td>
<td>Senator Helen Polley</td>
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<td><strong>Deputy Leader of the Opposition</strong></td>
<td>Hon Tanya Plibersek MP</td>
<td>Senator the Hon Jacinta Collins</td>
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<td>Shadow Minister for Education</td>
<td>Hon Tanya Plibersek MP</td>
<td>Senator Claire Moore</td>
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<td>Shadow Minister for Women</td>
<td>Hon Tanya Plibersek MP</td>
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<td>Shadow Assistant Minister for Schools</td>
<td>Andrew Giles MP</td>
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<td>Shadow Assistant Minister for Universities</td>
<td>Terri Butler MP</td>
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<td>Shadow Assistant Minister for Equality</td>
<td>Terri Butler MP</td>
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<td><strong>Leader of the Opposition in the Senate</strong></td>
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<td>Shadow Minister for Foreign Affairs</td>
<td>Senator the Hon Penny Wong</td>
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<td>Shadow Minister for International Development and the Pacific</td>
<td>Senator Claire Moore</td>
<td>Hon Tanya Plibersek MP</td>
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<td>Shadow Special Minister of State</td>
<td>Senator the Hon Stephen Conroy</td>
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<td>Shadow Minister for Sport</td>
<td>Senator the Hon Stephen Conroy</td>
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<td>Shadow Treasurer</td>
<td>Hon Chris Bowen MP</td>
<td>Senator Katy Gallagher</td>
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<td>Shadow Assistant Treasurer</td>
<td>Hon Andrew Leigh MP</td>
<td>Senator Sam Dastyari</td>
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<td>Shadow Minister for Competition and Productivity</td>
<td>Hon Andrew Leigh MP</td>
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<td>Shadow Minister for Charities and Not-for-Profits</td>
<td>Hon Andrew Leigh MP</td>
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<td>Shadow Minister for Consumer Affairs</td>
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<td>Manager of Opposition Business (Senate)</td>
<td>Senator Sam Dastyari</td>
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<td>Shadow Assistant Minister for Treasury</td>
<td>Hon Matt Thistlethwaite MP</td>
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<td><strong>Shadow Minister for Environment and Water</strong></td>
<td>Hon Tony Burke MP</td>
<td>Senator Louise Pratt</td>
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<td>Shadow Minister for Citizenship and Multicultural Australia</td>
<td>Hon Tony Burke MP</td>
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<td><strong>Shadow Minister for Families and Social Services</strong></td>
<td>Hon Jenny Macklin MP</td>
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<td>Shadow Minister for Housing and Homelessness</td>
<td>Senator the Hon Doug Cameron</td>
<td>Hon Jenny Macklin MP</td>
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<td>Shadow Minister for Human Services</td>
<td>Hon Linda Burney MP</td>
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<td>Shadow Minister for Disability and Carers</td>
<td>Senator Carol Brown</td>
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<td>Senator Louise Pratt</td>
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<td><strong>Shadow Minister for Infrastructure, Transport, Cities and Regional Development</strong></td>
<td>Hon Anthony Albanese MP</td>
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<td>Hon Anthony Albanese MP</td>
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<td>Shadow Minister for Regional Services, Territories and Local Government</td>
<td>Stephen Jones MP</td>
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<td>Shadow Assistant Minister for External Territories</td>
<td>Hon Warren Snowdon MP</td>
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<td>Shadow Attorney-General</td>
<td>Hon Mark Dreyfus QC MP</td>
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<td>Hon Mark Dreyfus QC MP</td>
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<td>Clare O'Neil MP</td>
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<td>Senator the Hon Kim Carr</td>
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<td>Senator Penny Wong</td>
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Tuesday, 30 August 2016

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.**

### PARTY OFFICE HOLDERS

#### Australian Greens

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) (17:07): by leave—I wish to inform the Senate that, subsequent to the election, I continue as leader of the Australian Greens; Senator Scott Ludlam and Senator Larissa Waters continue as co-deputy leaders; and Senator Rachel Siewert continues as whip. I seek leave to table, for the information of the Senate, a copy of the Australian Greens office holders and portfolio list. I take this opportunity to thank all of my fellow Greens colleagues for their contribution, to thank Senator Robert Simms also for his contribution most recently, and to congratulate members of both the government and the opposition on their respective positions.

Leave granted.

**Pauline Hanson's One Nation**

**Senator HANSON** (Queensland) (17:08): by leave—I advise the Senate that I am the leader of the party and Senator Burston is the party whip.

**Nick Xenophon Team**

**Senator XENOPHON** (South Australia) (17:08): by leave—I wish to advise the Senate that Senator Skye Kakoschke-Moore will be the whip of the NXT.

#### PARLIAMENTARY OFFICE HOLDERS

**Deputy President and Chair of Committees**

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (17:08): Mr President, I remind the Senate that it should now choose one of its members to be the Deputy President and Chair of Committees.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (17:09): I propose to the Senate, for its Deputy President and Chair of Committees, Senator Lines. I move:

That Senator Lines be appointed Deputy President and Chair of Committees.

**The PRESIDENT:** Are there any other nominations for the position of Deputy President and Chair of Committees? There being none, I declare Senator Lines duly elected as Deputy President of the Senate and Chair of Committees. Congratulations, Senator Lines.

**Senator LINES** (Western Australia) (17:09): Thank you, Mr President. I thank the Senate for the honour that they have done me by bestowing this position and responsibility upon me. I will use my best endeavours to discharge my duties with dignity and fairness. Thank you.

**The PRESIDENT:** Just before we move on, could I particularly acknowledge the work and the contribution of Senator Gavin Marshall previously as Deputy President of the Senate and Chair of Committees. And I do congratulate Senator Lines, and I look forward to working with her as I did with Senator Marshall.
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (17:10): Mr President, on behalf of the government, may I congratulate Senator Lines on her election without opposition to be Deputy President and Chair of Committees of the Senate. It is a very high honour, and we wish you well in the discharge of that office, Senator Lines.

It would be remiss of me to let the opportunity pass without acknowledging, with thanks and appreciation, the role of Senator Marshall, the previous occupant of the position. Senator Marshall, you were an outstanding Deputy President of the Senate. You were respected by all government senators for your fairness, your even-handedness, your authority, your command of the standing orders and the willing spirit of cooperation which you enjoyed with the President of the Senate. There was never a breath of partisanship when you were in the chair. Senator Lines, you have big shoes to fill, which we are sure and confident that you will do.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (17:11): I rise on behalf of the opposition to congratulate Senator Lines on being elected Deputy President and Chair of Committees. Senator Lines is only the third woman to hold this office, the others being former senator Margaret Reid, who went on to become the Senate's first female President, in 1996, and former senator Sue West, who held the deputy's position from 1997 to 2002. This chamber has increased the number of women by one, to 30 senators, since the end of the 44th Parliament, and I am particularly pleased that the opposition now has a woman holding the positions of leader, whip, deputy whips and Deputy President.

Senator Lines has previously served as a Temporary Chair of Committees. She entered the Senate following the retirement of Chris Evans in 2013 and has served on a number of standing committees, most notably as Chair of the Education and Employment References Committee. We are confident, on this side of the chamber, that Senator Lines will bring her experience and her personality to the important role of Deputy President and Chair of Committees.

I also pay tribute to Senator Marshall. I thank him for his service as Deputy President since July 2014. He is someone with regard for the traditions and conventions of this chamber and was a fair and effective chair. I look forward to his future contribution to the opposition.

Temporary Chairs of Committees

The PRESIDENT (17:12): Pursuant to standing order 12, I lay on the table a warrant nominating Senators Back, Bernardi, Gallacher, Ketter, Marshall, O'Neill, O'Sullivan, Reynolds, Sterle and Whish-Wilson as Temporary Chairs of Committees when the Deputy President and Chair of Committees is absent.

PRIVILEGE

The PRESIDENT (17:13): As President of the Senate, my role includes watching out for the institutional rights of the Senate and senators. I therefore wish to make a statement on a question of parliamentary privilege that has important ramifications for all senators and their capacity to function in this place.

Senators may be aware that, on 19 May this year and 24 August this year, officers of the Australian Federal Police executed search warrants at the Melbourne office of Senator Conroy, at the home of an opposition staff member and on the Department of Parliamentary Services here at Parliament House, and seized certain material.
In accordance with the AFP guideline for execution of search warrants where parliamentary privilege may be involved, Senator Conroy claimed parliamentary privilege over the seized material, which was delivered into the custody of the Clerk of the Senate, where it remains today in sealed packages in the Clerk's safe. As required by the guideline, Senator Conroy notified the AFP that he was maintaining his claim of parliamentary privilege over the documents.

As the Senate had been dissolved, Senator Conroy wrote to the Clerk in respect of both occasions, asking for her to arrange to have the matter placed before the Senate when it was reconstituted. Senator Conroy also wrote to the Clerk extending his claim of parliamentary privilege over any copies of material seized from his office and the home of a staff member that had been acquired by the AFP in searching other premises.

A background paper on the determination of claims of privilege following the execution of search warrants has been prepared by the Clerk for the information of senators. The paper includes analysis of the important institutional role played by the Privileges Committee in such matters. I table copies of the correspondence from Senator Conroy, the AFP guideline and covering memorandum of understanding, and also the background paper by the Clerk.

It is now for the Senate to consider how to determine the disposition of the documents. As a first step, unless the Senate determines otherwise, I propose to facilitate discussions on a way forward, and I will confer with party leaders and other senators on a suitable time frame for those consultations to occur.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (17:15): by leave—I will have more to say other than this short statement during the course of the week, but there are several observations I would like to make at this time. What is at stake here is not simply a question of the Prime Minister's legacy as communications minister, as much as that legacy deserves close scrutiny. This is not about the cut and thrust of politics, political gamesmanship or points scoring. What this is about is the proper functioning of the parliament and our democratic system. It is, at its core, about the constitutional right of the people of Australia, through their parliament, to hold the executive to account without fear or recrimination.

Parliamentary privilege is fundamental to the Westminster system of democracy. It is an ancient privilege stretching back to at least the reign of Richard II. In 1397 Sir Thomas Haxey presented a petition to the House of Commons which condemned the waste and mismanagement of the royal household. An incensed Richard demanded to know who had presented the petition, and Haxey was given up. The Lords declared him a traitor and condemned him to death. Although Haxey was never executed, he was deprived of his title and all his possessions. In 1399 the new king, Henry IV, annulled the judgement on the grounds that it was contrary to the privileges of the Commons, and he later promised never to pay attention to the unauthorised accounts of parliamentary proceedings again.

Henry IV’s acknowledgement that the action against Haxey had been contrary to the traditional liberties of the parliament suggests that the privileged status of parliamentary proceedings was recognised as early as the late 14th century. And it is this privilege that ensures every parliamentarian, on behalf of the Australian people, can scrutinise waste and maladministration. The raids on my office, my staff member's home and the Department of
Parliamentary Services are an extraordinary attack on the parliament and its constitutional duty to hold the government of the day to account. As Jonathan Holmes wrote yesterday:

It's hard to imagine a more serious attack on investigative journalism, and on the ability of the media to hold government to account.

There must be no place for politics when it comes to such fundamental democratic principles. It is up to every parliamentarian and every journalist in this place to stand up for the parliament and our democracy, and I have been heartened by the many senators and members from all sides who have approached me to express their concerns about these events.

Finally, on a personal note, I want to acknowledge the distress these events have caused for those involved and for their families, friends and colleagues. In particular, I want to acknowledge Mr Andy Byrne, who has had to endure more than any staff member should for simply doing his job. He was read his rights and was told he was a suspect. It is no exaggeration to say that Mr Byrne has been a model staff member who has worked tirelessly to ensure that the Australian people get the National Broadband Network they deserve. I am honoured to have the privilege of working with Mr Byrne. Thank you.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (17:19): by leave—I understand that Senator Wong has given notice that she will move tomorrow that the matters to which Senator Conroy has adverted be referred to the Senate Privileges Committee for inquiry and report. That is the appropriate course of action, and the government will be supporting that motion. It will then be for the Privileges Committee to determine the appropriate course and, in doing so, to determine its own procedure for investigating the nature of the documents, the nature of the claims and the nature of some of the assertions that are being made in relation to this matter.

The issue raises not one but two important principles. As Senator Conroy has rightly said, it raises the matter of the privilege of the Senate. It is not the privilege of individual senators; it is the privilege of the Senate, as Senator Conroy has rightly said. That is an ancient privilege recognised by section 49 of our Constitution, which provides:

The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

That was the law of Australia from 1901 until 1987, when this parliament passed the Parliamentary Privilege Act, which currently, as interpreted by the courts and by parliamentary practice, governs the matter. That is, as Senator Conroy has rightly said, a high and important principle integral to the functioning of this parliament. In this case it is set in tension with another high and important principle, and that is the due and proper administration of the criminal justice system by those officers charged with its administration—in this case, officers of the Australian Federal Police. It will be for the Privileges Committee to determine the facts of the case, to determine the appropriate course and to determine what steps, if any, the Senate should now take.

The PRESIDENT (17:22): In light of the information that has been presented by you, Senator Brandis, my offer to facilitate further discussion with the leadership group and other senators will now stay in abeyance. I am to understand that we will expect a motion, or a

CHAMBER
notice of motion at least, about a reference to the Privileges Committee. So, unless any other senator has any other comment, I think we will just leave it at that until we deliberate on that particular motion.

CONDOLENCES

Cameron, Mr Eoin Harrap

The PRESIDENT (17:23): It is with deep regret that I inform the Senate of the death on 23 June 2016 of Eoin Harrap Cameron, a member of the House of Representatives for the division of Stirling, Western Australia, from 1993 to 1998.

NOTICES

Presentation

The Minister for Communications (Senator Fifield) to move:

That, pursuant to section 13 of the Constitution, the senators chosen for each state be divided into two classes, as follows:

(1) Senators listed at positions 7 to 12 on the certificate of election of senators for each state shall be allocated to the first class and receive 3 year terms.

(2) Senators listed at positions 1 to 6 on the certificate of election of senators for each state shall be allocated to the second class and receive 6 year terms.

Senator Back to move:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the Criminal Code Amendment (Animal Protection) Bill 2015 be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the previous Parliament.

Senators Polley and Urquhart to move:

That the Senate—

(a) notes:

(i) the destructive impact of the floods in Tasmania which have had a devastating effect on the people of Tasmania, local communities and the natural environment,

(ii) the erosion of prime agricultural farmland, effect on agriculture, destruction of roads and bridges and consequential impact on the local economy;

(b) recognises the unwavering commitment and hard work of the emergency services, SES volunteers, business and community groups and the broader community for their exceptional efforts in responding to this natural disaster; and

(c) expresses its sincere condolences to the families who lost loved ones in the floods.

Senator Leyonhjelm to move:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the previous Parliament:

Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015

Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015.

Senator McKim to move:

That the Senate—
(a) acknowledges the damage done to men, women and children by offshore detention on Manus Island, Papua New Guinea and Nauru as revealed to the Parliament through Senate inquiries, independent government reports and a recent leak of more than 2,000 incident reports from Nauru; and

(b) calls on the Government to establish a Royal Commission into Australia’s immigration detention facilities, including those on Manus Island, Papua New Guinea and Nauru.

**Senators Bernardi, Day, Macdonald, Abetz, Duniam, O’Sullivan, Back, Fawcett, Paterson and Burston, the Leader of Pauline Hanson’s One Nation (Senator Hanson), Senators Reynolds, Bushby, Hinch, Roberts, Culleton, Leyonhjelm, Williams, Smith and McKenzie to move:**

That the following bill be introduced: A Bill for an Act to amend the *Racial Discrimination Act 1975*, and for related purposes. *Racial Discrimination Amendment Bill 2016*.

**Senator Dastyari to move:**

That:

(a) answers be provided by 14 September 2016 to all legislation committees relating to all questions taken on notice by the committees’ predecessor committees with respect to the Additional estimates 2015-16 and the Budget estimates 2016-17, and which remained unanswered at the beginning of the new Parliament; and

(b) for the purposes of standing order 74(5), the day set for answering the question for each of the unanswered questions is 14 September 2016.

**Senator Dastyari to move:**

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the previous Parliament:

- Fair Work Amendment (Protecting Australian Workers) Bill 2016
- Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015.

**Senator Siewert to move:**

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the previous Parliament:

- Commonwealth Electoral Amendment (Donations Reform) Bill 2014
- Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2016
- Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014
- Defence Legislation Amendment (Parliamentary Approval of Overseas Service) Bill 2015
- Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015
- Fair Work Amendment (Gender Pay Gap) Bill 2015
- Landholders’ Right to Refuse (Gas and Coal) Bill 2015

**Senator Fifield to move:**

That, on Thursday, 1 September 2016, consideration of private senators’ bills under standing order 57(1)(d)(i) shall not be proceeded with and that government business shall have precedence for 2 hours and 20 minutes.
Senator Fifield to move:

That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Wednesday, 31 August 2016—Senator Hume;
(b) Thursday, 1 September 2016—Senators Dodson and Duniam;
(c) Monday, 12 September 2016—Senator Hinch; and
(d) Wednesday, 12 October 2016—Senator Chisholm.

Senator Fifield to move:

That departments and agencies be allocated to legislative and general purpose standing committees as follows:

- Community Affairs
- Health
- Social Services, including Human Services
- Economics
- Industry, Innovation and Science
- Treasury
- Education, Employment and Workplace Relations
- Education and Training
- Employment
- Environment and Communications
- Communications and the Arts
- Environment and Energy
- Finance and Public Administration
- Finance
- Parliament
- Prime Minister and Cabinet
- Foreign Affairs, Defence and Trade
- Defence, including Veterans’ Affairs
- Foreign Affairs and Trade
- Legal and Constitutional Affairs
- Attorney-General
- Immigration and Border Protection
- Rural and Regional Affairs and Transport
- Agriculture and Water Resources
- Infrastructure and Regional Development.

Senator Fifield to move:

(1) That the 2016-17 supplementary Budget estimates hearings be scheduled as follows:
(2) Monday, 17 October and Tuesday, 18 October 2016 (supplementary hearings—Group A)
(3) Wednesday, 19 October and Thursday, 20 October 2016 (supplementary hearings—Group B).
That, pursuant to the order of the Senate of 26 August 2008 and 23 June 2015, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 21 October 2016.

That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

That committees meet in the following groups:

**Group A:**
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Education and Employment
- Foreign Affairs, Defence and Trade.

**Senator Fifield** to move:
That the days of meeting of the Senate for the remainder of 2016 be as follows:

**Spring sittings:**
- Thursday, 1 September
- Monday, 12 September to Thursday, 15 September

**Spring sittings (2):**
- Monday, 10 October to Thursday, 13 October

**Spring sittings (3):**
- Monday, 7 November to Thursday, 10 November
- Monday, 21 November to Thursday, 24 November
- Monday, 28 November to Thursday, 1 December.

**Senator Fifield** to move:
That the temporary order relating to the consideration of ministerial statements that was in effect at the end of the 44th Parliament operate as a temporary order until 30 June 2017.

**Senators Xenophon, Ludlam and Lambie** to move:
That the following matters be referred to the Economics References Committee for inquiry and report by 24 November 2016:

(a) the preparation on the part of the Australian Bureau of Statistics and the Government in the lead up to the 2016 Census;
(b) the scope, collection, retention, security and use of data obtained in the 2016 Census;
(c) arrangements, including contractual arrangements, in respect of the information technology aspects of the Census;
(d) the shutting down of the Census website on the evening of 9 August 2016 and the factors leading to that shutdown and the reasons given;
(e) the response rate to the Census and factors that may have affected the response rate;
privacy concerns in respect of the 2016 Census, including the use of data linking, information security and statistical linkage keys;
(g) Australia’s Census of Population and Housing generally, including purpose, scope, regularity and cost and benefits; and
(h) any related matters.

**Senator Dastyari** to move:
That the following matters be referred to the Economics References Committee for inquiry and report by the last sitting day in March 2017:
The conduct of the 2016 Australian Census of Population and Housing, with particular reference to:
(a) ministerial oversight and responsibility;
(b) communication to the Australian community about changes to arrangements for collection and storage of Census data;
(c) preparations by the Australian Bureau of Statistics, including capacity testing of the Census website and safeguards against hacking;
(d) contractual arrangements, including for information technology;
(e) administration and management of the Census;
(f) the adequacy of funding and resources to the Australian Bureau of Statistics;
(g) measures to ensure security and privacy of data;
(h) quality of data received;
(i) advice and support provided by Government agencies, including the Australian Signals Directorate;
(j) additional funding and support required following failures in delivery;
(k) and any related matters.

**Senator Di Natale** to move:
That the Senate—
(a) notes that:
   (i) today is the 15th annual International Overdose Awareness Day, commemorating all those who have died or been seriously injured due to drug overdose, and
   (ii) six people lose their lives to preventable overdose in Australia each day; and
(b) calls on the Government to address the rising rates of harm associated with drug use by implementing and appropriately resourcing evidence-based harm reduction policies, including:
   (i) greater access to needle and syringe programs across the country with an urgent roll-out of trials inside prisons,
   (ii) expanded access to medically supervised injecting facilities across Australia,
   (iii) promoting awareness of the life-saving opioid reversal drug Naloxone, and highlighting its availability over the counter in pharmacies, and
   (iv) working with state and territory governments to cease the use of drug sniffer dogs at festivals and urgently introduce trials of pill testing for the upcoming festivals season.

**Senators Siewert and Lines** to move:
That the Senate—
(a) acknowledges that:
(i) 4 August 2016 marked two years since the death of Ms Dhu in police custody in Western Australia, and

(ii) Ms Dhu’s family has repeatedly called for the release of CCTV footage of Ms Dhu in police custody; and

(b) calls for:

(i) Ms Dhu’s family’s wishes to be respected, and for the CCTV footage to be publicly released by the Western Australian Government, and

(ii) the Commonwealth Government to work with state and territory counterparts to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody in full in order to prevent future deaths in custody.

Senator Xenophon to move:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the previous Parliament:

Foreign Acquisitions Amendment (Agricultural Land) Bill 2010 [2013]

Interactive Gambling Amendment (Sports Betting Reform) Bill 2015.

Senator Wong to move:

That—

(a) the Senate notes that:

(i) confidence and trust in the financial services industry has been shaken by ongoing revelations of scandals, which have resulted in tens of thousands of Australians being ripped off, including:

(A) retirees who have had their retirement savings gutted,

(B) families who have been rorted out of hundreds of thousands of dollars,

(C) small business owners who have lost everything, and

(D) life insurance policy holders who have been denied justice;

(ii) it is clear from the breadth and scope of the allegations that the problems in this industry go beyond any one bank or type of financial institution,

(iii) the Australian Labor Party, the Australian Greens, crossbench, Liberal and Nationals parliamentarians have supported a thorough investigation of the culture and practices within the financial services industry through a Royal Commission, which is the only forum with the coercive powers and broad jurisdiction necessary to properly perform this investigation, and

(iv) Australia has one of the strongest banking systems in the world, but Australians must have confidence in their banks and financial institutions, making it necessary to sweep away doubt and uncover and deal with unethical behaviour that compromises that confidence;

(b) the Senate calls on the Prime Minister to request His Excellency the Governor-General of the Commonwealth of Australia issue Letters Patent to establish a Royal Commission to inquire into misconduct in the banking and financial services industry; and

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

Senator Wong to move:

That the Senate—

(a) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect, regardless of race, colour, creed or origin;
(b) reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;

(c) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;

(d) reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation, and its democratic institutions and values; and

(e) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

Senator Wong to move:

That the following matter be referred to the Standing Committee of Privileges for inquiry and report:

(1) The disposition of the material over which a claim of privilege has been made by Senator the Honourable Stephen Conroy, namely:

(a) the material delivered to the Clerk of the Senate on 20 May 2016 by Australian Federal Police (AFP) following the execution of search warrants on 19-20 May 2016 at the office of Senator Conroy at Treasury Place, Melbourne, and at the Brunswick home of an Opposition staff member;

(b) the material delivered to the Clerk of the Senate on 24 August 2016 by the AFP following the execution of search warrants on that day at the premises of the Department of Parliamentary Services, Parliament House, Canberra; and

(c) the material referred to in a letter from Senator Conroy to the Clerk of the Senate, dated 12 August 2016, being copies of material seized from his office and the home of a staff member on 19-20 May 2016 that had been acquired by the AFP in searching any other premises.

(2) In carrying out its inquiry, the committee shall have regard to the law of parliamentary privilege with reference to the Parliamentary Privileges Act 1987 and relevant court judgments relating to the interpretation and application of the Act.

(3) The committee shall be provided by the AFP with a list and a description of the seized material but the list and description to be provided by the AFP must not contain any information that could identify any person subject to investigation by the AFP in connection with the execution of the search warrants referred to in paragraph (1).

(4) The committee shall provide to affected parties the opportunity to make submissions on the claim of parliamentary privilege and may seek submissions on the application of the law of parliamentary privilege.

(5) If the committee is able to determine the matter without examining the material, it shall report accordingly to the Senate, making recommendations for the disposition of the material.

(6) If the committee is unable to determine the matter without an examination of the material, it may, with the further approval of the Senate, appoint an appropriate person to examine the material and report to it on the claim of parliamentary privilege. The committee shall then report to the Senate.

(7) Unless the Senate approves the appointment of a person to examine the material, it shall remain in the custody of the Clerk of the Senate at all times until its disposition is determined by the Senate, and shall not be examined by the committee.

Senator Siewert to move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 November 2016:

Changes to the Aged Care Funding Instrument announced in the 2015-16 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;

(f) and any other related matters.

**Senator Leyonhjelm** to move:

That the Customs (Prohibited Imports) Amendment (Shotguns and Shotgun Magazines) Regulation 2016, made under the *Customs Act 1901*, be disallowed [F2016L01255].

**Senator Wong** to move (contingent on any senator objecting to a motion being taken as formal):

That so much of the standing orders be suspended as would prevent the motion being put immediately and determined without amendment or debate.

**Senator Di Natale** to move (contingent on any senator being refused leave to move an amendment to a motion discovered during formal business):

That so much of the standing orders be suspended as would prevent that senator moving the amendment to the motion.

**Senator Wong** to move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business):

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

**Senator Wong** to move (contingent on a minister moving a motion that a bill be considered an urgent bill):

That so much of the standing orders be suspended as would prevent debate taking place on the motion.

**Senator Wong** to move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill):

That so much of the standing orders be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

**Senator Wong** to move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired):

That so much of the standing orders be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

**Senator Wong** to move (contingent on the moving of a motion to debate a matter of urgency under standing order 75):

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.
Senator Wong to move (contingent on the President proceeding to the placing of business on any day):
That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Wong to move (contingent on a minister at question time on any day asking that further questions be placed on notice):
That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 30 questions, including supplementary questions, have been asked and answered.

Senator Wong to move (contingent on any senator being refused leave to make a statement to the Senate):
That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Wong to move (contingent on any senator being refused leave to table a document in the Senate):
That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Di Natale to move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business):
That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Di Natale to move (contingent on a minister moving a motion that a bill be considered an urgent bill):
That so much of the standing orders be suspended as would prevent debate taking place on the motion.

Senator Di Natale to move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill):
That so much of the standing orders be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Di Natale to move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired):
That so much of the standing orders be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

Senator Di Natale to move (contingent on the moving of a motion to debate a matter of urgency under standing order 75):
That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

Senator Di Natale to move (contingent on the President proceeding to the placing of business on any day):
That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.
Senator Di Natale to move (contingent on a minister at question time on any day asking that further questions be placed on notice):

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 30 questions, including supplementary questions, have been asked and answered.

Senator Di Natale to move (contingent on any senator being refused leave to make a statement to the Senate):

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Di Natale to move (contingent on any senator being refused leave to table a document in the Senate):

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Xenophon to move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business):

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Xenophon to move (contingent on a minister moving a motion that a bill be considered an urgent bill):

That so much of the standing orders be suspended as would prevent debate taking place on the motion.

Senator Xenophon to move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill):

That so much of the standing orders be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Xenophon to move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired):

That so much of the standing orders be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

Senator Xenophon to move (contingent on the moving of a motion to debate a matter of urgency under standing order 75):

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

Senator Xenophon to move (contingent on the President proceeding to the placing of business on any day):

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Xenophon to move (contingent on a minister at question time on any day asking that further questions be placed on notice):

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 30 questions, including supplementary questions, have been asked and answered.
Senator Xenophon to move (contingent on any senator being refused leave to make a statement to the Senate):

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Xenophon to move (contingent on any senator being refused leave to table a document in the Senate):

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Leyonhjelm to move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business):

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Leyonhjelm to move (contingent on a minister moving a motion that a bill be considered an urgent bill):

That so much of the standing orders be suspended as would prevent debate taking place on the motion.

Senator Leyonhjelm to move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill):

That so much of the standing orders be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Leyonhjelm to move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired):

That so much of the standing orders be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

Senator Leyonhjelm to move (contingent on the moving of a motion to debate a matter of urgency under standing order 75):

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

Senator Leyonhjelm to move (contingent on the President proceeding to the placing of business on any day):

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Leyonhjelm to move (contingent on a minister at question time on any day asking that further questions be placed on notice):

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 30 questions, including supplementary questions, have been asked and answered.

Senator Leyonhjelm to move (contingent on any senator being refused leave to make a statement to the Senate):

That so much of the standing orders be suspended as would prevent that senator making that statement.
Senator Leyonhjelm to move (contingent on any senator being refused leave to table a document in the Senate):

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Leyonhjelm to move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business):

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Leyonhjelm to move (contingent on a minister moving a motion that a bill be considered an urgent bill):

That so much of the standing orders be suspended as would prevent debate taking place on the motion.

Senator Leyonhjelm to move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill):

That so much of the standing orders be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Leyonhjelm to move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired):

That so much of the standing orders be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

Senator Leyonhjelm to move (contingent on the moving of a motion to debate a matter of urgency under standing order 75):

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

Senator Leyonhjelm to move (contingent on the President proceeding to the placing of business on any day):

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Leyonhjelm to move (contingent on a minister at question time on any day asking that further questions be placed on notice):

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 30 questions, including supplementary questions, have been asked and answered.

Senator Leyonhjelm to move (contingent on any senator being refused leave to make a statement to the Senate):

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Leyonhjelm to move (contingent on any senator being refused leave to table a document in the Senate):

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.
Senator Brandis to move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business):
That so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of any matter.
Senator Brandis to move (contingent on the moving of a motion to debate a matter of urgency under standing order 75):
That so much of the standing orders be suspended as would prevent a minister moving an amendment to the motion.

BUSINESS

Leave of Absence

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (17:23): by leave—I move:
That leave of absence be granted to Senator Ryan from 30 August to 1 September 2016, for personal reasons.
Question agreed to.
Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (17:23): by leave—I move:
That leave of absence be granted to Senator Singh from 12 September to 1 December 2016, on account of parliamentary business overseas.
Question agreed to.

Days and Hours of Meeting

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (17:24): by leave—I move:
That the Senate meet on Wednesday, 31 August 2016.
Question agreed to.

ADJOURNMENT

The PRESIDENT (17:24): I propose the question:
That the Senate do now adjourn.

Palliative Care

Senator POLLEY (Tasmania) (17:24): I rise this evening to speak about the hospice@HOME program which the District Nurses deliver in Tasmania. Growing old is no longer something that we do behind closed doors. It is something we do in our own communities and in our own homes, making our own choices and participating in society. The same can be said for end-of-life care. Seventy per cent of Australians want to die in the comfort of their own home, but unfortunately only 14 per cent do so. More than half die in hospitals and a third die in nursing homes. This needs to change, which is exactly what the District Nurses are doing in Tasmania through their hospice@HOME program. Earlier this month I had the pleasure of meeting with Fiona Onslow from the District Nurses who is working with Kim Macgowan to deliver in-home and community based end-of-life care in Tasmania. They have been delivering tailored hospice@HOME packages since 2014 and,
thanks to their great work, palliative care has become more accessible for patients and their families.

Hospice@HOME is a pilot and is only being rolled out in Tasmania, but they have seen huge improvements and advantages when it comes to end-of-life care. Not only are families and patients fully supported, but hospital beds, acute wards and emergency departments that are at their capacity are being freed up. The achievements of hospice@HOME are significant: 46 per cent of hospice@HOME clients die at home, compared to about 14 per cent of the general Australian population; 50 per cent of clients who said they wanted to die at home fulfilled their wish; patients have been able to stay at home longer than ever before; the quality of life and care has been enhanced; and, as I mentioned, unnecessary and inappropriate use of ambulance services and emergency departments has been reduced.

The District Nurses and hospice@HOME are really leading the way, and their efforts are backed by strong evidence—so much so that they have recently been invited to the 21st International Congress on Palliative Care in Montreal, Canada, in October. What a wonderful achievement for these dedicated professionals. The hospice@HOME pilot is funded by the federal government until June 2017 under the Better Access to Palliative Care program. There has been no commitment or indication from the Tasmanian state government or the federal government to continue funding past June next year, which would see an end to the hospice@HOME packages in Tasmania.

During the election campaign, Labor made a commitment to invest $35 million in palliative care, which included a $2.3 million commitment to allow Palliative Care Tasmania to continue its important work. Palliative Care Tasmania's funding ends on 30 September, and there has been no commitment whatsoever from the Liberal government for funding past next month. Discontinuation of both hospice@HOME and Palliative Care Tasmania would be detrimental to the health sector, to the community and particularly to older Tasmanians and their families.

Further to this, in my home state of Tasmania, Labor committed $3 million for the creation of a ground floor 10-bed standalone hospice for Launceston to support palliative services. Currently, there are only four public beds available in Launceston for palliative care, in comparison to Hobart, which has 10 public beds available. The community and doctors, nurses and other health stakeholders who understand the community's desire to have a hospice in Launceston have backed this proposal. For too long families have watched their mothers, their fathers and their loved ones die at the Launceston General Hospital in an acute setting. This is unacceptable. This is just not good enough, and Tasmanians—particularly northern Tasmanians—deserve so much more. It is time that we took a bipartisan approach to this and backed this hospice. We know it is in the best interests of all northern Tasmanians to have the ability to enter into a standalone hospice.

I would also like to place on record my thanks to Barb Baker, the chair of the Friends of Northern Hospice in northern Tasmania, for her tireless work. She and her committee have campaigned for over 10 years for this hospice. At the last election Labor made a commitment of $3 million so that this could become a reality. I am calling on this government to listen to what older Australians and the community are saying. They want to have better options and alternatives to what is currently available. (Time expired)
Dairy Industry
Economy
Donations to Political Parties
Aged Care

 Senator LAMBIE (Tasmania) (17:30): This is my first adjournment speech in the 45th Parliament. Deputy President, I congratulate you on your appointment. It is great to see that girl power riding right along—good on you. I acknowledge the traditional owners of the land on which we meet and pay my respects to the elders both past and present. I also acknowledge the great sacrifice that the men and women of our defence forces have willingly given to this country so that we can meet safely here today. I thank the people of Tasmania for their advice, trust and votes and for gifting me the great honour of representing them, once again, in this great Senate. It is a responsibility that I cherish and take very seriously. The decisions I make and the votes I take in this great chamber of debate will be governed by this one principle: I will always put Tasmania and its people first. In the short time remaining for this speech, I will briefly touch on some of the issues that urgently demand the government's attention.

Everyone in the Australian dairy industry—the big supermarkets, the big milk processors—are making huge profits and massive amounts of money. Everyone, that is, except our Australian dairy farmers, who are going broke. Australia's largest milk processor, Murray Goulburn, has just reported a 61 per cent increase in an after-tax profit totalling more than $40 million while retrospectively slashing milk prices for farmers and leaving them with huge debts. And this government thinks that a referral to the ACCC will deliver justice and a fair go to our dairy farmers and rural communities? The government knows that an ACCC referral is just a sly, clever way of covering up wrongdoings. The ACCC referral continues this government's role as apologists for big business. This shameful cover up and this injustice for our dairy farmers and their families must not be allowed to continue. The dairy crisis must be referred to a Senate committee immediately, where big business executives, under oath, will have to explain their actions to all of Australia. In the meantime, if Australia's future milk security—not to mention the jobs and prosperity of many rural and regional communities in Tasmania—is to be protected then an immediate 50c per litre milk levy, returned directly to our dairy farmers, must be supported by all members of this parliament.

We have been warned by the Treasurer that our children will know what a recession feels like and that Australia's AAA rating is in jeopardy because of a growing, unaddressed debt crisis. The government's solution is to cut spending on Australia's poor, aged, sick, veterans and unemployed—what's new? I simply ask this: why don't we just make the super rich and big business pay their fair share of tax in this country? My tax plan, which has been independently assessed, will target the top one per cent of Australia's richest and increase tax revenue by $94 billion over a decade. It will mean taxing some of the government's and opposition's biggest political donors and may stop many members of this parliament being awarded plum jobs with big business after politics. My tax plan is guaranteed to stop our children from knowing what a recession is, while keeping Australia a nation where our poor, our aged, our sick, our veterans and our unemployed receive a fair bloody go.
The news headlines read that Australian businesses with close ties to China donated $5.5 million to political parties. Finally, the truth is being uncovered about the dangerous influence people linked to the Chinese communist government have over major Australian political parties and their policies. No longer will politicians be able to hide behind shrill shouts of 'xenophobia' when we criticise Australian asset sales to Chinese state-owned companies. The Liberal, National and Labor parties must immediately disclose to the Australian people how much political funding is linked to the Chinese government or any other foreign powers.

A growing aged-care crisis must not be made worse by allowing this government to cut $1.2 billion from our national aged-care budget. Of these cuts, $40 million are proposed for Tasmania alone. If these cuts are allowed to continue it will result in the loss of 750 Tasmanian jobs in aged care, and elderly patients, who should be looked after in aged-care facilities, will be transferred to state public hospital beds. This is nothing more than a shameful cut by the federal government, cost shifting onto a Tasmanian public health system which is already under serious financial stress.

The DEPUTY PRESIDENT: Thank you for your congratulation, Senator Lambie.

Blake, Mr James Michael

Senator JACINTA COLLINS (Victoria) (17:35): Deputy President, I also take this opportunity to congratulate you on your rise to this position. On a lighter and somewhat briefer note, I would like to update the Senate tonight on an announcement made 21 years ago by the then President, Michael Beahan. In question time 21 years ago he announced that my son James had been born. James has now, at 21, come of age and we are very proud of his achievements. Twenty-one years ago he was welcomed by a special motion into the Labor caucus, and 21 years ago he was the first stranger in this chamber. A lot has changed over that time.

My goal, 21 years ago—as it has been, indeed, 21 years for me too—was to demonstrate to other women that although it might be hard and difficult to manage, combining family life with political participation was possible. Yesterday was James's birthday, and I want to highlight today that James has grown to be a fine, intelligent and hardworking man of character. He is a man who, as a law student at ANU, now calls Canberra home. Happy birthday to James. I believe this is a milestone for the Senate and also demonstrates that women can combine political life with an active family life, as many men now do, too.

The DEPUTY PRESIDENT: Thank you for your congratulation, Senator Collins.

Racial Discrimination Act 1975

Senator SINGH (Tasmania) (17:37): I rise to speak on the new attack on multicultural Australia by Senator Cory Bernardi and his renegade conservative allies, including three Tasmanian Liberal senators, led by Eric Abetz, who today have signed a motion put up by Senator Cory Bernardi to water down protections from hate speech contained within Australia's Racial Discrimination Act.

The protections against offensive, insulting, humiliating and intimidating hate speech have been a feature of Australian law for more than 20 years, since the Keating Labor government introduced changes in 1994. The changes were introduced as a response to a number of reports on racial violence in Australia, including the National Inquiry into Racist Violence, the Royal Commission into Aboriginal Deaths in Custody and the Law Reform Commission's
report *Multiculturalism and the law*. Our international treaty obligations also played a part, including the International Convention on the Elimination of All Forms of Racial Discrimination. The act as it stands gives people some way to deal with words and actions that attack them or their fellow citizens simply for being of a particular ethnic background. The act recognises that a community as rich and diverse as Australia’s only functions properly when people act in a respectful and responsible way together and towards each other.

Our Racial Discrimination Act is not designed just to stop people from getting their feelings hurt. In fact, the courts have always set the bar for breaches of this law much higher than somebody simply being offended. The types of attacks this law defends against are those that have the potential to do serious harm to people or to undermine the harmony of our multicultural community. Racial discrimination is all too often a precursor to racially motivated violence. Even when violence is not involved, a lifetime of racial abuse without any means of redress can cause terrible trauma. Either way, these are examples that reasonable Australians understand have no place in a community based on equality. But, on the opening of this 45th Parliament, it seems the only thing Senator Bernardi and Senator Abetz can come up with, particularly Senator Abetz in representing Tasmania, is this regressive move to water down an act that is working just fine.

Instead of focusing on the needs of Tasmanians, Senator Abetz is prioritising the wishes of extreme elements in the Liberal Party. Tasmania has a vibrant multicultural community. Our society and economy are also enriched by growing international tourism, and the huge number of international students at the University of Tasmania. So I ask Senator Abetz: what is it that he wants to say, but cannot currently say, under the existing Racial Discrimination Act? And what is Prime Minister Malcolm Turnbull going to do about these renegade conservatives who seem to be running the Liberal Party? Weakening racial vilification laws will leave many people already in our community, as well as those who may visit our communities, feeling more vulnerable and more fearful.

Liberal Prime Minister John Howard did not seek to change this law in his 11 years in government. So why would Malcolm Turnbull allow his renegade Liberal conservatives to do so now? Labor believes there is no good reason to change this law now—or ever, in fact. The Australian community and Labor stood up to Prime Minister Tony Abbott last time the coalition launched an attack on protections against race hate speech, and they will do so again. They will always stand up for migrants and refugee communities and stand against any attacks on our current protections from hate speech. So I call on Prime Minister Malcolm Turnbull to rein in his renegade conservative colleagues and make sure he stands firm on the commitment that he has made in recent days—that he will not introduce changes to the Racial Discrimination Act in this country, for the sake of our vibrant multicultural communities.

(Time expired)

**Goods and Services Tax**

*Senator SMITH* (Western Australia—Deputy Government Whip in the Senate) (17:42): It is a great pleasure to rise and make my first substantive contribution in the life of the 45th Parliament. And, while there will be an opportunity to do this more fully at a later time, I would at the outset like to thank the people of Western Australia for their support in returning me to this place.
Being a senator for Western Australia is something that I relish enormously, but I am always mindful of the fact that I would not be able to do it without the support of my fellow Western Australians and the support of the Western Australian Liberal Party in particular. So, on this first sitting day, I thank both for their faith in me and again pledge myself to the service of our great state and its people. Indeed, Madam Deputy President, I extend to you, a fellow Western Australian senator, my congratulations on the trust that has been extended to you this afternoon in your elevation to the new role of Deputy President.

As I have said many times in this place, when it comes to Western Australia, there is no greater challenge and no issue more urgent than finding a resolution to the grossly unfair arrangements that currently exist for the distribution of GST revenue. I have also said before that Western Australians are not unreasonable or ungenerous people. We understand that the nation this parliament serves is a federation and we are a part of that federation. We all understand the need for Western Australia to make a contribution to the economic wellbeing of the nation as a whole. But what sticks in the craw of many of us is the sheer imbalance in the system, most particularly on the question of GST revenue, which has seen Western Australia's relativity fall from around 98c in the dollar when the GST was introduced in 2000-01 to just 30c in the dollar in 2015-16. This has been absolutely unprecedented. The worst historical comparison predates the GST, when Victoria during the Second World War saw its relativity drop to 0.68 in its Commonwealth grants.

Recall what was said by Treasurer Peter Costello when the GST was first introduced. He said that the purpose of the GST was to give access to:

… a revenue base that grows in line with the economy. It will provide a secure base to fund their services.

For a variety of reasons—many of which I have touched on previously in this chamber—this has not been the Western Australian experience, and the problem is significantly compounded by the three-year-lag issue.

When the Commonwealth Grants Commission makes its determination as to WA's GST entitlement, it is using data that reflects economic conditions from three years previously to determine today's allocation. It is plainly not realistic to expect states to meet their obligations today based on economic data that is between two and four years out of date. Western Australians understand that there needs to be some capacity for movement in the system, but greater certainty is required if states are going to meet the obligations they have to their citizens.

For those who seek to characterise this as a uniquely Western Australian complaint, I would draw their attention to some recent comments made during the federal election campaign by the New South Wales state government. The Treasurer of New South Wales has confirmed that the most recent Commonwealth Grants Commission determination of GST revenue entitlements has cut New South Wales's share by $850 million. The New South Wales Treasurer has also warned that state parliament that New South Wales's GST relativity is forecast to fall to 0.81 and said that this will have a significant impact on her state of New South Wales. I just note that Western Australians dream of relativities of that magnitude—it seems a very long way off our current 0.303 relativity for 2016-17. She also said New South Wales is a victim of its own success when it comes to GST revenue, which is something that Western Australia has been at pains to point out about itself for many, many years.
Nonetheless, it is good to see other voices from other states now calling for reform of the way the Commonwealth Grants Commission makes its determinations in relation to each state's and territory's GST revenue entitlement. Reform is long overdue.

Since this parliament last met, there has been a significant development—a breakthrough, even—that many of us in Western Australia have sought for a very long time. During his address to the Liberal Party state conference in Western Australia on 13 August, the Prime Minister acknowledged 'the huge gap between what West Australians pay in GST and what they receive back' as being 'unprecedented'. 'West Australians have every right to feel aggrieved,' said Prime Minister Turnbull. Of course, we are used to hearing expressions of sympathy with Western Australia's plight, but what the Prime Minister said next was very, very significant. He confirmed that this government would move 'to change the arrangements so that we set a percentage floor below which no state's receipts can fall'. These are the words that Western Australians have been waiting to hear from a Prime Minister for many years. It is a commitment that the Premier and the state government in Western Australia have welcomed as very encouraging and as an important structural reform in the GST distribution process.

Of course, the federal coalition has long recognised the problem and, over the past two years, has made top-up payments to Western Australia totalling almost $1 billion to redress the imbalance of the GST revenue distribution arrangements. This has now been backed up by the Prime Minister's commitment to introduce a floor for GST relativities.

I think it is worth noting that, despite the significant GST revenue handicap, the WA state government has achieved remarkable things during its time in office since September 2008. More than 200,000 jobs have been created in my home state on the back of an increase to the value of business investment in Western Australia of $424 billion. Gross state product has grown by an average of five per cent per annum, which exceeds the national average. Meanwhile, the value of exports from WA has risen by some $40 billion, and there has been approval for some $30 billion in iron ore projects and for the massive $56 billion Gorgon project. These opportunities have, naturally, attracted new residents to Western Australia, both from overseas and from other parts of Australia. In fact, the population increase has been around 400,000—almost equivalent to the entire population of Tasmania.

Just think about the demands that such a drastic increase in population places on a state government, particularly in terms of the development of crucial infrastructure and of the delivery of key services in health, in education and in transport. That would be a challenge at the best of times. Just imagine what a challenge it is when you are seeing your GST relativity fall to 0.3 and millions upon millions of dollars flowing from WA to other states that are not facing challenges of such magnitude. That is why the Prime Minister's commitment is so significant, and implementing the floor will be critical to securing WA's future.

But there is a threat. It comes in the form—no surprise—of the Australian Labor Party, both at the state level, in WA, and here in Canberra.

**Senator Moore:** Oh no!

**Senator SMITH:** Oh yes, Senator Moore. Does anybody really think that Mark McGowan, the WA Labor leader—the man who left WA with crippling teacher shortages as education minister and who was part of a government that literally could not keep the
electricity on—will be able to fight for WA's interests effectively and make sure the floor is implemented?

And what of Mr McGowan's federal Labor colleagues? Following the Prime Minister's announcement, the Leader of the Opposition, Mr Shorten, was given numerous opportunities by journalists at media conferences to support the plan to implement a floor. He pointedly refused to do so, simply dodging the questions. We in Western Australia all know what that means. As we saw with the mining tax and with Labor's refusal to do anything to reform the GST, the federal Labor Party simply sees WA as a convenient cash cow which it can use to prop up its political position in the eastern states. It is clear that, if Western Australians want to achieve GST distribution reform and see a floor implemented, they need to think very carefully about the choice that they make at the WA state election in March next year.

Having agreed the principle of a floor, the debate must now focus on where that floor should be. But, before that point, a sensible next step would be to commission a thoroughly independent, comprehensive and economically focused inquiry into the national economic gains to be derived through imposing a floor through which GST distribution relativities cannot fall.

Palliative Care

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:51): I, too, add my congratulations to you, Madam Deputy President, on reaching that esteemed position. I am sure you will fulfil your role absolutely wonderfully.

Tonight I rise—as did my state colleague Senator Polley—to speak about palliative care and, in particular, Palliative Care Tasmania. In 2012, the then Labor government provided $2.67 million over four years for the organisation to deliver the Networking End of Life Care Across Tasmania project. This funding was due to run out on 30 June this year. However, Palliative Care Tasmania have been able to use unspent funds to extend the program until the end of September. After that date, they have no guarantee of further funding.

Palliative Care Tasmania's program covers a huge range of activities. They deliver education on end-of-life care for health, aged and community services staff and volunteers, and to the general community. They also promote discussion of death, dying and grief through innovative activities such as arts and youth based projects. As well as undertaking these activities directly, some of the funding is directed towards grants, administered by Palliative Care Tasmania, to community organisations to deliver their own activities. So far, more than 70 organisations have been recipients of grants totalling around $1 million. The program aims to increase the community's awareness and understanding of palliative care and of grief and loss. It supports community recognition that death is a natural part of life. The program has been an outstanding success. In just the past 18 months, Palliative Care Tasmania's activities have reached over 6,000 Tasmanians directly and more than 7,000 indirectly through their community grants.

So why is this so important? Much of the debate in this place focuses on how we go about improving the lives of Australians. And while we constantly talk about how to provide a good life for the people we represent, we tend to give very little attention to what our constituents need to have a good death. There is an urgent need to dramatically improve Australians' experiences of dying. This was well illustrated in a 2014 study by the Grattan Institute titled
Dying well. The study found that, despite 70 per cent of Australians expressing a wish to die at home, only 14 per cent managed to do so. This is half the rate of comparable countries, such as New Zealand, the United States, Ireland and France. More than half die in hospitals and a third in nursing homes, and the rate of hospitalisation is increasing as our population ages. The Dying well study found that many Australians feel disempowered in their final days, with many experiencing ‘impersonal, lingering and lonely’ deaths. Does this sound like the kind of experience we want for our friends and family members in their final days? I think not.

While there are a number of contributing factors to this problem, one of the major factors is quite simply and easily addressed: have the conversation. Not enough Australians are having conversations with their family members about how they wish to be cared for when dying. And not enough Australians express their wishes in writing. A lot of this comes down to the fact that death is an uncomfortable subject, and Australia seems to have a culture that shies away from talking about it. Unfortunately, in many instances the conversation comes too late, when a palliative care patient lacks the capacity to advocate for themselves or perhaps even the ability to communicate their wishes in any meaningful way.

There are two simple steps that every Australian can take which will give them a good chance of vastly improving their end-of-life experience: (1) write out your wishes in an advance care directive; and (2) discuss your wishes with your partner, your family, or a close friend or relative. While there is an element of personal responsibility in having these conversations, there is also a role for government in educating Australians about the importance of this responsibility. For those who do consider having the conversation, many Australians will not know how to start the conversation or what topics they need to cover. This is where Palliative Care Tasmania’s community education has been so effective.

It is estimated that, in Tasmania, the number of Tasmanians dying at home is now as high as 26 per cent. This is still well short of the 70 per cent Australia-wide who, according to the Grattan Institute, want to, but it is a significant improvement on the 14 per cent Australia-wide who do. The chance to die in your preferred setting can lead to a greatly improved end-of-life experience. But there are other benefits too. More Tasmanians dying at home means significant savings for our healthcare system. The difference in cost over a few months between delivering palliative care in hospital and palliative care in a home setting can amount to tens of thousands of dollars for just one patient. Investing in a program that encourages more Tasmanians to discuss death and dying, and more Tasmanians to discuss their wishes for end-of-life care, makes good sense both socially and economically.

The funding to Palliative Care Tasmania delivered by Labor was part of a broader palliative care package called the Better Access to Palliative Care program. The other components of this program included: $35.26 million to deliver at least 2,000 packages of community based palliative care through hospice@HOME, which Senator Polley mentioned; and $11 million to the Tasmanian Department of Health and Human Services to strengthen the capacity of palliative care services and networks to improve access to community based palliative care.

During the recent federal election, Labor committed to extending elements of the Better Access to Palliative Care program—including the funding for Palliative Care Tasmania. While our commitment was to continue the program just in Tasmania, we also said, quite
clearly, we would evaluate it for a national rollout. That is how good this program is. The Turnbull government, by contrast, has yet to make any commitment to Palliative Care Tasmania beyond the end of their current funding agreement. I have started a petition in support of Palliative Care Tasmania’s funding, which I will be tabling in the Senate in the next sitting week, in mid-September. There is both a written and an electronic version of the petition, and so far both combined have attracted over 700 signatures—and that is in about just two weeks.

I also wrote to the Minister for Health outlining my concerns about the future of funding for Palliative Care Tasmania. In response to my letter, the minister’s office has advised that the entire Better Access to Palliative Care program is being evaluated for its appropriateness, effectiveness, efficiency and impact. Funding of $280,000 has been provided for the evaluation, which is being undertaken by Australian Healthcare Associates and is due for completion at the end of December. That response simply is not good enough. Even if the evaluation of the community education component is favourable, which I am sure it will be, Palliative Care Tasmania will not be able to hold out until December and they will have to close their doors. If the evaluation is favourable and Palliative Care Tasmania has already wound up, who is the Turnbull government going to give the funding to?

I doubt any other organisation will have the knowledge, skills and experience to deliver this whole program as effectively as Palliative Care Tasmania have, given they have already been delivering it for the past four years. It will be a less than ideal outcome if the government finally agree to continue this program only to find that they have to rebuild it from scratch. While I am calling on the government to fund the program for another four years, even some interim funding—say, $550,000 for the next 12 months—could help Palliative Care Tasmania to keep their doors open while the evaluation is being concluded.

At this point, I would like to acknowledge the support for my campaign offered by other members and senators. My Labor colleague the member for Franklin, Julie Collins, I know has promoted my petition, as have other state and federal Labor colleagues. Senator Lambie has also helped to promote my petition and has lent her voice to the cause. And, while he has not been as vocal, I know that Senator Abetz has been quietly advocating for Palliative Care Tasmania within government, and I do thank him for his support.

As I said earlier in this speech, Palliative Care Tasmania will not survive beyond September if the government does not agree to an extension of their funding. This is a program which has been successful in educating thousands of Tasmanians about having conversations about death and bereavement. It has improved the end-of-life care experience for many, many Tasmanians in their final days. It has been embraced and valued by Tasmanians, as the support for my petition shows. For the sake of the thousands of Tasmanians who have benefited from this program, I urge the Turnbull government to fund Palliative Care Tasmania beyond September—otherwise, they will simply have to cease to exist.

The DEPUTY PRESIDENT: Thank you, Senator Bilyk, and thank you for your congratulations.
Indigenous Affairs

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:01): Madam Deputy President, I too would like to join the chorus of congratulations to you on becoming Deputy President of the chamber.

I rise tonight to talk about Aboriginal disadvantage in this country. But before beginning I would like to acknowledge the Ngunnawal and Ngambri people, the traditional owners and custodians of the land on which we are meeting and on which we stand every time this Senate meets. This always was and always will be Aboriginal land.

Earlier today, I and many of our colleagues in this place and the other place had the privilege of attending a smoking ceremony organised by the National Congress of Australia's First Peoples, and it was a brilliant way to start the 45th Parliament. It is important, I think, to send a very clear signal at the beginning of the 45th Parliament that there are significant issues and unfinished business that we need to address.

Members of the congress were calling on us, as politicians, to support the Redfern Statement. This Redfern Statement came out during the election. It is a very important and comprehensive statement about the issues that urgently need to be addressed if we are to ensure that Aboriginal people are no longer incarcerated at appalling rates across this country, are not living in poverty and can access education and many other services that broader Australia takes for granted.

The Redfern Statement is an urgent call for action and should be essential reading for every Australian—but particularly for every senator and every member of the House of Representatives in looking at what action by this place is needed in order to address Aboriginal disadvantage in this country and making sure that we close the gap. The statement covers a comprehensive set of issues in terms of accessing education, employment, housing and health. It talks about reforming services and reforming the Indigenous advancement strategy and returning funding for that. Importantly, it talks about justice and access to justice and setting justice targets. It talks about properly funding and refunding Aboriginal legal services. It talks about changing the record, in terms of those appalling incarceration rates I was talking about, and implementing recommendations that have already been made—for example, those made 25 years ago in the Royal Commission into Aboriginal Deaths in Custody report. It talks about meaningful engagement. It talks about implementing the Declaration on the Rights of Indigenous Peoples in domestic law in this country. And it talks about funding Aboriginal organisations and returning funding to the national congress. Meaningful engagement means actually making sure that Aboriginal and Torres Strait Islander peoples have representative bodies and that they are funded and that there is meaningful community engagement in decision-making, ensuring that we have Aboriginal owned, managed and delivered services. They are critical elements in making sure we are closing the gap in this country.

This month—in fact, just a couple of weeks ago—I had the privilege of being able to visit the Northern Territory, and I can tell you: the feeling of concern about the direction of policy in this country is palpable when you talk to people in the Northern Territory, and particularly, of course, when you talk to Aboriginal people in the Northern Territory. Of course, it comes on the heels of the devastating reports in the Four Corners program of the way young people have been treated in the Don Dale facility in the Northern Territory. The message that I
received when talking to people about that issue was really clear, and that is: we need to look not only at those issues of abuse that happened in Don Dale and, in fact, across the country, but also at what the underlying reasons for young people ending up in incarceration are. They want to look at prevention, early intervention and also the early childhood years, because they know that is imperative. One of the challenges we need to face is how we put services in place that adequately address those underlying causes of disadvantage.

While I was there I also had the great privilege of attending the 50th anniversary of the Kalkarindji walk-off. It was, as I said, a privilege to be able to attend and learn more of the history of this country. Again, I think it is imperative that this place and the other place and broader Australia properly understand those issues and properly understand the momentous occasion that that was. It was firstly about wage justice—and I am going to come back to that issue—but it was, of course, much bigger than that in terms of the issues around land rights and reconciliation in this country. It was a critical moment in our history and it was extremely important that it was celebrated.

One of the key issues I want to come back to is around this issue that I raised about wage justice. We know that Vincent Lingiari walked off with 200 other Aboriginal people because of wage injustice in this country. They were absolutely sick of, basically, having to work for rations on their own land. And we celebrate that occasion now in this country as a momentous occasion, as we should. But, if we think wage injustice in this country is over, we are mistaken. During the celebrations, we talked about current Aboriginal policy, and one of the issues that came up was the continuing injustice in this country when it comes to Aboriginal people and wages.

The government currently has a plan on the table called the Community Development Program, CDP. That is basically Work for the Dole. I have spoken in this place many times about the failures of Work for the Dole, but it gets worse on this issue. If you are living in a remote community—and predominantly of course that is Aboriginal people—you have to work 25 hours a week for Work for the Dole, when broader Australia only has to do 15 hours a week and do it in six-month lots. Aboriginal people have to do it all the time. In fact, at the time it was first proposed, there was no consideration of public holidays or holidays or breaks. That is discriminatory. It is unfair. That is not wage justice. So, 50 years on, we are still talking about wage injustice for Aboriginal people. That sort of wage injustice does not address issues around disadvantage.

I am pleased to see that the minister for Aboriginal issues announced yesterday that he is going to hold a workshop with Aboriginal leaders to talk with them about their future approach around the Redfern Statement. The government have the opportunity to reset their agenda, to work—to genuinely and meaningfully engage, as the Redfern Statement says—with Aboriginal and Torres Strait Islander peoples across this nation. But it is absolutely urgent that they do, and that the minister and the government actually listen, because the agenda absolutely needs to be reset. They need to commit to issues around Aboriginal justice, around justice targets, which Aboriginal people are calling for in the Redfern Statement. Reform IAS, because that has been a complete disaster, and you do not have to go very far or talk to too many people to get the sense that there is great outrage. I have spoken to many, many people about that. That issue needs to be reset.
Most importantly, they need to really and meaningfully engage people in the decision making, making sure services are owned, delivered and developed by Aboriginal and Torres Strait Islander peoples. The Redfern Statement is Aboriginal and Torres Strait Islander peoples setting the agenda. The government needs to listen properly to that and implement it. I support the government's approach to the workshop and hope that they use that to reset the agenda.

The DEPUTY PRESIDENT: Thank you, Senator Siewert, and thank you for your congratulations. Senator Ludlam.

Census

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (18:11): Thank you, Senator Lines. I would like to add my congratulations to you for taking on the role and responsibility of Deputy President. I am sure you will serve this chamber well.

It is a delight to follow Senator Siewert in the adjournment slot on the first day that parliament sits. I would like to thank everyone who supported me in taking my place in here over the election campaign, particularly my family, Senator Siewert and the formidable Greens team who worked so hard so that both of us could be here tonight.

While parliament was in recess, a process that most Australians would normally find largely uncontroversial blew up spectacularly in the government's face, severely damaging confidence in the Commonwealth's lead statistical agency, potentially placing at risk the privacy of millions of people and likely compromising one of the most important datasets used daily by policymakers and researchers around the country. I am talking of course about the great census fail of 2016.

In 2006, after a relatively robust and open process, the Australian Bureau of Statistics shelved a proposal to create a permanent statistical linkage key which would have substantially altered what the census is and how it could be used, from a once-every-five-years anonymous snapshot, to the creation of a lifetime digital identifier that would follow you like a unique barcode for the rest of your life. The best arguments on all sides of the debate were presented, and I acknowledge at the outset that there are arguments on all sides of this debate. The best arguments were brought to bear; specialists and researchers in the field presented their views. They were examined and summarised, and the conclusion that was reached in 2006 was that the process would amount to a substantial and unacceptable risk to people's privacy. And so it was abandoned.

Perhaps mindful of the setbacks a decade prior, in 2015 advocates inside the ABS for this method elected to conduct a rather private internal assessment of very similar proposed changes to the 2016 census. No civil society groups across this country participated in this process; no independent experts were consulted either from the pro or the anti side as far as we know. The results of this assessment and the changes to the census that were eventually announced happened with zero fanfare a week or two before Christmas 2015, after this parliament had risen for the year.

Privacy advocates and civil society groups—and ourselves, I must admit—were forced to run something of a rearguard action, expressing views that should really have been incorporated into the ABS's planning from the very beginning. Former Australian Statistician Bill McLennan called it 'the most significant invasion of privacy ever perpetrated on Australians
by the ABS'. These are strong words for someone who formerly ran that same agency. Many concerned groups and individuals, exasperated with the bad faith displayed by the ABS and total silence, stonewalling and dismissal by the government, began advocating a boycott.

So it was that, at that time, about March of this year, our office launched a petition to save the census, because we saw that the legitimacy of the privacy concerns—and they are entirely legitimate—had given momentum and credibility to a boycott movement, so much so that the veracity and the integrity of the census data itself was at risk. At that time the Turnbull government, I think, should have intervened. They could have held over the creation of the statistical linkage keys—this unique identifier—until such time as a transparent and thorough assessment of the proposal could be completed. That was what we asked Treasurer Scott Morrison to do, and the government failed to do that.

I understand that such linkage keys are in relatively common use amongst researchers and statisticians, and I respect the value of having longitudinal identifiers that can follow particular cohorts of people if you are working in the health sciences, disability services or as many other fields as you would like to name. But I also believe that the creation of such a unified identifier for every single Australian—not opt in, not opt out, but mandatory—should have been subject to a substantial public debate and a measured weighing of the costs and benefits. Such a debate will inevitably take place in the context of high-profile data breaches here and around the world, indiscriminate surveillance and data storage by Signals Intelligence agencies, and the potential misuse of such data either by authorised agencies or by unauthorised actors.

This is a conversation that needs to be had. I am not sure that this is necessarily a Left or a Right thing either. This is something the Greens have advocated strongly from, but I would have thought the libertarian wing of the Liberal Party—or actual libertarians like Senator Leyonhjelm—would have some views on something like this. I do not think there is a clean Left or Right political divide here; this is a debate that absolutely needs to be had in the light of day.

In contemptuously dismissing those concerns, the government guaranteed that the census data would, at bare minimum, be compromised, and, as we found out on census night, it was actually a lot worse than that. It is hard to imagine a more complete failure—from the ABS social media feeds encouraging people to fill out the census long after admins had pulled the site offline to the technically incoherent press conferences in the days that followed as blame was passed around and deflected from hand to hand.

Those technical failures, the spectacular planning oversights and the ministerial ineptitude have succeeded in some way, I guess, in diverting attention away from what was at best a rather arrogant and insidious abuse of process. This sort of secrecy and misdirection would fail a research ethics assessment at any Australian university. Maybe people are happy for their governments to do this on their behalf, but the conversation has to happen in daylight.

It is too late for the government to save face, but it is not too late to restore some faith in the process. At the earliest opportunity, whichever minister is responsible for the census this week should make a statement to reassure anyone who withheld their name, as I did—or their address or any other identifying information—that the ABS will not be seeking to pursue fines or other punitive action against them. The minister can direct the ABS to continue their efforts to collect census forms—I think that happens normally; that happens every census
night—but stop them from hectoring and frightening people who are either unable or unwilling to complete the census, thanks in part to the catastrophic mismanagement of the whole process.

Our phone lines have been running hot, and I am presuming that this is not just because we took a high-profile position. I suspect other MPs' offices will be taking these calls as well from people anxious to know whether or not they will be punished as a result of this debacle. Obviously, they should not be. That is something that the minister, whoever he happens to be, could fix tonight. The thousands of people and organisations that rely on census data to make policy and proposals—and that obviously includes us and probably everybody in this chamber; we declare an interest here—will need better than that. Nothing less than a full inquiry into the lead-up and conduct of the census fail will suffice. We need to find out what was lost. How accurate is the information that we have, and how possibly could it have come to this? How badly skewed is the data that was collected? Do we need to cut our losses and start again with a better process? Should the census be held again and the one that was conducted a couple of weeks back simply be scratched?

Every Australian should be given the opportunity to make an informed choice. We will be joining moves this week to conduct a thorough Senate inquiry into the census fail, and I hope that we have cross-party support to bring fresh proposals to the table to clean up the mess. That means we would get to hear from the researchers who use this information in their daily work. We would get to hear direct from the ABS about cuts to their budget from this government and the corners that they may have had to cut to put the census into the field. We could hear from the technical community, who can step us through what on earth went wrong on census night. We could hear from digital rights organisations like the Privacy Foundation, Digital Rights Watch and Electronic Frontiers Australia and from specialist researchers like Rosie Williams and Asher Wolf, who have led the debate online.

Census fail was clearly avoidable, but the best thing that can come out of this debacle is a measured and thoughtful debate on data sovereignty, the role of the census in setting policy, the place of big data in our society and what happens when governments try to cut corners on census night.

The DEPUTY PRESIDENT: Thank you, Senator Ludlam, for your congratulations.

Racial Discrimination Act 1975

Senator LEYONHJELM (New South Wales) (18:20): There is a caricature for opponents of section 18C of the Racial Discrimination Act. They are supposed to be racists who are itching to offend Muslims, Asians and Aborigines. I support the repeal of section 18C, so I have been conscripted into this caricature. The thing is: I opposed conscription in the 1970s, and I oppose conscription now. So that voters do not fall for the caricature, let me be clear: the Liberal Democrats have no objections to Muslim Australians.

I voted against every one of the draconian national security bills which gave government and law enforcement bodies increased power to harass Australians, including Muslims, without due process or scrutiny. I oppose Australia's counterproductive military involvement in the Middle East and central Asia, which has been ratcheted up without parliamentary scrutiny. I oppose restricting immigration on the basis of religion. We must properly screen individuals, not groups, based on their character, criminality and commitment to liberal
democratic values—indeed, there is a strong case for making citizenship conditional on these qualities. I believe food companies should be free to purchase halal certification, as long as it is in a free market and not funded by taxpayers. And I believe Muslim women should be free to wear clothes that cover their face if they wish, although I strongly prefer see the faces of my fellow Australians because it is important for building mutual empathy. But we also all have a right to criticise such women for their obvious refusal to integrate and assimilate, but it is not a matter for the law.

To those who want to hurl insults at Muslims, let me be clear: I am not one of you; I do not share your views. That said, I believe you should be free to hurl your insults, but only so that others can then deliver withering rebuttals for all to hear and to learn from. I believe you should be free to hurl your insults so that others do not need to reconsider what they say when they want to make more considered contributions to debates on Islam. And I believe you should be free to hurl your insults because then there would be no need for the speech police, and abolishing this office would then mean we could all get a tax cut.

As I have said before, there is a caricature of opponents of section 18C. They are supposed to be racists just itching to offend Asians. The Liberal Democrats do not fit this lazy caricature. We welcome Asians and their impact on Australia. I voted for the China-Australia Free Trade Agreement, and I will vote for the Trans-Pacific Partnership Agreement. I welcome expanded skilled migration from our region. I welcome investment from China and Hong Kong in Australian agriculture, real estate and infrastructure. And I welcome cheap Chinese steel imports. Each of these serves to boost the incomes of Australian businesses and workers.

Every party other than the Liberal Democrats has opposed trade, skilled migration or investment from China through their recent actions in this place. So, when you are looking to cast someone as anti-Asian, do not take the lazy approach of singling out opponents of 18C. Look to those who supported the screening of modest foreign investment in agriculture, including the coalition and Family First. Look to Senator Lambie and One Nation. But also look to those strident defenders of 18C who just cannot stop dog whistling about the yellow peril: Labor, the Greens and Senator Xenophon.

Some people claim that my opposition to section 18C proves that I do not value Aborigines. They assert that Aborigines need 18C because they are particularly vulnerable to insults. They go on to say this assertion cannot be refuted by white people, because white people do not know the Aboriginal experience. The funny thing is this blanket assertion about the vulnerability of Aborigines is often made by white people, and plenty of Aborigines have told me that it is condescending and counterproductive codswallop. In fact, the assertion that Aborigines are particularly vulnerable to insults is insulting to many Aborigines. So the excuse for 18C is itself unlawful under section 18C. How absurd!

I have argued against claims that Aboriginal advancement will come from continued race based handouts, continued encouragement for Aborigines to remain in dysfunctional remote communities and continued symbolic gestures. We have generations of evidence proving that this is a prescription for continued disadvantage. So, whenever we hear such groupthink, I suggest we make a complaint to the Human Rights Commission, because it is hard to imagine an approach that could be more insulting to Aboriginal Australia.
Marriage

Senator RICE (Victoria) (18:26): Madam Deputy President, I also want to add my congratulations to your appointment. I think it is a wonderful thing to have another woman there as Deputy President.

When I first spoke in this place, I stood here and declared: ‘The time for marriage equality in Australia has come.’ Now, today, it is two years and three days later and marriage equality has the support of the Prime Minister, the opposition leader, a majority of both the Senate and the House of Representatives and an overwhelming majority of Australians. Yet here we are with a backward coalition backbench holding back a government that is holding back the nation.

We are falling behind the rest of the world. There are 22 other countries, including the US, the UK, Ireland, South Africa and—perhaps the one that is closest to us and hurts the most—New Zealand, who recognise the right of all loving couples to marry, no matter where they fit according to their sexuality or on the gender spectrum.

In the last few weeks, my home state of Victoria has announced changes that mean it is going to be possible for my partner, Penny, and me to stay married with Penny changing her birth certificate; we are not going to be forced to divorce. Penny and I have had 30 years of wonderful marriage, and we ask: why are couples in the same situation in other states not afforded the same right? Trans forced divorce is simply ridiculous.

Why are thousands of other couples in loving LGBTIQ relationships refused the right to show their love in marriage? We are told that we have to have a plebiscite. The excuse that the government has is a harebrained scheme to delay the inevitable that is a leftover from Tony Abbott and his band of merry troglodytes. There have been surveys of lesbian, gay, bisexual, intersex and transgender people done in recent weeks that have shown that 85 per cent do not want this plebiscite, and we know that polls are consistently showing that seven out of 10 Australians support marriage equality.

In the past 99 years we have had one plebiscite, and the way it has impacted on my life is that earlier today, instead of singing God Save the Queen or Waltzing Matilda, I sang Advance Australia Fair. But the way marriage equality is going to impact on lives is that loving couples will be able to show their love before friends, families and the law. There has been no other issue of human rights in the last 99 years that has been considered or decided by a plebiscite. There have been so many human rights decisions that have been made—whether it is ending discrimination against women or ending discrimination against racial minorities. And, in particular, John Howard, when he was Prime Minister in 2004, did not need a plebiscite to change the Marriage Act to say that marriage had to be between a man and a woman. We do not need a plebiscite to change it back.

Of all the moral decisions that this parliament has made in the past 99 years, the government wants a very expensive opinion poll that will intrude on the everyday lives of every lesbian, gay, bisexual, transgender, intersex and queer person in this country. My partner, Penny, and I know how such intrusion plays out, including having photographers staking out our house. But we know that this is what can happen when you put yourself forward for public office. The hounding, the trolls and the attack ads of a plebiscite would seep into everyday life.
This plebiscite could cost lives. That is not an exaggeration. Just take the pamphlets being handed out at the MCG a couple of weeks ago suggesting that a child with gay or lesbian parents has been deprived. For every parent, imagine going along to the footy to see such a hate-filled pamphlet and having to explain to your children why some people think that you have been deprived of something. And then imagine that sort of hate being broadcast with a megaphone through every form of media—traditional and social—on posters and on billboards, and being talked about over the dinner table, at work and at school. Imagine you are a same-sex attracted young person feeling isolated, alone and unsupported, perhaps feeling guilty and perhaps, if you are a religious person, that you are a sinner, feeling that you are unworthy and that you are a lesser person, and having to experience that hate speech. Imagine that you are at a school where you have not got the support of the Safe Schools Coalition—in a school that does not believe that there are any same-sex attracted students in their mix and certainly does not support them. Imagine putting up with that hate speech. It is no exaggeration to say that a plebiscite will mean that some people will feel that the best way forward is to take their life.

So after everything that we have heard, I honestly cannot say that we could support this plebiscite. In my first speech I said that I am here for all lesbian, gay, bisexual, transgender and intersex people and their families. I cannot honestly say that I would have fulfilled this if we did not oppose the coalition’s plebiscite. I think of the young man Harry who wrote to me a year ago—a young gay man who, fortunately, has had the support of a very loving family and a lot of supportive people around him. He is too young to be thinking of marriage, but he shared with me the stories of three couples that he knew, including his uncle and his partner, who he desperately wanted to be able to be married so that they were equal to the rest of his uncles and aunts. Another family, who are raising three young children, had to enter into very complex legal arrangements to be able to get the same rights as heterosexual couples. Harry described them as the most amazing family and no different to any other. It means so much to Harry that the tide has turned and we now have a majority of Australians and a majority of Australian parliamentarians who are allies of the LGBTI community and are supporting the rights of people who love each other to get married. Harry, his friends, the people that he knows, should not have to be put through the harm and the hate speech that would come with a plebiscite.

Another person who wrote to me a year ago was Jenny, who has been in a relationship with Maria for over 10 years. They have an eight-year-old son. They spend their life doing the things that families with eight-year-old sons do: picking them up from after-school activities. Their eight-year-old son asks why Jenny and Maria cannot get married and says how much he would like it if they did. The time for marriage equality has come now. We need our parliament to get on with the job and to have a free vote in the parliament so that people like Jenny and Maria can get married. Maria is Spanish. In Spain, marriage equality has been allowed since 2005. It seems completely arbitrary that they can get married in Spain but not in Jenny’s home here. They did not need a plebiscite in Spain, just like we do not need one here in Australia. In deeply Catholic Spain in 2005 there was strong opposition from the church, but now, 11 years later, 85 per cent of the Spanish community support marriage equality.

There are plenty of bills that we are going to be discussing in this parliament over the coming months and years, and I want a marriage equality bill to be one of those that is
brought on quickly, to have a free vote in this parliament so that we can vote on it and get it done. I really hope that we can, despite everything that the haters are throwing at us. We now have more publicly lesbian, gay, bisexual, transgender and intersex parliamentarians than at any time in our history. To Senator Wong, Senator Smith and the member for North Sydney, Trent Zimmerman, welcome back. Welcome to the member for Brisbane, Trevor Evans; the member for Bruce, Julian Hill; and the member for Goldstein, Tim Wilson. And a special welcome to Senator Pratt, who left this place as I entered but is now back. Together, with my colleagues in the Greens and the Parliamentary Friendship Group for LGBTIQ Australians, I believe that we can work together to help end discrimination of LGBTIQ people and their families.

**Election of Senators**

Senator RHIANNON (New South Wales) (18:36): Today, the first day of the new parliament, it is timely to remember Labor's confected hysteria about Senate voting reforms. Remember the night of the Senate sleepover: Labor heavyweights told us that the Senate would be purged, that the poor would suffer, that democracy would be trashed and that crossbenchers would become a threatened species in this chamber. And the cruelty of it all would not stop with the make-up of the Senate. Labor senators told us that voters themselves would suffer.

By now, this speech should be accompanied by a drum roll to highlight the drama and fear that Senator Conroy and co whipped up. For the record, Senator Conroy's merry band of backers was not that big. Only 10 Labor senators out of a total of 26 spoke on the Senate voting reform legislation.

Labor senators told us in the debate, and they told us time and time again through that long night, that 3.4 million voters would be disenfranchised—locked out of representation in the Senate, no less. Senator Wong gave an agitated speech, saying that voting reform that would give the voter complete control of their own vote was not in the national interest and that she feared the very functioning of Australia's democracy was at risk. Senator Wong dreaded that a more representative vote would result in no less than 'the reshaping of our party system' and that it would turn the Senate into 'as closed a shop as the Liberals and Greens can make it'. She opined that trusting the voters with their own vote would result in a purging, no less—these are Senator Wong's words—of minor parties and Independents. And she added that it would be 'for all time'. She was fearful that a more representative vote would 'reduce the opportunity for Independents and minor parties to win positions in the Senate' and that 'more coalition senators' would be elected.

Senator Dastyari bemoaned that voters would choose a Senate with only 'perhaps very occasionally another senator representing a minor party' as 'the most likely outcome'. Senator Cameron joined Senator Conroy's merry band. He was wringing his hands, claiming that the Senate voting reforms would, in his words, entrench the existing parties, and especially the Greens and the coalition, 'at the expense of the crossbenchers, making life worse for the poor in this country'. 'Life worse for the poor'—they were his words. Of all the Labor silliness over Senate voting reform, you would have to say that that takes the cake. Senator Cameron went on to angst that Senate voting reform would bring about—and these are his words—a decline in political competition by raising the barriers to entry by other, newly emerging parties. In an irony of ironies, Senator Cameron made the ludicrous claim that optional preferential voting
in the Senate would make life a lot easier for lobbyists—conveniently forgetting the power and the influence lobbyists currently have.

Senator Conroy took Labor's wailing and gnashing of teeth to a new level, saying that the Greens' work to ensure that voters keep control of where their own vote ends up was the perpetrating of 'an atrocity'. Those were Senator Conroy's words. It was an 'absolute travesty of democracy', he added. 'Atrocity', 'travesty'—Senator Conroy certainly knows how to lay it on with a trowel. Senator Collins called the reforms a 'filthy deal'—again, her words—'to prevent new players from entering the Senate'. She said, 'The principal beneficiary of this new voting system will be the Liberal Party.'

So what did the voters choose to do with their votes? They elected a Senate that represents the will of the Australian electorate. There was no great 'purging' of minor parties from the crossbench as forecast by Labor senators. The question now is: why did a handful of Labor senators turn on the JSCEM recommendation for Senate voting reform, which they had supported for over one year, in such an extreme attacking discourse? This debate was used by a section of Labor to launch one of their most dishonest attacks on the Greens, in this case by trying to make out that we were backing the coalition. We were in fact voting for our policy of allowing voters to determine their preferences and of ending group voting tickets. This has long been Greens policy. We achieved it in New South Wales in 1999 and we have raised it time and time again in this place. Labor's tactics now look shrill and silly. Their 'night of the long knives' looks very much like a blunt instrument. This is how psephologist Dr Bonham summed up the Senate voting reform:

… the new system has generally exceeded the expectations of its most ardent supporters … and made its opponents' pre-election arguments look very silly indeed.

He went on to say that every one of the raised objections proved false by a large margin.

The new Senate has its largest crossbench in history, with 20 senators, up from 18 in the previous parliament, and a swathe of new small parties representing what people voted for. The coalition lost three senators, down from 33 to 30, and Labor gained an extra senator, up from 25 to 26. This includes the popular and high-profile Senator Lisa Singh, whose demotion to last on the Senate ticket by her own Labor Party was roundly ignored by Tasmanian voters. This is where we see an interesting spin-off of the reforms, because those Tasmanian voters used to great effect the new system of voting below the line that no longer requires all boxes to be numbered—and it is a very big welcome back to the Senate to Senator Singh.

So 3.4 million voters were not disenfranchised or 'locked out of representation' with no part of their vote represented in the Senate, as, on that long night, Labor senators asserted would happen. The Senate's sizeable crossbench puts the lie to that claim. Dr Bonham has noted that the effective exhaustion rate was just 5.1 per cent. Compare this to Senator Wong's extreme claim of an exhaustion rate of between 14 and 20 per cent. The informality rate in the Senate, of 3.94 per cent, was only slightly higher than at the last election, and the make-up of this Senate per state is more closely proportional to the share of votes each party received from voters in that state. Isn't that what democracy is all about?

So there is another question for Labor: are you still peddling the same rhetoric about the evils of Senate voting reform or do you accept the wiser adjustment of those who backed the reforms, including most Labor MPs in the House of Representatives? Right now, Labor's performance at the 'Senate sleepover' looks more like their own 'nightmare on Capital Hill'.

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CHAMBER
Senate voting reform has been a huge success. There were no backroom preference deals. In this election, voters determined their own preferences, as it should be.

Siedlecky, Dr Stefania, AM

Senator MOORE (Queensland) (18:44): I am a bit disappointed that Senator Rhiannon did not mention my contribution in that debate about the Senate changes of electoral rules about the importance of the education of the voting public. But I am sure she will get around to that in a future contribution.

This evening I want to talk about a true legend in women's health and in our community—Dr Stefania Siedlecky. In June this year Stefania Siedlecky died in Sydney. Among the outpouring of respect and love for this remarkable woman, the board of the management committee of the Leichhardt Women's Community Health Centre passed the following motion:

The Board of Management and staff of Leichhardt Women's Community Health Centre acknowledges the sad passing of Dr Stefania Siedlecky AM, a founder of Australia's women's health movement and trailblazer. Stefania has had a significant and lasting impact on thousands of women's lives and Australia's health system and academia through her intelligence, passion and commitment to medicine and women's health which spans more than fifty years. In 1974 Stefania was the first doctor at Leichhardt Women's Community Health Centre, occupying an interesting and uncomfortable space between the old guard medical establishment and a push for a new kind of primary health care model, now internationally regarded as best practice. Over the years Stefania did not waiver in her commitment and compassion for women's equality and women's right to access quality health care without discrimination or impediment.

Stefania was an excellent doctor, a pioneer, mentor and friend to many. The Board of Management and staff give their condolences to Stefania's family.

Stefania was born in 1921 in Blackheath. Blackheath at that time was not a friendly place for people who came from overseas—for migrants. In fact, foreigners were not particularly welcome in the Anglocentric world. Stefania and her sister Josephine were called the 'bold Russian brats' because they were energetic, attractive and intelligent. Their father was very assertive in expounding his atheist and socialist views to anyone, whether they were interested or not.

Stefania and Josephine each became the dux of their school, and both studied medicine at Sydney, where there were not too many medical students at that time. Stefania's first preference was to study teaching, but she was rejected due to her bad eyesight. She then took on a scholarship and graduated very highly in her class. She was one of the first female residents at St Vincent's Hospital, where she was paid at that time 70 per cent of the male rate. Still, her father commented with pride that 'a slip of a girl' could be paid so well, such was his pride in her achievement. She also worked at Rachel Forster Hospital in Redfern, a women's hospital run by women. She moved to Darwin after the war and then came back and practiced medicine in Blackheath again, and continued to have a high-profile medical career in that part of Sydney.

Due in large part to her experiences during World War II, Stefania developed a lifelong interest in women's health. She recalled later that:
… working in a women’s hospital during the war years I saw women die from infection and haemorrhage following illegal abortion, and the hypocrisy of doctors who would do a discreet safe abortion for their private patients.

One doctor went so far as to say: ‘I am here to teach you how to deliver babies, not how to prevent them.’

Such experiences had a profound impact on her future career and values. Throughout her career Stefania was a strong advocate for women to have adequate information about, and access to, contraception at a time when it was unfashionable to do so. In 1971 she joined Family Planning New South Wales, which became a lifelong passion. It was there she worked at a clinic as a training doctor. She worked as an enthusiastic volunteer in school and community education programs, and talked on sex, contraception, pain relief in childbirth, and menopause to various women’s groups. In 1974 Stefania helped to establish the Leichhardt women’s health centre and the Preterm Foundation—two schemes which helped to bring safe, legal abortion into the open in New South Wales.

In 1974 she was appointed as a consultant in family planning in the Commonwealth Department of Health, initially for six months but eventually for 12 years. At the time, that appointment raised some hackles with some former Sydney medical colleagues, who questioned the choice of such a dangerous radical for such an important job. Indeed, that job needed such a dangerous radical. In 1976 she became adviser—and later senior adviser—in family planning and women's health. Among her many successes in the Department of Health were the first National Women's Health Conference in 1975, the establishment of the Action Centre for young people in Melbourne in 1976 with Family Planning Victoria and the later establishment of Warehouse and the Fairfield Multicultural Centre in Sydney with Family Planning New South Wales. She worked and, in fact, survived through successive governments, pleased that she had been able to maintain a real interest in women's health. During these years she oversaw the allocation of funding for research projects and for special units in each state for doctor education in family planning. Through this process she was able to bring an ‘open mind, sensitivity to cultural factors and a real empathy for other people’s experiences’. These, actually, are the basis for truly effective development of policy in any area, but most particularly in the area of health.

In 1978 Stefania obtained a Master of Science in medical demography from the University of London. Her master's thesis, *Sex and contraception before marriage*, was published in 1979. In 1979-80 she worked for two months with the United Nations, developing preparatory papers for the UN mid-decade conference for women held in Copenhagen in 1980. She was a member of the Australian delegation to that mid-decade conference and then continued to represent us at the International Conference on Population in Mexico in 1984 and the UN end-of-decade conference for women in Nairobi in 1985. She helped prepare Australia’s position papers on women’s health and family planning issues. She fondly recalls working with other women at the Mexico conference to have the ‘Role and Status of Women’ given separate consideration instead of being included under the title ‘Reproduction and the Family’.

Stefania retired from the public sector in 1986 and was invited to join the UNFPA Special Advisory Committee on Women, Population and Development from 1987 to 1993. She became a member of the board of the Family Planning Association of the ACT and later in New South Wales from 1987 to 2000, including a two-year term as president. Over this time,
Stefania established and chaired the Family Planning NSW Ethics Committee and, from 1989 to 1995, represented Family Planning Australia on the East and South East Asia and Oceania Region Council, helping to set up its women’s subcommittee, focusing always on ensuring that women’s voices were heard and that women’s voices talked about the importance of women’s health. She was also on the board of the Preterm Foundation and chair of its Ethics Committee from 1987 to 2004.

In 1989, Stefania was appointed Honorary Associate in Demography at Macquarie University, where she became involved in epidemiological research and teaching. In 1990, she co-authored and published a seminal book, *Populate and Perish—Australian Women’s Fight for Birth Control*. She has published numerous papers, both locally and internationally, on the use of contraception, teenage pregnancy, abortion and female genital mutilation—some of the first work done in this country on these issues—working closely with women from international countries and again making sure that women’s voices with the lived experience were part of the ongoing discussion and the development of policy.

Stefania was a member of so many women's organisations who loved and cherished her, including the Women's International League for Peace and Freedom and also Women in Black—strong groups that worked to ensure that the messages of peace and the role of women as victims of war were also maintained in the open debate. She believed that women needed to be involved and that they could take their knowledge, their experience and their academic knowledge into development of policy and building the knowledge links across the world. In 1987 Stefania was made a Member of the Order of Australia 'for public service particularly in the field of women's health'. In 2005 she was awarded an Edna Ryan Award, which is a celebration of women who make a difference as feminists in the modern world.

Stefania was an inspiration to so many people and so many women of my generation. Her work continued despite the fact that she retired from the active workforce. She was always there to advise, to encourage and to work with women of all ages. We are very fortunate that we have a number of her radio interviews, which are through the ABC network, where in her own voice we hear her talking about the experiences in her life that inspired her to work in the areas of women's health. In a Radio National broadcast that she did with other women to acknowledge the 80th anniversary of Family Planning NSW, she was asked about what originally got her thinking about the need to work with women, particularly around the issue of family planning and ownership of your own body. She described watching her mother back in the 1920s and 1930s—as a young woman, she noticed that her mother was actually using Condy's Crystal solution as a douche to ensure that she would not fall pregnant again—and went on to talk about the incredible danger of that form of practice. That made a young Stefania think about what she would do as a practitioner and as an advocate for the issues around women's rights.

I cannot begin to express how much I admired this woman and how much I continue to admire her even though she is no longer with us. Her inspiration will and must continue. I would like to end with her own words, as I think they sum up much of her passion and her energy in this field. She said that it is really important that we continue to work into the future because, 'in spite of our successes, we need to remain vigilant to make sure we don't lose what it took us so long to gain.' We will always miss Stefania, but we will always continue to be inspired by her.
I wish to add my messages of condolences to the messages of so many other people to her very large family: four children, five stepchildren, many grandchildren and two great-grandchildren. These children have a wonderful legend that they can remember: a strong woman, a strong feminist, a strong doctor and someone whose inspiration will continue.

Opening of Parliament

The PRESIDENT (18:57): Before I declare that we will adjourn, could I just place on the record today my deep thanks to all of the staff involved with the opening ceremony of parliament. It has been a tremendous effort by many people. I particularly want to acknowledge the Clerk, the Deputy Clerk, the Clerks Assistant and John and his team—and I particularly make mention of the Usher of the Black Rod, Rachel Callinan. It has been a great effort today and it has gone very smoothly. So I thank all those people who work behind the scenes. It is a very difficult job. There have been many days and weeks of preparation, and the day went smoothly.

Senate adjourned at 19:00

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.]


Admiralty Act 1988—Admiralty Amendment Rules 2016 (No. 1) [F2016L00726].

Aged Care Act 1997—

Aged Care (Subsidy, Fees and Payments) Amendment (July Indexation) Determination 2016 [F2016L01105].

Aged Care (Subsidy, Fees and Payments) Amendment (Short-term Restorative Care) Determination 2016 [F2016L00674].

Allocation Principles Amendment Principle 2016 [F2016L00779].

Classification Amendment (CHC Domain Scores) Principles 2016 [F2016L00804].


Aged Care (Transitional Provisions) Act 1997—
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Agricultural and Veterinary Chemicals Code Act 1994—

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Agricultural and Veterinary Chemicals Code Instrument No. 4 (MRL Standard) Amendment Instrument 2016 (No. 8) [F2016L01059].

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Australian Aged Care Quality Agency Act 2013—

Australian Aged Care Quality Agency (Other Functions) Amendment (Short-term Restorative Care) Instrument 2016 [F2016L00666].

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Criminal Courts, Australia—Proposal No. 19 of 2016.


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Australian Film, Television and Radio School Act 1973—Determination of Degrees, Diplomas and Certificates No. 2016/2 [F2016L01153].

Australian Hearing Services Act 1991—Declared Hearing Services Amendment Determination 2016 (No. 1) [F2016L00806].

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Australian Meat and Livestock Industry (Beef Export to the USA—Quota Years 2016-2022) Repeal Order 2016 [F2016L01089].


Australian Meat and Livestock Industry (Standards) Amendment Order 2016 [F2016L00839].

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Council (Elections) Rule 2016 [F2016L00997].

Fees Statute 2006—Fees (General) Order 2016 [F2016L01000].

Programs and Awards Statute 2013—Coursework Awards Rule 2016 [F2016L00992].

Australian Prudential Regulation Authority Act 1998—

Australian Prudential Regulation Authority (Commonwealth Costs) Determination 2016 [F2016L01150].

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No. 2 of 2016 [F2016L01043].


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Approval of ARC Industrial Transformation Training Centres Proposals for funding commencing in 2016—Determination No. 146.

Approval of ARC Linkage Projects Proposals for funding commencing in 2016—Determination No. 147.

Approval of Australian Laureate Fellowships Proposals for funding commencing in 2016—Determination No. 144.

Approval of Industrial Transformation Research Hubs Proposals for funding commencing in 2015—Determination No. 145.


Authorised Non-operating Holding Companies Supervisory Levy Imposition Act 1998—Authorised Non-operating Holding Companies Supervisory Levy Imposition Determination 2016 [F2016L01158].


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Variation to Licence Area Plan – Swan Hill Radio – 2016 (No. 1) [F2016L01162].

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_Charter of the United Nations Act 1945_—
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Marine Order 75 (Seafarer certification amendment) 2016—AMSA MO 2016/5 [F2016L01017].
Norfolk Island Act 1979—
Norfolk Island Applied Laws Ordinance 2016 [F2016L00729].
Norfolk Island Appropriation Amendment (2016 Measures No. 2) Ordinance 2016 [F2016L00747].
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Norfolk Island Customs Ordinance 2016 [F2016L00736].
Norfolk Island Land Transfer Ordinance 2016 [F2016L00762].
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PGPA Act Determination (Australian Immunisation Register Special Account 2016) — Establishment [F2016L01333].
PGPA Act Determination (Christmas Island Phosphate Mining Rehabilitation Special Account 2016) — Establishment [F2016L01331].

PGPA Act Determination (Enforcement Special Account 2016) — Establishment [F2016L01342].


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Statement of Principles concerning Scheuermann's disease (Balance of Probabilities)—No. 76 of 2016 [F2016L01343].
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Veterans' Entitlements (Warlike Service—Operation Okra) Determination 2016 [F2016L00991].


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Water Efficiency Labelling and Standards Declaration 2016 [F2016L00752].

Pursuant to subsection 42(3) of the Legislation Act 2003, the following instruments were taken to have been tabled on 30 August 2016:


Tabling

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

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

Auditor-General—Audit reports for 2015-16—

No. 29—Performance audit—Implementing the deregulation agenda: Cutting red tape: Across entities.


No. 31—Performance audit—Administration of Higher Education Loan Program debt and repayments: Australian Taxation Office; Department of Education and Training.

No. 32—Performance audit—Administration of rehabilitation services under the Military Rehabilitation and Compensation Act 2004: Department of Defence; Department of Veterans' Affairs.

No. 33—Performance audit—Defence's management of credit and other transaction cards: Department of Defence.

No. 34—Performance audit—Administration of tobacco excise equivalent goods: Australian Taxation Office; Department of Immigration and Border Protection.

No. 35—Performance audit—Administration of the Radiation Oncology Health Program Grants Scheme: Department of Health; Department of Human Services.

No. 37—Performance audit—Cyber resilience: Across entities.

Business of the Senate—1 January to 30 June 2016.

Community Affairs References Committee—Report—Palliative care in Australia—Government response, dated May 2016. [Received 6 May 2016]

Economics References Committee—

Digital currency—game changer or bit player—Report—Government response, dated May 2016. [Received 5 May 2016]

Interest rates and informed choice in the Australian credit card market—Report—Government response, dated May 2016. [Received 6 May 2016]

Entity contracts for 2015—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—

Communications and the Arts portfolio. [Received 5 May 2016]

Industry, Innovation and Science portfolio. [Received 6 May 2016]

Estimates hearings—Unanswered questions on notice—Additional estimates 2015-16—Statements pursuant to the order of the Senate of 25 June 2014—

Foreign Affairs and Trade portfolio. [Received 5 May 2016]

Health portfolio. [Received 5 May 2016]

Tourism Australia. [Received 5 May 2016]

Indigenous Australians—Imprisonment rates—Letters to the President of the Senate responding to the resolution of the Senate of 19 April 2016 from—

Office Manager to the South Australian Minister for Aboriginal Affairs and Reconciliation, dated 28 April 2016.

Queensland Minister for Aboriginal and Torres Strait Islander Partnerships (Mr Pitt), dated 25 May 2016.

Western Australian Minister for Aboriginal Affairs (Mr Collier), dated 24 May 2016.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 1002059, 1002142, 1002306, 1002309, 1002390, 1002400, 1002495, 1002509, 1002517, 1002539, 1002550, 1002553, 1002554, 1002559, 1002590, 1002685, 1002885, 1002909, 1002918, 1002919, 1002970, 1002981, 1002982, 1002983, 1002985, 1002987, 1003127, 1003147, 1003165, 1003260, 1003283, 1003321, 1003323, 1003448, 1003468, 1003472, 1003495, 1003501 and 1003502—

Commonwealth Ombudsman's reports—Report no. 8 of 2016. [Received 6 May 2016]

Government response to Ombudsman's reports, dated 29 April 2016. [Received 6 May 2016]

President's report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016.


Rural and Regional Affairs and Transport References Committee—Report—Industry structures and systems governing the imposition and disbursement of marketing and research and development (R&D) levies in the agriculture sector—Government response, dated May 2016. [Received 5 May 2016]
Statements of compliance with Senate orders (pursuant to Senate standing order 166)

The government responses to parliamentary committee reports tabled pursuant to standing order 166 read as follows—

Senate Economics References Committee: Digital Currency

Introduction

The Australian Government is committed to fostering innovation in Australian businesses—and the FinTech industry is integral to this goal. Digital currencies and the technologies that underpin them have potential applications in many areas of the Australian economy.

The Government's FinTech statement—Backing Australian FinTech—released on 21 March 2016, sets out a clear strategy and agenda for FinTech, based on the issues identified by the sector. The statement identifies priorities for the development of a strong and competitive FinTech industry. This includes the Government's commitment to address the 'double taxation' of digital currencies under the goods and services tax (GST).

The FinTech statement builds on the announcement in February 2016 by the Prime Minister, the Hon Malcolm Turnbull MP, and the Treasurer, the Hon Scott Morrison MP, of the establishment of a FinTech Advisory Group to advise the Treasurer on issues important to Australia's FinTech industry. The FinTech Advisory Group will identify areas of potential reform, including in relation to digital currencies, and ensure that the specific priorities of industry are considered in the implementation of government policies.

As reflected in the responses to the recommendations of the Committee's report, the Government intends to engage the FinTech Advisory Group in the development and implementation of its responses.

Senate Economics References Committee: Digital Currency

Government Response

Recommendation 1

The committee is of the view that digital currency should be treated as money for the purposes of the goods and services tax. As such, the committee recommends that the government consults with the states and territories to consider amending the definition of money in the A New Tax System (Goods and Services Tax) Act 1999 and including digital currency in the definition of financial supply in A New Tax System (Goods and Services Tax) Regulations 1999.

The Government agrees that consumers should not be subject to the GST twice when using digital currency to purchase goods or services.

For this reason, the Government has already committed, through its Backing Australian FinTech statement released on 21 March 2016, to address the 'double taxation' of digital currencies. The Government is working with the FinTech Advisory Group on options to reform the current GST treatment of digital currencies and has released a consultation paper for public consideration as part of the 2016-17 Budget. Any change to the GST treatment of digital currencies is subject to formal state and territory agreement.

Recommendation 2

The committee recommends that further examination of appropriate tax treatment of digital currencies should be included in the taxation white paper process, with particular regard to income tax and fringe benefits tax.

The Government notes this recommendation.

In December 2014, the Australian Taxation Office (ATO) released a series of rulings on the income tax, fringe benefits tax and capital gains tax treatments of Bitcoin. These rulings provided clarity to taxpayers on the tax treatment of Bitcoin, and guidance on how other digital currencies may be treated, to the extent they share similar characteristics to Bitcoin. The ATO and the Government continue to
monitor developments in the digital currency industry in order to consider the most appropriate tax treatment of digital currencies.

**Recommendation 3**
The committee recommends that the Australian Government consider establishing a Digital Economy Taskforce to gather further information on the uses, opportunities and risks associated with digital currencies. This will enable regulators, such as the Reserve Bank of Australia and ASIC, to monitor and determine if and when it may be appropriate to regulate certain digital currency businesses. In the meantime, the committee supports ADCCA’s continued development of a self-regulation model, in consultation with government agencies.

**The Government agrees with this recommendation.**
The Government has announced that as part of its response to the Financial System Inquiry, graduated payments system regulation will be implemented to support innovation in the industry. The Australian Prudential Regulation Authority (APRA), the Australian Securities and Investments Commission (ASIC), the Reserve Bank of Australia (RBA) and the Treasury have begun preparatory work to review the framework for payments system regulation and to develop clear guidance. One part of this work is ensuring that the RBA and ASIC have the powers to regulate new payment systems—including digital currencies—as they emerge through innovation.

The Government considers the recently established FinTech Advisory Group to be the appropriate mechanism to progress the work proposed for the recommended Digital Economy Taskforce. The FinTech Advisory Group—which includes representation from FinTech firms, digital currency businesses, venture capital investors, legal advisers and incumbent financial services firms—is well placed to gather further information on the uses, opportunities and risks associated with digital currencies.

The Government supports the work of the Australian Digital Currency Commerce Association (ADCCA) to continue to improve industry standards for digital currency businesses, including via the development of a self-regulatory model.

**Recommendation 4**
The committee recommends that the statutory review considers applying AML/CTF regulations to digital currency exchanges.

**The Government agrees with this recommendation.**

On 4 December 2013, the Minister for Justice announced the commencement of a review of Australia’s anti-money laundering and counter-terrorism financing (AML/CTF) regime, as required by section 251 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act).

The report of the review is expected to be released shortly.

The statutory review has provided the Government with an opportunity to critically examine the operation and scope of Australia’s AML/CTF regime and consider issues raised by regulated businesses, law enforcement, and other government agencies. The review is considering a range of measures to support the development of the FinTech industry, including whether Australia’s existing AML/CTF regime should be extended to include convertible digital currency exchanges and how to make the obligations under the AML/CTF regime technology neutral.

Internationally, it is considered that the extension of AML/CTF regulation to include convertible digital currency exchanges would encourage innovation and investment by ensuring service providers have greater certainty and security in their dealings with digital currency businesses, while reducing the money laundering and terrorism financing risks associated with this emerging technology. This approach has already been taken by a number of jurisdictions including the United Kingdom and Canada, and is in line with the recently published *Guidance for a Risk-Based Approach to Virtual Currencies* issued by the Financial Action Task Force, the international standard-setting body for
combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. Australia's review is considering these and alternative approaches to addressing the money laundering and terrorism financing risks posed by digital currencies. The Government will also consider guidance from the FinTech Advisory Group as part of broader considerations around the AML/CTF regulation of digital currencies.

Australian Government response to the Senate Rural and Regional Affairs and Transport Legislation Committee report:

Voice for animals (Independent Office of Animal Welfare) Bill 2015

February 2016

Introduction

The Australian Government welcomes the Senate Rural and Regional Affairs and Transport Legislation Committee report on the Voice for Animals (Independent Office of Animal Welfare) Bill 2015. The Australian Government supports the committee's recommendation not to pass this bill; and agrees that the substantive functions of the proposed statutory authority for animal welfare are already achieved through existing government mechanisms. Australia's three tiers of government each have animal welfare responsibilities, which vary between jurisdictions. Legislative responsibility for animal welfare in Australia rests primarily with state and territory governments, and local governments. The Australian Government's policies for animal welfare arise from specific powers in relation to external trade and treaties. All governments are concerned about animal welfare and do not condone animal cruelty.

The Australian Government works with the Australian livestock industry to improve the productivity and profitability of the industry, and farm gate returns. There is a strong link between sustainability, animal welfare and livestock industry profitability. Improved animal welfare contributes to:

- increased productivity—improved animal welfare practices lead to contented, healthier animals that produce a higher-quality, higher-value and safer product
- improved competitiveness—systems that are underpinned by robust animal welfare arrangements are likely to improve access of products to domestic and export markets, and achieve higher prices
- sustainability—community acceptance of livestock animal welfare arrangements leads to better market access, higher prices and greater long-term sustainability of livestock industries.

The success of Australia's livestock industries will be increasingly influenced by research, development and strategies that improve animal welfare outcomes.

The Australian Government does not consider the establishment of a new Commonwealth agency necessary to influence issues relating to animal welfare. The Australia Government maintains that the establishment of such an Independent Office of Animal Welfare will result in significant cost to the Commonwealth. In addition to adding a layer of bureaucracy, an independent agency would require enabling legislation, relocations costs and ongoing specialist expertise.

The Australian Government notes the Australian Greens dissenting report to the committee's report. The Australian Government notes the Greens have committed to further consultation with stakeholders to refine and redraft the bill.

Government response:

Recommendation 1

The committee recommends that the bill not be passed.

Agreed
The Australian Government supports the committee's recommendation not to pass this bill.

**Australian Government response to the Senate Rural and Regional Affairs and Transport References Committee report:**

**Inquiry on industry structures and systems governing the imposition and disbursement of marketing and research and development (R&D) levies in the agriculture sector**

**May 2016 Introduction**

The Australian Government welcomes the Senate Rural and Regional Affairs and Transport References Committee's report on industry structures and systems governing the imposition and disbursement of marketing and research and development (R&D) levies in the agriculture sector (the Report).

Innovation through research, development and extension (RD&E) has been a key factor in the rural sector's productivity growth and its contribution to Australia's prosperity. In 2011, the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) found that past investments in broadacre R&D by Australian governments have generated high internal rates of return. ABARES estimated that for every dollar the government invests, broadacre farmers generate around $12 within 10 years in terms of increased agricultural productivity. These findings indicate that investment in agricultural RD&E has delivered productivity returns in excess of the cost of the investment.

Despite the clear benefits, Australia would likely experience under-investment in agricultural RD&E without government involvement, particularly the provision of matching payments for eligible RD&E expenditure. In 2014–15, the Government collected $489 million in levies and contributed $246 million in matched funding.

Australian farmers have a limited capacity to individually conduct or invest in RD&E and marketing, as around 97 per cent of farms are small businesses with an annual turnover of less than $2 million. There are also limited incentives for private investment in RD&E and marketing, notwithstanding the Government's policy of matching eligible voluntary R&D contributions, because it is difficult to prevent others from accessing the benefits of their activities. Government involvement in the levy system seeks to address this market failure, encourage socially optimal levels of agricultural RD&E and marketing, and deliver tangible results to farmers.

The Agricultural Competitiveness White Paper highlights the Government's commitment to co-fund RD&E to deliver results on-the-ground that improve farm profitability and productivity. The White Paper adopts a three-pronged approach to building a stronger RD&E system. This involves investing in the right RD&E by setting key research priorities; addressing the gaps in the system through increased funding for collaborative research and adoption (for example, an additional $100 million for the Rural R&D for Profit programme, and extending the programme to 2021–22); and improving the efficiency of the system by reducing administrative costs and improving governance of rural research and development corporations (RDCs). The White Paper also demonstrated the Government's ongoing commitment to match eligible RD&D, where approved, by announcing $1.4 million to match industry levies in the export fodder and tea tree oil industries.

The Government supports agricultural R&D levies as a means of increasing the profitability, sustainability and competitiveness of Australia's rural industries. For this reason, the Government supports a legislative framework which allows agricultural industries to request that R&D and marketing levies be imposed on producers, processors and exporters, and disbursed to RDCs and other levy recipient bodies. This framework also allows for the Government to provide matching payments to RDCs on eligible RD&E expenditure in recognition that profitable, competitive and sustainable farm businesses will benefit the industry and whole Australian economy.

The Government will continue to work with industry to develop a more transparent and responsive agricultural levy system. The Department of Agriculture and Water Resources administers the levy
system for industry and ensures that the system remains transparent, cost-effective and flexible enough to meet the needs of industry—there is no ‘one size fits all’ model for the levy system. The department has made improvements to its processes and systems in recent years and continues to investigate ways to reduce collection costs for industry and reduce the burden on stakeholders across the levies system. The Government appreciates the diversity of stakeholder perspectives on the structures and systems governing R&D and marketing levies. The Government will endeavour to ensure that the best possible arrangements are in place to deliver tangible benefits from RD&E and marketing levies to all agricultural industries.

**Recommendation 1**

The committee recommends that the *Primary Industries Levies and Charges Collection Act 1991* be amended, consistent with subsections 27(3) and 27(3A), to enable the collection and distribution of levy payer information which will allow the creation of levy payer databases for all agricultural industries that pay agricultural levies. The committee further recommends that levy payer databases be established within two years of the legislative amendment.

The Australian Government agrees with this recommendation.

On 3 March 2016, the Government introduced amendments to the *Primary Industries Levies and Charges Collection Act 1991*, and will amend associated regulations, to enable the collection and distribution of levy payer information on a similar basis to that collected for the wool and dairy levies. If passed, the amendments will allow the Department of Agriculture and Water Resources to provide levy payer information to the RDCs for the purpose of establishing levy payer registers.

In 2014, the Senate Rural and Regional Affairs and Transport References Committee also proposed levy payer registers as a means by which RDCs could improve their accountability, transparency and engagement with levy payers, in its inquiry into industry structures and systems governing levies on grass-fed cattle. Since then, the department has worked with RDCs, including Meat & Livestock Australia, the Grains Research and Development Corporation and Horticulture Innovation Australia Limited, to discuss options for developing levy payer registers.

The Department of Agriculture and Water Resources administers, collects and disburses wool and dairy levies and levy payer information on a cost recovery basis. This approach would also apply to future requests for levy payer information from other industries.

While the Government recognises the potential benefits to the broader R&D system of establishing levy payer registers, it considers that the decision to establish a levy payer register is a matter for each RDC, in consultation with industry, to consider. This is consistent with the long-standing approach to the R&D levies system, which is driven by industry.

The Government encourages RDCs to establish levy payer registers within two years of the legislative amendment, but notes that timing would depend on the interest of an RDC and its respective industry in pursuing a levy payer register. The Government also recognises that enforcing a “one size fits all” approach would not be appropriate given the diversity of Australian agricultural industries. Therefore, the distribution of levy payer information to an RDC would occur only where an RDC, in consultation with industry, requests it, and that request is approved by the minister.

**Recommendation 2**

The committee recommends that data collected for the purposes of levy databases and held by the Department of Agriculture should be limited to information sufficient to enable organisations responsible for spending or allocating levy funds to communicate with levy payers and enable votes to be allocated on a production basis. Data should include location, contact details, crop or enterprise type and production volume and/or value. Databases should be held by the appropriate levy-payer owned body, and be available to appropriate authorities under circumstances of biosecurity emergencies.

The Australian Government agrees with this recommendation.
The Government encourages the development and maintenance of strong and consultative relationships between RDCs, levy payers and broader industry.

As outlined in Recommendation One, if the Government’s amendments to the *Primary Industries Levies and Charges Collection Act 1991* are passed, and the associated regulations are amended, an RDC, in consultation with industry, will be able to request the collection and distribution to the RDC of levy payer information. The Government expects that the information collected could include the levy payer's name, address, contact details, ABN, the amount of levy paid and relevant commodity information.

This information could be used by the respective RDC for the purposes of:

- determining voting rights in any levy poll
- determining, where relevant, voting rights as a member of the RDC
- developing and maintaining a list of levy payers to allow communication between them and the RDC in the performance of its functions under its respective enabling legislation or funding agreement with the government
- publishing de-identified industry statistics.

The Government is committed to better access to and use of data. Where levy payer information is collected by the Department of Agriculture and Water Resources, it will be made available to the Australian Bureau of Statistics to reduce duplication in data collection activities. It will also be available for use within government in circumstances of biosecurity emergency. This aligns with the Australian Government's Public Data Policy, which includes a commitment to securely share data between Australian Government entities to improve efficiencies, and inform policy development and decision-making; and uphold the highest standards of security and privacy for the individual, national security and commercial confidentiality.

**Recommendation 3**

The committee recommends the establishment of a cost-effective, automated agricultural levy system. The system should identify levy payers against levies paid. The automated system should provide for more immediate settlement of levy fees paid and the allocation of voting entitlements where relevant. It should be subject to regular independent auditing and verification.

The **Australian Government agrees with this recommendation**.

The Government, through the Department of Agriculture and Water Resources, is committed to administering levies in an increasingly cost-effective and transparent manner. The Government supports the concept of an automated levy system, but notes that such changes to the levy collection process are likely to be cost recovered and would require thorough stakeholder consultation and industry support.

As outlined in Recommendation One, the Government has introduced amendments to the *Primary Industries Levies and Charges Collection Act 1991*, and will amend associated regulations, to enable the collection and distribution of levy payer information to RDCs for the purpose of establishing levy payer registers. The Government believes that this would allow RDCs to develop an efficient means of allocating voting entitlements, as well as potentially developing an automated voting system.

In line with the Australian Government’s Digital Transformation Agenda, the department continues to explore opportunities for digitising the administration of levies to improve the user's experience and efficiency. For example, in recent years the department has implemented: the Levies Online system; automated reminder notices for upcoming returns, overdue returns and payments; and digitised its compliance programme.
Recommendation 4
The committee recommends that where industry sectors are subject to levies by both states and territories and the Commonwealth, the merging of record keeping and levy collection should be investigated to avoid duplication and reduce costs to producers.

The Australian Government agrees with this recommendation.

The Australian Government's involvement in collecting and disbursing R&D levies seeks to address the market failure in agricultural R&D investment by ensuring that R&D outputs can be shared across industry. Conversely, state and territory governments may impose other levies for a range of purposes and collect them using a variety of methods, under state-specific legislation.

The Australian Government considers that the cost of undertaking the complex legislative, administrative and practical changes necessary to merge the Australian Government system with the various state and territory levy systems would likely outweigh potential benefits.

Therefore, it may be difficult to identify significant net benefits which would result from merging state and territory record keeping, levy collection and disbursement with the Australian Government's agricultural levies system.

However, the Minister for Agriculture and Water Resources will raise this matter for discussion at a forthcoming meeting of Commonwealth, state and territory agriculture ministers in 2016. Furthermore, if a state or territory government brought forward a proposal to align the collection or disbursement of one of its levies with that of an existing Australian Government levy, the Australian Government would consider the costs and benefits of pursuing that opportunity to reduce regulatory burden.

Recommendation 5
The committee recommends that the Department of Agriculture provide agricultural industries with a timeframe for levy application and amendment decisions.

The Australian Government agrees with this recommendation.

The Government will endeavour to consider proposals to amend or introduce agricultural levies, including whole-of-government consideration and agreement, and scrutiny by the Parliament, within 12 months of receipt of a proposal which meets the Levy Principles and Guidelines.

Whole-of-government review of levy proposals includes consideration of whether the proposal meets the requirements of the Budget Rules and where a proposal requires new appropriations, these will need to be considered within the Budget timeframes and constraints.

The Department of Agriculture and Water Resources will keep industry informed of progress on levy proposals, once they have been submitted to Government.

Recommendation 6
The committee recommends that the Department of Agriculture, in cooperation with relevant agricultural industries, conduct a review of the process to establish and amend agricultural levies including modifications to levy components. The review should identify methods to provide for a more cost-effective and responsive process while maintaining an appropriate level of accountability.

The Australian Government agrees with this recommendation.

The Government will review the Levy Principles and Guidelines, in consultation with stakeholders. This will include considering how the process can be improved to assist industry in reducing the cost of introducing or amending a levy.

It will also include considering the processes associated with plant and animal emergency response levies.
Recommendation 7
The committee recommends that the Department of Agriculture review and if necessary, redraft the criteria for Prescribed Industry Bodies (PIBs) with a view to developing a transparent, uniform and contestable process, including published criteria and thresholds as applicable, for the recognition of PIBs for the purposes of collecting levies.

The committee further recommends that PIBs already recognised under legislation should be required by the Department of Agriculture to conclusively demonstrate, within a period of no more than five years, that they meet the criteria referred to in Recommendation 7 in order to remain the recognised PIB for their relevant industry sector.

The Australian Government agrees with this recommendation.

Prescribed Industry Bodies (PIBs) play a key role in the rural R&D system. Industry bodies may be prescribed in legislation for a range of purposes, including to provide for an industry body to be consulted, or to make recommendations, about the levies to be applied to the industry's products. PIBs do not currently collect statutory R&D or marketing levies.

The decision to prescribe an industry body in legislation is a matter for the Minister for Agriculture and Water Resources. The Department of Agriculture and Water Resources uses a set of guidelines to aid in the preparation of advice to the Minister regarding the suitability of an industry body to be prescribed. The department will review these guidelines to ensure they remain appropriate for this purpose.

The department will also review PIBs already recognised under legislation within a period of five years, with reference to the guidelines, once reviewed. The department will require PIBs to provide a submission to the department to this effect. The department will provide further guidance to PIBs on this process in due course. The Government will continue to consider applications from industry bodies to become a PIB on a case by case basis.

Additional recommendations
Recommendation 8
That once such databases are established, each industry sector undertake a regular poll of levy payers to decide:

- the rate of levies imposed (including a zero option) until the next poll
- the split of levy funds (if relevant) between R&D and marketing

The Australian Government agrees in part with this recommendation.

The Government supports the use of polls of levy payers to decide the rate of levies imposed, but notes that the decision to undertake a poll is a matter for industry and may involve significant expense. Should an industry wish to pursue a poll, the Government would provide advice on any administrative and legal requirements.

The Government notes that the split of levy funds between R&D and marketing for each RDC is set out under legislation. Under these arrangements, the allocation of levy funds requires either the approval of the Australian Government or is a decision for the relevant RDC Board.

Industries such as the apple, pear and pig industries pay a levy which is the sum of a specific, legislated marketing component and a specific, legislated R&D component. Funds collected through each component can only be spent on the purpose for which they are collected. This model covers the majority of agricultural industries that pay a statutory levy. Any change to the legislated components would be undertaken under the Levy Principles and Guidelines and would require approval by Government.

Other industries, such as the wool and dairy industries, pay a general services levy. The split between R&D and marketing expenditure from this services levy is a matter for the relevant RDC Board. The Government expects that, where relevant, information regarding the split between R&D and marketing
would be provided to all actual or potential levy payers for proposals involving new levies or changes to
levy rates.

**Recommendation 9**

That database information be used to determine proportional voting by producers according to the
amount of levies paid.

**The Australian Government agrees in part with this recommendation.**

The Government recognises the benefits of having an industry voting system that reflects the conditions
and production systems of that industry. Under the Levy Principles and Guidelines, except where
legislated, an industry can choose to use one of two types of voting allocations when conducting a ballot
for a new levy or amendment:

- one vote per producer (business entity) or
- an allocation of votes based on the amount of levy paid (or payable).

As noted in the response to **Recommendation 2**, the Government expects that the establishment of levy
payer registers would allow RDCs to develop an efficient means of allocating voting entitlements.

**Recommendation 10**

That polls be conducted at intervals of 4 years with the option to defer a particular poll for a maximum
of 2 years in exceptional circumstances (e.g. severe drought)

**The Australian Government notes this recommendation.**

As outlined in the response to **Recommendation 8**, the Government supports the use of polls of levy
payers to decide the rate of levies imposed but notes that the decision to undertake a poll is a matter for
industry. The wool industry has a levy poll which is held at a legislated three year interval. The
Government, at the request of the dairy industry, introduced legislation to remove the requirement to
hold a levy poll every five years and allow the dairy industry to initiate a poll when it sees the need.

The dairy industry can still seek to amend its levy rates by conducting a poll, where a need is identified
by industry. The legislation, which was passed by the Parliament in March 2016, includes a mechanism
for the dairy industry to initiate a levy poll at any time. It also establishes a levy poll advisory
committee to consider the need for a levy poll every five years. If levy payers do not agree with the
committee's decision, they may initiate a poll, provided they have the support of at least 15 per cent of
levy votes. The changes will provide savings of up to $1 million every five years, which may be re-
directed towards R&D activities.

**Recommendation 11**

That each industry have the option of undertaking polls to decide the choice of PIB, representative
directors of R&D organisations and the allocation of levy expenditure for particular objectives or
strategies.

**The Australian Government agrees in part with this recommendation.**

As outlined in the response to **Recommendation 8**, the Government supports the use of polls to
determine such matters as industry support for the introduction or amendment of a levy.

There are a range of existing avenues through which industry members are consulted on decisions that
affect their industry. For example, RDCs are required to conduct structured consultation and
engagement activities, particularly around the development of priorities for their strategic plan and
allocation of funds. An RDC has the option to conduct an industry survey to gather feedback on its
performance and its R&D priorities.

With regard to the selection of directors of RDCs, the Government supports the establishment of skills
based boards selected by an independent nomination committee (consistent with the practices promoted
in the ASX Corporate Governance Council's Principles and Recommendations) and encourages
industry-owned RDCs to adopt this approach. However the selection processes for directors of industry-owned RDCs is a matter for levy-payer members to agree through the company constitution. The Government notes that the Minister for Agriculture and Water Resources determines whether a given industry body is ultimately prescribed. As noted in the response to Recommendation 7, the Government will require PIBs already recognised under legislation to provide a submission to the Department of Agriculture and Water Resources within a period of five years demonstrating that they continue to meet the criteria, once reviewed.

**Recommendation 12**

That the cost of polls be paid from levy revenue but only to the extent of:

- the actual costs incurred for voting and counting of votes
- providing an information memorandum that gives equal weight to each side of a proposition

**The Australian Government notes this recommendation.**

The use of levy funds and associated Commonwealth matched funding is governed by the relevant legislation and a funding agreement between the respective RDC and the Commonwealth. Use of any funds (levy or Commonwealth matched funding) for a non-legislated poll and its administration (i.e. polls other than the legislated wool and dairy levy polls) must be in accordance with the respective RDC's funding agreement with the Commonwealth. In this instance, if levy funds are used, it is unlikely to be eligible to attract Commonwealth matched funding. However, the RDC may, at any time, seek to consult with the Commonwealth on any matter connected with its funding agreement including whether funds could be directed to non-legislated polls.

In the case of the legislated polls for wool and dairy, the relevant funding agreements allow for costs associated with the conduct of the poll to be met by levy revenue.

**Recommendation 13**

That levy or government funds not be utilised for advocating a particular poll outcome.

**The Australian Government notes this recommendation.**

The use, or potential use, of levy funds and Commonwealth matched funds for polls was outlined in Recommendation 12. Except where specified, the funding agreements between the respective RDCs and the Commonwealth prohibit the RDCs, except for Australian Pork Limited, from advocating a particular industry position. Australian Pork Limited's operations differ from the other RDCs in that the Pig Industry Act 2001 and its funding agreement enables it to use marketing levies to fund strategic policy development or other activities for the benefit of the Australian pig industry.

The Government notes that in legislated polls for the wool and dairy industries, the RDCs are required to identify their recommended levy rate.

**Recommendation 14**

That voting in any poll is voluntary.

**The Australian Government agrees with this recommendation.**

Voting in existing levy polls is currently voluntary and the Government does not intend to change this.

**Recommendation 15**

That any claim of market failure relating to the imposition of a marketing levy be assessed by the Office of Best Practice Regulation (OBPR) prior to the inclusion of such a claim in an information memorandum, with the OBPR assessment to then be included in the information memorandum.

**The Australian Government notes this recommendation.**

The Office of Best Practice Regulation (OBPR) administers the Australian Government's Regulation Impact Statement (RIS) requirements and assesses the adequacy of RISs prepared for policy proposals.
The OBPR does not endorse or support particular regulatory outcomes; rather, its role is to assess whether good regulatory policy development has been followed. In this context, the OBPR also provides RIS advice on matters relating to agricultural levies. All changes of significance require a RIS that is independently assessed by the OBPR.

Under the Levy Principles and Guidelines, a levy proposal must identify a significant market failure which justifies the introduction of a levy. The Government will consider requiring industries to provide information on market failure to members during consultation on the introduction of, or changes to, a marketing levy, as part of its review of the Levy Principles and Guidelines.

**Australian Government Response to the Senate Community Affairs References Committee Report: Palliative Care in Australia**

**May 2016**

Commonwealth of Australia as represented by the Department of Health 2016

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INTRODUCTION
The Australian Government welcomes the Senate Community Affairs References Committee report on Palliative Care in Australia (the Report). The Australian Government thanks the Committee members for their efforts in bringing to light palliative care issues and areas for improvement.

The Australian Government recognises the importance of helping people who are terminally ill access the best care and support available to maintain their dignity and quality of life.

The Australian Government continues to provide financial assistance to state and territory governments to operate palliative care services, a form of sub-acute care, as part of their health and community service provision responsibilities.

On 1 April 2016 the Council of Australian Governments (COAG) agreed a Heads of Agreement between the Commonwealth and the States and Territories on public hospitals funding (the Agreement) from 1 July 2017 to 30 June 2020 ahead of consideration of longer-term arrangements. This Agreement retains activity based funding as the main financing mechanism, including the use of the National Efficient Price (NEP), and caps national growth in Commonwealth funding at 6.5 per cent a year.

The Agreement will provide a further $2.9 billion to states and territories (the States) for public hospital funding over the term of the Agreement.

In return for additional funding, the States have been asked to develop and implement a range of reforms to improve health outcomes and decrease demand for public hospital services by 1 July 2017. These include coordinated care for patients with chronic and complex disease; incorporating quality and safety into hospital pricing; and reducing avoidable hospital readmissions.

In May 2015, the Government announced the successful organisations to receive funding under the National Palliative Care Projects until June 2017. Projects funded will support quality service delivery, by focusing on the following areas:
- service provider skill development (frontline worker education and training);
- service quality improvement (in acute and community health settings);
- research and benchmarking (build and enhance capacity within the palliative care sector);
- advance care planning (strengthen understanding and uptake);
- knowledge building and awareness (improve sector knowledge and community awareness);
- improve collaboration and linkages between all Governments' palliative care activities; and
- collate and distribute palliative care information across the sector.

The Australian Government has considered the 38 recommendations made in the Report, and detailed responses in relation to each recommendation of the Senate Community Affairs References Committee report on Palliative Care in Australia (the Report) are below. Details are correct at time of drafting.

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<th>Recommendation Number</th>
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<td>1</td>
<td>The committee recommends that the Australian Commission on Safety and Quality in</td>
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<td>Community Services Agency endorse this report.</td>
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CHAMBER
consider the proposal to implement a national standard linked to accreditation, noting that reforms should not result in increased regulatory burden or complexity.

The Australian Commission on Safety and Quality in Health Care (ACSQHC) has already developed the National Safety and Quality Health Service (NSQHS) Standards. The purpose of the NSQHS Standards is to protect the public from harm and improve the quality of service provision. The NSQHS Standards have been developed to apply in all healthcare settings, including palliative care. When health service organisations are being assessed against the NSQHS Standards, palliative care services need to be included in this process. The ACSQHC is currently reviewing the NSQHS Standards, with Version 2 due out in 2017. In the next version there will be an increased focus on patient-centred care generally and end-of-life care in particular. This includes potential actions in areas such as having systems to identify people approaching the end of life; working with patients, families and carers to proactively plan for care at the end of life; and assessing physical, psychosocial and spiritual needs and taking action to reduce preventable distress.

The ACSQHC has also developed an End of Life Care in Acute Hospitals Consensus Statement (Consensus Statement), which describes the elements that are essential for delivering timely, appropriate and compassionate end of life care to people who are being cared for in acute health care facilities in Australia, and sets out agreed practice for recognising and responding to people in need of end of life care. The Consensus Statement was endorsed by Health Ministers on 13 May 2015.

The committee recommends that the Australian Government considers extracting palliative care from sub-acute care category and create a new funding category of 'palliative care'.

The committee recommends that in determining the appropriate costing for palliative care services the costs of providing care in the community sector also be calculated and allocations made to support the provision of palliative care services by this sector. The committee acknowledges that any allocation of funds to community sector service providers would require rigorous and transparent costing methods.

Not Supported

Under the 2011 COAG National Health Reform Agreement (NHRA), the Commonwealth and states agreed to introduce national Activity Based Funding (ABF) for public hospital services. Nationally consistent ABF for subacute care, including palliative care, commenced on 1 July 2013. The Australian Government does not support the creation of a new funding category for palliative care services delivered by public hospitals because the existing ABF classifications used to price and fund palliative care services appropriately account for the complexities and costs associated with delivering palliative care services in Australia.

The Independent Hospital Pricing Authority (IHPA) is responsible for classifying and pricing public hospital services eligible for Australian Government funding, including palliative care. The IHPA uses the Australian National Subacute and Non-Acute Patient classification system (AN-SNAP) to price palliative care services. AN-SNAP classifies palliative care services based on the setting, phase of care, and patient-related factors such as age, and provides a technically sound and clinically relevant means for defining and pricing palliative care services delivered in public hospitals. The IHPA reviews the price of public hospital services, including palliative care, annually.
The committee recommends that the creation of a new palliative care funding category should result in the establishment of a palliative care advisory committee by the Independent Hospital Pricing Authority to advise the Authority on appropriate costing for palliative care services consistent with the activity-based funding approach.

3

The committee recommends that the creation of a new palliative care funding category should result in the establishment of a palliative care advisory committee by the Independent Hospital Pricing Authority to advise the Authority on appropriate costing for palliative care services consistent with the activity-based funding approach.

The Australian Government notes that the provision of palliative care services in the community sector is an emerging area of service delivery and further exploration of this is warranted.

Not supported

The IHPA has established the Subacute Care Working Group (SCWG) to provide technical advice regarding implementing nationally consistent ABF for subacute services, including palliative care.

The SCWG is responsible for advising the IHPA on:

- The development of a new classification system for subacute care services in Australia that supports effective, contemporary models of care;
- The international research on subacute models of care and classification systems that support those models;
- Testing and trialling methods to validate the feasibility and effectiveness of any proposed classification system; and
- The implementation of a new classification system for subacute care.

The SCWG membership includes a wide range of clinical experts, including a palliative care representative and representatives from each jurisdiction. The SCWG is well-equipped to provide the IHPA with support to develop a robust and clinically valid classification and funding model for subacute care, including palliative care.

4

The committee recommends that the development and introduction of consistent national data collection specifically provide for the recording and reporting of palliative care data.

Noted

Under the 2011 COAG National Health Reform Agreement (NHRA), the Commonwealth and states agreed to introduce national Activity Based Funding (ABF) for public hospital services. Nationally consistent ABF for subacute care, including palliative care, commenced on 1 July 2013.

This means that from 1 July 2013, activity data for subacute care, including palliative care, has been reported in the following nationally consistent data sets:

1. Activity Based Funding: admitted subacute and non-acute hospital care Data Set Specification (ASNC ABF DSS); and

The IHPA is currently undertaking further development of the AN-SNAP classification which will ensure the classification of admitted subacute and non-acute remains valid. The revised classification will identify key cost drivers, evaluate counting issues for subacute and non-acute patients, and reflect and incorporate changes in patient mix, medical practice, and clinical assessment tools.

5

The committee recommends that the government, with the assistance of the Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia, responsible for agreeing high level policy direction.
Australian Governments, take steps to improve the provision and timeliness of information to palliative care patients, their carers and families. Processes should be put in place to ensure that patients, their carers and families are provided with the right amount of information, in the right format, at the right time and that a 'show bag' approach be avoided. The committee recommends that this process begin with a review of the CareSearch website.

The committee recommends that all governments work together to fund minimum levels of bereavement service provision for all families and carers of people with a terminal illness.

The Australian Government recognises the difficult circumstances of caring for children who are terminally ill. The Australian Government provides a range of payments to assist people caring for someone with a disability or medical condition, including those caring for a terminally ill child. Payments available to carers of children are Carer Payment, Carer Allowance, Child Disability Assistance Payment and Carer Supplement. Income and assets tests apply to Carer Payment. Any changes to eligibility for the payments would take into account the variety of circumstances affecting carers, including those caring for a terminally ill child. The Government will spend almost $40 billion on child care support over the four years. This significant investment includes an increase of more than $3 billion to support the implementation of the Jobs for Families Child Care Package. From July 2017, the Child Care Subsidy will replace the Child Care Benefit, Child Care Rebate and Jobs, Education and Training Child Care Fee Assistance. Family eligibility for the Child Care Subsidy will be determined by a family income and a three-step activity test.
which more closely aligns hours of subsidised care with the amount of work, training, study or other recognised activity undertaken. There will be exemptions to the activity test for parents who legitimately cannot meet the activity test requirements, including those with caring responsibilities.

Prior to implementation of the new Child Care Subsidy, there will be further consultation on the specific elements of the subsidy including determining what is a recognised activity and the range of exemptions for those who legitimately cannot meet the activity test requirements.

In addition to the Child Care Subsidy, the Government will invest $852 million to establish the Child Care Safety Net. The Child Care Safety Net will provide targeted assistance to disadvantaged communities and vulnerable children and at-risk children and their families to address barriers to accessing child care, while encouraging parents to enter and return to the workforce.

The Child Care Safety Net has three components
- Additional Child Care Subsidy—this will provide targeted additional fee assistance to children and families who are genuinely disadvantaged.
- A new Inclusion Support Programme—to assist services to be more inclusive and improve access for children with additional needs.
- Community Child Care Fund—a competitive grants programme designed to assist services to reduce barriers to accessing child care.

Through the Additional Child Care Subsidy, the Government will support grandparents on income support who are the primary carers of their grandchildren to assist them with the cost of care.


8 The committee recommends that a process be put in place by the Independent Hospital Pricing Authority to ensure that the calculation of activity based funding for the provision of palliative care takes into account its complexities, including the contribution of carers, and the desirability of its provision across a range of different settings.

Noted

The IHPA currently has in place arrangements that ensure that the calculation of ABF payments for palliative care take into account the various complexities associated with this care type. Under the NHRA, the IHPA is required to take into account the following factors in pricing public hospital services:
- Timely access to quality health services;
- Appropriateness of setting and model of care;
- Based on patient rather than provider-related characteristics; and
- Minimising undesirable and inadvertent consequences.

The complexity of palliative care is captured in the AN-SNAP classification system. AN-SNAP version 3 has 150 classes, of which 34 are exclusively for palliative care.
9 The committee recommends that medical workforce training include being educated about existing pathways to specialist palliative care, ensuring that this care is applied effectively to best meet patient need.

Supported
In May 2015, the Australian Government announced funding for palliative care education and training to:
- Queensland University of Technology to continue educating and training the health workforce to provide quality palliative care;
- Children's Health Queensland Hospital and Health Service for a national project to improve paediatric palliative care;
- Flinders University of South Australia to fund the development of education modules on end of life care in acute hospital settings; and
- Australian Healthcare and Hospitals Association to continue online education and training to assist health workers in the use of the Guidelines for a Palliative Approach for Aged Care in the Community Setting.

These projects will provide skill development, education and training to palliative care service providers, including the medical workforce.

The Australian Government also notes the role of state and territory governments in educating their medical workforce.

10 The committee recommends that the Australian government create an ongoing and dedicated national scholarship fund for postgraduate studies in palliative care nursing.

Noted
The Australian Government funds scholarships for nurses, midwives and allied health professionals through the established Nursing and Allied Health Scholarship and Support Scheme (NAHSSS). Nurses undertaking a postgraduate palliative care course are able to apply for a NAHSSS postgraduate scholarship.

In the 2015-16 Budget the Government announced a new Health Workforce Scholarship Scheme which will start on 1 July 2016. It is a consolidation of the NAHSS and a number of other scholarship schemes into the one scholarship programme.

The Government considers that the administration of a single scheme to be the most cost effective approach to manage health scholarships while still providing stability to ensure that areas of greatest workforce need are able to be strengthened. The single scholarship will also allow the Government to target its scholarship investment to areas of the greatest workforce need and using the most effective methods to achieve that goal.

There will be a return of service obligation on the majority of these scholarships.

11 The committee recommends that service delivery models include greater emphasis on community-based care, 'dying in place', and a reduction in unnecessary hospital admissions.

Noted
The Australian Government notes that state and territory governments operate palliative care services, a form of sub-acute care, as part of their health and community service provision responsibilities.

The Australian Government is committed to ensuring people and their families have the support and assistance to allow end of life planning to be about personal control and choice. The Government recognises that care providers need to be
appropriately skilled to look after people needing palliative care in the community.

The Australian Government notes that community-based palliative care supports people to die at home, if that is their wish, and may be a cost effective model that could reduce the demand on hospital services. The Australian Government funds the $49.2 million Better Access to Palliative Care in Tasmania Programme, which is trialling a community-based palliative care model and aims to increase access to community-based palliative care for people with life limiting illness nearing the end of their life.

In May 2015, the Australian Government announced funding for palliative care education and training including:

- Queensland University of Technology to continue educating and training the health workforce to provide quality palliative care; and
- Australian Healthcare and Hospitals Association to continue online education and training to assist health workers in the use of the Guidelines for a Palliative Approach for Aged Care in the Community Setting.

These projects will assist in skill development, education and training to palliative care service providers, including those who work in the community setting.

The Australian Government also funds:

- Specialist Palliative Care and Advance Care Planning Advisory Service, to improve the palliative care skills and advance care planning expertise of aged care service staff in both the residential and community care sectors. The Advisory Service aims to improve the quality of care for aged care recipients and to prevent unnecessary hospital admissions; and
- The Better Health Care Connections (BHCC): Short Term, More Intensive Health Care for Aged Care Recipients Program to improve access to more complex health care services for aged care recipients in residential and community settings.

The Australian Government funded:

- The Palliative Approach Toolkit (PA Toolkit) for residential aged care facilities (RACF) to enable effective day-to-day practice by staff caring for residents who are at the end of their lives. The PA toolkit has been provided to every RACF across Australia and is available electronically on the CareSearch Website.

The committee recommends that the Council of Australian Governments consider developing and

Noted

The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia, responsible for agreeing high level policy direction.

The Australian Government notes that responsibility for
implementing a case management model.

developing and implementing a single palliative care case management model would lie with state and territory governments, which as the health system managers, are responsible for determining the mix of palliative care services in their jurisdictions.

13 The committee recommends that the Council of Australian Governments develop and implement a uniform national palliative care pathway that clarifies when general palliative care moves into specialist palliative care and maps the diagnosis and referral process to ensure that a palliative patient's journey involves coordinated access to all necessary services.

Noted

The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia, responsible for agreeing high level policy direction.

The Australian Government notes that responsibility for developing and implementing a uniform national palliative care pathway would lie with state and territory governments, which as the health system managers, are responsible for determining the mix of palliative care services in their jurisdictions.

14 The committee recommends that the Council of Australian Governments review the Medicare Locals structure to consider how the provision of palliative care services, both general and specialist, is integrated into primary health care at the local level.

Supported in principle

The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia, responsible for agreeing high level policy direction.

Following consideration of the Review of Medicare Locals the Government announced in the 2014-15 Budget that funding would cease to Medicare Locals on 30 June 2015 and that they would be replaced by Primary Health Networks (PHNs) from 1 July 2015.

31 PHNs were established on 1 July 2015 with the objectives: to increase the efficiency and effectiveness of medical services for patients, particularly those at risk of poor health outcomes; and to improve coordination of care to ensure patients receive the right care in the right place at the right time.

In addition, the Government has agreed to six key priorities for targeted work by PHNs. These are mental health, Aboriginal and Torres Strait Islander health, population health, health workforce, eHealth and aged care.

PHNs will analyse the health needs of their populations through formal planning processes to identify local priorities and to better target available resources and services. Palliative care may be an issue that is identified through the needs assessment and population health planning process.

PHN boundaries are generally aligned with Local Hospital Networks to facilitate collaborative working relationships and opportunities to establish shared objectives, such as reducing avoidable hospital admissions.

PHNs will also work with primary and secondary care providers to support the development of innovative and locally responsive primary health care based programmes and services.
PHN Boards will be informed and supported by GP-led Clinical Councils and Community Advisory Committees, which are being established in each PHN. The Department of Health is developing a PHN Performance Framework with national, local and organisational level indicators, to monitor and report on PHN Performance. Furthermore, at the COAG meeting of 1 April 2016 jurisdictions reaffirmed their commitment to work together to implement coordinated care reforms that will keep people healthy and out of hospital. This commitment includes the introduction of Health Care Homes by the Commonwealth to improve care for people with multiple chronic diseases.

Increased access to care coordination through the Health Care Home model will offer patients with a likelihood of mortality earlier support to make decisions about end of life care and access to home based palliative care.

The committee recommends that the Commonwealth government increase its support for paediatric palliative care research.

Supported in principle
The Australian Government recognises funding for medical research is one of the best long-term investments a government can make for the health of its people. Consistent long-term funding for medical research lifts national productivity, improves quality of life and boosts life expectancy. The National Health and Medical Research Council (NHMRC) is the Australian Government’s main health and medical research funding body. The majority of research supported by NHMRC is investigator-initiated. Generally, increased support for paediatric palliative care research is dependent on the research proposals for paediatric palliative care being submitted by researchers and assessed as successful as part of the NHMRC research funding process. NHMRC is investing in a Centre of Research Excellence (CRE) in End of Life Care. This CRE aims to design and evaluate innovative service models and interventions to improve outcomes for people at the end of life and ensure the transfer of research findings into health policy and practice. As part of the 2014-15 Budget, the Australian Government announced the establishment of the $20 billion MRFF as a dedicated vehicle for investment in medical research. The Minister for Health recently established the independent Australian Medical Research Advisory Board (Advisory Board) which will provide advice to Government on disbursements from the MRFF. The Advisory Board will develop the Australian Medical Research and Innovation Strategy Priorities. Criteria for identifying the Priorities will include consideration of:

- the burden of disease on the Australian community;
- how to deliver practical benefits from medical research and medical innovation to as many Australians as possible;
- how to ensure that financial assistance provides the greatest
value for all Australians;
• how to ensure that financial assistance complements and enhances other financial assistance provided for medical research and medical innovation; and
• any other relevant matter.

The development of the Strategy and Priorities will be subject to consultations with the health and medical research sector and other expert parties. It is in this context that further support for palliative care research could be considered.

The committee recommends that Cancer Australia, in reviewing the distribution of research funding, discuss with funding bodies the capacity to ensure that appropriate levels of funding are being provided to palliative care research.

16 Noted
Cancer Australia has a dedicated budget for cancer research which is administered through the Priority-driven Collaborative Cancer Research Scheme (PdCCRS). The PdCCRS is an annual, national competitive research project grants scheme that offers a coordinated approach to the funding of cancer research in identified priority areas to help reduce the impact of cancer in the community and improve outcomes for people affected by cancer. Through the PdCCRS, Cancer Australia partners with a range of key cancer research funders to coordinate and maximise investment in cancer research at a national level. Cancer Australia works in partnership with the National Health and Medical Research Council to ensure that PdCCRS research grants funded are of high quality, and research grants are awarded funding in strict merit order.

Cancer Australia's PdCCRS research priorities for 2013-2015 include patient support, survivorship issues and end-of-life care, and were informed by data from a national audit of direct funding to cancer research projects and programs in 2006-2011. This audit was undertaken by Cancer Australia to identify the national pattern of investment provided to Australian researchers for direct cancer research project and research program funding in the years 2006 to 2011, inclusive, and to inform future research priorities. The collaborative funding approach in the PdCCRS allows research grants in shared priorities areas to be co-funded by multiple funding partners. This co-funding model allows a greater number of research projects to be funded.

17 Noted
In May 2015, the Australian Government announced funding to the University of Wollongong to continue the Palliative Care Outcomes Collaborative (PCOC).

However, as the Australian Government does not directly fund service providers, it is not able to require health care providers to submit data to the PCOC as a condition of funding.

The committee recommends that governments encourage care providers to provide data to the Palliative Care Outcomes Collaboration and consider making the reporting of this data a condition of public funding.

18 Supported in principle
The Australian Government recognises the importance of continued research into palliative care.
develop a nationally funded framework for palliative care research, as outlined by the Centre for Palliative Care.

While palliative care is not currently included as a National Health Priority Area, palliative care research is one of many matters being considered in the ongoing development of NHMRC’s strategic directions, and NHMRC will continue to provide funding across the full spectrum of health and medical research, including research related to palliative care. NHMRC has invested in a Centre of Research Excellence in End of Life Care. This will help generate new knowledge about health service interventions and strategies to enhance care for all Australians at the end of life.

19 The committee recommends that the NHMRC publicly report the results of its work on alternative therapy claims in relation to palliative care.

Noted
NHMRC released a Statement on Homeopathy and an Information Paper: evidence on the effectiveness of homeopathy for treating health conditions in March 2015. The Statement's key message, based on a comprehensive assessment of the evidence, is that there is no reliable evidence that homeopathy is effective for treating health conditions. NHMRC also released 'Talking with your patients about Complementary Medicine—a Resource for Clinicians', in April 2014, which aims to promote collaborative discussions between clinicians and their patients about the use of Complementary Medicine. NHMRC will also continue to increase knowledge regarding alternative therapy claims throughout the funding of investigator-driven research through NHMRC's competitive, peer-reviewed grant application processes.

20 The committee recommends that the Council of Australian Governments examine the viability of introducing a national equipment library for palliative care patient needs, examining whether such an approach would allow more efficient and timely provision of available equipment and funds.

Noted
The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia, responsible for agreeing high level policy direction. State and territory governments, as health system managers, remain responsible for determining the mix of services in response to the needs within their jurisdiction, including the purchase and loan of equipment for patients being cared for in the community.

21 To prevent the mis-prescribing of equipment, the committee recommends that the Australian Government investigate current regulation and consider improving regulation of both private and public palliative care equipment providers.

Noted
As stated in the response to recommendation 20, purchasing and loaning equipment for patients is the responsibility of state and territory governments. Regulatory arrangements are part of this responsibility.
The committee recommends that the Australian Government closely monitor implementation of the recent changes to the Home and Community Care program to ensure that the program is meeting the needs of those over 65, and that palliative care recipients who do not fall into the aged care bracket are receiving adequate support.

Noted

On 1 July 2012, the Australian Government assumed full policy, funding and day-to-day responsibility of HACC services for people aged 65 years and over and for Aboriginal and Torres Strait Islander people aged 50 years and over in all states and territories except Victoria and Western Australia. From 1 July 2015 the Commonwealth HACC Programme was replaced by the Commonwealth Home Support Programme (CHSP). The CHSP provides funding for services which support frail older people, aged 65 years and over and Aboriginal and Torres Strait Islander people aged 50 years and over who live in the community. Specialist palliative care is outside the scope of the CHSP as it previously was for HACC. The aim of these programmes is to provide entry level support services helping older people stay independent and in their homes and communities for longer. Specialist palliative care services receive funding through other Commonwealth and State and Territory Government programmes. Palliative care clients can access CHSP services, provided they meet the eligibility criteria of the Programme. State and Territory Governments continue to fund and administer basic maintenance, support and care services for people aged less than 65 years old and Aboriginal and Torres Strait Islander people aged less than 50 years. People who are aged under 65 years, and Aboriginal and Torres Strait Islander people aged under 50 years, who are receiving support services under the National Disability Insurance Scheme (NDIS), can choose to have those services provided under either the aged care system or the NDIS when they turn 65 or 50. Both of these systems will continue to provide support for eligible people and will work alongside the systems providing specialist palliative care.

The committee recommends that the Australian government consider changing the eligibility to Home and Community Care (HACC) to include palliative care patients or carers of such patients, regardless of their age. The committee notes that as the HACC program is linked to funding and funding agreements, the Australian government consider this recommendation in the context of considering

Noted

The Commonwealth Home Support Programme (CHSP) provides funding for services which support frail older people, aged 65 years and over and Aboriginal and Torres Strait Islander people aged 50 years and over who live in the community. The CHSP provides home support services to people with palliative care needs provided they meet the eligibility criteria of the Programme. Palliative care and nursing services that would otherwise be undertaken by the Health system are not funded under the Commonwealth Home Support Programme. These (complementary) services are considered out-of-scope because government funding is already provided for them through other government support programmes. However, a client can receive non-health related CHSP services in conjunction with post-acute and allied health services, for example following a hospital stay.
changes to the funding model for palliative care.

State and Territory Governments continue to fund and administer basic maintenance, support and care services for people aged less than 65 years old and Aboriginal and Torres Strait Islander people aged less than 50 years.

The NDIS will fund reasonable and necessary supports that are related to the person’s functional impairment for people aged less than 65 who meet the eligibility criteria of the NDIS. The NDIS will work collaboratively with the systems providing specialist palliative care where necessary.

The committee recommends that the Australian government analyse and identify potential gaps in the provision of palliative care and palliative care funding for people with disabilities, especially in supported accommodation.

At a national level, the National Disability Strategy (the Strategy) which was launched by the Australian Government in March 2011 outlines a ten-year national policy framework to improve the lives of people with disability, promote participation, and create a more inclusive society.

The Strategy guides public policy across governments and aims to bring about change in all mainstream and specialist services and programs, as well as community infrastructure, to ensure they are accessible and responsive to the needs of people with disability.

One of the central outcomes of the Strategy is to ensure that people with disability attain the highest possible health and wellbeing outcomes throughout their lives. This means, in practical terms, that people with disability should have the same access to mainstream health services, including palliative care and related support, as all other Australians.

The interaction between mainstream service systems (including health services) and the National Disability Insurance Scheme (NDIS) remains a key priority for the Council of Australian Governments (COAG) and the Disability Reform Council (DRC) to ensure the financial sustainability of the scheme.

The NDIS Applied Principles and Tables of Supports, which have been agreed by COAG, identify the respective roles and responsibilities of the Health system and the NDIS. These include identifying the health system as being responsible for sub-acute services such as palliative care.

These Principles include that the interactions of people with disability and other service systems should be as seamless as possible, and that both systems will work together to ensure that services are either delivered together when required, or that there is a smooth transition from one system to the other.

DRC agreed that there should be escalation procedures to address areas where operationalisation of the Applied Principles and Tables of Supports results in gaps at the local level, this is being put into effect through the bilateral agreements between the Commonwealth and the States and Territories for transition to full scheme.

COAG and the DRC will continue to monitor any service gaps that are reported, including for participants in supported accommodation as well as other settings.
The committee endorses the recommendations of Palliative Care Australia that, in relation to Commonwealth funded programs, it support:

- Appropriate training and education about cultural perspectives relating to palliative care and end of life issues, in core curricula for all health workers and health practitioners providing services to Indigenous people; and
- Inclusion of palliative and end of life related topics in the core curricula for Aboriginal health worker Certificate III and IV; continuation of PEPA to build on or develop cultural appropriate education for Indigenous health workers.

**Supported in principle**

The Australian Government supports the Committee's view that every effort should be made to ensure that the needs and wishes of Aboriginal and Torres Strait Islander people requiring palliative care are met and that Aboriginal and Torres Strait Islander people should have access to high quality, culturally appropriate palliative care.

In May 2015, the Australian Government announced the following funding for palliative care education and training projects that are providing cultural perspectives relating to palliative care and end of life issues:

- Queensland University of Technology to continue educating and training the health workforce to provide quality palliative care;
- Austin Health to continue Respecting Patient Choices, a national program to assist individuals to choose their end of life care and to inform their families, carers and health professionals;
- Australian Healthcare and Hospitals Association to continue online education and training to assist health workers in the use of the Guidelines for a Palliative Approach for Aged Care in the Community Setting; and
- Cabrini Health Limited to develop an Advance Care Planning online resource, taking account of various religious and cultural considerations to assist in end of life decision making.

Health Workforce Australia's *Growing Our Future* report highlighted the need to develop a culturally inclusive, interdisciplinary Aboriginal and Torres Strait Islander health curriculum framework able to be integrated into tertiary level health profession training. In 2013, Health Workforce Australia (HWA) contracted Curtin University to develop the framework. With the closure of HWA, the Department of Health is now managing this contract. The framework has been finalised, and a communication strategy is being developed to ensure that stakeholders are aware of and have access to the framework and to maximise its implementation into all Australian universities. It is intended that the framework will improve the knowledge and capabilities of health professionals to work with Aboriginal and Torres Strait Islander people and contribute to better health outcomes for Aboriginal and Torres Strait Islander communities.

The Australian Government funds the Leaders in Indigenous Medical Education (LIME) Network, a project of Medical Deans Australia and New Zealand, hosted by the Onemda VicHealth Koori Health Unit (University of Melbourne). LIME improves cultural awareness through collaboration and by delivering education on Aboriginal and Torres Strait Islander health to medical students. It provides professional
development opportunities and support for medical educators to effectively deliver Indigenous health curriculum and engage Indigenous students. LIME also provides expanded opportunities for collaboration among academic staff of schools of medicine, health science, nursing and allied health disciplines, to increase the capacity of these schools to deliver high quality Indigenous medical and health care. A national framework has been developed for medical curricula (Committee of Deans of Australian Medical Schools - CDAMS Indigenous Health Curriculum Framework).

26 The committee recommends that the Australian Government increase funding to palliative care programs for Indigenous communities in rural and remote areas, with particular emphasis on return to country.

The committee notes that the Australian Government provides funding to states and territories to support subacute care delivery, including palliative care, but the mix of services and distribution of subacute care beds and services across jurisdictions is determined by states and territories as health system managers.

27 The committee recommends that the Australian Government give increased attention to the need for improved research, education and services to support the perinatal and neonatal palliative care needs of health professionals, pregnant women and their families and newborn infants.

The Government recognises the needs of pregnant women, their families and newborn infants as well as health care professionals in relation to perinatal and neonatal palliative care. However, the provision of palliative care services is the responsibility of state and territory governments as health system managers. In May 2015, the Australian Government announced funding for the Children's Health Queensland Hospital and Health Service to conduct a national project to improve the quality of paediatric palliative care services.

28 The committee recommends that, within twelve months, the Australian Government review the implementation and evaluation of the recommendations of the Paediatric Palliative Care Service Model Review, and publish the findings of that process.

The Australian Government recognises the importance of delivering effective paediatric palliative care. The allocation of funding to paediatric palliative care services is a state and territory responsibility. The Paediatric Palliative Care Service Model Review was completed 10 years ago and utilisation of the Model is a matter for state and territory governments.

29 The committee recommends that there be appropriate formal recognition of the Australian and New Zealand Paediatric Palliative Care Reference Group to improving paediatric palliative care outcomes.

The Australian Government commends the contribution of the Australian and New Zealand Paediatric Palliative Care Reference Group to improving paediatric palliative care outcomes. The National Framework for Advance Care Directives was approved by Australian Health Ministers in August 2011 and
Group, and that the Australian Government work with the organisation on the development of a paediatric addendum to the National Framework for Advance Care Directives 2011.

30 The committee recommends that the Commonwealth, state and territory governments consult with palliative care organisations, and existing children's palliative care support services Bear Cottage and Very Special Kids, about the feasibility of, and funding required for, establishing similar facilities in other jurisdictions.

31 The committee recommends that the federal government initiate a full review of the medications available on the pharmaceutical benefits scheme for palliative care, particularly schedule 8 drugs.

32 The committee recommends that through the Council of Australian Governments the federal government expedite the introduction of uniform regulations for the supply of schedule 8 drugs.
The committee recommends that the federal government review the role of nurse practitioners and registered allied health professionals in prescribing palliative care medications to remove barriers to accessing such medications in settings of care where these professionals have a central role in care.

Supported in principle

The prescribing rights for nurse practitioners and other allied health professionals are determined under state and territory law.

All medicines in the Palliative Care section of the Schedule of Pharmaceutical Benefits can be prescribed by authorised nurse practitioners. An extensive number of medicines available on the PBS in the General Schedule that can be accessed by palliative care patients can also be prescribed by authorised nurse practitioners. Inclusion of a medicine on the PBS as being eligible to be prescribed by a certain PBS prescriber group, does not confer approval to prescribe that medicine if the practitioner is not authorised to do so under state or territory law.

The Australian Health Practitioner Regulation Agency (AHPRA), responsible for the regulation of 14 health professions, has established a prescribing working group (PWG). This group includes chairs of the Allied Health and Nursing and Midwifery registration boards and other relevant stakeholder groups (e.g. NPS MedicineWise). The PWG will review and provide regulatory advice on the prescribing of medicines for registered health professionals. Jurisdictions are also progressing with a nationally consistent scheduled medicines authorities project to develop a report on requirements to promote mobility and consistency across jurisdictional borders for scheduled medicine authorities. Both committees include representation from the jurisdictions and AHPRA and will work collaboratively to achieve priority outcomes for prescribing for health professions. The Health Practitioner Prescribing Pathway (HPPP) Report (and recommendations) which includes steps that a health professional must complete to undertake safe and competent prescribing; and safe models of prescribing for health professionals is being used as a framework to progress this work. This work includes the regulatory authorities developing and gaining Health Ministers’ approval for expanded practice standards, and state/territory governments changing drugs and poisons legislation, as the authority to prescribe rests with state and territory governments.

The committee recommends that in the next

Supported in principle

In the 2015-16 Budget, the Australian Government announced
review of aged care accreditation standards, the Australian government consider requiring some form of advance care training as a component of the standards.

its intention to establish a single quality framework across the aged care sector. As a major component of the quality framework, the existing four sets of aged care standards, which include the residential aged care Accreditation Standards, will be consolidated.

The Department of Health is developing options for Government which will be co-designed with industry and will take into account national and international best practice. Co-design with stakeholders commenced in 2015. Consideration will be given to advanced care training in the context of reviewing the standards.

The committee recommends the Australian Government increase the level of funding for the Respecting Patient Choices program, to support development of training providers in several jurisdictions, significantly expanding the reach of the program in the aged care sector.

Noted

The Australian Government recognises the importance of advance care planning. In May 2015, the Australian Government announced funding for Austin Health to continue Respecting Patient Choices, a national program to assist individuals to choose their end of life care and to inform their families, carers and health professionals. The Australian Government has funded the Respecting Patient Choices (RPC) Program since 2002 to build the evidence base in Australia and develop models of effective advance care planning for various target groups.

The Australian Government is also providing funding for a National Specialist Palliative Care and Advance Care Planning Advisory Service for general practitioners and aged care staff caring for recipients of aged care services. The service is being delivered by a consortium of key organisations, led by Austin Health (responsible for delivery of the Respecting Patient Choices project). The objectives of the advisory services are to improve:

- the palliative care skills and advance care planning expertise of aged care service staff and GPs caring for recipients of aged care services;

- the quality of care for aged care recipients; and

- linkages between aged care services and palliative care services.

The advisory service nationally commenced in July 2014. This project includes funding to develop and implement a training package in advance care planning and palliative care for aged care staff in both the residential and community aged care settings.

The committee recommends that national model legislation for advance care planning be developed, and that all governments pursue harmonisation of legislation as a high priority.

Noted

State and territory legislation governs the status and use of advance care planning and directives within their jurisdictions. Some states and territories have legislated to allow adults to create a formal advance care directive regarding their preferences for medical treatment. In other jurisdictions, Common Law recognises the right of competent adults to refuse medical treatment, either in advance or at the time the
The level of variability in the legislative status of advance care plans/directives from jurisdiction to jurisdiction and the resultant difficulties caused by the lack of national consistency was recognised by the Australian Health Ministers Advisory Council (AHMAC).

A National Framework for Advance Care Directives (the Framework) was commissioned and agreed to by Australian Health Ministers (in 2011) in recognition of the challenges posed by differing advance care legislation across jurisdictions and the need for a standardised national format for advance care directives. The purpose of the Framework is to provide guidance on policy and best practice in relation to advance care directives. As such it is primarily intended to assist state and territory policy makers and planners to harmonise the use and application of advance care directives in their jurisdictions within the context of agreed national principles and practice.

Supported in principle

The Australian Government understands the importance of advance care planning for consumers as well as for health professionals.

In May 2015, the Australian Government announced funding for national palliative care projects including:

- Austin Health to continue Respecting Patient Choices, a national program to assist individuals to choose their end of life care and to inform their families, carers and health professionals;
- Cabrini Health Limited to develop an Advance Care Planning online resource, taking account of various religious and cultural considerations to assist in end of life decision making; and
- Palliative Care Australia for community awareness activity.

State and Territory governments also promote advance care planning within their jurisdictions through a range of measures.

Supported in principle

Funding of $485.1 million over four years was provided in the 2015-16 Budget for the redevelopment and continued operation of the Personally Controlled Electronic Health Record (PCEHR) which is to be renamed My Health Record. Palliative care information is able to be uploaded to the PCEHR by a healthcare provider in the form of an event summary - an event summary is a clinical document which summarises one or more episodes of care. Individuals are able to include details of the custodian of their advance care plan in the PCEHR.

From 4 April 2016, Advance Care Plans can be uploaded on to My Health Record.

1 On 7 August 2014 the policy, programme and funding responsibilities of Health Workforce Australia transferred to the Department of Health.
Credit cards: improving consumer outcomes and enhancing competition

May 2016

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Consultation process

Request for feedback and comments

A public consultation process will run from 6 May 2016 to 17 June 2016.

Closing date for submissions: 17 June 2016

Email: CreditCards@treasury.gov.au

Mail: Principal Adviser Financial System Division The Treasury Langton Crescent PARKES ACT 2600

Enquiries: Enquiries can be initially directed to the Financial Innovation and Payments Unit Email: CreditCards@treasury.gov.au

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A request made under the *Freedom of Information Act 1982* for a submission marked 'confidential' to be made available will be determined in accordance with that Act.

**Next steps following the public consultation process**

Stakeholder feedback to the public consultation process will inform the Government's consideration of actions to enhance competition and improve consumer outcomes in the credit card market. Once the public consultation process is concluded, further targeted consultation may be necessary to clarify any issues or questions which arise from the initial consultation period.

Stakeholder feedback will also help to inform the Final Assessment Regulation Impact Statement (RIS) associated with the proposed reforms. The Final Assessment stage RIS will be published on the Office of Best Practice Regulation's website.

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**Overview**

**Context and findings**

Credit cards are used by many Australians as a valuable tool for managing their financial affairs. The majority of Australians use their credit cards responsibly. There is, however, a subset of consumers incurring very high credit card interest charges on a persistent basis because of the inappropriate selection and provision of credit cards as well as certain patterns of credit card use. For this subset of consumers, credit cards may impose a substantial burden on financial wellbeing.

The Government finds that these outcomes reflect, among other things, a relative lack of competition on ongoing interest rates in the credit card market (arising partly because of the complexity with which interest is calculated). These outcomes also reflect behavioural biases that encourage card holders to
borrow more and repay less than they would otherwise intend leading to higher (than intended) levels of credit card debt.

These views are consistent with the findings of the recent Inquiry into matters relating to credit card interest rates by the Senate Economics References Committee released in December 2015. On 18 December 2015, the Senate Committee released its report entitled *Interest Rates and Informed Choice in the Australian Credit Card Market*. The Government has carefully considered the recommendations made by the Senate Committee. This consultation paper also constitutes the Government's response to that Inquiry. A summary of the Inquiry's recommendations and the Government's response is at Appendix A.

The Government proposes a set of reforms that it considers are proportionate to the magnitude of the identified problems. It has drawn upon lessons and insights from regulatory developments in other jurisdictions as well as available empirical evidence, including relevant insights from behavioural economics. The Government has further drawn on evidence given by stakeholders at the Senate Inquiry hearings and its own consultation with card issuers and consumer representatives.

The proposed measures form part of a wider package of reforms that should improve competition and consumer outcomes in the credit card market. A number of aspects of the Financial System Program announced by the Government in October 2015 — including measures to improve the efficiency of the payments system and support access to and sharing of credit data — should also have a material and positive impact on consumer outcomes in the credit card market. There are already signs that reforms enacted in January 2015 to open up the credit card market to a wider pool of potential card issuers are beginning to have a positive impact on competition in the market.

Relatedly, on 19 April 2016 the Government released the final report of the review of the small amount credit contract (SACC) laws. Consistent with its approach to the credit card market, the Government wants to ensure that the SACC regulatory framework balances protecting vulnerable consumers without imposing an undue regulatory burden on industry. The final report made recommendations to increase financial inclusion and reduce the risk that consumers may be unable to meet their basic needs or may default on other necessary commitments. The Government is undertaking further consultation before making any decisions on the recommendations.

The Government recognises the importance of financial literacy in supporting good consumer outcomes in the financial system and is committed to raising the standard of financial literacy across the community. The Government provides funding to the Australian Securities and Investments Commission (ASIC) to lead the National Financial Literacy Strategy and undertake a number of initiatives to bolster financial literacy under the ASIC MoneySmart program.

**Proposed actions**

Table 1 outlines the Government's assessment of problems in the credit card market and the actions it is proposing to address them. The package consists of two phases. For Phase 1 (measures 1 to 4), the Government seeks stakeholder feedback with a view to developing and releasing associated exposure draft legislation in the near term. For Phase 2 (measures 5 to 9), the Government plans to shortly commence behavioural testing with consumers to determine efficacy in the Australian market and to ensure they are designed for maximum effect. Testing will be led by the Behavioural Economics Team of the Australian Government. The decision to implement these measures will be subject to the results of consumer testing and the extent to which industry presents solutions of its own accord. The Government intends to commence consumer testing in the near term and will report on the outcomes of that testing and make a final decision on implementation in due course.
### Table 1: Proposed actions and problems addressed

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<th>Proposed actions</th>
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<tr>
<td><strong>Phase 1</strong></td>
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<tr>
<td>1. Tighten responsible lending obligations to ensure card issuers assess suitability based on a consumer's ability to repay the credit limit within a reasonable period</td>
<td>Over-borrowing contributing to financial distress</td>
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<tr>
<td>2. Prohibit issuers from making unsolicited credit limit increase offers including the ability to seek prior consent</td>
<td></td>
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<tr>
<td>3. Prohibit issuers from backdating interest charges and charging interest on the portion of the balance that has been paid-off</td>
<td>Complex application of interest charges</td>
</tr>
<tr>
<td>4. Require issuers to provide consumers with online options to initiate a card cancellation or reduce their credit limit</td>
<td>Over-borrowing through accumulation of multiple cards</td>
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<tr>
<td><strong>Phase 2 (for consumer testing)</strong></td>
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<tr>
<td>5. Require that issuers provide information on the annual cost of a consumer's credit card use and to prominently display annual fees</td>
<td>Lack of competition on ongoing interest rates; consumers in unsuitable card products; over-borrowing and under-repayment</td>
</tr>
<tr>
<td>6. Require issuers to clearly disclose in advertising and marketing material a card's interest rate and annual fee</td>
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<tr>
<td>7. Require issuers to provide information about potential savings from switching to lower-cost products</td>
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<tr>
<td>8. Require issuers to provide consumers with timely electronic notifications regarding the expiry of introductory offers and credit use</td>
<td>Over-borrowing and under-repayment</td>
</tr>
<tr>
<td>9. Require issuers to provide consumers with alternative payment tools, and proactively contact consumers who are persistently making small repayments</td>
<td>Under-repayment; consumers in unsuitable card products</td>
</tr>
</tbody>
</table>

### Structure of this consultation paper

This consultation paper is structured as follows. Section 2 outlines the plan for stakeholder consultation. Section 3 gives an overview of the Australian credit card market, the Government's assessment of deficiencies in the credit card market and the arguments for Government action. Section 4 details the Government's proposed actions to address those deficiencies. Finally, an assessment of the regulatory impact of those proposed actions is presented in Section 5.

### Consultation plan

The Government's goal is to ensure that the reform package best balances the objectives of improving consumer outcomes and enhancing competition, whilst minimising the potential for unintended outcomes and unnecessary compliance costs for industry. The purpose of this consultation paper is to obtain stakeholder feedback on the Government's proposed reforms.

Feedback and views are sought from a range of stakeholders, including: bank and non-bank credit card issuers; industry associations; credit card schemes; consumer advocacy and welfare groups; academics with an interest in consumer law and behavioural economics; other government agencies; and private individuals. Stakeholders will be able to make submissions via the Treasury website. This process may be supplemented by targeted consultations or roundtables.
Input is specifically sought on whether the proposed reforms are commensurate with the magnitude of the problems identified and the potential for any unintended consequences not already identified. Input is also sought on the assessment of regulatory benefits and costs outlined in this paper.

The consultation paper will be open for public comment for 6 weeks, from 6 May to 17 June 2016.

**An analysis of the credit card market**

The credit card has two main functions: a transaction function and a credit function. Credit cards are attractive as a method of payment because they are convenient, are widely accepted at retail outlets and can be used to facilitate online payments. New contactless payment technologies have further increased their attractiveness by speeding up point-of-sale payments. Many cards also carry rewards programs — where accrued spending amounts on cards can be redeemed for cash, gift cards, goods and services — and a range of other attached features such as free overseas travel insurance and concierge services. These features typically rate highly in consumers’ decisions to acquire a new credit card.

The credit function of a credit card allows consumers the flexibility to smooth their consumption patterns over time. By providing discretion over the amount borrowed and the amount repaid, credit cards allow consumers to cover periods of particularly high expenditure (such as those associated with major household purchases and unanticipated life events) or of temporary shortfalls in income.

**Level and impact of credit card debt**

There are currently around 16 million credit and charge card accounts in Australia (or 1.8 cards per household). This proportion has fallen over recent years (from above 70 per cent in 2011). The decline likely reflects that credit cards are an expensive form of credit and their relative price has increased in recent years as interest rates on other forms of credit — such as household mortgages and personal loans — have fallen. Increasing use of debit cards, and the growing availability of discounted balance transfer offers, may also have been important, whilst reforms enacted under the National Consumer Credit Protection Act in 2009 and 2011 may have contributed to improved repayment behaviour.

Available data indicate that the debt-servicing burden associated with outstanding credit card balances falls more heavily on households with relatively low levels of income and wealth. Households in the lowest income quintile hold, on average, credit card debt equal to 4 per cent of their annual disposable income, while those in the highest income quintile hold debt equal to around 2 per cent of disposable income (Figure 1). Low income households are also more likely to persistently revolve credit card balances (and, therefore, pay interest) than high income households.

**Figure 1: Credit card debt by household income quintile, 2013-14**

Source: ABS Catalogue Number 6523.0

The ABS’ Household Income and Expenditure surveys show that households in the lowest income quintiles also pay more in interest charges relative to their incomes than higher income households, although overall differences between quintiles are small (Figure 2). Households in the bottom two quintiles by net worth also pay the most in credit card interest relative to their income.

**Figure 2: Credit card interest payments by household income quintile, 2009-10**

Source: ABS Catalogue Numbers 6523.0 and 6530.0

Although reliable data on the number of consumers that are in credit card distress are not publically available, a range of evidence supports the conclusion that carrying large credit card debt is a significant cause of financial vulnerability and distress for a small but sizeable subset of consumers. Default rates on credit cards give a sense of the proportion of credit card balances that are in severe distress. Recent estimates from the RBA suggest that total (annualised) losses on the major banks’ credit card loan portfolios are around 2½ per cent. Other data suggest that many consumers struggle to make the required repayments on credit cards without necessarily defaulting. A 2010 survey by Citi Australia
found that 9 per cent of respondents reported that they had struggled to make minimum repayments on credit cards within the past 12 months, with low-income earners being more likely to report this than high-income earners. Compared to other types of loans, the number of consumers struggling to or failing to make the required repayment is likely to understate the financial distress associated with credit cards. Card issuers set minimum repayment amounts as a very small proportion of the outstanding balance, so that households making the minimum repayment will only pay off their balance over a very long period and incur very large interest costs. Making the higher repayments required to pay off their outstanding balance may be sufficient to cause financial distress for many consumers.

In giving evidence to the Senate's inquiry into the issue, the Consumer Action Law Centre (Consumer Action) and the Financial Rights Legal Centre (Financial Rights) stated that credit card debt is the most commonly cited problem by callers to Financial Rights' financial counselling telephone service. Consistent with this, Consumer Action's telephone service is reported to receive at least 15 calls per day related to credit card debt, with over 50 per cent of callers having credit card debt exceeding $10,000 and 28 per cent with a debt of over $28,000. Credit cards are also the most common cause of consumer credit disputes received by the Financial Ombudsman Service — of the more than 11,000 consumer credit disputes received in 2014-15, almost half were about credit cards. In contrast to the number of home loan disputes, which fell by 5 per cent over 2014-15, the number of credit card disputes rose by almost 4 per cent.

Apart from its direct financial impact, high and unmanageable credit card debt can have a significant impact on other indicators of wellbeing. An examination of financial stress amongst New South Wales households by Wesley Mission detailed the impact that financial stress can have on the household and individual, including impacts on physical and mental health, family wellbeing, interfamily relationships, social engagement and community participation. More than one quarter of respondents that identified themselves as having been in financial stress indicated that the experience had resulted in sickness or physical illness (31 per cent), relationship issues (28 per cent) or a diagnosed mental illness (28 per cent). While there are many causes of financial stress, Wesley Mission found that financially stressed households owed, on average, 70 per cent more in credit card debt than households that weren't financially stressed.

**Observation: a subset of consumers are carrying high and unmanageable credit card debt**

While the majority of Australian consumers manage their credit card debt prudently, there remains a significant minority of consumers for whom credit card debt imposes a large burden on their financial and general wellbeing.

**Competition in the Australian credit card market**

Consumers are required to pay interest on credit card debt if the debt is not repaid within the interest free period. An interest free period is a period of time where no interest will be charged on new purchases, provided the total amount owing on the current statement is paid by the due date. There are currently around 15 million credit cards that offer an interest free period as one of the features. This means the majority of credit cards in Australia offer an interest free period.

In competitive markets, the interest rates on loan products should reflect the lender's cost of extending credit. In Australia, the lender's cost is partly determined by the cost of funds in the market, which is linked to the Reserve Bank of Australia's (RBA) official cash rate.

The inflexibility of credit card interest rates to successive reductions in the official cash rate has prompted concern over the level of competition in the credit card market. Since late 2011, the average interest rate on 'standard' credit cards monitored by the RBA has remained around 20 per cent, at a time when the official cash rate has been reduced by a cumulative 2.75 percentage points. The average rate
on 'low rate' cards (around 13 per cent) has been similarly unresponsive to reductions in the cash rate over the period.

Analysis conducted by the Treasury in 2015 showed that effective spreads earned by credit card providers have increased over the past decade. In particular, spreads increased substantially during the financial crisis and have remained high in the years since then. The increase during the financial crisis is consistent with a repricing of unsecured credit risk observed in other credit markets and economies. However, the fact that spreads have since remained very high (and have even increased a little further more recently) suggests limitations in the degree of competition in the credit card market and unsecured lending markets more generally.

In submissions to the Senate inquiry into the issue, major credit card providers argued that other components of the cost of providing credit cards had risen over recent years and that these have become a more important determinant of the credit card pricing decision. The Australian Bankers' Association presented evidence that the cost of providing rewards programs, scheme fees and fraud and security costs have increased over recent years. Results from the RBA's latest (2013) survey of payment costs indicate that some elements of the cost to issuers of providing credit cards had increased, particularly scheme fees (Stewart et al 2015, p51).

The evidence that card issuers have recouped those higher costs mostly by keeping interest rates high while the cost of funds has fallen suggests that there is relatively less competition on ongoing interest rates. Determining whether that relative lack of competition is driven by a fundamental imbalance in market power, or in an inadequacy of demand-based pricing pressure, is an important consideration for any potential policy interventions.

Supply-side considerations and observed competition

The credit card market is characterised by a large number of competing products and brands. However, a number of the brands are backed by larger financial institutions, making the number of issuing institutions considerably smaller. Cards issued by the four major banks accounted for around three-quarters of credit card transactions in 2014-15. In part, this reflects the concentration of the Australian financial system more broadly, with many consumers choosing to hold a credit card from the institution with which they hold their major banking relationship.

The Government's assessment is that while market power is relatively concentrated in the major banks, there are no obvious 'supply side' barriers to a competitive market. Reforms enacted in January 2015 to open up access to the Mastercard and Visa credit card systems have significantly reduced barriers to entry for new credit card providers and there are no formal impediments to consumers switching between different card providers. Lower-rate products are available, offering choices to those consumers who place more value in a lower interest rate than other product features.

Competition appears most intense on the generosity of balance transfer offers, interest free periods on purchases and rewards programs. For instance, as at January 2015, around 70 of the 95 credit cards monitored by the Reserve Bank of Australia had some form of active balance transfer offer, with terms as long as 24 months. Offers of interest free purchase periods of up to 12 months are currently available in the market. To attract new business, many card providers also offer to waive annual fees for the first year or give sign-on bonuses in the form of frequent flyer points.

There is less evidence of competition on ongoing interest rates, with these rates often receiving little prominence in the marketing material for many cards (particularly cards with rewards programs attached). This is of some concern, given that approximately two-thirds of outstanding credit card balances are attracting interest and, for those balances, the interest rate has a large bearing on the cost of holding a credit card.
Behavioural factors shaping competition

Limited competition on ongoing interest rates is consistent with the relative inattention of many consumers — including those who end up paying interest — to this aspect of a credit card. Academic research suggests this is due to the interaction between the structure of a credit card and inherent biases and limitations in consumers' decision-making process. These cognitive and behavioural factors are not unique to Australian consumers, and have been well-documented in numerous other contexts, including in overseas credit card markets. 15

Many consumers optimistically (and often mistakenly) believe at the time that they apply for a card that they will always pay off the balance by the end of each statement period and, hence, that the rate of interest charged on a card is not a relevant consideration. 16 This 'optimism bias' is pervasive in many decision-making contexts, but manifests strongly in credit cards because of the prevalence of conditional and time-limited interest-free periods.

Present bias (also known as 'hyperbolic discounting' or 'time-inconsistent preferences') can result in consumers' giving disproportionately little consideration to the implications of a credit card's ongoing interest rate whilst placing more emphasis on the immediate benefits associated with the card, such as rewards points and zero-interest introductory offers. Present bias can also have important effects on the use of credit cards, as explained in section 2.

The complexity of the credit card product universe — with its array of interest free purchase periods, discounted balance transfer offers, interest rates on purchases and cash advances, and rewards programs — can result in consumers discounting or ignoring the implications of key product features, such as the interest rate, when choosing a credit card. So-called 'choice overload' can occur when consumers have to compare too many products and features, and can lead to consumers taking sub-optimal decisions or even choosing products at random. 17

For those consumers that end up paying interest on a recurring basis, inertia effects — or the 'status quo bias' — mean they tend to stay with their current credit card product even in the presence of alternative products with lower interest rates. 18 This is partly explained by 'loss aversion', which makes people more sensitive to a loss (for example, losing the ability to earn rewards points) than to a gain of the same dollar amount (Kahneman et al., 1991).

These inertia effects appear to be compounded by the time and effort required to cancel an existing card account. Consumers wishing to cancel an existing card are generally required to do so by visiting a bank branch or by calling a consumer service representative. During this process they may be encouraged to keep their card open, sometimes through attractive offers. The time and effort involved in transferring recurring payments from a consumer's existing card to a new card can also make some consumers reluctant to switch. 19 A potential outcome is that consumers seeking to switch may keep their old card active when obtaining a new card, resulting in an increase in their total available credit limit (which may induce higher spending than otherwise).

The complexity of interest calculations on credit cards

The calculation of interest charges on credit cards is complex and varies across card issuers. The most common contractual arrangement is that when the statement balance is not paid in full, interest is charged (in the next statement) on every purchase in that month from the date that the purchase was recorded to the date when repayments are made. Two aspects of this arrangement are likely to be poorly understood by consumers or perceived as unfair:

- in the first statement where interest charges appear (that is, the statement following the one where the balance was not repaid in full), interest is charged not only for that statement period, but also the previous one ('backdating' or 'two-cycle billing'); and
- for the balance from the previous statement period, interest is charged on the total balance — rather than just the unpaid balance — up to the date that the repayment for that statement period was made;
in other words, interest-free days are lost for all purchases in that period, and not just those that were
unpaid by the due date.

On the one hand, credit card issuers that follow this practice explain the consequences of not repaying
in full on their websites or in their product terms and conditions. However, the complex nature of the
calculation is likely to mean that this industry practice does not align with many consumers'
understanding of the operation of interest-free days and expectation of how much interest is being
incurred. In particular, the loss of interest-free days on amounts that have been paid can appear unfair
and disproportionate: interest charged for a consumer who repaid 90 per cent of their balance will be
identical to that incurred by a consumer who only made the minimum required repayment.

A few credit card issuers deviate from this practice. For example, on Bendigo Bank credit cards, interest
on purchases only begins accruing on the statement date, and interest is only charged on the part of the
balance that was not repaid by the due date. These differences between card issuers can mean that the
same interest rate on otherwise identical cards can result in a wide range of interest charges. It is
unlikely that many consumers are aware of this variation between card issuers.

**Problem 1: inadequate competition on ongoing interest rates**

The interplay of various behavioural biases and the complexity of credit card products makes
consumers relatively inattentive to the impact of a card's ongoing interest rate. As a result, there is
relatively little interest rate competition between card issuers.

This limitation in competition is compounded by what can be an onerous process to cancel a card when
switching to a new card. This is partly due to the lack of online options to initiate the cancellation of a
card as well as the manual process involved in transferring recurring payments from one card to
another.

**Selection and provision of credit cards**

As discussed above, credit cards can vary on a number of dimensions. The selection of credit cards and
credit limits, as well as the decision to use a credit card rather than an alternative product, reflects the
interaction of consumers’ preferences and decision-making, issuers' incentives and regulatory
constraints. This section considers the extent to which these forces result in consumers making choices
that lead to high ongoing interest charges and the risk of future financial distress.

**Selection and allocation of credit cards across consumers**

Data from the RBA’s 2013 Survey of Consumers’ Use of Payment Methods show that the majority of
low income households with credit cards hold a 'standard rate', rather than low rate, credit card
(although they are somewhat more likely to hold a low-rate card than other income groups). The
average interest rate on standard rate cards is currently around 20 per cent. While banks’ testimonies to
the Senate Inquiry noted that the take-up of low-rate cards has increased, of all those cardholders that
pay interest on a recurring basis (across all income groups), three-quarters use a standard, gold,
platinum or super premium card that have a high interest rate rather than a low interest rate card.

For interest-paying consumers on high-rate cards, the potential interest savings from switching to a
low-rate card can be significant. This is particularly the case for consumers who persistently make the
minimum repayment: for a $5,000 credit card debt, the difference between a 19 per cent interest rate
and a 12 per cent interest rate would be over $10,000 of interest over the period it takes to pay the card
off.26

Behavioural studies of decision-making show how the behavioural biases discussed above may lead
consumers to choose and stick with a high-cost credit card, when a lower cost credit card or personal
loan would better suit their needs. Optimism bias may cause some consumers to underweight or pay
little attention to the ongoing interest rate when selecting a credit card. It may also cause consumers to
overestimate the benefits they will receive through rewards programs or underestimate their spending.
One study demonstrated that consumers select an introductory credit card offer that ends up costing
more than an alternative offer because they underestimate the amount of debt they will hold at the end of the introductory offer period (Shui and Ausubel, 2005).

Present bias could result in some consumers having a different repayment and spending appetite — and hence different credit card preferences — when decisions are made about the long-term compared to the short-term. Another consideration is the likelihood that consumers will switch credit cards when their circumstances change or when more competitive or better-suited product offerings become available. One study showed that some consumers persisted with a particular credit card even when switching to an alternative card with the same issuer would have resulted in significant savings (Agarwal et al., 2007). The factors that limit complete switching (opening a new card and closing an old one) were discussed in Section 3.

In some cases, a consumer may be better off taking out a personal loan instead of a credit card. If the purpose of a credit card is to finance a specific, one-off purchase over a number of years, a personal loan would offer multiple advantages. Secured personal loans are available at interest rates that are lower than many low-rate cards, and unsecured personal loans offer rates lower than most high-rate cards. A personal loan also offers certainty and commitment when it comes to the amount borrowed, the schedule of repayments, total interest costs, and the life of the loan.

**Responsible lending obligations and provision of credit cards and limits**

Credit card issuers, like other credit providers, must comply with the responsible lending obligations of the *National Consumer Credit Protection Act 2009* (National Credit Act). Prior to providing a credit card, or when increasing an existing card's credit limit, a credit card issuer must:

- make reasonable enquiries about the consumer's requirements and objectives in relation to the credit contract;
- make reasonable enquiries about the consumer's financial situation; and
- take reasonable steps to verify the consumer's financial situation.

Based on these enquiries, credit providers must make an assessment about whether the credit card is 'not unsuitable' for the consumer. In general, a credit product is considered unsuitable if the consumer will be unable to comply with their financial obligations under the contract, or could only comply with substantial hardship, or if the product does not meet the consumer's requirements and objectives. These obligations do not require card issuers to determine the most suitable card for the consumer.

The existing legislation is ambiguous about how the general obligation placed on credit providers to make reasonable enquiries about the consumer's requirements and objectives applies with respect to credit cards. The Explanatory Memorandum to the *National Consumer Credit Protection Act 2009* states that, in the case of credit cards, there is only 'a limited requirement to understand the consumer's requirements and objectives' because consumers may use credit cards for a range of purposes.

While credit providers are still required to ensure the consumer is able to meet their financial obligations without substantial hardship, many card issuers test affordability of a credit limit based on a consumer's ability to meet only the minimum repayment amount, sometimes with a small buffer. This then sets an upper bound on the credit limit that the issuer is able to offer the consumer. The length of the repayment period and cumulative interest charges associated with only making the minimum repayments may not be considered when assessing whether a card is 'not unsuitable'.

In an environment of regulated interchange fees and strong competition on upfront benefits and costs, interest charges comprise credit card issuers' largest source of revenue. Consumers with high credit limits who cannot afford to pay much more than the minimum repayment are the most profitable to card issuers. These incentives could be resulting in many consumers being offered credit limits in excess of their requirements.

Although not necessarily the case, a higher credit limit can induce the accrual of debt that would not otherwise have been incurred, particularly for higher-risk consumers. While data suggest that only a
third of a credit limit is utilised by the average consumer, a recent US study found that for otherwise
identical consumers with the lowest credit scores, a $100 higher credit limit was associated with $59
more in credit card debt after 12 months. 23

The example below shows how the granting of credit limits based on ability to meet minimum
repayments can lead to debt being held for long periods and the incurrence of large interest charges.

Example: Credit card debt when credit limits are granted based on minimum repayment

<table>
<thead>
<tr>
<th>Step</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>Issuer determines repayment that consumer can afford without substantial hardship</td>
</tr>
<tr>
<td>1b</td>
<td>Interest rate on credit card</td>
</tr>
<tr>
<td>1c</td>
<td>Minimum repayment (monthly financial obligation under contract)</td>
</tr>
<tr>
<td>2</td>
<td>Using information in (1), card issuer offers credit limit (approx.)</td>
</tr>
<tr>
<td>3</td>
<td>Cardholder decides to spend within $1,000 of limit</td>
</tr>
<tr>
<td>4b</td>
<td>If cardholder stops spending and pays minimum repayment (1c)</td>
</tr>
<tr>
<td></td>
<td>Total interest charges (approx.)</td>
</tr>
</tbody>
</table>

Problem 2: consumers in unsuitable card products

Some consumers select and stay with high interest credit cards on which they subsequently incur interest charges. These consumers could save significant amounts of interest and pay down debt more quickly — reducing the chance of future financial distress — by switching to a low-rate card or personal loan.

The regulatory framework does not provide credit card issuers with enough incentive to provide credit limits that are consistent with consumers' requirements and financial situation. As a result, some consumers are provided excessive credit limits and accrue unsustainable debt.

Over-borrowing and under-repaying on credit cards

The particular features of credit cards and various behavioural biases can lead to over-borrowing or under-repaying. These behaviours contribute to the build-up of excessive credit card debt, which, as discussed above, can have significant impacts on the wellbeing of some consumers. On the other hand, some features of credit cards — such as the flexibility afforded by interest-free purchase periods — provide benefits to consumers who are able to restrain their spending and repay their balances in full.

Over-borrowing

Over-borrowing can be driven by a number of factors, including the granting of excessive credit limits and the behavioural factors examined previously. A consumer may intend to use their credit card purely as a payments device but, unlike a debit card, the money spent on a credit card is not immediately withdrawn from their account. This has been shown to influence consumer behaviour.

Present bias, combined with the flexible and convenient nature of borrowing on a credit card, can result in borrowing more on their credit card than they planned to.24 Relatedly, optimism bias can lead consumers to believe they can afford to repay a greater amount in the future than they will actually be able to.

While it is impossible to estimate the precise extent and degree of over-borrowing across credit card users, data from various sources suggests that a significant minority of Australian consumers maintain large balances on their credit cards. According to the Australian Bankers' Association, around 20 per cent of credit card accounts in 2014 — over 3 million accounts — had outstanding balances of over $7,500.25 Around 6 per cent of accounts had balances of over $15,000.26 Not all of these balances will be incurring interest. However, the Reserve Bank of Australia estimates that 30 to 40 per cent of credit
card accounts incur interest and that credit card users who incur interest charges have larger balances than users who do not pay interest.27

Under-repaying and minimum required repayments
Under-repayment can be driven by the same factors as over-borrowing. Present bias, combined with the ability to push repayment further into the future, may cause some consumers to repay less than they planned to at the time they made the purchase. Similarly, optimism bias causes some consumers to overestimate the likelihood that they will be able to afford to repay the debt in the future, reducing the need to repay debt in the present.

Some cases of under-repayment reflect a behavioural phenomenon known as 'anchoring'. This refers to the influence of irrelevant but salient reference points on decisions. In the credit card context, the minimum repayment serves as an important reference point. A growing body of experimental research and field studies have shown that some consumers make a smaller repayment than they otherwise would have simply due to the presence of the minimum repayment.28

Under the existing regulatory framework, the minimum repayment amount is not explicitly regulated. The minimum repayment is typically specified by the card issuer as the greater of a small fixed repayment (for example, $20) or a percentage of the balance carried forward (typically around 2 per cent of the sum of principal, interest and some fees that are not immediately payable in full).

Banks have stated that the fraction of consumers persistently making only the minimum repayment is very small.29 However, this likely understates the proportion of consumers who under-repay due to the influence of minimum repayments. Partly this reflects narrow measurement of what constitutes a minimum repayment: consumers often exhibit 'rounding' behaviour when deciding how much to repay and so may pay slightly more than the exact minimum (for example, $40 instead of $38). A 2014 study in the United States found that credit card repayments follow a strongly bimodal distribution and that close to a quarter of credit card users paid the minimum or an amount close to the minimum more than half the time.30 Similar findings have been reported by the UK Financial Conduct Authority: over 5 per cent of consumers made nine or more minimum repayments in 2014 while incurring interest, while a further 6.6 per cent of consumers maintained 'persistent debt', with some of these consumers also systematically making minimum repayments on at least one card.31

Even on a low rate credit card, under-repayment can have a significant impact on a consumer's financial situation. For example, on a $5,000 balance incurring 13 per cent interest, the difference between making the minimum repayment and paying $100 each month is around $3,000 of interest and 15 additional years of repayment.32 On a card with a 20 per cent interest rate, the difference is even more dramatic: $14,500 of interest and 40 years of repayment.

Discounted balance transfer offers
Zero- or low-interest introductory balance transfer offers, which have increased in popularity, may compound the problem of over-borrowing and under-repaying. By pushing the possibility of incurring interest into the future, some consumers may use such offers to extend their indebtedness or avoid repaying debt. Consumers are likely to pay less attention to interest costs that may occur a year or more in the future.

Consumer groups and some major card issuers have expressed concern that zero-interest balance transfer offers can lead to detrimental outcomes for consumers.33 Major Australian banks have reported that 30 to 60 per cent of consumers do not repay their balances in full before the end of the zero-interest balance transfer period.34 On the other hand, these offers provide consumers with the opportunity to consolidate debt. The Government considers that balance transfer offers are not on their own problematic, but can induce problematic credit card use by some consumers.

Problem 3: credit cards encourage some consumers to over-borrow and under-repay
Behavioural biases and the anchoring effect of low minimum repayment amounts can drive consumers to over-borrow and under-repay credit card debt. Balance transfer offers have the potential to compound this behaviour although, like credit cards more generally, they provide benefits to many consumers.

Consumers could avoid significant sums of interest and reduce the chance of future financial distress if they used the flexibility offered by credit cards to repay debt more quickly.

Policy options

The preceding sections have outlined how specific behavioural biases have played a major role in shaping the credit card market and how, in some cases, those biases can result in significant consumer detriment. While Australians have generally been using their credit cards more prudently over recent years, there remains a subset of consumers for whom credit card debt is a significant contributor to financial vulnerability and distress. A larger subset of consumers incur significant ongoing interest charges because of over-borrowing, under-repayment, the use of credit cards that don't suit their needs, and limited competition on ongoing interest rates.

The Government acknowledges that significant reforms to the regulatory framework for credit cards were introduced as part of the National Consumer Credit Protection Act 2009 (including amendments to the Act made in 2011). These reforms put in place a range of new protections for credit card consumers, including the banning of unsolicited (written) higher credit limit offers and obligations on card providers to allocate repayments to higher interest debits first.

However, the Government's assessment is that there remain specific deficiencies in the current regulatory framework. Government action is required to improve consumer protection, to empower consumers to make decisions consistent with their goals and intentions, and to exert more competitive pressure on credit card issuers.

In proposing these actions, the Government has carefully considered how comprehensively the possible options address the problems identified and whether they are proportionate to the magnitude of these problems. To be successful, interventions must be effective in achieving their stated aim, whilst minimising the potential for unintended outcomes and unnecessary compliance costs for industry. The Government has also sought to identify options that encourage more effective use of credit cards without restricting consumers' freedom to select a credit card and use it in accordance with their requirements.

Proposed reforms

Prescribe a credit limit to be unsuitable if a consumer cannot afford to repay the limit within a reasonable period

As discussed in section 3, the responsible lending obligations in the National Consumer Credit Protection Act require card issuers, when extending a credit contract or increasing a credit limit, to assess whether the contract will be 'not unsuitable' for the consumer.

In extending a credit card contract, card issuers typically make an assessment of the consumer's ability to meet minimum required repayments on the prescribed credit limit amount. The typical minimum repayment amount set by card issuers is around 2 per cent of the outstanding balance.

The Government is concerned that the current industry practice can result in a subset of consumers incurring credit card debts that cannot be paid down in a timely manner without substantial financial hardship and which are associated with very large cumulative interest charges. Consistent with the recommendation of the Senate Inquiry, the Government proposes to amend the responsible lending obligations to prescribe that a credit card contract, or credit limit increase, be assessed as unsuitable if it is likely that the consumer would be unable to repay the credit limit within a reasonable period. The reform would bring Australian legislation into line with that in other jurisdictions, such as the UK, which defines a reasonable period with reference to the typical time required for repayment under a fixed-sum unsecured personal loan (see Box 1).
Box 1: Credit assessments based on ability to repay in a reasonable period — the UK approach

The UK’s Financial Conduct Authority regulates credit card issuers’ conduct in accordance with its Consumer Credit Sourcebook (CONC). The CONC requires credit providers, in extending a credit contract, to consider:

- the potential for the commitments to adversely impact the consumer's financial situation; and
- the consumer's ability to make repayments as they fall due or within a reasonable period.

Accompanying guidance in the CONC makes clear that, in the case of a credit card, the credit provider:

- should consider the consumer's ability to repay the maximum amount of credit available (i.e. the credit limit) within a reasonable period;
- may, in considering what is a reasonable period, have regard to the typical time required for repayment under a fixed-sum unsecured personal loan for that amount; and
- should not use the assumption of the amount necessary to make only the minimum repayment each month.

In practical terms, and supposing the credit limit is £5,000 and the typical duration of a £5,000 personal loan is 3 years, the credit provider can assess affordability on the assumption that the consumer draws down the entire credit limit on day one, and repays by equal instalments over three years, with no further drawdowns.

In addition, the credit provider must consider whether repaying on this basis would adversely impact the consumer’s financial position, taking into account the information of which the credit provider is aware at the time the agreement is made (or at the time a credit limit increase is proposed), and whether it is otherwise reasonable to grant the credit. Specifically, it is not sufficient to assess merely whether the consumer can afford minimum repayments.

The Government believes that this change appropriately balances preserving consumers’ access to a credit card with the need to protect some consumers from incurring excessive debts. It is important to note that this change is unlikely to affect the majority of credit card consumers, which have sufficient financial means to pay off the typical limit on a credit card within a reasonable period. The Government proposes to make this requirement apply to new card and credit limit increase applications only, or if an existing consumer opts in to have their credit limit assessed against the new criteria.

Question

- How should a 'reasonable period' be defined in the regulatory framework?

Prohibit unsolicited credit limit increase offers

Amendments to the National Consumer Credit Protection Act made in 2011 prohibited credit card issuers from making unsolicited offers to increase a consumer’s credit limit in written form, unless the issuer had sought and been granted the consumer's prior consent to make unsolicited offers.

The Government is aware that some card issuers circumvent the spirit of the legislation by making unsolicited offers by other means, such as over the phone or via online banking portals. Consumers are also often unaware that they have granted their prior consent to receiving unsolicited offers, because of the way in which consent is sought at the time of applying for a credit card.

The Government proposes to broaden the prohibition on unsolicited credit limit increase offers to all forms of communication, and to remove card issuers' ability to seek consumers' prior consent to receiving unsolicited offers. All consumers would, of course, retain the power to request an increase in their limit at any time. As discussed above, the majority of Australian consumers use their credit cards responsibly and this proposal would not constrain consumers' ability to apply for a higher credit limit if they so desired.
The Government is conscious that, under current credit sharing arrangements, repeated applications for higher credit limits can adversely affect a consumer's credit score, even when those applications are accepted. It notes, however, that this will be mitigated as industry moves towards increased sharing of positive credit history under the comprehensive credit reporting regime.

**Standardise the application of interest to the unpaid balance and to the current statement period when an interest-free period is lost**

As discussed in Section 3, for the majority of credit cards the interest charges that apply when a consumer loses their interest-free period are likely to be poorly understood by consumers. As a result, many consumers incur unexpected and disproportionate interest charges when their balance is not paid in full. The complex way in which interest is charged also contributes to the lack of competition on ongoing interest rates.

The Government proposes to standardise and simplify the application of interest when an interest-free period is lost due to a partial payment. Currently, if the interest-free period is forfeited, interest will be charged from the date of the purchases on the full purchase cost, even though there was a partial payment by the end of the statement period. Under the proposed change, interest will be charged from the end of the statement period on the amount outstanding at the end of the statement period.

This requirement has been mandated in other jurisdictions: in the US, for example, the Truth in Lending Act (Regulation Z) prohibits finance charges from being imposed on balances for days in previous billing cycles and on any portion of the balance that was repaid during the interest-free period.

This change will not directly affect consumers who repay their balances in full every month. It will also have no impact on the interest charges for consumers who have already lost their interest-free period by making a partial repayment in the previous period. However, it will benefit consumers who, by making a partial repayment following full repayments in previous months, lose their interest-free period. For these consumers, the interest that they incur will be calculated consistently across card providers, be proportionate to their unpaid balance, and align better with their expectations at the time the debt was incurred.

**Consumers are provided with simple, electronic options to initiate the cancellation of a credit card and reduction of credit limit**

Most card providers require consumers wishing to cancel a credit card, or to reduce their credit limit, to do so by visiting a bank branch or by calling a customer service representative. Consumer feedback indicates that the process can be unnecessarily onerous, and can represent a material constraint on some consumers' willingness to initiate a card cancellation or credit limit decrease request. The difficulty in closing a card or reducing a credit limit can result in some consumers continuing to hold credit cards that don't suit their needs, or the accumulation of unsustainable debts across multiple cards.

The Government understands there are processes which need to be followed in order for a card to be cancelled or for a credit limit decrease to take effect. However, this alone does not justify the disparity between the ease of applying for a new credit card or requesting a higher credit limit (which in many cases can be done entirely online) and the process for closing an account or reducing a credit limit. This view is consistent with the findings of the Senate Inquiry.

Consistent with the recommendation of the Senate Inquiry, the Government proposes to require card issuers to provide consumers with the option to cancel their credit card, or reduce their credit limit, via simple electronic means. An electronic request should bypass the need to write, call or visit a branch and reduce the opportunity for consumers to be dissuaded from cancelling their credit card account or reducing their credit limit.

**Question**

- How would this option be implemented to be consistent with the Government's commitment to ensure regulation is technology neutral?
Further reforms for testing

In addition to the above reforms, the Government has identified further reforms that it intends to pursue, subject to stakeholder feedback, the results of consumer testing and the extent to which industry presents solutions of its own accord. Testing may involve the use of behavioural laboratory experiments as well as in-field experiments with participating credit card issuers. The Government notes that a small number of card-issuing institutions are showing leadership in this area and are moving to provide some of these solutions to their consumers. If more card-issuing institutions were to follow their lead, the need for Government action may become less compelling.

Issuers to provide consumers with information about the annual costs of their credit card use and to clearly display annual fees

Consistent with the 'informed choice' approach recommended by the Senate Inquiry, this proposal would require credit card issuers to provide regular summary information to consumers about the annual costs of their credit card use — such as, their year-to-date interest charges, ongoing annual fees, average balance and repayment behaviour. If presented effectively, this information may increase consumers' attention to how they have used their credit card on an ongoing basis. While monthly credit card statements already contain information on the interest and other fees incurred over the statement period, under this proposal consumers would receive regular information about the longer-term costs of their particular pattern of card use.

Presenting this information in a simple and standardised format could also encourage card issuers and card comparison websites to develop tools for potential consumers to receive quotes on the cost of a particular card based on their historical usage. A consumer could take the information provided by their current card provider, enter it into such a tool, and receive estimates of cost savings relative to their current card.

The medium through which this information is delivered will be crucial to ensuring its effectiveness. Discussions with banks and consumer groups suggest that a significant proportion of credit card consumers do not view their monthly statement, as all relevant information is typically available in online account management tools. Accordingly, this option would require the relevant information to be displayed in the major electronic tools offered by the issuer, either as a substitute or as well as in an information sheet included with the monthly statement. The information should be easy to access and presented to maximise consumer exposure.

In line with the recommendation of the Senate Inquiry, this proposal would also require card issuers to clearly display on monthly statements and electronic tools a card's annual fee. The Senate Inquiry also proposed that card issuers be required to clearly display a credit card's ongoing interest rate. However, as the existing legislation already requires that such information be provided on monthly statements, the Government does not propose to pursue this.

The Government notes that it has also tasked the Productivity Commission with an inquiry to investigate ways to improve the availability and use of public and private sector data. The terms of reference for the inquiry include assessing individuals' ability to access their own financial data and ways to improve this access. The Government will consider the outcomes of this inquiry following the Productivity Commission's final report.

Questions

- Apart from those detailed above, are there other types of information that could be presented to increase consumers' attention to the costs of their credit card usage?
- What aspects of the presentation and distribution of the information would be important in ensuring that it is seen and has the intended effect?

Issuers to prominently disclose in advertising and marketing material a card's interest rate and annual fee
As discussed in Section 3, the ongoing interest rate and annual fee often receive little prominence in the advertising and marketing material for credit cards (particularly cards with rewards programs attached). This is of some concern, given that approximately two-thirds of outstanding credit card balances (by value) are attracting interest and, for those balances, the interest rate has a large bearing on the cost of holding a credit card.

Consistent with the recommendation of the Senate Inquiry, this proposal would require card issuers to display a credit card's ongoing interest rate and annual fee in advertising and marketing material. To be effective, this information should be displayed prominently.\(^3\) If presented effectively, this should result in fewer instances of consumers choosing cards that don't suit their needs and of consumers discounting the implications of the interest rate and annual fee when choosing a card. Easier price comparison between cards may also increase competitive pressures on card providers, resulting in better value for consumers.

**Question**

- How prominently should the required information be presented to ensure its effectiveness?

**Issuers to provide consumers with personalised information on potential savings from alternative credit card products**

Most credit card issuers offer a number of different cards to suit different consumer profiles. Under this proposal, credit card issuers would be required to provide existing consumers with information about alternative card products that would result in the lowest cost given the customer's historic card usage. The information would also detail how much money would be saved by switching products, and contain information on how to switch to the alternative product. This information would only be required if a lower cost product was available within the issuer's suite of products.

For example, for a consumer who is regularly paying interest on a high-rate credit card, the card issuer would be required to alert the consumer about the availability of a low rate card (if one was offered by the same institution). In contrast, for a consumer who pays off balances in full on a high-rate credit card with no annual fee, no extra information would be required as switching to a low-rate card would not reduce costs for this consumer.

**Questions**

- To what extent would the information provided under this proposal induce consumers to switch to lower cost cards?
- What aspects of the presentation and distribution of the information would be important in ensuring that it is seen and has the intended effect?

**Issuers provide consumers with timely electronic notifications regarding the expiry of introductory offers and credit utilisation**

Electronic notifications, such as those required to be provided by mobile phone service providers, can be useful in providing consumers with the information they need to make better decisions. These notifications can be short, be triggered by specific circumstances, delivered quickly and at a relevant time for consumer decision making.

**Periodic notifications regarding the expiry of introductory reduced-interest offers**

Discounted balance transfer periods and other introductory offers provide significant benefits to consumers when used effectively. However, upon expiry of the introductory period, credit card debt often reverts to a high interest rate that a consumer may struggle to service.

The length of an introductory offer may lead some consumers to forget that the offer is about to expire. The shock of having interest suddenly applied to a large credit card balance can be sufficient to push some consumers into credit card debt distress. While the term of the introductory offer period is
disclosed to consumers at the time of application, it is not typically in card issuers' interests to provide consumers with advance or periodic notice of the impending expiry of a balance transfer period.

Consumer outcomes would be improved if consumers were provided with simple electronic notifications at specific points in the introductory period. These notifications would highlight the date the introductory period expires and the interest rate that will be applicable to any remaining balance upon expiry. Advance warning would encourage the repayment of outstanding balances within the introductory period, without prescribing or forcing a particular pattern of repayment. This proposal has also been made by the UK Financial Conduct Authority in their 2015 credit card market study interim report.

It is important to note that this option does not limit the availability or length of introductory offers, or seek to set controls on how a consumer should repay their balance during the introductory period. Instead, it maintains existing flexibility and choice but provides consumers with timely reminders which may help them make better repayment decisions.

**Consumers are provided with notifications of how much credit they have used**

The flexibility and convenience through which credit card debt can be extended is likely to mean that consumers are not always aware of their existing credit card balance when making new purchases. Timely reminders of this balance would result in more informed decisions about borrowing on a credit card. The Government notes that some credit card issuers already provide this as an option to their consumers, but that the practice is not widespread.

This option would require card issuers to provide electronic notifications alerting consumers to the dollar value of their credit card balance and the percentage utilisation of their credit limit. These notifications, by default, could be triggered by transactions which cause the outstanding balance to cross specified thresholds or percentage amounts of the credit limit. Consumers would be given the option to opt-out or change the frequency of notifications.

As an example, card issuers would be required to provide notifications to a consumer once their balance exceeded 70 per cent of their credit limit, and weekly reminders for as long as the balance remained above 70 per cent of their limit.

**Questions**

- What are the most appropriate triggers to provide these notifications, or should these notifications be periodic rather than tied to specific events?
- What is the most appropriate method for card issuers to provide these notifications?

**Issuers to proactively provide consumers the option to commit to higher repayments and contact consumers persistently making small repayments**

One of the key features of a credit card is the flexibility offered around repayment timing and amount. Depending on a consumer's preferences, repayment decisions may be made on a monthly basis (when a statement is received), at multiple times within a month (for example after each significant transaction), or when consumers set up automatic repayments.

**Repayment tools for consumers**

For some consumers, the ability to delay repayment and make very small minimum repayments can mean that debt persists for an extended period. For these consumers, present bias and the anchoring effect of the minimum repayment amount may be leading to under-repayment. These consumers could benefit from simple tools and options that allow them to commit to making higher repayments. Moves towards providing such tools have already been made by a number of credit card issuers around the world, including at least one issuer in Australia (see Box 2).

**Box 2: Repayment tools and instalment options offered by credit card issuers**
In the US, Chase (a subsidiary of JPMorgan Chase & Co.) has offered a set of free credit card debt management tools — branded Blueprint — on a number of their credit cards since 2009. Some of these tools allow the credit card consumer to set plans for paying off a balance, a specific purchase or type of purchase within a selected period of time. Once these plans have been set through Blueprint, an alternative repayment amount is shown on the consumer's statement that is consistent with achieving the consumer's plan. However, the consumer is free to ignore this suggested repayment and the issuer-set minimum repayment remains visible on the statement.

Chase reported in 2015 that more than 3 million Blueprint plans have been activated since the feature was offered and almost two-thirds of consumers who set up a plan remain committed to the plan (Santucci, 2015). Moreover, consumers with a Blueprint plan are reported to have paid down existing balances at a significantly faster rate than comparable consumers without a plan. However, anecdotal evidence suggests that some consumers have been dissatisfied with the Blueprint tool to the extent that it discourages or restricts immediate repayment of outstanding balances.

In India, RBL Bank offers Split n Pay, an option to transfer individual credit card purchases to a repayment plan of 3, 6 or 12 months. The monthly repayment required to pay off the purchase within the specified time is then incorporated into the credit card's minimum repayment amount until the purchase is paid off. Underpayment relative to this higher minimum repayment attracts a late fee. However, the consumer can cancel the Split n Pay facility at any time by contacting the bank. If this occurs, the remaining principal is transferred back to the credit card's standard balance, off which the minimum repayment is calculated as usual. Unlike Chase's Blueprint, RBL Bank charges a processing fee to move transactions on and off the Split n Pay facility.

In Australia, Citibank Australia offers the free Fixed Payment Option to existing credit card consumers. Like the Split n Pay facility, this tool allows consumers to transfer purchases of over $1,000 to a fixed-repayment instalment plan over a term of 1, 2 or 3 years. Alternatively, a portion of the consumer's credit card limit can be transferred as funds to a bank account and be repaid over the specified term. The consumer is offered an incentive to maintain these repayments as the plans are offered at interest rates that are lower than the ongoing interest rate on the credit card. If a consumer fails to make the monthly instalment, the instalment amount will begin to incur interest at the credit card rate. If the consumer pays more than the monthly instalment, the monthly repayment is reduced, but the term of the loan is not shortened unless a request is made by phone.

Non-traditional financial institutions, such as marketplace lenders, also provide an alternate option for refinancing credit card debts in Australia. A marketplace lender involves a financial service provider (the lending platform) that acts as an intermediary between investors and borrowers. This market is relatively new in Australia, but growing. Products offered include personal loans to refinance credit card debts to creditworthy consumers. Consumers can choose to repay debt over two, three or five years and amounts typically range between $5,000 and $35,000.

The Government proposes to require card issuers to make available to consumers who repay less than their full balance tools and options by which they can commit to higher repayments. To achieve this targeting, the option should be presented to these consumers in a salient, accessible manner. For consumers who repay their balance in full, the option would not need to be presented.

Issuers could implement this requirement a number of ways. For example, the simplest form may be to provide an option to transfer some or all of a credit card balance to a personal-loan-like product, where the debt is repaid with fixed repayments over a specified period of time. Alternatively, issuers may prefer to offer consumers the option to increase their minimum repayment to a level that ensures the outstanding balance is paid within a specified period of time.

**Pro-active assistance for consumers who persistently make small repayments**

Even with the availability of repayment tools and options, a small proportion of consumers are likely to continue persistently making repayments that are at or close to the minimum repayment. Persistently
making small repayments is likely to reflect one of two broad experiences: the consumer is experiencing financial hardship and cannot afford to pay more than the minimum, or is unaware of the consequences of under-repayment and the options available to pay off debt more quickly.

In these cases, one option is for card providers to identify these consumers and contact them to offer ‘solutions’. The Government is aware that a number of card issuers already have similar policies in place but is concerned that this practice is not widespread and may be triggered too late in the life of the debt. Under this proposal, card issuers would be required to contact consumers well before they reach the point of imminent default.

Consumers would be identified by their balances and repayment behaviour over a minimum period of time — for example, 6 months. Once a consumer is identified, the relevant solution offered would depend on the consumer’s financial situation. Solutions might include forbearance or, for consumers who can afford to make larger repayments, the offering of one of the repayment options discussed above.

In the case of consumers who do not take up either of these solutions, the requirement for the issuer to contact these consumers — if they continue to make small repayments — would be waived until a further period of time had elapsed (for example, 6 months).

Questions

- What factors would maximise the take-up of repayment tools by consumers who are subject to under-repaying?
- What is the most effective and efficient way to engage consumers who are persistently making small repayments to suggest an alternative course of action?

Other regulatory options considered

The following policy options have been considered thoroughly in the decision-making process but are not preferred at this time. As further analysed in Section 5, the Government’s current assessment is that these options are unlikely to be sufficiently effective to address the problems identified, or would disproportionately impose costs on, or limit the choices of, consumers, industry and taxpayers.

Require issuers, acquirers and card networks to facilitate the transfer of recurring payments across cards

The Senate Inquiry recommended a review of innovations that could lower the cost of switching, including account portability. The Government acknowledges that the time and effort involved in transferring recurring payments from a consumer’s existing provider to a new provider might discourage some consumers from switching between cards (and closing existing cards) but believes that the more significant barriers to switching are a lack of consumer awareness and the difficulties consumers face in comparing credit card products. This view is consistent with the findings of the Senate Inquiry.

In support of this view, data provided in the Financial System Inquiry Interim Report indicate the take up of a switching service in relation to bank (transaction) accounts has been low. Similarly, ANZ reported low take up of its service to assist consumers to switch automated payments on credit cards. While this may reflect a lack of awareness, a previous Government inquiry into Switching Arrangements undertaken by Bernie Fraser in 2011 found that ‘consumers who are sufficiently motivated to switch find it reasonably easy to do so, and that the problems encountered by others may have more to do with motivation and perceptions, rather than real barriers’. Similarly, the Senate Inquiry report cites the results of a survey of 40,000 members of One Big Switch as supporting this finding.

A further consideration is the cost of creating such infrastructure. ANZ reported to the Senate Inquiry that the costs of creating infrastructure to facilitate automated payment switching would be high. In regard to portability of account numbers, the structure of the credit card market makes it unlikely that this could be achieved without significant and unreasonable cost:
Credit card schemes operate technology on a global scale ensuring infrastructure investment is spread across a large number of consumers and transactions. As a relatively small market, implementing 'card number portability' in Australia would result in significant industry costs.

The Government believes that its proposed reforms — to require card issuers to provide consumers with better information on the costs of their credit card use, standardise the application of interest charges and provide online options to close credit cards — should have a material and positive impact on switching activity and address many of the concerns prompting the Senate Inquiry recommendation. A further review of switching is not currently warranted. Nonetheless, the Government would support industry initiatives to facilitate greater switching, including the development of this service by third-party providers.

**Substantially raise the level of minimum required repayment**

In Australia today, card issuers typically set the minimum payment at a low level of around 2 per cent of the balance carried forward. A direct way to address under-repayment of credit card debt is to mandate higher levels of minimum repayments, which the Senate Inquiry recommended for the Government's consideration. A higher floor (that is, a larger percentage of the balance carried forward or principal) would mean that consumers making the minimum repayment would pay off their balances faster and incur less interest. Setting higher minimum repayments may also help to dissuade excessive use of credit.

An alternative approach taken in the UK is to prevent 'negative amortisation', that is, when a cardholder incurs more debt because the minimum payment was not enough to cover the interest and other fees due that month. However, this principle does not necessarily imply that the original debt is paid down over a reasonable period. To achieve this goal, the minimum payment would need to be set at a meaningful percentage of the balance outstanding. Such a requirement would imply a large increase in the minimum payment for some consumers. A higher floor would also imply a reduction in the flexibility afforded by credit cards to consumers that make prudent decisions and occasionally choose to make the minimum payment for a short period.

A significant increase in the minimum payment may have other unintended consequences. The higher the floor, the more likely it is that existing credit card consumers who cannot afford to pay much more than the minimum repayment will be forced to default. The Australian Bankers' Association and a number of credit card providers have raised this concern, sometimes informed by their previous experience in raising minimum payment amounts.

As discussed in Section 4, the Government proposes to give greater effect to the application of the responsible lending obligations to credit cards by requiring that issuers assess ability to pay off a credit limit within a reasonable period. It also proposes to require issuers to offer a means to reduce debt by committing to a higher repayment voluntarily. These measures should result in a material reduction in the incidence of consumers servicing credit card debts over very long periods. Nevertheless, the Government considers that setting higher minimum repayment amounts is worthy of further consideration and seeks stakeholder feedback on this option.

**Question**

- Taking into account the potential benefits and costs discussed above, is there merit in further investigation of this policy option?

**Impact analysis**

This section outlines the benefits and costs of the options outlined above, and the Government's assessment of the likely net social benefit. Estimates of total regulatory costs are presented in Table 2. Benefits and costs are estimated under the Government's Regulatory Burden Measurement Framework. The annual change in regulatory costs is measured against 'business as usual' costs and incorporates estimates of one-off implementation costs and ongoing compliance costs, averaged over a 10-year
period. The estimates exclude the value of opportunities that cannot be realised because of the regulatory intervention.

The Government seeks stakeholder feedback on these estimates, with specific reference to the following questions:

Questions
- In addition to those detailed below, are there other potential benefits or costs associated with the proposed reforms?
- Are the estimates detailed below a reasonable reflection of the likely costs faced by industry to implement the proposed reforms?

No policy change

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>No additional compliance and regulatory uncertainty costs for card issuers that could be passed on to consumers.</td>
<td>Inappropriate selection and use of cards and insufficient competition on ongoing interest rates results in a significant subset of consumers continuing to pay large interest costs on an ongoing basis.</td>
</tr>
<tr>
<td>Consumers who select suitable credit cards and use them appropriately will continue to benefit from the existing competitive dynamic, which may improve over time with new market entrants.</td>
<td>The incidence of over-borrowing and under-repaying likely to remain significant.</td>
</tr>
<tr>
<td>Some card issuers will continue proactively offering hardship assistance or personal loans to consumers that are otherwise likely to default.</td>
<td>A smaller subset of vulnerable consumers will continue to fall into financial distress, with attendant impacts on their economic and broader wellbeing.</td>
</tr>
</tbody>
</table>

Assessment of net impact:
Nil

Proposed reforms

Table 2: Regulatory burden estimate table

<table>
<thead>
<tr>
<th>Average annual regulatory costs (from business as usual)</th>
<th>Total change in costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in costs ($mn)</td>
<td>Business</td>
</tr>
<tr>
<td>Phase 1 (reforms 1 to 4)</td>
<td>20.8</td>
</tr>
<tr>
<td>Phases 1 &amp; 2 (reforms 1 to 9)</td>
<td>105.6</td>
</tr>
</tbody>
</table>

NA — Not available

Prescribe a credit limit to be unsuitable if a consumer cannot afford to repay the limit within a reasonable period

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant reduction in incidence of consumers being granted cards with excessive credit limits.</td>
<td>Requires up-front changes to card issuers' calculations and processes for assessing new card applications and limit increases, including associated staff training costs.</td>
</tr>
<tr>
<td>Associated reduction in incidence of consumers incurring unsustainable debts, and in lifetime interest charges and debt servicing periods.</td>
<td>Ongoing costs for monitoring and reviewing compliance, especially if 'reasonable period' is not fixed.</td>
</tr>
<tr>
<td>Makes the responsible lending obligations in</td>
<td></td>
</tr>
</tbody>
</table>

CHAMBER
the National Consumer Credit Protection Act more binding with respect to credit cards.

Total benefit estimate: large but unquantifiable

Total cost estimate: $7.1 million per year

Consumers

- Will reduce the maximum credit limit available for some consumers who may derive benefit from having a high credit limit as a form of financial insurance.

Total cost estimate: small but unquantifiable

Assessment of net impact:

Large net benefit

Prohibit unsolicited credit limit increase offers

Benefits Costs

- Eliminates the risk of consumers accepting offers for higher credit limits that may lead to the incurrence of large and unsustainable debt.

Industry

- Requires one-off change in procedures and forms.

- Reduce over-borrowing, particularly by those consumers least able to control their spending and to service large debts.

- May be ongoing labour costs associated with a higher rate of credit limit increase requests, but this may be offset by the reduction in staff providing credit limit increase offers.

Total cost estimate: $5.7 million per year

Consumers

- Eliminates scope for consumers to unwittingly consent to receive unsolicited offers.

- Consumers seeking to increase their limit will have to proactively request a higher limit.

Total cost estimate: $1.8 million per year

- Eliminates scope for consumers to be annoyed with unsolicited offers.

- Would not restrict ability to seek a credit limit increase, if a consumer so desired.

Total benefit estimate: significant but unquantifiable

Assessment of net impact:

Significant net benefit

Standardise the application of interest to the unpaid balance and to the current statement period when an interest-free period is lost

Benefits Costs

- Most consumers who lose their interest-free period will pay less interest and be less likely to enter a state of persistently revolving balances.

Industry

- Card issuers will experience one-off costs associated with changing their application of interest calculations.

- The standardisation of interest charges will help consumers compare cards by interest rate. This should increase the competitive tension on interest rates.

- One-off costs in updating advertising and education material, terms and conditions and in notifying existing consumers of the change.

Total cost estimate: $4.6 million per year

Consumers

- Consumers' borrowing and repayment decisions will better reflect their understanding of the consequences of partial repayment.

- One-off cost involved in understanding the new application of interest rules.

Cost estimate: $2.5 million per year

Total benefit estimate: large but unquantifiable

Assessment of net impact:

Large net benefit

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Significant net benefit

Consumers are provided with simple, electronic options to initiate the cancellation of a credit card or reduction of credit limit

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Consumers will be more likely to cancel a credit card or reduce their credit limit, reducing the incidence of consumers accumulating large debts across multiple cards, rates of financial distress and lifetime interest costs.</td>
<td>Industry</td>
</tr>
<tr>
<td>• Consumers may experience non-financial benefits by having a total credit limit that is more consistent with their preferences.</td>
<td>• Upfront costs to develop and upgrade IT systems infrastructure to provide online options.</td>
</tr>
<tr>
<td>• An increase in the threat of losing business will drive greater competitive pressure between credit card providers.</td>
<td>• Ongoing compliance costs likely to be relatively low. Involves a change to the means by which a cancellation is initiated, not the process itself.</td>
</tr>
<tr>
<td>• Reduced labour costs for card providers if fewer people cancel cards or lower credit limits via assisted channels.</td>
<td>Total cost estimate: $3.4 million per year</td>
</tr>
</tbody>
</table>

Consumers
• No material compliance costs.

Assessment of net impact: Significant net benefit

Issuers provide existing consumers with better information about the annual costs of their credit card use and to clearly display annual fees

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Information on long-term usage and costs should result in spending and repayment decisions that are more consistent with intentions.</td>
<td>Industry</td>
</tr>
<tr>
<td>• Issuers and comparison sites may be better placed to offer personalised quotes based on card usage and repayment patterns — this should lead to more switching and selection of more suitable cards.</td>
<td>• Transitional compliance costs for card issuers, such as system changes to calculate the required information, redesigning statements and online account management tools.</td>
</tr>
<tr>
<td>• Easier comparisons may increase competitive pressures on card issuers, resulting in better value for consumers.</td>
<td>Cost estimate: $21.3 million per year</td>
</tr>
</tbody>
</table>

Consumers
• Additional time taken to read and understand the new information.

Cost estimate: $8.4 million per year

Assessment of net benefit: Unquantifiable

Possible net benefit

Require issuers to clearly disclose in advertising and marketing material a card’s interest rate and annual fee

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• May result in fewer instances of consumers choosing cards that don’t suit their needs and of consumers discounting the implications of the associated with updating existing advertising.</td>
<td>Industry</td>
</tr>
<tr>
<td>• Transitional compliance costs for card issuers associated with updating existing advertising.</td>
<td>Total cost estimate:</td>
</tr>
</tbody>
</table>

Assessment of net benefit: Possible net benefit
interest rate and annual fee when choosing a card.

- Easier price comparison between cards may increase competitive pressure on card providers, resulting in better value for consumers.

Total benefit estimate: unquantifiable

Assessment of net benefit:
Possible net benefit

Issuers to provide consumers with personalised information on potential savings from alternative credit card products

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higher levels of switching to lower-cost cards by consumers incurring interest at high rates, leading to interest savings and debt being paid down more quickly.</td>
<td>Industry</td>
</tr>
<tr>
<td>Transitional compliance costs for card issuers, such as system changes to calculate the required information, redesigning statements and online account management tools.</td>
<td></td>
</tr>
<tr>
<td>Cost estimate: $21.3 million per year</td>
<td></td>
</tr>
</tbody>
</table>

Consumers

- Some credit card holders may lose rewards and other benefits by switching to a lower cost card. However, the lost benefits may in many cases be valued less than the reduction in costs.

Cost estimate: $8.4 million per year

Assessment of net benefit:
Possible net benefit

Issuers provide consumers with timely electronic notifications regarding the expiry of introductory offers and credit utilisation

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notifications should prompt consumers to make better spending and repayment decisions. These consumers will save interest and be less likely to experience financial distress in the future.</td>
<td>Industry</td>
</tr>
<tr>
<td>Compliance costs for card issuers in setting up the front- and back-end systems to provide notifications and the option to opt-out or change notifications.</td>
<td></td>
</tr>
<tr>
<td>Ongoing cost with meeting these requirements, including the cost of sending a higher volume of electronic notifications to consumers.</td>
<td></td>
</tr>
<tr>
<td>Total cost estimate: $18.3 million per year</td>
<td></td>
</tr>
</tbody>
</table>

Consumers

- For some consumers, receiving automatic notifications may come as an unwelcome intrusion.

Cost estimate: insignificant

Assessment of net impact:
Possible net benefit
Issuers to provide consumers the option to commit to higher repayments and pro-actively contact consumers persistently making small repayments

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• For consumers who commit to a higher repayment, credit card debt will be held for a shorter period of time, resulting in significant interest savings and reduced risk of financial distress.</td>
<td>Industry</td>
</tr>
<tr>
<td>• When card issuers proactively offer the option to at-risk consumers, these consumers could be offered lower-rate products, which will further reduce interest costs for these consumers and the probability that they will experience financial distress.</td>
<td>• Upfront and ongoing compliance costs for card issuers in setting up the front- and back-end systems to support higher repayment options.</td>
</tr>
<tr>
<td>• Little reduction in consumer choice regarding repayment amount.</td>
<td>• Setting up processes to identify consumers making small repayments and providing training to consumer service staff to contact these consumers.</td>
</tr>
</tbody>
</table>

Total benefit estimate: unquantifiable

Assessment of net impact:
Possible net benefit

Other regulatory options considered but not preferred

Require issuers, acquirers and card networks to facilitate the transfer of recurring payments across cards

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Increase in switching activity, which may result in more consumers holding cards that better suit their needs, and enhance the level of competition between card providers.</td>
<td>Industry</td>
</tr>
<tr>
<td>• Significant reduction in the time and effort required by consumers when switching to a new card.</td>
<td>• Labour costs involved in transferring consumers’ recurring payments to a new issuer.</td>
</tr>
</tbody>
</table>

Total benefit estimate: unquantifiable

Assessment of net impact:
Uncertain net impact

Substantially raise minimum repayment amounts

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Consumers making minimum repayments will make large repayments, meaning credit card debt will be paid down more quickly.</td>
<td>Industry</td>
</tr>
<tr>
<td></td>
<td>• Upfront systems costs associated with changing minimum repayment amount</td>
</tr>
</tbody>
</table>

CHAMBER
Total benefit estimate: unquantifiable calculations.
Total cost estimate: $3.1 million per year

Consumers
- Additional time taken to understand the new (higher) minimum repayment amount.

Cost estimate: $1.1 million per year
- All consumers will lose some flexibility in repayment as the range of permissible repayments will be reduced.
- A small subset of existing consumers will not be able to afford a higher minimum repayment, pushing them into default.
- Small risk that some existing consumers who were paying more than the new minimum repayment will shift down towards the minimum repayment due to anchoring effects.

Total cost estimate: unquantifiable

Assessment of net impact:
Uncertain net impact

References
Australian Bankers' Association 2015, Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
Australian Bankers' Association 2016, 'Credit card repayments outdo spending for 10th year running', 22 February.
Australian Government (2011), 'Banking Services: Cost Effective Switching Arrangements'.
Australia and New Zealand Banking Group (2015), Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
CHOICE 2015, 'Cutting credit card confusion', Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
Financial Conduct Authority 2015, 'Credit card market study — Interim report', November.
Financial Counselling Australia (2015), Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
Consumer Action Law Centre and Financial Rights Legal Centre (2015), Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
Reserve Bank of Australia 2015, Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
Stewart, N. 2009, 'The cost of anchoring on credit card minimum repayments', University of Warwick.
Treasur 2015, Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
Westpac Group 2015, Submission to the Senate Economics References Committee Inquiry into matters relating to credit card interest rates.
Xavier, P. (2011), 'Behavioural economics and consumer complaints in communications markets: A report prepared for the Australian Communications and Media Authority in connection with the public inquiry "Reconnecting the Customer"'.

Appendix A — Senate Inquiry recommendations and Government's response

<table>
<thead>
<tr>
<th>Senate Inquiry recommendations</th>
<th>Government's response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Advertising and marketing material should disclose clearly the cost of credit, including a card's interest rate and ongoing annual fee.</td>
<td>The Government supports this recommendation and proposes to require that advertising and marketing material prominently display a card's interest rate and annual fee.</td>
</tr>
<tr>
<td>1. Monthly statements should include prominent reminders about a card's headline interest rate and ongoing annual fee.</td>
<td>The Government supports this recommendation and proposes to require card issuers to clearly display annual fees in monthly statements and via electronic tools.</td>
</tr>
<tr>
<td>2. Government should work with stakeholders to develop a system that informs consumers about their own credit card usage and associated costs. Initially, historic usage and cost data could be provided in monthly statements. Over time, it would be desirable to provide</td>
<td>The Government supports this recommendation and proposes to require card issuers to provide consumers with information on the annual costs of their card use. The Government has also requested the Productivity Commission to conduct an inquiry into data access and use. The Government will consider the outcomes of this</td>
</tr>
</tbody>
</table>
consumer-specific, online, machine readable records that would allow credit card users to compare cards using online comparison engines.

3. Government should undertake a review into innovations that might help facilitate switching, including the feasibility of account number portability.

4. Card providers should provide consumers the ability to close a credit card online.

5. Responsible lending obligations for credit cards should be amended so that serviceability is assessed on the borrower’s ability to pay off their debt over a reasonable period. The Government should consult on what constitutes a ‘reasonable period’.

6. Government should consider introducing credit card minimum repayment requirements and alternative means of reducing the use of credit cards as long-term debt facilities.

7. Credit card providers should be required to make reasonable attempts to contact a cardholder when a balance transfer period is about to expire and the outstanding balance has not been repaid. In doing so, the provider should be required to initiate a discussion about the suitability of the consumer’s current credit card and, where appropriate, provide advice on alternative products.

8. Government should consider expanding financial literacy programs such as ASIC’s MoneySmart Schools Program.

9. Credit card providers should be required to make reasonable attempts to contact a cardholder in cases where a cardholder has only made the minimum payment for 12 consecutive months, and thereby initiate a discussion about product suitability and alternative products.

10. Government should consider a PC inquiry into the value and competitive neutrality of payments regulation, with a particular focus on interchange fees.

inquiry following the release in early 2017 of the Commission’s final report.

The Government notes this recommendation, but proposes alternative measures that should have a material and positive impact on switching activity.

The Government supports this recommendation and proposes to require issuers to provide consumers with online options to initiate the cancellation of a card or a reduction of credit limit.

The Government supports this recommendation and proposes to tighten responsible lending obligations to ensure issuers assess a consumer’s ability to repay the credit limit within a reasonable time.

The Government notes that this recommendation is worthy of further work, but that measures to ensure credit limits can be repaid in a reasonable time and a requirement to provide alternative payment methods may achieve this goal.

The Government supports this recommendation and proposes to require that card issuers provide customers with timely electronic notifications regarding the expiry of introductory offers (and credit utilisation) and with information on potential savings from alternative products.

The Government notes this recommendation. Measures relating to funding for financial literacy are considered in line with other spending measures as part of the Budget process.

The Government supports this recommendation and proposes to require that card issuers provide customers the option to commit to higher repayments and proactively contact customers persistently making small repayments.

The Government notes this recommendation. The Financial System Inquiry undertook an extensive examination of the payments system and made several recommendations, which the Government has agreed to implement. Implementation of recommendations relating to interchange fees is being considered by the
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Payments System Board. In December 2015, the Government also took action to ban excessive card payment surcharging and gave the Australian Competition and Consumer Commission new powers to enforce the ban. The Government notes this recommendation but considers that the measures proposed are sufficient to address the problems identified.

Senator Xenophon additional recommendation

Government should consider providing appropriate warnings on credit card statements and advertisements, similar to those for gambling venues and cigarette packaging.

1 CHOICE (2015).
2 Number of credit and charge cards and number of transactions from RBA Statistical Table C1; number of Australian households from ABS Catalogue Number 3236.0.
3 The Australian Bankers’ Association reports that around 55 per cent of customers pay off their balance in full each month (Australian Bankers’ Association, 2016). The Reserve Bank of Australia quotes industry estimates that between 30 and 40 per cent of cardholders (i.e. by number) pay interest (Reserve Bank of Australia, 2015).
4 Over 15 per cent of credit card users in the lowest income quartile were likely to persistently revolve credit card balances (and, therefore, pay interest), compared to less than 5 per cent of users in the highest income quartile (Reserve Bank of Australia, 2015).
5 Reserve Bank of Australia (2015).
6 Citibank (2010).
7 Typically 2-3 per cent of the outstanding balance, except for very low balances. Unlike a fixed repayment, the absolute amount of the minimum payment on a credit card typically declines as the balance is paid down. In contrast, the repayment on a $300,000, 25-year mortgage with an interest rate of 5 per cent is fixed at around $1,800 a month, or 6 per cent of the initial principal; the repayment as a percentage of the outstanding balance increases as the loan is paid down.
8 See Consumer Action Law Centre's appearance at the Senate Inquiry into matters relating to credit card interest rates public hearing on 3 September 2015.
13 On 1 January 2015, new rules and regulations commenced to open up access to the MasterCard and Visa credit card systems to entities that are not authorised deposit taking institutions. The Banking Amendment (Credit Card) Regulation Act 2014 removed the determination that credit card issuing or acquiring was banking business (and, thus, subject to Australian Prudential Regulation Authority supervision). The Reserve Bank of Australia (RBA) also varied its Access Regimes for the MasterCard and Visa systems, giving those system providers more flexibility to set eligibility criteria for potential card issuers. The RBA has noted that, while those reforms have only been in operation since January 2015, the indications are that the reforms are working, with a number of new participants admitted or progressing applications to the major card schemes.
14 The National Consumer Credit Protection Act 2009 requires credit card issuers to include a 'Key Facts Sheet' with the purchase rate, among other features, whenever a credit card application form is
made available. However, the Key Facts Sheet is often provided separately to the primary marketing material, either through a hyperlink or on a separate document that is less prominent than the main material.


16 More than 60 per cent of respondents to a survey conducted by Choice in July 2015 said that they do not know the interest rate that applies to the credit card they use most often (Choice 2015).

17 For an examination of these issues in the mobile phone market see Xavier (2011).

18 A consumer survey commissioned by Choice in July 2015 found that more than 70 per cent of respondents had not considered switching credit cards in the past two years, 17 per cent had considered switching but not taken action, leaving 11 per cent of consumers who have switched credit card products in the last two year (CHOICE, 2015).

19 Recurring payments are set up with a merchant or retailer when the card user provides their card details to authorise a series of payments. Because these payments are set up with the merchant, and regulated by card scheme rules, card issuers have reported that they have limited ability to redirect these payments on behalf of consumers. Instead, merchants and consumers must communicate directly to update the card details associated with each recurring payment.

20 Assuming the minimum payment is the greater of 2 per cent of the outstanding balance or $20.


22 See, for example, Agarwal et al (2015) and Gross and Souleles (2002).

23 See, for example, Prelec and Simester (2001) and Raghuram and Srivastava (2008).

24 See Benton et al. (2007) for a discussion of how behavioural factors can lead to over-borrowing, particularly on credit cards and more generally on unsecured, revolving lines of credit.


26 With many credit card users holding more than one card, credit card balances per user will be higher than those per account.

27 As at February 2016, there were around $52 billion of balances across 16 million credit card accounts. Of these balances, $33 billion are incurring interest. Given that around 35 per cent of accounts are typically not paid in full, this suggests that the average balance on an account incurring interest is $5,800, while the average balance on an account not incurring interest is $1,800.


29 Westpac Group's submission to the Senate Inquiry suggested that 4 per cent of their credit card consumers persistently make the minimum repayment continuously over a 12-month period (Westpac, 2015). At an Inquiry hearing on 16 October 2015, National Australia Bank said that just over 2 per cent of consumers paid the minimum balance or less in any given month over the past year, while ANZ suggested 0.3 per cent of consumers persistently paid the minimum balance over the past six months.


31 The Financial Conduct Authority found that 5.2 per cent of consumers made systematic minimum repayments, but this was only after excluding the 13.4 per cent of consumers who were identified as being in 'severe' or 'serious' arrears or in 'persistent debt' (Financial Conduct Authority 2015). It is likely that some consumers in these latter groups also made systematic minimum repayments.

32 Assuming the minimum repayment is the greater of 2 per cent of the outstanding balance or $20.

34 See testimonies of National Australia Bank, Westpac Group to the Senate Inquiry into matters related to credit card interest rates (16 October 2015). In contrast, ANZ stated that 70 per cent of consumers pay off balances within the zero-interest period. According to the UK Financial Conduct Authority (2015), around half of accounts had the transferred balance repaid in full by the end of the introductory period.

35 It is also worth noting that some credit card issuers in other markets already provide the functionality to close a credit card online if the balance outstanding has been repaid.

36 As the Senate Inquiry noted in its final report, requiring the provision of a standardised 'comparison rate' — as applies for residential mortgage lending — is complicated by the multifaceted and diverse nature of the credit card product.

37 Commitment devices have been shown to be effective in a number of contexts, especially when consumers are aware of the gap between their intentions and behaviour. See, for example, Rogers et al (2014).

38 A similar recommendation was made by the Financial Conduct Authority (2015) in their interim report on the UK credit card market.


40 ANZ (2015).

**Australian Sports Anti-Doping Authority**

**Order for the Production of Documents**

The following documents received on 6 May 2016 were tabled:

- Sport—Australian Sports Anti-Doping Authority—National Anti-Doping Framework—Letter from the Minister for Regional Development (Senator Nash), dated 6 May 2016, to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 2 May 2016 and raising public interest immunity claims, and attachment.

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk pursuant to order:

- Departmental and agency appointments and vacancies—Budget estimates 2016-17—Letter of advice—Prime Minister and Cabinet portfolio.
- Departmental and agency grants—Budget estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—Environment portfolio.
- Prime Minister and Cabinet portfolio.
- Entity contracts for 2015-16—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—Communications portfolio.
- Department of Human Services.
- Department of Immigration and Border Protection.
- Employment portfolio.
- Environment portfolio.
- Finance portfolio.
- Infrastructure and Regional Development portfolio.
Prime Minister and Cabinet portfolio.
Social Services portfolio.

Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation as at 1 August 2016, dated August 2016.

COMMITTEES

Report

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

Committee reports pursuant to Selection of Bills Committee reports---not available for consideration (pursuant to Senate standing order 38(7))
[reports will be recorded in the Journals of the Senate]

Environment and Communications Legislation Committee-Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015-Interim report, dated May 2016 and submissions. [Received 5 May 2016]

Environment and Communications Legislation Committee-Broadcasting Legislation Amendment (Media Reform) Bill 2016 [Provisions]-Report, dated May 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 5 May 2016]

Committee reports
[reports and responses will be recorded in the Journals of the Senate] Documents certified by the President

Appropriations, Staffing and Security-Standing Committee-58th report-Estimates for the Department of the Senate 2016-17, dated May 2016. [Certified 6 May 2016]

Committee reports (pursuant to Senate standing order 38(7))

Health—Select Committee—Hospital funding cuts: the perfect storm – The demolition of Federal-State health relations 2014-2016—Final report, dated May 2016 Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 5 May 2016]

Legal and Constitutional Affairs References Committee—Conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea—Interim report, dated May 2016 and submissions. [Received 5 May 2016]

Legal and Constitutional Affairs References Committee—Establishment of a national registration system for Australian paramedics to improve and ensure patient and community safety—Report, dated May 2016, Hansard record of proceedings and submissions. [Received 5 May 2016]

Legal and Constitutional Affairs References Committee—Need for a nationally-consistent approach to alcohol-fuelled violence—Interim report, dated May 2016, Hansard record of proceedings and submissions. [Received 5 May 2016]

Economics References Committee—Personal choice and community impacts: the classification of publications, films and computer games (term of reference c)—Interim report, dated May 2016 and Hansard record of proceedings. [Received 5 May 2016]

Economics References Committee—Personal choice and community impacts: the sale and use of tobacco, tobacco products, nicotine products and e-cigarettes (term of reference a)—Interim report, dated May 2016, Hansard record of proceedings, documents presented to the committee and additional information. [Received 6 May 2016]
Economics References Committee—Personal choice and community impacts: sale and service of alcohol (term of reference b)—Interim report, dated May 2016, Hansard record of proceedings, document presented to the committee and additional information. [Received 6 May 2016]