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the Senate and committee hearings are available at

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SITTING DAYS—2015

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

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-FOURTH PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Office holders
President—Senator Hon. Stephen Parry
Deputy President and Chair of Committees—Senator Gavin Mark Marshall
Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
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—Senator Scott Ludlam and Senator Larissa Joy Waters
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston
The Nationals Whip—Senator Matthew James Canavan
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catrunya Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert

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

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

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<td>CLP</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.
(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Acting Secretary, Department of Parliamentary Services—D Heriot
Parliamentary Budget Officer—P Bowen
## ABBOTT MINISTRY

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<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>Hon. Malcolm Turnbull MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon. Nigel Scullion</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for the Public Service</strong></td>
<td>Senator the Hon. Eric Abetz</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister on Counter-Terrorism</strong></td>
<td>Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for Women</strong></td>
<td>Senator the Hon. Michaelia Cash</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>Hon. Charles Porter MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>Hon. Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>Hon. Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>Hon. Jamie Briggs MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>Hon. Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>Hon. Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Foreign Affairs</strong></td>
<td>Hon. Steven Ciobo MP</td>
</tr>
<tr>
<td>**Parliamentary Secretary to the Minister for Trade and Investment</td>
<td>Hon. Steven Ciobo MP</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Assistant Minister for Employment (Deputy Leader of the House)</td>
<td>Hon. Luke Hartsuyker MP</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
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<td>Hon. Michael Keenan MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Attorney-General</strong></td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>Hon. Joe Hockey MP</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>Hon. Bruce Billson MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>Hon. Joshua Frydenberg MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>Hon. Kelly O'Dwyer</td>
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<tr>
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<td>Hon. Barnaby Joyce MP</td>
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<tr>
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<td>Senator the Hon. Richard Colbeck</td>
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<tr>
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<td>Hon. Christopher Pyne MP</td>
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<tr>
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<td>Hon. Scott Morrison MP</td>
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<tr>
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<td>Senator the Hon. Mitch Fifield</td>
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<tr>
<td><strong>Minister for Human Services</strong></td>
<td>Senator the Hon. Marise Payne</td>
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<tr>
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<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<tr>
<td><strong>Minister for Industry and Science</strong></td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Industry and Science</strong></td>
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<td><strong>Minister for Defence</strong></td>
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The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 09:30, read prayers and made an acknowledgement of country.

DOCSUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

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

COMMITTEES

Select Committee on Health

Meeting

The Clerk: A notification has been lodged for the Select Committee on Health to hold a private meeting during the sitting of the Senate today, from 3 pm.

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

BILLS

Tax and Superannuation Laws Amendment (2015 Measures No. 4) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator SMITH (Western Australia) (09:31): Previously in my speech on the Tax and Superannuation Laws Amendment (2015 Measures No. 4) Bill 2015, I was reflecting on how the government was continuing with the previous Labor government's initiative, first announced in the 2013 federal budget. Of course, quickly after coming to government on 6 November 2013 the coalition government announced that it would also continue to enact this measure.

The government's decision to proceed with the increase to the small or lost members' superannuation account threshold is a sensible measure. I have no trouble saying that of course, and I am sure my colleagues on this side have no trouble in saying that. When the Labor Party puts forward a sensible idea—one that will modernise the economy and benefit consumers—the coalition is prepared to back it. What a shame, of course, that the reverse is not true. What a shame that those opposite have consistently and trenchantly fought this government's attempts to make sensible reforms to get the budget back under control and to pay down debt. What a pity that more recently the opposition has been engaged in a despicable campaign against the free trade agreement with China, a campaign designed and run at the behest of xenophobes within the CFMEU and other of the Labor Party's financial enablers. I make that point only in passing, but I think it is an important one on which to start the day.
The changes in this bill are complemented by the other measures that will reduce red tape for superannuation funds by removing redundant reporting obligations and by streamlining some of the lost and unclaimed superannuation administrative arrangements. These changes include updating the definition of 'uncontactable' to account for contemporary forms of member communication—for example, email or online communications; supporting eligible rollover funds proactively consolidating lost accounts; and allowing direct payments of lost super held by the ATO to persons with a terminal illness.

These changes will enhance the nation's superannuation system by making it easier for individuals to be reunited with their lost and unclaimed superannuation. That can only be a good thing. To the fullest extent possible, superannuation should benefit the people who earn the money, and it should not be a sneaky way for governments to raise revenue.

I know the Australian Taxation Office has made extensive efforts with regard to uniting Australian workers with their lost superannuation accounts through an online service, and I am sure those efforts will continue. It is an area where, quite frankly, I think superannuation funds should also be proactive, just from a customer service point of view. But of course, that is a discussion for another time and is outside the limited scope of this bill. However, the changes contained within the bill underscore the point that the coalition government is committed to ensuring that money Australians have saved for their retirement through superannuation is preserved and is available for their own use in retirement, rather than being depleted by account fees and charges. They are changes driven by a sense of fairness and improving the sustainability of the nation's taxation and superannuation structures. They are entirely consistent with the government's overarching economic approach and values, and I commend the bill to the Senate.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (09:35): I know how passionate and supportive Senator Smith is of these particular changes. He was able to sum those up very concisely.

But I am also a passionate supporter of these changes to our tax and superannuation laws—particularly laws to facilitate scrip-for-scrip rollover and assist firms that would like to merge. That is a very important part of our economy—to assist those aspects and also to help protect people with low balances in their superannuation accounts.

These are relatively small changes to our overall tax system, but they are important ones nonetheless. The coalition government is committed to fairness and sustainability in our tax and superannuation systems. We announced that we would deal with a backlog of tax measures when we came into government. Some of the decisions in this bill deal with decisions that were actually made by the previous Labor government. They were largely uncontroversial and ones that we were happy to support. But there was a very large backlog of measures that were there in our tax system which had not been dealt with when we came to government. So I applaud the government for bringing this forward and dealing with these issues.

This Tax and Superannuation Laws Amendment (2015 Measures No. 4) Bill 2015 incorporates changes that are covered in three schedules. The first schedule removes unintended consequences in the tax system, schedule 2 outlines protection for lost superannuation accounts with low balances and schedule 3 helps to ensure that everyone pays the right and correct amount of tax.
A large part of this bill ensures that our tax laws are robust and cannot be circumvented for an unfair personal or corporate gain. Of course, as situations change and new information comes to light our tax system should change accordingly. These amendments undertake tax changes that make our tax system fairer and more robust, and they are important integrity measures that will eliminate unintended consequences.

The overview of this bill incorporates three schedules, as I said. I will just expand a bit further on each of those. Schedule 1 includes improving the integrity of the scrip-for-scrip rollover provisions. These are provisions that tackle the tax treatment of equity transfers in a merger situation. Where two companies merge there is a potential transfer of equity ownership between the parties involved in the merger rather than a cash transfer per se. That, of course, makes it more difficult for the tax system to deal with those transfers. But we have laws to deal with scrip-for-scrip rollover issues at the moment, and these laws will help to improve the integrity of those processes in a merger situation.

Schedule 1 amends the scrip-for-scrip rollover rules to ensure they are better targeted and work as intended. The measure is an integrity measure which ensures that opportunities for entities to defer tax indefinitely are removed. Scrip-for-scrip rollover rules provide tax relief for certain merger and acquisition transactions. They apply where shares or interest in a company or trust are exchanged for similar shares or interests. A tax ordinarily payable at the time of the exchange is deferred until the new shares or interests are sold. This reduces the cost of takeovers and mergers, as the acquiring entity does not need to compensate the share or interest holders for tax that would otherwise be payable.

The rollover ensures that tax is not an impediment to merger and acquisition activity taking place in Australia. Merger and acquisition activity is an important element of a functioning capital market, and a functioning capital market is extremely important for our economic growth and development. Integrity rules in a scrip-for-scrip rollover prevent entities accessing the tax relief in some circumstances—generally where both the acquiring entity and the entity being acquired are controlled by the same person or group.

A recent court decision highlighted that these integrity rules are not operating as intended, and that they were able to be circumvented. This was done by temporarily suppressing the ownership rights of related parties through a fresh issue of instruments. This measure in this bill strengthens these rules to ensure that entities cannot inappropriately access tax relief through this structure. These strengthened rules will help protect integrity and apply to both companies and trusts. Further, the measure also changes the treatment of some acquisitions—so-called ‘downstream’ acquisitions—which involve the use of debt to reduce an amount of tax payable.

These amendments are required to ensure that the rollover cannot be inappropriately accessed, to overcome issues with the use of debt in some transactions and to ensure that the rules apply to both company and trust restructures. These amendments are narrowly targeted and will impact only those merger and acquisition transactions which inappropriately access rollover relief. As a result, they are not expected to make restructures more difficult in Australia.

The Treasury's corporate and international tax division have advised that this measure is not expected to impact small businesses at all. There is an unquantifiable but potentially large revenue protection associated with these amendments. That protection will depend on the
mergers that it does impact. They would be very difficult to estimate, because merger and acquisition activity goes up and down considerably and varies from year to year depending on the economic climate. But it is important to make sure that we keep the integrity of our tax system and build confidence that our tax system applies equally to everybody in our economy—companies, households, business that are merging—and this small measure will help to improve that integrity.

Schedule 2 of the bill is an amendment to incorporate the exemption of income earned in overseas employment. Schedule 2 will apply to those who are an Australian resident for income tax purposes while overseas. The measure removes an income tax exemption that is currently being accessed by Australian government employees who are posted overseas for more than 90 days to deliver official development assistance. The intent of this income tax exemption is to provide relief from double taxation, but it no longer has this effect. Instead, it now acts to provide a tax break for many Australians who are not liable to pay income tax on their foreign earnings in Australia or in the overseas country.

In the 2009-10 budget the former Labor government announced the tightening of the eligibility for this income tax exemption. This measure will go one step further by ensuring that all government employees who deliver official development assistance overseas are subject to Australian income tax on their pay and allowances. The change will take effect from 1 July 2016. This change will not affect the taxation arrangements for private sector aid workers or charity workers and it will not affect the Australian Defence Force and the Australian Federal Police. These groups will maintain their existing eligibility for an income tax exemption on income earned while working overseas. This particular measure was announced in last year's budget and expects to result in a gain to revenue of $6.7 million over the forward estimates.

We are lucky to have a tax system which generally works and a personal income tax system which applies in a progressive and in an overall fair way for most Australians. This income tax exemption was introduced for a valid reason—that is, to ensure that people who were working overseas were not taxed in the country that they were working in as well as in the country of their residence, Australia. But over time it has been highlighted that this tax exemption has become more of a tax break for certain Australians who travel overseas to work. It has particularly meant that government employees who claim this exemption have not been liable to pay income tax either in Australia or overseas. The practical effect is that some government employees are eligible for an income tax exemption on foreign earnings while others are liable to pay income tax. This bill will ensure that all government employees who deliver official development assistance are subject to Australian income tax on their pay and allowances. The amendment will take effect from 1 July next year and will standardise the tax treatment for government employees across the sector.

In the context of some of the controversy over the past year about the fairness of our tax system, largely involving large corporations, it is still important that we maintain the integrity of the system across individuals as well to ensure we all pay our fair share of tax, and this is a reasonable change that I hope will be supported.

Schedule 3 deals with small balances in superannuation accounts. It is important to first put some facts on the table about superannuation, particularly small superannuation balances that may be classified as lost. Under the current arrangements a super fund will not be considered
lost, even if it has a small balance, if the individual holding the account has confirmed their current address within the previous two years of membership, taken a positive action such as deferring a benefit in the fund, or contacted their superannuation provider and indicated that they wish to continue to be a member. The unclaimed super rules do not apply to amounts above the threshold or to self-managed super funds or defined benefit funds.

Superannuation is important to all Australians. We are living longer and we can expect, given current actuarial tables, that if we make it to the ripe old age of 65 we will probably have at least another 20 years on this planet. People need to plan for that eventuality, and our superannuation system helps them do that. We do not have a crystal ball to show what may happen in the future, but we need to have superannuation policies that allow people to retire and have some money to support themselves and not rely simply on a government pension. Most super funds have put together a retirement standard, which one could use to calculate how much one would need to live off in retirement, that takes into account the usual expenses for a retiree who owns their own home. This is why the coalition government has introduced tax and superannuation laws to assist people to increase their superannuation account balances and to make it more accountable.

It is important that Australians keep track of their super. Many Australians who have changed their name, address or job have lost track of some of their super. Having several super accounts means they are not maximising their super and are reducing their overall superannuation investment through multiple fees and charges. If you are in this situation, you can use the SuperSeeker search tool to find out the balances that you currently have and ensure that they do not become lost.

This final schedule of the bill deals with these lost small superannuation account balances. If they are inactive for a certain period of time, they will be transferred to the Australian Taxation Office. This measure was announced by the former Labor government in the 2013-14 budget, the last budget of that government. However, they did not pass legislation for this measure. On 6 November 2013, not long after the new government was elected, we announced that we would enact this measure as part of a broader suite of measures that were previously declared but unlegislated by the parliament.

Currently the law states that lost member super accounts with less than $2,000 must be transferred from superannuation funds to the ATO as unclaimed superannuation money. This measure will increase the $2,000 threshold in two phases—first, to $4,000 from 31 December 2015 and then to $6,000 from 31 December 2016. Lost super is a super account held by a super fund where the fund has lost contact with the member or the account has been idle for more than five years.

We know that when employees get into super about 70 per cent are members of the default fund offered by their employer. When people switch jobs they often end up with a new super account and fail to consolidate these existing accounts. As a result, many people end up with more superannuation accounts than they want or need. According to the ATO, 45 per cent of working Australians have more than one superannuation account. In many cases members are not even aware that they have lost super accounts.

For super accounts with smaller balances, the cost of fees and charges and insurance premiums can exceed investment returns. This can be particularly problematic for lost super accounts because, in most cases, the members are not aware that they have these accounts and
they can end up losing money that was meant for their retirement. Transferring lost super accounts with low balances to the ATO helps protect such accounts and preserves their value until they can be reunited with the member. The ATO does not charge any fees for maintaining these accounts. Individuals are able to reclaim their super money from the ATO at any time and are paid interest calculated in accordance with the consumer price index when they reclaim this money.

In the 2015-16 budget the government announced six measures that will reduce red tape for superannuation funds by removing redundant reporting obligations and by streamlining some of the lost and unclaimed superannuation administrative arrangements. These include updating the definition of 'uncontactable' to account for contemporary forms of member communication—for example, to include online communication; supporting eligible rollover funds; proactively consolidating lost accounts; and allowing direct payments of lost super accounts held by the ATO to persons with a terminal illness. These changes will make it easier for individuals to be reunited with their lost and unclaimed superannuation.

The ATO has a range of strategies in place which aim to reunite members with lost and unclaimed superannuation accounts and reduce the number of unnecessary and inactive accounts in the superannuation system. Some of the strategies are matching superannuation accounts to an individual, providing this information on an online portal, and proactively working with super funds to ensure that they have updated addresses and contact details for their lost members. The estimated total fiscal impact of this measure is $483.9 million over the forward estimates. These strategies are very important to make sure that people are kept in contact with, and that is why it was announced that we would continue these measures and would continue to improve transparency in our tax system.

I would also say that the issue of multiple superannuation accounts is one that the government has taken some action on since coming to government. We have made it easier for small businesses to have their superannuation forms consolidated and filled out by the Australian Taxation Office, not themselves. One of the issues with multiple superannuation accounts is that sometimes small businesses suffer under large amounts of red tape when they need to allocate their component of superannuation payments to different accounts. Now they can apply to the ATO so that the ATO will handle that amount of red tape. They simply have to transfer the appropriate superannuation guarantee amounts to the tax office, which will handle it from there.

I think that this can be built on in the future. I agree with Peter Strong from the Council of Small Business Australia that it is unusual and a little strange that each of us when we start a job—my first job was at McDonald’s—gets put in a superannuation account. As I said, more than 70 per cent of Australians just go with a default account. That is what I did at the time. And you end up with these small super accounts all over the place, connected to different employer superannuation funds. It is strange that a system that is meant to take into account my retirement and that of other Australians is handled so much by the employer, not me, so that the superannuation account depends on the employer you work for, not who you are and what your individual savings plan for your retirement might be. So, it seems to me to make a lot of sense that when an individual starts work they are perhaps put in a default fund, not necessarily connected to an employer. There are now MySuper accounts and other small and basic superannuation accounts that could perhaps serve that purpose. And then I, the
employee, would decide whether I wanted to change from that account at any particular time. Just because I moved after a year—I was not very good at flipping burgers; I did not get the sack, but I left McDonald's and went to work at a car wash—why should my superannuation change just by doing that? It should change only if I make the decision to change it, and there is no reason we could not have a system whereby you are in a default account at any particular time and if you want to change it is not about changing your job; it is about simply changing those details with the Australian Taxation Office.

And we could build on that system we have introduced to ensure that businesses themselves would therefore not have to be interfaced with the superannuation system. They can get back to their job, which is about providing a service, producing a product, and employing people, and all they then need to worry about is transferring the relevant superannuation amounts to the taxation office, which would then put them in the appropriate accounts according to what an individual wanted and needed.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (09:55): I would like to thank those senators who have contributed to this debate. This bill is part of the government's plan to modernise our tax and superannuation laws and remove laws that are no longer working or appropriate. Schedule 1 to this bill will help improve the operation of the scrip-for-scrip rollover rules where shares or interests in one entity are exchanged for similar shares or interests by ensuring that the integrity measures are better targeted. A recent decision in the full Federal Court of Australia highlighted that integrity measure in the rollover rules were not operating as intended and could be circumvented. It is important to ensure that a rollover is available only where it is appropriate—for instance, where an entity seeks to structure its affairs in such a way that tax is indefinitely deferred. Schedule 1 to this bill will amend the special integrity rules of the scrip-for-scrip rollover relief. These new rules will also apply to restructures involving trusts and will ensure that integrity rules cannot be avoided.

It is also important to ensure integrity in the personal income tax system. Schedule 2 to this bill will update the tax law to ensure that government employees who earn an income while delivering official development assistance overseas are subject to income tax on those earnings through the Australian personal income tax system. This income tax exemption was introduced to protect against the double taxation of income, but the operation of intergovernmental tax agreements now effectively means that some Australians are able to avoid paying income tax in both Australia and the overseas country. This bill will remove an unintended consequence in the personal income taxation system and make the system fairer by ensuring that some people are not able to obtain an inappropriate tax exemption. Defence and police personnel as well as private sector and charity workers delivering official development assistance overseas will maintain that current eligibility for the income tax exemption.

The final amendment presented in this bill will help to ensure that lost member superannuation accounts with smaller balances are not eroded by fees, charges and insurance premiums. In general, lost super is a super account held by a super fund where the fund has lost contact with the member or the account has been idle for more than five years. Small lost accounts must be transferred to the ATO as unclaimed money. Transferring lost super accounts with low balances to the ATO helps protect such accounts from fee erosion and
preserves their value until they can be reunited with the member. Individuals are able to reclaim this super money from the ATO at any time and are paid interest. Presently, lost member super accounts with less than $2,000 must be transferred from funds to the ATO as unclaimed superannuation money. This bill will increase the $2,000 threshold in two phases: first, to $4,000 from 31 December 2015, and then to $6,000 from 31 December 2016. These changes will help ensure that small lost member super account balances remain available to improve retirement incomes. It is only fair that this money is preserved for its original purpose, and that is of course to benefit members in retirement.

This bill makes Australia's tax and superannuation laws more modern and robust by removing or amending provisions that are no longer appropriate or no longer have the intended effect. I commend this bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator RHIANNON (New South Wales) (09:59): Mr Chair, I draw your attention to the Greens' second amendment on sheet 7763, on schedule 2. It is the significant amendment here, and so I suggest that it be dealt with first. The Greens oppose schedule 2 in the following terms:

(2) Schedule 2, page 8 (lines 1 to 11), to be opposed.

This is an issue that I did cover in the second reading debate. It addresses the issue of overseas employment. Effectively, it would remove the exemption for some, but not all, overseas employees. This is where I do request clarification from the minister, because from my reading of the bill the tax exemptions would be retained for workers in private NGOs, the Australian Federal Police and the military. While the Greens can see merit in having consistency in our tax laws, why is there this inconsistency in this piece of legislation?

When you look at it it looks as though this is just one small aspect, but it appears that it could be quite significant. It certainly looks as though it is buried in there, that we have this measure that really does create a two-tier system. It penalises workers who choose to work for the government in delivering overseas development assistance. And this is my direct question that I put to the minister: is it the case that workers in private NGOs, the Australian Federal Police and the military will retain their tax exemption status? And why should not all government employees, or all employees who are working under overseas development systems, be treated in the same way?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (10:01): Thank you, Senator Rhiannon, for the question. I am instructed that in relation to your question, Australian Defence Force and Australian Federal Police personnel access an income tax exemption under a different provision in the income tax law, and that provision will not be affected by this amendment. I am also advised that DFAT has recently made administrative amendments to exclude their employees from accessing an income tax exemption on income earned in delivering ODA overseas. DFAT has clarified this position via an ATO private ruling.
As a result, this amendment is not expected to affect DFAT staff as they are already ineligible for the exemption. This change puts public service staff who deliver overseas development assistance on the same footing. I will just see if there are any further instructions or advice that I can get from the Treasury officials. No—thank you, Senator Rhiannon.

**Senator RHIANNON** (New South Wales) (10:03): Thank you, Minister. I would still seek further clarification, because from my reading and interpretation of the bill there is a different provision, as you have explained, for certain people in DFAT, the Australian Federal Police and the military. I understand that the Australian Federal Police and the military are separate, but I do just want that clarification about DFAT.

From my reading of the legislation there seems to be a two-tier system here. There is one for the private NGOs, for whom the tax exemption is being retained. I assume that is what you just explained when you talked about DFAT having a private ruling from the ATO—that DFAT workers, who are not private NGOs but who are already workers who come under overseas development assistance, do not come under this tax exemption and they lose out. So, I still understand that it is a two-tier system for DFAT people with regard to ODA, depending on whether they are employed by the government or not. That is what I am trying to get clarified.

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (10:05): Senator Rhiannon, my instructions are that, in relation to the private NGOs, as you have outlined, the tax exemption is being retained. In relation to staff who are currently employed by DFAT, they are already ineligible for the exemption. So, again, what this change is doing is putting the Public Service staff who deliver overseas development assistance on the same footing.

**Senator RHIANNON** (New South Wales) (10:05): You have confirmed that the private NGOs retain the exemption. I understood you to say that the others who come under ODA are ineligible for the exemption, but did they previously receive the exemption?

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (10:06): I am instructed that if there was a Treasury person previously delivering ODA they will not be eligible after this bill goes through.

**Senator RHIANNON** (New South Wales) (10:06): I was talking about before the bill goes through; that is what I am trying to clarify. I understand from reading the legislation that the situation has changed for a certain group of workers, irrespective of whether they are from Treasury, who come under ODA when they are working overseas. That is what I am trying to clarify.

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (10:07): I am instructed that the answer is yes. I can provide you with some additional information about who accesses the income tax exemption for ODA work overseas. In 2011-12, there were around 600 employees claiming the income tax exemption for delivering ODA overseas. Of these, about 25 per cent were Australian Public Service employees, with the remainder being employed by the private sector, mainly employees of private contracting firms that deliver ODA through government contracts. Around 55 per cent of the Australian Public Service employees who
accessed the ODA provision in 2011-12 were employed by AusAID, which is now, of course, part of DFAT.

Senator RHIANNON (New South Wales) (10:07): Minister, you said yes there. I understand that we have this two-tier system. Can you explain why everybody—I am leaving out the AFP and the military; you have explained about that—under ODA has not been treated in the same way?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (10:08): Senator Rhiannon, I can only advise that the effect of the bill—the change—is to put Public Service staff who deliver overseas development assistance on the same footing. I am very pleased, though, that we have the support of the opposition in relation to this bill.

Senator KIM CARR (Victoria) (10:09): I will just indicate that Labor will be opposing the Greens amendment on sheet 7763. As Senator Cameron stated in his second reading debate speech on behalf of the Labor Party, schedule 2 is the exemption of income earned in overseas employment.

The opposition supports this bill's efforts to boost the integrity of our personal tax system by standardising the tax treatment for workers delivering overseas development assistance. This integrity measure improves the consistency of our personal income tax system by upholding the principle that Australians should pay tax on their earnings somewhere.

As a general rule, Australian resident individuals are taxed on their worldwide income through the Australian personal income tax system; however, under the current law all employees of an Australian government agency who work overseas for at least 91 continuous days delivering official development assistance are exempt from the payment of income tax on the income they have earned while overseas. This provision was originally introduced to provide relief from double taxation—that is, in terms of liabilities in both Australia and the source country—however, the provision no longer serves this purpose, with Australians working overseas often able to avoid income tax in both jurisdictions. As such this measure unifies the tax treatment of all Australian government agency employees by subjecting their income derived in the delivery of ODA overseas to Australian income tax.

Notably, Australian Defence Force personnel, Australian Federal Police personnel and individuals delivering official development assistance for a charity or a private sector contracting firm will still maintain eligibility for the exemption, despite these changes.

Senator RHIANNON (New South Wales) (10:11): In response to Senator Carr's remarks I want to put on the record, as I did yesterday in my speech during the second reading debate, that the Greens also support a standardised consistent tax system and obviously people and corporations paying their fair share of tax. This is precisely why we have raised our objection to schedule 2—because we do not have that here. I will not repeat the arguments in detail, but when it comes to ODA there is a two-tier system. It needs to be put on the record again that the AFP, military and some private NGOs who receive ODA are exempt so we do not have a standardised system. There is an inconsistency within one category that has been brought to our attention.

The TEMPORARY CHAIRMAN (Senator Smith): The question is that schedule 2 stand as printed.
The committee divided. [10:17]
(The Temporary Chairman—Senator Smith)

Ayes ......................33
Noes ......................9
Majority.................24

AYES

Back, CJ
Bullock, JW
Cameron, DN
Carr, KJ
Edwards, S
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Lines, S
Macdonald, ID
McGrath, J
McLucas, J
Muir, R
Peris, N
Ruston, A
Smith, D
Wang, Z

Brandis, GH
Bushby, DC
Canavan, MJ (teller)
Day, RJ
Fawcett, DJ
Gallagher, KR
Lazarus, GP
Lindgren, JM
Ludwig, JW
McEwen, A
McKenzie, B
Moore, CM
O'Neill, DM
Reynolds, L
Sinodinos, A
Sterle, G

NOES

Di Natale, R
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

Hanson-Young, SC
McKim, NJ
Rice, J
Waters, LJ

Question agreed to.

The TEMPORARY CHAIRMAN (10:19): The result of that vote means that Senator Rhiannon is no longer required to move her first amendment. Is that correct, Senator Rhiannon?

Senator RHIANNON (New South Wales) (10:19): Yes.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (10:20): I move:

That this bill be now read a third time.

Question agreed to.

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

Senator BACK (Western Australia) (10:21): I am deeply disappointed that Senator Ludwig is not here in the chamber to conclude the 2½ minutes that he had left in his time, because we all enjoyed a lesson in industrial history. I was not aware whether Senator Ludwig was actually talking about industrial history, because at one stage there I thought he was going to start talking about the Mudginberri meat dispute back in earlier times. The information that he gave us was honestly far better consigned to history than it was to modern understanding, because the purpose of this Fair Work Amendment Bill 2014 is of course to deliver not only on key aspects of the coalition's election policy—and let me assure you, going not one word further than the policy commitments in 2013—but indeed also on issues such as union workplace access, individual flexibility arrangements and the removal of the ability to strike first and talk later. You would not believe it, Mr Acting Deputy President, but this amendment is actually delivering on specific policy promises made by the Labor Party prior to the 2007 election which, after becoming elected and under the pressure of their union bosses, they conveniently broke and left to one side. So, we are really doing the uncompleted work of the Labor Party in 2007. These amendments will give effect to a number of commitments in our policies. They will restore balance to the system, and I will explain why that is so beneficial for employees, for the economy and, of course, for business generally.

What will they do? First of all, we will improve through this amendment the process of negotiating greenfield agreements, to open up and allow encouragement for further business development and project completion in this country. This will ensure that the unions can no longer frustrate the bargaining process for these agreements through unsustainable and unreasonable claims and delays which, as we know, not only threaten investment but delay the onset of new projects and put workers' roles, permanency and opportunities at risk.

The second thing that we will do through these amendments is restore workplace access rules which in fact reflect those put in place by Labor themselves at the time they were putting their policy position together for the 2007 election, and dealing with what we know to be—and I will explain it in greater detail—the excessive right of entry visits by union officials on work sites. As you and I know, Mr Acting Deputy President, there are no better examples of this than in our home state of Western Australia, the engine room of the Australian economy.

Thirdly, we will improve workplace productivity and flexibility by enhancing the scope for employees to make individual flexibility arrangements that meet their needs as they determine, in accordance with Labor policy which Labor themselves have now turned their backs on.

We will also close the strike-first-and-talk-later loophole in good faith bargaining, which Labor refused to address after successive leaders of their party stated openly that they would ensure that did not happen. And we will maintain the value of unclaimed wages recovered for workers by the Commonwealth. Why are all these good measures available at this time during this country's economic drive for improved growth and improved employment? Because each
of them will improve business confidence. As we know, when business confidence improves, investment confidence flows and, when investment confidence flows, we know that there are increased employment opportunities and, therefore, job security. That is what we are all about. This bill enacts a number of the recommendations from the Fair Work review panel of 2012, which was commissioned by the now Leader of the Labor Party in this place, Mr Shorten, before he was rolled by his unelected union bosses.

In relation to union workplace access, the scenario we will address is the imbalance that now exists. We will recreate that balance, and we will balance the right of employees to be represented in their workplace,—get this—if they want to be, with the right of employers to go about their business activity without disruption. In 2007 the Labor Party promised, on multiple occasions, that there would be no changes to union right-of-entry laws. The then Deputy Leader of the Opposition, Ms Gillard, made this statement:

We will make sure that current right of entry provisions stay. We understand that entering on the premises of an employer needs to happen in an orderly way. We will keep the right of entry provisions.

It has now been reversed. What do we now have? A scenario in which unions can actually walk into workplaces, even if there are no members of their union amongst employees, and even if their presence has not been sought by workers. I have a couple of examples of abuse that you and I are well aware of. They were highlighted, incidentally, by the review panel commissioned by none other than Mr Shorten. There was the Pluto project by Woodside on the North West Shelf where 200 right-of-entry visits were demanded in a 90-day period. That is better than two a day on the Pluto project. A second example was when the BHP Billiton Worsley Alumina plant faced 676 right-of-entry visits by unions, uninvited, in a one-year period, which was better than one a day.

I do not need to read out the quotations of Mr Joe McDonald because the terms he used are unparliamentary and, of course, you will have no trouble understanding what they were. The union, the CFMEU, of which Mr McDonald was an executive member, was fined $194,000 in the Western Australian court in relation to Citic Pacific's Sino iron ore project at Cape Lambert. He said in regard to right-of-entry permits:

I haven't had one for seven years and that hasn't—
I pause for the omitted words—
stopped me.

That is the sort of attitude that Mr McDonald and those like him have to the court system in our country.

When we speak of eligibility it is entirely reasonable that, if members of the workforce are represented by a union or there are individuals who want to have union representation, then they should be able to do so. Under those circumstances the bill will provide that a union will be only entitled to enter a workplace for discussion purposes if they are covered by an enterprise agreement, or if they have been invited by a member or an employee they are entitled to represent. That was Labor policy, and I think it is entirely reasonable. What has happened is that, of course, we have once again had a circumstance in which the union bosses, the unelected bosses, have dominated the decisions and the attitudes of their parliamentary elected representatives on the other side of this chamber.
I have referred to frequency of disputes already, which are disputes about excessive right-of-entry visits for discussion purposes. These amendments will remove the restriction to ensure that the Fair Work Commission has the power to properly deal with excessive right-of-entry visits by suspending, revoking or imposing conditions on an entry permit. In addition the amendments will provide that the Fair Work Commission can take into account the combined impact of visits by all unions to a workplace, reflecting a circumstance in which an employer is subjected to multiple union visits.

The other point which has been a subject of great contention, particularly in our state with offshore and remote mining site operations, is the whole question of expanded rights of unions to enter uninvited, and particularly the so-called lunch room invasions. Why is such a provision unfair? In the case of offshore operations there are specific requirements and training required for personnel going in helicopters to the offshore rigs. There are limited seating opportunities. There is the need to provide accommodation on a rig. More to the point, if the only place on a rig that can be provided is a lunch room, why should workers on that rig who have no interest in participating in some sort of harangue from an elected union official be subjected to that while they are having their recreation and their lunch? I make the point that 87 per cent of private sector workers in this country are not members of unions. To those of us who travel to remote locations, be they offshore or remote mine sites, the solution is obvious. Everybody gathers at the airport in advance of travelling to these locations. If indeed workers are keen to receive a visit by a union representative, the opportunity is there. The union official does not have to leave the city. They can just drive to the airport and conduct that meeting in advance of an aircraft leaving to go to a mine site or rig site. That whole question will be addressed in the amendments. We will give effect to the Labor Party's own commitments prior to the 2007 election.

The second area I wish to address is that of greenfields agreements. The best example I can give is the current dispute, which may temporarily have been resolved now, with the Gorgon project on Barrow Island, offshore of the Pilbara, in Western Australia. Several of us—including Senator Lines, Senator Sterle, Mr O'Connor, Mr Marles, Western Australian Labor leader Mr McGowan and, I think, the member for Perth—only three or four weeks ago were invited by Chevron to fly up to Barrow Island to visit the Gorgon site and then go to Wheatstone to have a look at that one. Gorgon is 95 per cent completed. The first gas train—the first of three—is due to deliver gas for export by the end of this year. It is and has been a phenomenal project—$53 billion, Chevron being the main partner. Wheatstone, a lesser project—$37 billion—is about 60 to 65 per cent complete. My recollection—I may be corrected—is that at the moment there are 8,700 workers on the project on Barrow Island and about 3,500 on the other one. Since we visited—since we were given the opportunity to look at every aspect, to talk to workers, to see where they resided, to eat in the same mess and to see the work they are doing—we have had a circumstance of threatened strikes. There are three gas trains under construction at the moment at Gorgon on Barrow but there is the capacity for a fourth and a fifth. So why, in heaven's name, would anyone who might be trying to influence decisions in Houston for investment in a subsequent fourth and fifth train do that? Why would people go on strike and threaten the integrity and the completion dates of the first, followed by the second, followed by the third train? I did not hear any of my Labor colleagues, all of whom I believe appreciated and enjoyed our recent visit, publicly make the obvious point that these people were putting at risk not only the completion of that project but
also the future decision by that company to continue investing. When I was at Barrow Island the other day I did not see any brick wall around the island. I did not have anybody say to me, 'I find these conditions of employment to be untenable but I am in some way padlocked to working here.' This makes the point that projects of this nature have to become the subject of greenfields agreements. At the beginning of the project, at the MOU stage when you get a company making a decision to proceed, they can sit down with the unions who represent those who will be working on the project and say, 'For the purposes and the length of this project, this is what we all agree will be the terms and conditions of employment.'

I will give another example of what I am talking about. I had a representation from one of the unions involved in the shipbuilding industry at Henderson in Western Australia. Those of us who are from WA need to remind the rest of the country that we have a very active shipbuilding industry in southern Western Australia and that Austal shipping, which is represented there, through its operations in Mobile Alabama builds 15 per cent of the tonnage of the American navy. So we are not inexpert. These people came to me to seek my support in relation to new projects for the shipyard where they worked. I said, 'This is absolutely fantastic. What projects are to be bid on?' One was a replacement for the Aurora Australis and there were others. I said, 'That's great. There's going to be tremendous competition if and when such a contract is advertised for tender. There'll be Singaporean shipyards, Malaysian yards, Chinese and Korean yards and eastern Australian yards. Can you guarantee to me that you can come forward with a confirmation that you can take to your employers to say that in going to bid on that project you will agree in a greenfields fashion to a set of industrial conditions upon which the employer can then do their figures to put in a competitive bid?' I said, 'If you can do that, you will certainly get my support in terms of anything I can do through government, through the company itself, to encourage them to put in the bid.' They could not.

We operate in an international market and therefore I make the point very strongly that greenfields agreements are absolutely critical if we are going to attract new investment in new projects and at the same time end up with perfectly reasonable negotiated settlements between employers and employees, through their unions if necessary, in advance so that everyone knows what is going on. Unless and until we can get to that circumstance, it begs the question: do these unions actually want to see new investments for new projects, for new employment, for new growth in our country?

The greenfields agreements in these amendments will provide the opportunity to ensure that employers and unions will be required to attend and participate in meetings with each other and to consider and respond to each other's proposals in a timely manner, and it provides the circumstance in which there will be a three-month negotiating time frame after which the parties are able to go to the Fair Work Commission for approval. In an intelligent, modern economy where we have intense competition around the world for the flow of capital, for the flow of projects, surely these sorts of provisions are what we need to be fixing.

The fixing of the strike first talk later loophole simply honours the commitment of the then leader of the Labor opposition, Mr Rudd, in his speech to the National Press Club on 17 April 2007:

… industrial disputes are serious. They hurt workers, they hurt businesses, they can hurt families and communities and they certainly hurt the economy.
He went on to say that employees ‘will not be able to strike unless there has been genuine good faith bargaining’. Of course we know that all that was thrown out by the Labor Party when they came into government, and we now do have the strike first process. It has to be reversed. There has surely in any circumstance got to be an undertaking by the parties to negotiate in good faith and then only if they have been unable to resolve the issue do they move towards the industrial action that they have the right to take. To strike first and talk later is unacceptable, and it detracts from business confidence. It detracts from the opportunity for investment by banks or by others.

The amendments concerning individual flexibility arrangements are designed to expand what the Labor Party brought in as their own policies—they were their initiatives. They are an important tool; they were introduced by Labor to enable workers and their employers to mutually agree on conditions that suit their needs while ensuring that employees are better off overall compared to the underpinning employment instrument. I urgently request that those on the other side honour their own commitments going into earlier elections and I hope that those on the crossbenches, including the Greens, see the benefit to employees, to their job security, and to the wider community.

Senator LINES (Western Australia) (10:41): Boy oh boy—the ignorance of those opposite is well and truly on display today in this debate on the Fair Work Amendment Bill 2014, as is their hatred of Australian unions and workers. Their ignorance of our fair work laws and how you bargain in this country is staggering given that they are proposing a bill that will take us back to a Work Choices environment. Let me put the truth on the table about Chevron. Their enterprise agreement was up for renewal. Senator Back implied that once you sign an enterprise agreement that is it for ever and ever and that somehow the unions were being irresponsible. That agreement at Chevron was up for renegotiation. What Senator Back did not say was that on FIFO sites in Western Australia we have very high rates of suicide, and why is that? Because the shift patterns on Western Australian sites are unacceptable. At Chevron, those workers work 26 days straight—26 days of 12-hour shifts, and then they get nine days off. Because Chevron is quite a way from their home base, they will lose a day travelling there and back. That is what the workers were threatening industrial action over at Chevron—they wanted fairer shift rosters.

When I went to Chevron I raised that with the general manager and said that the shifts he was operating at Barrow Island and Wheatstone were not acceptable to the Australian community and were certainly not acceptable in the mining and resource environment. I am very pleased to say that Chevron have seen the light on that, and they will go to a two-week working cycle followed by a period of time off. It is not everything the unions wanted but it is a negotiation and they have reached a fair deal. We will no longer see 26 days of 12 hours a day in summer, when it is 44 degrees on Barrow Island, being worked. That is the bit that Senator Back failed to mention this morning—that it is a negotiated settlement. Of course in this country we accept a worker's right to strike, and I would like to ask the government if they think workers have a right to strike because obviously they think they do not. Nothing being played out at Chevron was against the fair work laws and workers were exercising their absolute right during a bargaining period to bargain for something better. Those workers were prepared to forgo a bigger wage increase to get a fair deal on rosters, to try to cut down the suicides we were seeing on the FIFO sites.
The other point that Senator Back did not talk about was the double bunking that is going on at Chevron, which is completely unacceptable. Of course, he also did not mention the tax minimisation that Chevron are involved in where millions of dollars are being held overseas and not paid properly in Australia. But that is not something that you will hear the Turnbull government talk about because they are their mates and, wherever possible, they absolutely want them to come into Australia and minimise the benefits to the Australian community at large. Quite clearly, Chevron are minimising the tax that they pay in this country and, seemingly, neither the Abbott government nor the Turnbull government was prepared to do anything about that.

You will also hear and we heard today in the debate on this Fair Work Amendment Bill, which obviously Labor opposes, government senator after government senator claim this bill simply picks up recommendations made by the review that Labor undertook under the Fair Work Act, which reported in 2012. Of course, what we know about the Turnbull government is that the devil is in the detail and it is the detail that needs to be carefully examined because that is where the Turnbull government deviates quite remarkably from the recommendations in Labor's review. Make no mistake: this is Work Choices by stealth.

Yesterday we had the NATSEM report come out and say that, for low-income workers and low-income families in Australia, the future is bleak. Make no mistake: if this Fair Work Amendment Bill gets up, it will enable a race to the bottom in terms of wages through the IFAs proposed in the legislation. I have lived and breathed it under legislation introduced by other conservative governments and that is what we will see: workers will be worse off under this legislation. No ifs, no buts—they absolutely will.

The Turnbull government's changes are squarely aimed at disadvantaging workers and their unions. This bill is stacked squarely in favour of employers. It is anti worker and it is anti union. Of course, that would be of no surprise to anyone that the Turnbull government, with their tea party ideology and agenda, are anti worker and anti union. They might have changed their leader, they might have put a bit of sugar on the top but, whether all of those ministers opposite remain ministers or go on to the backbench, they will not have an epiphany and suddenly embrace workers and unions. Their tea-party ideology will continue because that is at the core of who they are.

Whether it is destroying good jobs with good pay, whether it is the witch-hunt royal commission, headed by a royal commissioner who should be sacked, or whether it is their constant attack under parliamentary privilege on unions, the government show themselves to be anti worker and anti union.

The bill is also a showcase of yet another broken promise, a betrayal of trust to the Australian people both before the election and, indeed, again when introducing the bill. This government, the Turnbull government, promised that, when proposing amendments to the Fair Work Act, those amendments would not go any further than its pre-election promises and that it would implement specific recommendations directly from Labor's 2012 Fair Work review.

The facts of the matter are now before the Senate and the Australian public. It is absolutely clear this bill goes way beyond both the Abbott government's pre-election promise and now the Turnbull government's commitment to continue with this unfair Work Choices bill. And it goes way beyond Labor's Fair Work review. The government has clearly overstepped its
election promises in a way which absolutely advantages employers, particularly in relation to individual flexibility agreements, greenfields agreements and the right-of-entry proposals.

Even on its most basic promise, to implement recommendations from the 2012 Fair Work review without change, the Turnbull government cannot be trusted. Instead, the government is putting its own flexibility flair on Fair Work recommendations, while trying to pass them off as somehow original. Make no mistake: if this bill passes the parliament, workers will be worse off and those responsible will be the anti worker, anti union, anti good jobs Turnbull government.

I want to start with individual flexibility agreements, IFAs. This bill takes them much further than the 2012 Fair Work review and, in doing that, the Turnbull government disadvantages workers and advantages employers. The 2012 review said that in relation to IFAs recommendation 9 stated that the 'better off overall test' in the Fair Work Act:

... be amended to expressly permit an IFA to confer a non-monetary benefit on an employee in exchange for a monetary benefit, provided that the value of the monetary benefit foregone—here is the devil in the detail—is specified in writing and is relatively insignificant, and the value of the non-monetary benefit is proportionate.

This bill before us and the Bills Digest state that this recommendation would 'provide more protection for employees by inclusion of the qualifier'—the very qualifier that was in Labor's review—'that the monetary benefit forgone must be relatively insignificant'.

The government instead states in its explanatory memorandum in relation to an IFA that an employee may forgo penalty rates. I know that those opposite do not care too much for penalty rates and most of them want to see penalty rates disappear. But you could hardly describe a penalty rate as insignificant. In the government's explanatory memorandum it states that you can forgo penalty rates in exchange for flexible hours. That could hardly be described as insignificant. Again, the devil is in the detail.

Further, in relation to IFAs there is no protection for employees and absolute protection for employers. This is how the government proposes that an IFA should work and this is how it will be abused by employers. All the employer has to do—and this is what will happen—is write up a genuine needs statement and the employee, of course, will sign it. That is the first step complied with. If you are a low-paid aged-care worker, a low-paid cleaner or a low-paid hospitality worker, with 6.5 per cent unemployment and with record levels of youth unemployment, you will sign that genuine needs statement because you need the job.

Anyone in this place who thinks that workplaces are even playing fields are just, once again, showing their ignorance. In an aged care facility, a childcare centre, a cafe, a factory or the cleaning industry, the boss holds the power, because it is implied that if you do not sign that so-called genuine needs statement then you can go find work somewhere else. And all of this is against the backdrop of the Turnbull government's record high unemployment.

Wait for it: it is the employees themselves who are not in a position to judge, but those opposite state that the genuine needs statement somehow meets some better overall test. It is all down to the employee, because the boss is standing over them, there is a queue of other workers out there waiting to take their place, and they say, 'Sign or resign.' We have seen all of this before under Work Choices. But wait, there is more: the Turnbull government go
further and provide complete protection from liability for an employer from contravention of a flexible term of a modern award in relation to a particular IFA. They have lined up with the bosses and said: 'Don't worry. We'll look after you. Just trust us.' What is the test? It is just where the employer reasonably believes the requirements of the term were complied with. How easy is that? The boss says, 'I thought it was all okay. I did not realise.' That is okay, 'You can have whatever sort of IFA you want because that is the only test.' What a disgrace! That is a massive departure from what Labor's review recommended.

These IFAs will apply across all Australian workplaces as its intended they will apply to awards and enterprise agreements; they will apply to 15-year-old kids. This gives complete protection from liability for the employer. This is outrageous, particularly when it comes on the heels of the shocking exploitation of visa workers that we have seen at Baiada chicken farms, at 7-Eleven, at United Petroleum and at Australia Post—and on and on it goes. The Turnbull government have been completely inept in terms of dealing with these scams, scams which rip workers off. These IFAs will give the employer cart blanche to exploit and rip off vulnerable Australian workers. But we know in this place that the Turnbull government do not stand for good jobs and good pay. They do not. Labor stands for good jobs, good pay and fair workplaces—yes, with flexibility, of course; but at the heart of our policies is the issue of fairness. These IFAs are a complete take from Western Australia's harsh laws. Just as WorkChoices took the job of the Prime Minister in a previous Liberal government, the same harsh work laws in Western Australia rolled, in the end, the Court Liberal government because Australians want a fair go. At the heart of what we stand for, as Australians, is a fair go.

Greenfields agreements are another broken promise—another sneaky deviation from the Fair Work review of 2012. A greenfields agreement is an agreement which covers a whole workplace, a new workplace. The 2012 review recommended that good faith bargaining provisions—obviously something the Turnbull government does not believe in—be applied to a greenfields agreement. Good faith bargaining provisions go to: attending and participating in meetings; disclosing relevant information in a timely manner; responding to proposals made by other bargaining representatives, in a timely manner; giving genuine consideration to proposals; refraining from unfair conduct that undermines freedom of association or collective bargaining; and recognising and bargaining with the other bargaining representatives in the agreement. Those provisions, which Labor recommended should be part of greenfields agreements, were simply tossed aside. Once again, the Turnbull government has given all of the advantage to employers. The new provisions—which, make no mistake, were not part of the 2012 review—are that these greenfields agreements can be time bound and that, after just three months, with very few checks the employer can simply apply to the Fair Work Commission to have agreements ratified. Again, this will be abused by some employers who want to put together an inferior deal, a deal below their competitors and a deal which takes away industry conditions and standards; all they have to do is wait awhile.

I have participated in enterprise bargaining hundreds of times. I can tell you that it is quite common in the first instance for an employer to rock up and put a zero wage offer on the table—zero wage increases but taking away conditions. In fact, we have seen that in the public sector with the deal on offer by the Turnbull government to Australia's hardworking public servants. Of course, it takes time. It is very easy for an employer to simply fritter away 12 weeks and then say that the union is being unreasonable. Then off they will go and they
will get their deal imposed. Make no mistake: we will see a breaking down of industry conditions of employment under this kind of greenfields arrangement.

We would expect nothing else: of course, there comes a direct attack on the rights to be represented by a trade union. This bill proposes to radically change the right of a union to enter a workplace. I heard before Senator Back making this ridiculous claim that unions should go out to airports to meet with people. For goodness sake! Again, it demonstrates the ignorance of those opposite about how workplaces operate. It is the right of a union to go into a workplace. It is the right of people to belong to a trade union. What do they have to fear from that? Thousands and thousands of workplaces every day get a visit from a union official, and most of that is fine. Imagine standing at an airport. What a ridiculous suggestion! Again, those opposite are showing their Tea Party ideology of absolutely hating trade unions.

As a Western Australian Labor senator, I have seen all this before under the Court Liberal government in WA. They thought they could kill off unions by restricting right of entry. We have seen all this before. It did not work. They did not kill off trade unions. But do you know what? Workers killed off the Court government, because workers said, 'We want a fair deal in the workplace.'

Again, federally, we saw with Work Choices the Howard government try and kill off unions. What happened? Workers killed off a Prime Minister—that is what happened—and they changed the government. Workers in Australian stand for a fair go—a fair go at work; an even playing field. None of this bill—not one ounce of this bill—is about that. It is about redistributing the balance all in favour of the employers. This attack on right of entry demonstrates their Tea Party ideology—the hatred of the unions.

Unions are a collective of workers who come together to improve their wages and conditions. Workers value unions. Workers understand that when you are in a trade union your wages are higher, your workplace is fairer and you act collectively on behalf of all who work in your workplace and your industry. Decent bosses value unions too, because decent bosses want a fair workplace. They want to work cooperatively with a union. So once again, this is Work Choices by stealth. Workers will not stand for it and they will not stand for a government who promotes it.

Senator MUJR (Victoria) (11:01): I rise to make a contribution to the Fair Work Amendment Bill 2014. These amendments are designed to respond to a number of outstanding recommendations from the Fair Work Act Review in 2012 and to implement part of the coalition's 2013 election commitments. The more substantive amendments concern greenfield agreements, union right of entry and individual flexibility arrangements in modern awards and enterprise agreements.

I will say at the outset that I do not support this bill in its current form. I do, however, want to put on the record that I think some improvements can be made to the Fair Work Act, which is why I am supporting the second reading in order to debate the amendments that have been circulated.

A lot of the correspondence that my office has received relates to the amendments to individual flexibility arrangements, or IFAs, which were introduced in 2009. An IFA is a written agreement used by an employer and an employee to change the effect of certain clauses to their award or registered agreement. It is used to make alternative arrangements that
suit the needs of the employer and employee. At page 106 of the 2012 review report, the panel noted:

Many employers submitted that a return to statutory individual agreements is essential to meet their concerns about achieving individual flexibilities in the workplace. Similarly, many unions submitted that IFAs should not be part of the Fair Work system. We are not persuaded by either of these submissions. The impact of statutory individual agreements was perceived to be a major problem with Work Choices. The FW Act specifically sought to address this. The FW Act, however, carried the concurrent objective of providing for individual flexibilities. IFAs were intended to provide these individual flexibilities while maintaining protections for employees. We have therefore considered the operation of IFAs with these two key objectives in mind.

The submissions we received indicated that neither employers nor unions are happy with present arrangements concerning IFAs in agreements.

It seems, then, that there needs to be some tweaking to how IFAs operate in today's workplace, but as legislators we need to tread very carefully.

I have been a low-paid worker and I know what it is like to live from one pay to the next. I cannot and will not support any amendments to the current IFA agreements where there is a risk that unsuspecting employees will lose benefits or will be worse off. I note that the employee must be better off overall and that the employees cannot be forced into signing an IFA, but I am concerned that there are not sufficient safeguards to protect vulnerable workers who may be taken advantage of.

In addition to these concerns, there are two recommendations from the 2012 review in relation to the IFAs that are absent. One was the omission of the words: 'relatively insignificant, and the value of the non-monetary benefit is proportionate'. This has attracted criticism from the opposition and the ACTU as it acts as a safeguard to ensure that, if a monetary benefit is being traded away, the value of that benefit must be relatively insignificant and proportionate in value. The other omission relates to the IFA being lodged with the Fair Work Ombudsman. These omissions are concerning and why I am moving an amendment to oppose part 4 of this bill. I will also be moving an amendment to oppose parts 2, 3, 4, 6, 8 and 9 of the bill.

I would like to speak about the issues surrounding greenfield agreements and examine what the Fair Work Act Review Panel said in 2012. Many employers submitted to the review that there needed to be some form of determination or arbitration by Fair Work Australia, as it was then, in respect of greenfield agreements. The ACTU, in response to these submissions, suggested that this approach would not be consistent with international obligations for minimal interference in collective bargaining or the objects of the Fair Work Act. The ACTU make a very good point. Collective bargaining is viewed as a fundamental human right under international law by the United Nations and the International Labour Organization, and any reform that may have a negative impact on collective bargaining must be scrutinised closely.

At a minimum, I believe that the good faith bargaining requirements should apply to negotiations for greenfield agreements and I find it hard to believe that this requirement was not there in the first place—I find it very hard to believe. The most contentious issue, and it is one that I have discussed widely with my crossbench colleagues, relates to recommendation 30 of the Fair Work Act Review Panel, which is as follows:
The Panel recommends that the FW Act be amended to provide that, when negotiations for a … greenfields agreement have reached an impasse, a specified time period has expired and FWA conciliation has failed, FWA may, on its own motion or on application by a party, conduct a limited form of arbitration, including 'last offer' arbitration, to determine the content of the agreement.

The Education and Employment Legislation Committee stated:

Some submitters, including some employee organisations criticised some of the measures in Part 5, arguing the amendments would allow employers to commence bargaining procedures implemented by clause 178B and would in effect 'count down' the clock to circumvent a proper bargaining process. Other witnesses and submitters rebutted these claims, arguing the inclusion of the 'good faith bargaining' provisions, together with the review process outlined would prevent anything other than genuine good faith negotiations from taking place.

I have carefully considered this issue and have arrived at the view that there needs to be some changes to the way greenfields agreements operate under the Fair Work Act. I am of the view that there needs to be a solution which will resolve stalled negotiations and see projects get off the ground. If the opposition are not happy with the solution currently before the Senate, then I encourage them to move amendments so that they can be debated.

In conclusion, I believe that the amendment co-sponsored by Senators Xenophon, Day, Lazarus, Madigan, Wang and myself, and the amendment that I will be moving, reflect a balanced and constructive approach. There will be a chance for the Senate to debate these amendments and I look forward to listening to that debate.

Senator McKENZIE (Victoria) (11:08): Indeed, it gives me great pleasure to rise and speak on the Fair Work Amendment Bill 2014. Here we are, once again in this chamber trying so desperately to implement the recommendations of the previous government's employment minister's Fair Work Act review. It is a pity that those opposite do not see the incredibly consultative approach that the former employment minister, Mr Bill Shorten, took within the sector. Actually, it was an independent review—if you believe the hype. It came down with many recommendations into the Fair Work Act to ensure that it was being implemented as intended, to see whether there were things that needed to be ironed out and, indeed, where we could make changes as a country to the Fair Work Act to ensure that it was being interpreted and implemented in the way that Mr Shorten intended.

What a pity that we are here debating implementing the opposition's own recommendations from their own review. But I do not think that we should actually be surprised, if we look back on the former Labor government—the Rudd-Gillard-Rudd government—and particularly the first iteration of the Rudd government and its grandiose approach to reviews. There was recommendation after recommendation and hundreds of thousands of dollars and hundreds and thousands of hours spent, not just by government officials, departments and ministers offices but indeed by those people putting into those reviews. I can think of the Henry tax review, the convergence review and the butcher paper and whiteboard markers—oh, sorry, that was the 2020 Summit!

Indeed, all of those processes undertaken by the previous government were merely a churn exercise—a mirage, if you like—to be seen to be doing something. In actual fact, when the results came down and their true stakeholders, the union officials, got their hands on those recommendations then there was no true, independent advice implemented in the act for a fair, balanced and flexible workplace. That is what we all want—we have no argument or
truck on this side with a fair, balanced and flexible workplace. Indeed, one would think that is what the former employment minister wanted to see as an outcome. And yet, when faced with implementing the recommendations that would deliver on that outcome he squibbed it. We are here to help, and we hope that those opposite will help us to implement the recommendations out of the Bill Shorten review into the Fair Work Act.

As I said, we want to have a fair, simple, flexible and balanced industrial relations system. And I think that is what industry wants. Most definitely when you talk to industry—small businesses in particular—in your own communities, you know that they struggle with the complexity of our industrial relations system. That is why this government has set up one-stop shops and easy-access call lines so that small businesses can get fast, simple and effective access to information that will help them to ensure that their workplace is fair and simple for their own internal processes and also for their employees. Is it flexible to take into account workers changing personal circumstances and, indeed, is it flexible enough to take into account the changing circumstances of industry?

In the horticulture-producing region of central Victoria, if the crop comes off and it is a few tonnes over then you are going to have to work a few more hours. The tomatoes are not just going to sit there and wait until the next eight-hour shift can clock on and clock off. So we need to have flexibility within our industrial system that works for both parties and that allows us to keep those industries and those employers profitable so they can keep employing Australians.

When I had a look back at Mr Shorten's approach to this particular area, he too articulated that he wanted to have a fair, simple, flexible and balanced system. He was just misguided on how to get there. He was so misguided that he went out and got independent advice but refused to take—he refused to take it! But we are here to help. We could not agree more on this side of the chamber with workers being given the dignity and respect that they should have. So much so that an independent review panel was set up to see if the above criteria were achieved two years after the implementation of the Fair Work Act. As I outlined earlier, it was a comprehensive review process, where 53 recommendations were made. This was a comprehensive consultation process—250 submissions were received and round table discussions were had right around the country, with a large range of stakeholders and the usual suspects. They all had a guernsey—they all had a chance to have input into how it was going and whether it was going to deliver the flexible, balanced, simple and fair system that Mr Shorten and, indeed, this side of the chamber wanted to see in terms of industrial relations.

So I do not think that anybody can argue that it was not a comprehensive review. But he still 'was not happy, Jan', because when he got those recommendations what did he do? He went and had a few quiet chats and maybe some Chinese dinners at certain Sydney restaurants. Who knows? I am not making claims here. But he took away those recommendations and instead of trusting the process and trusting that the ACTU, the CFMEU and the AWU would have ensured they had effective representation through that independent consultation, he went and had a few side chats. The side chats resulted in the fact that less than one-third of those recommendations got adopted. With two-thirds of that work not adopted, you are only delivering for one side of the argument—a very disappointing result. I am sure all those submitters—some unions included, I am sure—would have felt squibbed by the process, but some would not have. Some would have been very happy with the outcome.
of preselections well paid for with the outcome of the Labor Party's treatment of that independent review.

I think the most disappointing thing for the then employment minister was that you can hand pick the henchmen you are going to get to conduct the review. We often hear from the other side that, if this side of the parliament appoints the review panels into government agencies or systems, then that is somehow partisan. If you want to take that same logic and apply it to this particular review, then you would have to say to those opposite that Bill Shorten surely would have picked a review panel that was sympathetic to his view of the industrial relations system. How incredibly disappointing when the review gets handed down and you cannot agree and you cannot tick off on the 53 recommendations that it makes. It is very, very disappointing.

The review identified many areas for improvement. It also suggested that it would be constructive to adopt the recommendations to improve the operation of the legislation. We want effective legislation in this place and we all want to ensure that our IR system is fair, simple, flexible and balanced, so it was very disappointing that, when the Labor Party had the numbers, they did not use them. It is really disappointing for Mr Shorten when his prized greyhound follows the real scent and not the fake rabbit, especially when it did not produce the political validation that the employment minister was seeking.

As I said earlier, it is like some many of the former government's review structural problems. The Henry tax review was stymied because he could not examine the whole tax system. He was told: 'Do the review, but don't look at that and don't look at that', so any result and any recommendations are not holistic. As a result, when we look at the recommendations that were adopted out of the Henry tax review, the previous government, once again, wasted a lot of people's time, wasted a lot of people's money and dodged around four of the recommendations, and even those were poorly executed. Who could forget the rollout of the mining tax? It was a classic: 'I'm going to tax the mining industry. I'm going to get the four biggest miners in the room to help me design that tax'. I wonder what the result was? Well, that was all there for everybody to see. I should not overly dwell on the incompetence of the former government, it is hardly fair.

The previous Labor government's review of the Fair Work Act not only involved biased terms of reference but it also only implemented one-third of the recommendations of the review panel. It was no surprise when the 2012 review recommended changes to encourage productivity growth amongst other fair, flexible and practical ideas. We all know how important productivity growth is going to be for our nation going forward. There was a report released this week that Australia's living standards have stalled, that there is not going to be growth as there has been over previous decades in our living standards. We need to ensure that our industries, our small businesses and our farmers can ensure productivity growth.

I get quite bemused and sometimes befuddled when I hear those opposite, particularly Senate Cameron in my Senate Education and Employment Committee, critiquing any idea that we need to see increases in productivity as the payoff for wages and conditions for the workers. SPC Ardmona in Shepparton in my home state is a great example where workers over a long period of time have gone to management and said: 'You know what? We want to keep the doors open. We want to keep our jobs. How can we help? What can we do to keep our business profitable?' That happens across regional Australia time and time again because
employers and employees recognise that, without profitability and productivity increases, they are not going to be able to continue to employ people.

It is a fundamental difference between this side of the chamber and the opposite side of the chamber with their understanding of what an employer is. It is not a government department. I know government departments employ a lot of Tasmanians, and thank goodness because thanks to the Greens, Senator Rice, there is not a lot of industry left in Tasmania, which is very disappointing. The reality for small businesses and medium-sized businesses is that you need to be profitable to employ people. It is kind of two sides of the same coin. Most employees get that, and it is a pity the unions and those opposite do not. What is it with Labor and their unfortunate friendship with bureaucratic ineffectiveness? In fact, we know that their review process cost a fortune. I do not want productivity to get in the way of a decent press release, but I am getting off topic.

This bill will be implementing key aspects of the coalition's election policy and do not go any further. We were elected to government on delivering this legislation. We are not seeking to push the envelope. This is a very clear and very public piece of policy. It just goes to show the destructive nature of the opposition when in government that, despite going to the Australian people, being given the treasury benches, despite being elected overwhelmingly to deliver on this policy, you still sit here in petulant refusal, denying the Australian people, small businesses and indeed workers—to quote Bill Shorten, now opposition leader—a fair, balanced, flexible and simple industrial relations system. It beggars belief.

By including amendments on workplace access by unions and individual flexibility arrangements and by removing the ability to 'strike first and talk later', we are honouring specific policy promises that were also made by the Labor Party prior to the election but which Labor deliberately dishonours. Strike first, talk later—talk about a noose around the neck of business going into any EBA negotiations: 'We're going to strike, we're going to hold up your capacity to earn a dollar in order to pay our pages next week. We're going to hold you to ransom.' How ridiculous. How is that fair? How is that balanced? It was your own policy. But a forked tongue does not get in the way of a distracted, dysfunctional and, frankly, quite uninspiring opposition.

I want to comment briefly on Senator Lines' contribution. I know she is running for preselection in WA. I did not think it was going to be tight.

**Senator Birmingham:** There's hope.

**Senator McKenzie:** There is hope. There is hope, Minister Birmingham. I did not think it was close, so Senator Lines did not need to come out swinging quite as hard as she did, but she likes a fight and I am happy to take it up to her. There is no devil in the detail, Senator Lines. There is no devil in the detail. This review was not stacked. It was your review, it was Bill Shorten's review, so the detail is your own detail. In fact, this is a policy you also took to the election, so you are unfortunately dishonouring your own commitment to a fair, balanced, simple and flexible industrial relations system.

We are never going to get this right unless we can enact recommendations in legislation that deliver on our commitment, so that both sides in the industrial relations space feel it is a balanced system. But that will not happen until you get it through your heads, until you agree, that issues that affect productivity ultimately affect small business's ability to employ your
members. But then I guess you do not have too many members in small businesses, do you, which are the powerhouse of our economy, particularly of regional Australia. You do not have a lot of members there, so you do not really care about those workers. You do not really care about those workers because they are not paying the fees that are going to get you re-elected. They are not actually participating in votes that are going to be useful to you in preselections, so you do not care about those workers. If you really cared about workers in this country, you would be supporting our Jobs and Competitiveness Program; you would be helping us to pass legislation that was going to fund programs that focus on the most vulnerable workers and unemployed people of this country; but you did not. You did not. You are not going to implement the recommendations of your own review to ensure our industrial relations system is simple and fair. You are just going to continue with the rhetoric, continue being the mouthpieces of the ACTU, continue being the mouthpieces of the CFMEU and continue to undermine your desire to truly represent the workers of Australia and to ensure they get a better outcome. And, ultimately, you will betray the trade union movement by backing those who take away its credibility against those that are trying to give it some credibility. You are going to have to get this right or it is not going to work out for you. It does not go any further.

This review was not stacked. It was not anti worker, it was not anti union, because Bill appointed it. Labor are not the only champions of the everyday worker and, as much as they would like to convince Australia that they are, this chamber will not be emotionally blackmailed into believing otherwise.

The future is not as bleak as Senator Lines and those opposite would have us believe. We are championing a strong, functioning industrial relations system that is sustainable and flexible, something that Labor did not have the guts to deliver because you like the partisan debate. It gives you something to fight about, rather than solving the problem, rather than delivering a system that is flexible for both businesses and the workers so that businesses can remain profitable and continue to employ the workers. It is a simple equation. I am happy to go out the back with a whiteboard and some whiteboard markers and explain to you! Businesses earning a dollar employ more Australians, and that has to be a good thing. There is honour into work. I do not want to see Australians on the unemployment line.

Labor, if you are serious, please deliver on Bill's recommendations, for the sake of the whole Australian workforce.

**Senator CAROL BROWN** (Tasmania) (11:28): Senator McKenzie's contribution would have you believe that this bill is about—

*Senator McKenzie interjecting—*

**Senator CAROL BROWN:** honouring an election commitment by the government.

**Senator Bilyk:** That's funny!

**Senator CAROL BROWN:** It is funny, Senator Bilyk, because we know that there were all those other commitments—so many other commitments—before the last federal election given by the coalition and, at that time, Mr Abbott that they did not have any problem breaking. So, trying to con the community—

*Senator McKenzie interjecting—*
Senator CAROL BROWN: Senator McKenzie is leaving the chamber because her contribution actually showed the reason why this bill has to be opposed. It has to be opposed. She was not standing up here and talking about the broken commitments of the government in other areas. She was saying to the Senate: this is honouring a commitment given by the coalition in the lead-up to the last election. That is not quite right, because this bill goes further—and the government know it. It goes further than the commitment they gave prior to the election. Senator McKenzie's contribution, as always, has a focus on unions. I do not know what it is about Senator McKenzie and that focus. I would say to Senator McKenzie that she should really be looking at the work that unions do in protecting workers' rights, in supporting workers and their jobs, in this country. She has an ideological fixation on unions, and it does her no good. She comes in here and gives the same old speech every time.

We, the Labor Party senators, on this side do oppose the Fair Work Amendment Bill 2014. This bill was supported by Mr Abbott. Now we have the Abbott-Turnbull government. Who is next? I do not know. It is a bill that represents just another element of this government's attack on unions; it is another element of its attack on workers. Make no mistake: any attack on unions and their rights is an attack on workers and their rights. Any attack on unions is an attack on people's conditions of employment and an erosion of their industrial protections. From the very moment this government came to power it has been working to erode and undermine workers' rights. Most recently, we have seen it with their attacks on penalty rates and minimum wages and also their attacks on workers in the Australian shipping industry. Of course, we know on this side know that if this bill gets through—if those laws come to pass—it will decimate Australian jobs in the shipping industry.

What we have seen so far from this government is their failure to protect Australian jobs again, not only in the shipping industry, not only with their attack on penalty rates and minimum wages but also in the China-Australia Free Trade Agreement and in their politically driven royal commission. This bill, like all these other attacks on workers, is unfair—it is deeply unfair. But this is exactly what we have come to expect from this government. They did it before when Mr Howard was Prime Minister, and they are doing it again. They are being a little bit smarter about it. They are not calling anything Work Choices. But, make no mistake, as pieces of legislation such as this come through their aim is to do the same thing. This is a government—the Abbott-Turnbull government—whose ideologically-driven crusades have unfairness at their very heart. This is a government who has repeatedly attacked those who can least afford it.

In Senator McKenzie's contribution, she paints a picture of the workplace as a level playing field. She knows that is not the case. She can come in here and paint this rosy picture, but that is not the case and every senator in this chamber knows that it is not the case. The impact of the measures in this bill would hit those in insecure employment—young people and women—the hardest. They will impact on the most vulnerable in the workplace—who are, as I have said, those who can least afford it—and at a time when we are seeing the lowest wage growth in decades. In fact, the ABS data for the June quarter shows that Australian wage growth remains at its slowest annual rate since the government started issuing data nearly two decades ago. The data shows that wages rose by 0.6 per cent in the June quarter while the annual pace of growth held steady at a record low of 2.3 per cent. This is not the wage growth explosion that we have heard Senator Abetz warn about but rather wages are now struggling...
to keep pace with increases in the cost of living. Any further attacks on workers' right and conditions, as we see proposed in this bill, will only place workers and their families under further financial pressure.

Before the last election, the government proposed amendments to the Fair Work Act, but they said they would not go any further. This is the crux of the issue that Senator McKenzie was talking about. The government did propose amendments previously but they also said they would not go any further than their pre-election promises. The government also said that they would implement specific recommendations directly from the 2012 Fair Work review. We know that they have gone back on their word, yet again, and that this bill breaks another promise. It is a broken promise to Australian workers. It was not what was promised before the election, no matter how many times the government come into this chamber and suggest that it is honouring a commitment that they gave before the election; it is not. It does go further than the government said it would and it does disadvantage workers. It breaks a promise that the government made when it said that it would implement recommendations from the 2012 Fair Work review, without change. The bill before us today goes much further than what was recommended by the 2012 Fair Work review. The government is going further than its pre-election promises in a number of areas, which include individual flexibility arrangements, greenfield agreements and right of entry. If this bill is enacted, it is clear that workers will suffer, that workers will be disadvantaged.

The bill before us today undercuts integral rights that lay at the very foundation of our industrial relations system. One of the most concerning elements of the bill is the government's proposed amendments to individual flexibility arrangements, also known as IFAs. It was Labor who introduced these individual flexibility arrangements in 2009. Labor introduced the IFA because we understand that flexible workplaces can be beneficial to both the workers and their employers. These arrangements can vary the terms of awards or enterprise agreements, but workers—and this is very important point—must not be worse off under the IFA. Labor know that the arrangements must not leave someone in a worse position.

When Labor introduced the individual flexibility arrangements, we protected low-paid workers and families who could least afford cuts to their household budgets. We ensured that there were adequate safeguards in the legislation. It can often be hard to successfully negotiate a win-win for both parties, but we know it is possible to change work arrangements and come up with a win for both the employee and the employer. Labor's Fair Work system was fair. I believe that it was fair and equitable for everyone. It was a win-win. It was a win for both employee and employer. It was working well in the majority of enterprise arrangements in Australia.

Under Labor, the individual flexibility arrangements could not be imposed on unsuspecting workers in a bid to take away their hard-won conditions, such as penalty rates. We know that the Liberals want to get rid of penalty rates for Australian workers. We know they have on their agenda to cut the penalty rates of 4.5 million Australian workers. Those opposite are coming out of the woodwork and lining up to voice their views on cutting penalty rates.

Labor know that cutting penalty rates for hospitality workers, as Senator McGrath has called for, will be just this government's first step in attacking the take-home pay of nurses, paramedics, aged-care workers and cleaners, who all rely on penalty rates to pay their bills.
Not only do we know that that is what this government is intent on doing but so do those workers. We know that if you are a worker who earns penalty rates then your take-home pay is under threat from Mr Turnbull.

I will now return to the bill. When it comes to workplace relations and this government, it is when you drill down into the detail of this bill that you realise just what is at stake. The government is unfairly proposing that a key safeguard be abandoned when it comes to what can be traded away through an individual flexibility arrangement. The relevant expert panel recommendation states that, if a non-monetary benefit is being traded for a monetary benefit, the value of the monetary benefit forgone must be 'relatively insignificant' and the value of the non-monetary benefit must be in 'proportion'.

Despite the expert panel's clear prescription, the words 'relatively insignificant' and 'proportion', which protect workers, are gone. They have sunk without a trace. You have to wonder why. We on this side know why. The full recommendation is missing, and that is a very worrying reflection of this government's approach to workplace relations. Labor are very worried. Labor do not regard it as reasonable for workers to trade away an important part of their take-home pay for a non-monetary benefit. That is not fair and it will make low-paid workers particularly vulnerable. We want the government to implement recommendation 9 of the expert panel in its entirety, as it promised. Otherwise, we must conclude that this is the first step to cutting penalty rates and allowances for Australian workers.

We know that some of the senators in the coalition have already advocated for—

Senator CAROL BROWN: I am not sure what Senator Birmingham had to say there, but he is obviously a part of this Abbott-Turnbull government that is starting the process of cutting penalty rates. Perhaps he even supports it. We will see.

We know that the Liberals cannot be trusted to protect the wages and conditions of workers. They have shown over decades that they cannot be trusted. When they controlled both houses under Mr Howard, one of the first things they did was bring in Work Choices. The first chance they got, they said, 'Yippee! We are going to smash wages and conditions for workers.' So we know that the Liberals cannot be trusted to protect workers.

In fact, as I have said, undermining workers' conditions, rights and representation is at the heart of this government's ideological agenda. This is their real intention. They try to keep it under wraps, but they can only manage to do that for a period of time before it bursts out again. Two days into the Turnbull government and here it is, rearing its ugly head again.

This bill is not about implementing the recommendations of the expert panel. It is not about providing flexibility in the workplace, as they may say. It is about removing protections for workers. It is about the Turnbull government's plan to revive Work Choices.

The bill includes a requirement for employees to provide their employers with what has been mistakenly labelled as a 'genuine needs statement'. This statement is intended to capture an employee's state of mind at the time the IFA was agreed to. The government is trying to claim that this is a safeguard for employees, but what it really does is provide employers with a deferred defence to any future claim that they contravened a flexibility term in agreeing to an IFA. All the statement will do is provide additional protection for the employer where an employee might seek to take action against them.
As the ACTU wrote in their submission to the inquiry into this bill by the Senate Education and Employment Legislation Committee:

Because each IFA will now include a testimonial from the worker about how it meets their needs and leaves them better off overall, employers are likely to rely on that testimonial to demonstrate their 'reasonable belief' for the purposes of the defence. A successful defence will result in no exposure to a penalty, and no requirement to remedy any underpayment.

Labor acknowledges that the Fair Work review panel did recommend that the act be amended to provide a defence to alleged contravention of flexibility, but the proposed amendment is not in the spirit of the recommendation. It is unfairly weighted to advantage employers.

Labor also has concerns about proposed amendments to the greenfield agreements. Labor is concerned that, under the proposed amendments, employers will basically be negotiating with themselves and setting terms and conditions themselves. The government believe the proposed amendments will improve the bargaining process for greenfield amendments by resolving impasses that come up from time to time. Labor opposes these amendments because the bargaining process will not be improved by simply removing one party—the unions—from the negotiating table.

If this bill is enacted, employers would be able to set the terms and conditions for prospective employees without those employees having a real say or a real voice. Employers can chose to negotiate with just one employee organisation at the workplace, even if another employee organisation represents the majority of the employees. Worse still, after an employer agrees to bargain with an employee organisation, the employer at any time could issue a notice to commence a three-month negotiation period. It is not a fixed process.

I am running out of time, but I would ask and urge—

Senator Birmingham: I think you are running out of things to say, too.

Senator CAROL BROWN: No, not at all, Senator Birmingham. I would ask that this chamber oppose this bill, for the workers of Australia. (Time expired)

Senator XENOPHON (South Australia) (11:48): I rise to speak on the Fair Work Amendment Bill 2014. While there are some measures in this bill I support and will be supporting in the second reading stages of the bill, there are other measures I simply cannot agree to.

It is worth looking at the history of workplace relations—a thumbnail sketch, if you like—to put this bill in context. Workplace relations have a long, turbulent history in Australia. Modern workplace relations began in 1904, when Australia established the Commonwealth Court of Conciliation and Arbitration. It was the first tribunal of its kind in the world, and it was tasked with resolving disputes between employers, employees and unions. Three years on, in 1907, the Commonwealth Court of Conciliation and Arbitration set the first minimum wage in the landmark Harvester case. On the ACTU website it mentions how the Harvester case set a minimum wage for unskilled labourers of two pounds, two shillings per week—the amount an average worker paid for food, shelter and clothing for him and his family. Notice that the case was all about a male worker, because the level of female participation in the workplace was much, much lower than it is today. That was based on supporting a family of five: the couple and three children.
For decades on the Commonwealth Court of Conciliation and Arbitration continued to make great strides in establishing and improving basic worker entitlements. As well as a minimum wage, a standard 38-hour working week was established in 1983, together with 10 days of sick leave and four weeks of annual leave per year. These are benefits that many of us take for granted now.

During World War II regulations came into effect that increased a woman's wage to 75 percent of a male's wage. The Commonwealth Court of Conciliation and Arbitration adopted these regulations and set a new standard in 1950. However, it was not until 1972 that the separate minimum wage for women was removed. By this time the Commonwealth Court of Conciliation and Arbitration had been decommissioned and re-established as the Conciliation and Arbitration Commission. The Commission established the right to equal pay for work of equal value. As a result of this decision, over half a million women became eligible for full pay, with women's wages increasing by approximately 30 per cent. An amendment to the Conciliation and Arbitration Act by the Whitlam government extended the adult minimum wage to include women workers for the first time from 2 May 1974.

I would like to pause for a moment to reflect on the issue of pay equality. Despite the passing of some 40 years since the Whitlam government's landmark legislation, the gender pay gap still persists. Using the latest data from the Australian Bureau of Statistics, the Workplace Gender Equality Agency calculates that the national gender pay gap is 17.9 per cent. In dollar terms, that is a difference of $284.20 per week. This 17.9 per cent pay gap figure is representative of the overall position of women in the workforce. It takes into account a number of complex and interrelated factors that contribute to the pay inequality experienced by women. Such factors include the differing rates of pay in male- versus female-dominated industries and the lack of women in senior positions. That is why I hope that both the government and the opposition will support my legislation on gender balance on government boards, which I think will go some way in dealing with those issues as part of that cultural shift.

One measure in the bill before the Senate today, the Fair Work Amendment Bill 2014, is a small but important step in empowering women in the workplace. It is the requirement for an employer to discuss an employee's request to extend their unpaid parental leave before dismissing such a request. I will discuss my support for this measure in more detail shortly but thought it timely to raise it now in the context of addressing the history of women's participation in the workforce.

I return to the evolution of workplace relations in Australia. The 1990s ushered in the era of enterprise bargaining, where employers and employees could approach the Australian Industrial Relations Commission to settle workplace disputes. A national workplace relations system was taking shape, but 2006 saw the introduction of then Prime Minister John Howard's infamous Work Choices. Ostensibly a measure to improve employment levels and national economic performance, Work Choices did see the erosion of a number of basic employee rights. That was a case where the coalition had the numbers in the Senate, and I dare say that the course of political history in this country may well have been different if a so-called hostile Senate blocked that legislation. Sometimes the Senate can save a government from itself, whether it is a coalition government or a Labor government.
After its implementation in 2008, the Fair Work Act, introduced by the Rudd government, with then Deputy Prime Minister Gillard driving those changes, was subject to review in 2010. The Department of Education, Employment and Workplace Relations handed down its final report on the review in 2012. When drafting the Fair Work Amendment bill 2014, this government—and I say this respectfully—has actually cherry picked from a number of the 2012 review's recommendations. However, there are still measures in this bill I simply cannot support. Some of these measures will be removed by Senator Muir's amendment. I can well understand Senator Muir's caution with respect to some of the measures. I believe that some of the measures need further consideration and there needs to be a very cautious approach. I will return to the contentious measures in the bill a little later, but for now I turn to the provisions which I believe to be sensible and practical reforms.

Firstly, part 1 of the bill requires an employer to discuss any request from an employee to extend their unpaid parental leave before the employer can refuse such a request. I congratulate the government on this provision. It is something that I understand the Labor Party has long been an advocate for. It strengthens an employee's rights in relation to unpaid parental leave and it clarifies the obligations of employers to not dismiss such a request without due consideration. I think smart employers in this country should do everything they can to accommodate those requests for women in the workplace. In my very tiny legal practice, when staff have come back from maternity leave I have done everything I can to accommodate their working days and to have some flexibility in their working arrangements so that they can still participate in the workplace. That involves having flexible shifts or flexible days when they can work to accommodate their family circumstances. If you have a good employee, a valued employee, you do everything you can to nurture them and to keep them in your workplace.

The second measure I support is contained in part 3 of the bill. It relates to the accrual of annual leave while an employee is absent from work and in receipt of workers compensation payments. As a person who practised in the personal injuries field for many years and who still has a tiny legal practice in my name, this is a subject I have given serious thought to. I have seen the challenges injured workers and their families face. These challenges are often compounded by unclear, confusing and inconsistent laws relating to workers compensation and employees' entitlements. When the Liberal government in my home state of South Australia attempted to bring in what I thought were some quite draconian changes to workers compensation laws when I was president of the local branch of the Plaintiff Lawyers Association, they were resisted by the Labor opposition and by the Australian Democrats and were blocked because they were very unfair changes. The irony is that, a number of years later, even more draconian changes were brought in, which slashed workers' entitlements, and they were changes that were brought in by a Labor government. I see the irony in that. They were abetted by the opposition, who went along with those changes. Workers' rights in my home state have been significantly eroded.

The 2012 review recommended that the Fair Work Act be amended in order to remove such uncertainty to provide that employees cannot take or accrue annual leave while absent from work and in receipt of workers compensation payments. I think that, on the face of it, that is not unreasonable, but I understand the concerns that Senator Muir and others have that this may have a number of unintended consequences, and it needs to be looked at more
carefully. For the purpose of this bill, that should not be dealt with at this time; I do not support those changes. But I do think we need to revisit that, because there may be unintended consequences, but the policy intent is not necessarily a bad one.

The third measure I support is contained in part 7 of the bill. This measure fixes the strike first, talk later loophole in the Fair Work Act. The 2012 review of fair work legislation recommended that an application for a protected action ballot order may only be made when bargaining for a proposed agreement has commenced. Part 7 implements this recommendation. It makes it clear that disagreement over the scope of a proposed enterprise agreement does not prevent the taking of protected industrial action. I believe this is a sensible reform that encourages disputes to be settled by way of conversation and negotiation rather than through industrial action. It has my full support. I think it was a loophole or an anomaly in the legislation introduced by the Rudd-Gillard government back in 2008. This is a sensible reform that is consistent with the recommendations made by the 2012 review triggered by the Gillard government.

The fourth measure for which I wish to express my support is contained in part 10 of the bill, which addresses the problem employers face when they cannot locate employees who are owed entitlements. If implemented, part 10 of the bill would allow the employer to pay these entitlements to the Fair Work Ombudsman. The employee is then able to claim their entitlements from the ombudsman. This creates a simplified process for employees to seek what is owed to them. Employers too will benefit, as their liability to their employee can be discharged and responsibility for management of these entitlements taken over by the Fair Work Ombudsman. This amendment also allows for the Fair Work Ombudsman to pay interest on the moneys owed to the employees, which is unambiguously a fair measure and is long overdue. Once again, it is a sensible measure and one that I am very comfortable in supporting.

The final measure I support relates to greenfields agreements and is contained in part 5 of the bill. However, my support is contingent on an amendment I will move that is co-sponsored by senators Day, Lazarus, Madigan, Muir and Wang. Part 5 of the bill extends the good-faith bargaining framework to the negotiation of single-enterprise greenfields agreements. Greenfields agreements are enterprise agreements that are reached between an employer and a union or unions before any employees have been engaged to work on a greenfields project. Currently the Fair Work Act does not require negotiations for greenfields agreements to be conducted in good faith. This is clearly a loophole. It is an anomaly and it was picked up in the review that was released in 2012. This is in contrast to negotiations of other agreements under the Fair Work Act, so I think the anomaly is quite clear there.

As a result of the absence of good-faith bargaining provisions, employer groups have raised concerns—I believe they are legitimate concerns—about delays of the commencement of projects when negotiations with unions stall, particularly where there are disputes about wages. This creates a high level of uncertainty around labour costs and exposure to industrial action, which can impede a business's ability to secure finance for a project. If they do not secure finance for the project, they cannot get the project going. If they do not get the project going, they cannot have employment. They cannot get a project started—and in some cases hundreds if not thousands of jobs are created in these greenfields projects.
Part 5 of the Fair Work Amendment Bill attempts to rectify this by extending the good-faith bargaining framework to the negotiation of greenfields agreements. This is consistent with recommendation 29 of the 2012 review of the Fair Work legislation. It is worth referring to page 173 of the then Australian government's *Towards more productive and equitable workplaces—an evaluation of the Fair Work legislation*, where it says:

> While the Panel does not possess hard and fast views, FWA could be empowered to resolve the remaining outstanding issues between the parties by a process of arbitration, which is colloquially known as 'last offer' arbitration. In other words, FWA would examine the positions taken by the parties on the remaining outstanding issues and would be empowered to choose the position either of the employer or of the trade union or trade unions. It is the Panel's expectation that the ultimate availability of this type of final offer arbitration will ensure that the parties adopt realistic approaches to issues in their negotiations with one another.

To me, that final sentence is the key phrase here. And for it to be effective there needs to be a time frame. In order to provide more certainty and a more structured approach to the negotiation process, the 2012 review recommended that, when a specified time period has expired or conciliation has failed, Fair Work Australia can conduct a limited form of arbitration. The Fair Work Amendment Bill builds on this recommendation by inserting what a specified time period can be. In the case of the current bill, the government is proposing three months after the date when negotiation of the greenfields agreement started. The amendment I have co-sponsored with senators Day, Lazarus, Madigan, Muir and Wang changes this specified time period from three to six months. We believe that this provides more time and, importantly, more opportunity for both employers and unions to reach a consensus. I am very pleased that a number of my crossbench colleagues have been able to come together on this particular aspect of the bill, and I hope the government will support this amendment.

Now that I have discussed the positive, it is time to turn to the parts of the bill I cannot support. The proposed individual flexibility arrangements are one such measure. While I understand that being able to negotiate on when work is performed, penalty rates and allowances can provide employers and employees with greater flexibility, I am concerned that vulnerable employees could be disadvantaged by individual flexibility arrangements. I have been criticised by the union movement—who I think I have a pretty good relationship with on a whole range of issues—in relation to the issue of penalty rates. I do not want my position on penalty rates to be misunderstood or misinterpreted, as it has been, particularly in the heat of an election campaign. I think that there is a special case, only for small businesses with 20 full-time equivalent employees or fewer and only in the hospitality and retail sectors, to look at a more flexible working arrangement where you do not have penalty rates of 175 or 200 per cent, which has been a job killer. My motivation for opening up this debate, for arguing the point and for putting up a bill which was quite friendless in this place was that young people, many of them university students, told me that when there was a spike in penalty rates they actually lost their jobs. While I am unlike those in this place who do not believe in minimum awards and in a strong, robust award system—which I absolutely believe in—I think we need to consider that workplaces have changed, that the pattern of people's shopping and leisure activities has changed and that Saturdays and Sundays are—

**Senator Carol Brown:** You have to go out and talk to some families.
Senator XENOPHON: Of course you do, and I think you need to have very strong safeguards. It is something I have discussed with the SDA—the shoppies union, to put it colloquially—who I think do an outstanding job in representing their workers. The issue is what you do to small businesses that shut down on weekends, particularly on Sundays, whose workers were quite happy to get 150 per cent of the award but that close down because it was ratcheted up to 175 or 200 per cent. Of course there is a fair process to be gone through through Fair Work in relation to this. But I am concerned about those, particularly university students, who have missed out on this. Senator Brown raised the point about families. If you are a full-time employee you should of course get your penalty rates. But I think we need to have a reasonable national conversation about casual employees and also make it very clear that once you get beyond the 20 full-time equivalent employees you should be big enough to look after yourself and be subject to enterprise bargaining agreements where there are appropriate safeguards in place. When I look at the figures for youth unemployment in my home state of South Australia, it does concern me. All I am suggesting is that there needs to be a sensible approach to this.

But I cannot support what the government wants to do with individual flexibility arrangements, because it does not have, as Senator Brown rightly pointed out, the safeguards that were recommended by the panel. It goes way beyond that. It does not allow for taking into account that it be specified in writing, that it be relatively insignificant and that the value of non-monetary benefits be proportionate. In the absence of those safeguards, I think we need to simply reject what the government is proposing in relation to that. Part 4 of this bill does not contain these safeguards. As a result, I cannot support this measure.

I also have concerns about the provisions in part 9 of this bill, namely the ability of the Fair Work Commission to dismiss an application for unfair dismissal without holding a hearing or conducting a conference. I think that needs further debate, further consideration. There ought to be sufficient safeguards for workers, and I do not think that the government has thought through those amendments carefully enough.

Overall, I think the measures that I have said I will support will enhance productivity and enhance employment, particularly on greenfield sites. These are important changes and I emphasise to the 33 people who may be listening on NewsRadio—maybe it is 34, and every time I say that I get abusive emails saying, 'I have been listening and how dare you dismiss the number of listeners'—that these changes are based on a review by the Gillard government into Fair Work and I think that the changes that I will be supporting and that a number of my crossbench colleagues will be supporting are fair and measured and reasonable and are based on what a previous Labor government review suggested. That is why I will support the second reading of this bill.

Senator GALLAGHER (Australian Capital Territory) (12:08): I welcome the opportunity to speak on the Fair Work Amendment Bill 2014 and put on record some of my concerns relating to the bill. As senators will already understand, Labor does oppose the bill. That is a shame because had there not been mission creep in the review with the government implementing their blind anti worker, anti union ideology through this bill there would have been an opportunity to work more closely on it. The bill symbolises another broken promise by the government. They went to the election saying that they would go no further than what was contained in their election policy statement but, as other senators have outlined, this bill
certainly goes further than that. Those areas are the areas that Labor members, whether they are Labor senators who have participated through the Senate process or other Labor members who have spoken on the bill, have raised in their comments.

Senator Xenophon went to the history of industrial relations in this country. Anyone who understands that history, even if we just focus on the last 15 years or so, will know that the issue of industrial relations has been deeply divisive. Certainly when the conservatives have been in power there has been a constant series of legislation that has sought to undermine working people's conditions. More often than not legislation was disproportionately targeted at working people who are not on a level playing field with employers but who find themselves in lowly paid, highly casualised industries where there is little power for employees to advocate and protect themselves from the constant winding back of conditions of employment by employers who are wanting to increase their profits. That is why the Labor Party will always stand up for those working people. It is part of our history, it is part of our DNA, just as it is part of the conservatives' DNA to chip away at conditions—and not only chip away at working people but also seek to undermine the organisations that legitimately represent those people.

We hear every day attacks on unions from the conservative side of politics. Many of the conditions which we enjoy today as working people, and have enjoyed in our careers outside this chamber—sometimes influenced by this chamber—are conditions that the unions have fought for over many years. They are in areas like workers compensation, occupational health and safety and, more broadly, industrial relations: wage protection, conditions of employment, safety in the workplace, access to reasonable and flexible arrangements have all been campaigns that have been led and won by unions. Despite the picture that those opposite have attempted to paint, unions have always been prepared to engage in constructive and productive discussions about how to ensure that the industrial relations system provides productive and efficient processes to support a growing economy. They are part of that discussion, they are central to the discussion, and that is important because a growing economy is good for working people in the sense that it produces jobs and creates wealth and allows that wealth to be shared. That is what we would hope for, anyway.

This bill might not be called Work Choices—I know the scars of Work Choices remain on the other side of the chamber—but the overreach in the bill, albeit a little more hidden than it was in Work Choices, is there. This bill seeks to undermine the role of unions, it seeks to reduce their effectiveness in the workplace and it is a step towards getting rid of collective bargaining. The result of that is less about the unions and more about the outcome in individual workplaces and how ordinary Australians who turn up for work every day will be affected. The elements in this bill—particularly in areas like part 4, the individual flexibility arrangements; part 5, the greenfields arrangements; and part 8, the right to entry—would certainly make workplaces more insecure and again disproportionately affect those on the lowest incomes, the poorest people, working across the community. I know we have heard coalition senators say that it is just implementing a review that Bill Shorten instigated, but it is not. It does that and it goes a lot further. By doing that it seeks to get rid of some of the safeguards that were put into the bill, particularly in IFAs, for a particular purpose.

I will just look at the bill in those particular areas. Part 4 seeks to amend arrangements in relation to flexibility terms in modern awards, enterprise agreements and individual flexibility arrangements; part 5, the greenfields arrangements; and part 8, the right to entry—would certainly make workplaces more insecure and again disproportionately affect those on the lowest incomes, the poorest people, working across the community. I know we have heard coalition senators say that it is just implementing a review that Bill Shorten instigated, but it is not. It does that and it goes a lot further. By doing that it seeks to get rid of some of the safeguards that were put into the bill, particularly in IFAs, for a particular purpose.
agreements. It will allow employers and employees to make individual flexibility arrangements about when work is performed, overtime rates, penalty rates, allowances and leave loading if these matters are dealt with in a particular enterprise agreement.

Labor, as others will know, was the party when in government which introduced individual flexibility arrangements, in 2009. That goes to the point I raised earlier that they were introduced—and I will refer to them as IFAs—because the Labor Party agrees that flexible work practices can deliver benefits to both employees and employers if applied appropriately. But, at the same time, there have to be protections for vulnerable workers. That means the safeguards that were put into the legislation were put in there for a reason. They cannot and should not be imposed on employees in terms of a one-way discussion as a means of ripping away conditions such as penalty rates. There have to be some limits to it. Examples have been provided where an employee swaps a condition or forgoes a relatively insignificant monetary benefit for a non-financial benefit and that is a positive outcome. But, again, as I say, it is also about the safeguards that are provided to ensure that particularly vulnerable employees are not forced into situations that see them trade off conditions for relatively little benefit.

As I understand it, the review that looked into this matter did provide advice that the monetary condition forgone or the money forgone must be relatively insignificant and that the value of the non-monetary benefit must be proportionate. But these are not terms found in this bill. Again, the devil is in the detail when it comes to industrial relations, because we have been there before. The conservative side of politics have form: what you say you are going to do and what you actually do or provide for through legislation are not the same. That goes to some comments made by Senator McKenzie in her speech within the last hour where she kept referring to providing a 'fair, balanced and simple industrial relations system'. When those words are used by a conservative politician it always raises my ire because the code for 'fair' when it is being used in that context is usually unfair; 'balanced' usually means skewed, and skewed to one side of the employment relationship, and it normally is not the employee's side; and 'simple' usually means getting rid of conditions and entitlements. That is actually the language. It sounds very nice, because I think everyone would say, 'Yes, we need a fair and balanced system and we would prefer simple arrangements to be in place.' But when you actually understand what that means, the language of a conservative government means unfair, skewed and removing entitlements that have been hard fought for and campaigned for, usually over many years, and they need to be protected. And then, when you look at who will protect those conditions, you see that it will be the strongest, the loudest and those who will advocate the hardest for them, the trade union movement. There are other aspects in this bill, which actually seek to undermine the role that unions are legitimately allowed to play within the workplace, and I will touch on those in a moment.

Interestingly, when I was reading the Bills Digest, which, as a new senator I find is always a very good document to go to to get across legislation because it also provides a good analysis of stakeholders’ views on the bill, I saw a quote from the Business Council of Australia from their submission that, I think, they provided to the Senate committee:

… today's Bill is an important first step in reforming our workplace laws to be a better fit for a more productive and competitive economy …

This, again, goes to the level of mistrust that exists across the community around changes to our industrial relations system, largely because of the impact that Work Choices had on
ordinary Australians and their working conditions. Picking up on 'this is an important first step', they then go on to say:

… but more changes are needed to ensure a system that works for all workplaces and all workers.

Again, going back, this forms part of a suite of bills—and there are more before the Senate at the moment—that seeks to undermine unions, working people and creates a more insecure environment, particularly for low-income and casualised workers.

Again, consider the impact that this bill would have, if it were allowed to pass the Senate unamended. I think Senator Xenophon made some comments about the ability for women to negotiate more flexible arrangements. I strongly support that, particularly for women with caring responsibilities, whether it be of children or older parents. We know that women as carers are disproportionately overrepresented across Australia. When I apply that to this bill and the safeguards that have been taken away, I cannot see how this will not disproportionately affect working women in a negative way.

We already know that there are more women who work at the award minimum compared to men. We already know that women are more likely to be casual employees and that they are predominately found in many of the low income professions, like cleaning and child care. We know that they are proportionally less well paid and that they are usually working under award conditions and entitlements, so awards are very important to them. They are often in professions where there is not a huge capacity for advancement—where the structure within the workplace does not allow for huge advancement opportunities—and I am speaking in a very generalised way here.

By removing the safeguards, this bill is saying: not only are you paid the least and not only do you have the most insecure employment; what we would like you to do now is trade off what little you have in order to get a bit more flexibility for the employer or your own arrangements. It is a constant series of trade-offs. It is not about building up and creating a better environment for women juggling kids, older parents and other responsibilities. It is a constant, slow but determined chipping away at those conditions that are important to women and should not be traded off. I cannot see how this bill, as presented, will provide people with the right to, in Senator McKenzie's terminology, 'a fair, balanced and simple environment to work in'.

This is also coming at a time when we now know that we have almost 800,000 Australians unemployed, where the unemployment rate has a six in front of it, where we have particularly young Australians struggling to find work and where we have a government that would like to ensure that they do not have any access to any social security for five weeks or so now while they are attempting to pull themselves together if they do not have a job. This is the environment that this bill seeks to operate in. Not only are there genuine difficulties for people who are unemployed and trying to find work; the level of inequality that exists across the community is the highest it has been, as I understand it, for 75 years. It is in this environment that we are presented with a bill that seeks to undermine and reduce the ability of working people to be represented by unions and to have a fair environment in which to bargain with their employers.

In relation to greenfields agreements and right of entry: go out into a workplace where you see vulnerable groups of workers and have a look at how it operates. Do you seriously expect that, for people who want to call the union in but are a bit worried about letting the boss
know, this invitation to invite the union is something that can be done? It beggars belief. It shows a complete lack of understanding about how some of these workplaces operate and about how vulnerable particular groups of workers are, to believe that a union then goes to the Fair Work Commission and has to apply for an invitation to enter a workplace to deal with workplace issues. I have been a union organiser—many years ago now—and I have also worked as an advocate for people with a disability in sheltered workshops. The thought that that group of workers could get together and say, 'We'd like the union to come in, but we have to go through this process, and hopefully we can remain anonymous,' and that would allow them as employees to be protected to raise a legitimate issue—whether it be around a condition of employment or a more urgent issue like workplace safety—just completely ignores the reality of how thousands and thousands Australians experience their workplace every day. This is why it is so important to ensure that unions are able to enter workplaces for legitimate reasons and conduct themselves in a legitimate way and also for unions to be able to bargain on behalf of their employees. It is so important that employers engage in that constructively and also acknowledge the legitimate right of unions to participate in that discussion.

Unions are there to provide large-scale advocacy for groups of workers that want them to act on their behalf. There should be no reason why we seek to reduce their influence. We know that the conservatives do not like unions. We know that the conservatives like to paint them as illegitimate organisations. But throughout the history of this country there has been the need for collective bargaining and collective action in order to improve the lives of those Australians who need that collective action to support them. That is why the Labor Party has raised these concerns. Labor has raised them in its dissenting report and they are going to be continuously raised by other Labor speakers. It is fundamentally important. We cannot allow a bill that looks harmless until you read the detail to go through without putting on the record the legitimate concerns of hundreds of thousands of workers who do not have a voice in this place.

**Senator LEYONHJELM** (New South Wales) (12:28): There are 761,350 Australians who are unemployed. Hundreds of thousands of these people are in this position because of the Fair Work Act. If an external force were threatening the livelihoods of hundreds of thousands of Australians, we would declare war on it. But, in this instance, we are doing it to ourselves. The Fair Work Act should be repealed.

People should be free to form a union, even though this essentially involves workers engaging in collective agreement, which would be called collusion if it were done by business people. This freedom is assured through an exemption contained in the Competition and Consumer Act. As such, the Fair Work Act is not needed to allow people to form a union. People should be protected from harm to their health, safety and welfare through the minimisation of risks at work. This protection is provided by workplace health and safety law; therefore, the Fair Work Act is not needed to deliver workplace health and safety. People should not be denied employment just because of the colour of their skin, their gender or their membership of a trade union. Antidiscrimination law combats this and other forms of discrimination, so, again, the Fair Work Act is not needed. But above all, people should be free to offer jobs and others should be free to accept them. The Fair Work Act is in no way
necessary for these voluntary agreements to occur and all too often it actively prevents such voluntary agreements from occurring.

The Fair Work Act bans agreements where someone agrees to work for less than $17.29 an hour. Removing this ban would lead to more jobs being offered and more jobs being filled by unemployed Australians. Based on a conservative reading of the shadow Assistant Treasurer's research, more than 200,000 unemployed Australians would be employed within months. The absolute kindest thing we can do for the unemployed is to make it easier for them to reach the first rung on the working ladder. Once they do, they invariably move up further.

The Fair Work Act also bans employment agreements that involve paying more than $17.29 an hour if those agreements do not conform with prescriptive employment regulations called 'awards'. The widely acclaimed move to enterprise bargaining saw the share of workplace awards fall away over the Hawke, Keating and Howard era, but with the award modernisation process brought in by the Rudd-Gillard government, we have witnessed a concerning increase in the share of the workplace subject to this command-economy style awards. Where once awards set the wages of 15 per cent of the workforce, now 19 per cent of workers have their wages set by government. That this recentralisation of wage fixing is not widely known shows that parliamentarians, lobbyists and economic journalists are asleep at the wheel. Even if our system of government is unable to pursue further reform, we must at least defend the reforms of the Hawke, Keating and Howard era.

The Fair Work Act prevents a business person from firing an employee who fails to attend work under provisions euphemistically referred to as a 'right to strike', and the Fair Work Act prevents a business person from firing an employee without the approval of a tribunal under provisions euphemistically referred to as 'unfair dismissal laws'. If business people cannot rely on staff attending the workplace and cannot fire staff without navigating a bureaucratic maze, why will they want to hire them in the first place? Many lament the rise of the machines but do not lament the laws that continue to promote their adoption at the expense of human beings.

Finally, the Fair Work Act grants privilege to unions, including rights to enter private property against the will of the owner, and rights to be a party in employment agreement negotiations irrespective of whether the union enjoys support from employees. The Fair Work Act is a creation of the unions, by the unions and for the unions, and the bill before us shows the continuing handiwork of that ever-diminishing sect.

Part 1 of the Fair Work Amendment Bill 2014 seeks to prevent an employer from refusing an employee's request for an extension to unpaid parental leave unless the employer has given the employee a reasonable opportunity to discuss the request. As it stands, the Fair Work Act simply requires that refusals must be based on reasonable grounds. The Fair Work Act Review recommended inserting this requirement for there to be a discussion, but it did so with next to no explanation after having outlined that there was no problem with the existing provision. This is change for change's sake. It would generate unnecessary compliance and administration. It would also create the possibility of litigation based simply on the inadequacy or absence of a discussion, even if a refusal to extend leave were reasonable. The only people who benefit from this circle of compliance, administration and litigation costs are the thousands of lawyers in government and the private sector who make labour law their living.
The remainder of the bill represents a baby step in the right direction. But the 761,350 Australians who are unemployed need more than timid baby steps. They need the Fair Work Act to get out of the way and they need it now.

Senator KETTER (Queensland) (12:34): I rise to very strongly oppose the Fair Work Amendment Bill 2014 that is before us this morning. Firstly, I want to take up Senator Leyonhjelm's contribution. I noted that Senator Leyonhjelm talked about the fact that the Fair Work Act prevents employers from paying below a certain minimum hourly rate of pay. Senator Leyonhjelm is correct in making that point, but I understood him to say in a following point that there are provisions of the act which prevent employers from paying above that minimum rate of pay. I want to make it very clear that, in my experience as a trade union official, there are many examples in the industries that I have previously had experience with of employers seeking to pay rates of pay in excess of the rates provided for in the award. That is simply the sign of a good employer, and there are many good employers who understand that award conditions are a minimum and that, in order to attract good workers and to retain good workers, it is important that they be seen as the employer of choice in their particular industry. It is certainly not a breach of legislation. I hope I am not misunderstanding Senator Leyonhjelm’s contribution, but it is certainly not a breach of the Fair Work Act for employers to make payments to employees in excess of those rates of pay. In fact, there is no discouragement anywhere. Unions would certainly encourage employers to pay in excess of the award rates of pay.

I just want to make the point that there seems to be a misunderstanding about award conditions in general. The awards system that we have in Australia, which has been built up over many years, contains a fairly modest set of conditions which many of us would be surprised at—the minimum hourly rates of pay that are contained in those awards are not a workers' paradise. They are not Nirvana; they do not allow people to live in the lap of luxury if they are paid in accordance with the award rates. They are very basic working conditions. I think this is important when one looks at penalty rates, which are a pretty prominent feature of the awards system. It is important to note that those penalty rates generally supplement a very modest, basic hourly rate of pay, and they are very important to those employees who are being paid in accordance with the minimum rates of pay of an award.

With that response to Senator Leyonhjelm, I firstly want to indicate that in respect of this particular bill I want to focus particularly on the proposed changes to the arrangements in respect of individual flexibility agreements. This is an area where as a former trade union official I have had some direct experience. These proposals by the government seek to reform the amendments to the individual flexibility arrangements which Labor first introduced in 2009. We introduced those provisions because we understand that flexible work practices can deliver benefits to employees and employers, but there have to be appropriate protections and they have to be applied appropriately.

IFAs should be looked at in the context of history. We note that Labor's Fair Work Act came after the scourge of Work Choices. As a union official at the time of Work Choices, I had direct involvement with Australian workplace agreements, which I considered to be the predecessor of these arrangements. I believe that this government wants to revisit those individual arrangements which they first brought about through the Work Choices legislation.
I think it is worth having a look at history in this area. I think the example of the Spotlight company is particularly instructive. This is a company which operates in the retail industry. In subsequent years, the company eventually saw the light and negotiated a collective agreement with the SDA. This was one of the very first companies which took up the option of Australian workplace agreements. These agreements were pretty horrific. I mention this because I believe that this is the government's real agenda—to go back to a situation where employers are able to dictate ways in which they can get out of the basic award provisions which I have referred to.

If we just want to refresh our memories about the Spotlight AWA, we might recall that there was a huge national controversy about this because this particular AWA sought to remove a whole range of award conditions—rights to overtime, penalty rates and a number of other conditions—in return for a wage increase of $0.02 an hour.

Senator McEwen: That's not fair!

Senator KETTER: I hear some people asking if that were a fair swap. One might say that if these sorts of changes are introduced by way of agreement at a workplace level that it is up to individuals to decide whether they accept these types of arrangements or reject them. I will come back to this later, but I think this goes to the fact that there is a pretty fundamental power imbalance at work in most places between the employer and the employee. We know from our experience with Work Choices that employers are able to take advantage of that power imbalance which exists.

Let's just have a closer look at this Spotlight agreement, because I think it is informative of the attitude behind this government's desire to take us back to individual bargaining. This particular enterprise agreement was supported by the National Retail Association at the time, which was quite aggressive in its approach. In fact, it held out this particular AWA as something which other employers in the industry should follow the lead of. In fact, they described it as being 'innovative and smart in a tight Labor market'. That is the attitude of employer organisations to this sort of thing.

But what were the award conditions which were varied in this particular situation? I touched on a couple of them, but there were other things as well, such as the right to rest breaks. This particular AWA explicitly called out, in clause 20, the fact that it expressly excluded the operation of a number of award conditions. Rest breaks were one of those. I can assure you, Madam Acting Deputy President, that it is one of those important conditions in the retail industry. One may not be able to put a monetary value on the provision of rest breaks, but when you are on your feet throughout the course of the day and you are working in what is basically a very physical occupation then rest breaks are an important provision. I would be concerned, in the current context before us, that these would be the sorts of conditions which would be vulnerable under a revamped IFA provision.

Going back to the Spotlight agreement, it took away annual leave loading—that is one which can be quantified—but it was expressly excluded under the AWA. Also excluded were public holiday provisions, loadings for working overtime or shiftwork and penalty rates, including for work on public holidays. All of those provisions were excluded from—

Debate interrupted.
STATEMENTS BY SENATORS

The ACTING DEPUTY PRESIDENT (Senator Lines) (12:45): Order! It being 12.45, the Senate will now move to senators' statements.

Climate Change

Senator IAN MACDONALD (Queensland) (12:45): Australia emits less than 1.2 per cent of the total emissions from the world. Australia emits less than 1.2 per cent of the total world emission of carbon. Australia emits less than 1.2 per cent of the world's carbon emission. In politics we know that if you say something 20 times people will start to listen to you. The Senate may be pleased to know that I am not going to repeat that phrase—Australia emits less than 1.2 per cent of the world's carbon emissions—20 times in this speech.

I feel passionate about the fact that Australians must know, children must know, that Australia is a very small contributor, a tiny contributor, an infinitesimal contributor to the carbon emissions of the world. If you believe that man's emissions of carbon are the cause of the changing climate—and I do not enter into the debate, but let us assume that is correct—then by reducing Australia's emissions by five per cent, which the Liberal and Labor parties are proposing to do, the impact on the changing climate from man's emissions of carbon will be infinitesimal. Yet, why do we continue to destroy the Australian economy and Australian jobs, and export those Australian jobs overseas, by pretending that if Australia does something with climate change then the rest of the world will follow?

I am a proud and passionate Australian. I know that Australia leads the world in some things, like on the cricket pitch, occasionally, or on the rugby league or rugby union field, or as the Matildas do, or in some science areas. In some areas of our life Australia does lead the world. But, come on, you are not telling me that because Australia reduces its carbon emissions by, say, 50 per cent that, firstly, that is going to have any impact on the changing climate of the world and, secondly, that the rest of the world are going to say, 'Gee Australia's done that. We'd better do that as well.'

I have just come from a wonderful meeting with the Foreign Affairs Committee of the National People's Congress of China. They have confirmed that 70 per cent of China's energy comes from coal fired power stations. They have confirmed that they are encouraging more coal from Australia and Indonesia because of transport needs. They have indicated that they continue to build coal fired power stations in China. They are shutting down some smaller ones and building bigger new ones. They also said that the use of coal has been down by five per cent in recent times, but they clearly say that is because all energy is down due to the slight contraction of the Chinese economy. They say that they are increasing their nuclear sources of power from four per cent up to a planned, I think, nine per cent.

Clearly, to meet our target of a five per cent reduction by 2020, we have to reduce our emissions by 126 million tonnes from business as usual, limiting them to less than 550 million tonnes annually. China's annual emissions top 10,000 million tonnes—that is more than the US and Europe combined. China's emissions have been growing most years by more than the total emissions from Australia. Our meagre reduction can have no discernible effect on the total global emissions, let alone upon climate change. We argue on how to trim five per cent, which is effectively one per cent of global emissions, while China produces a third of the total global emissions, and it continues to build coal fired power stations.
When are we going to get some sense into this argument? I keep asking the Greens and the Labor Party, and I know they hear me when I say: 'Australia emits less than 1.2 per cent of the world carbon emission.' I know they hear me because they, at times, try very hesitantly to explain that we have to show that we are part of the world. I am sorry, but the world is not sitting there waiting for us to put pen to paper. Few serious countries outside the European Union are implementing any emission trading schemes. The fact is, and it is a crucial fact, it shows that there is no sign of this changing at any time in the future. Labor's preoccupation with an ETS is a testament to its political masochism and to the puerile nature of the Australian climate debate.

For almost a decade now, in a nation that will have little influence over international policy developments and no discernible effect on global climate patterns, this issue has been allowed to dominate domestic political debate and consume political leaders. It is a nonsensical debate. And I am concerned about the education of our children, because the children of Australia have been brainwashed into thinking that, if you turn off a light in Australia, somehow that is going to stop climate change.

This is a puerile debate in the extreme. We have to bring some sense into the debate. Sure, if everybody else were reducing emissions down to the levels proposed by some, then Australia should do its part. I have never suggested otherwise. But Australia should not ruin its economy, or send workers' jobs overseas because of the Labor-Greens carbon tax and other stupid proposals from those parties into the future. The Greens will always, as they do, denigrate anyone who does not believe in their passion, in their view on life. They are pretty good at denigrating and belittling people who express their own, different views. But I have not been a climate change denier. Never have I denied the climate was changing, because, as I repeatedly say, Australia was once covered in ice; of course the climate changes. The centre of Australia was once a rainforest; of course the climate changes. It is something that has been happening since time immemorial. This new theory—I often refer to it as a fad, a farce or a hoax—that suddenly, since the start of the industrial age, that sort of change of climate is happening anew, is just farcical and fanciful. But I do not even enter into that debate.

What I have to say to Australians—and to people in this parliament, in this government now and in future governments—is that Australia emits less than 1.2 per cent of the total world emissions of carbon. Australia emits less than 1.2 per cent of the world's emissions of carbon. I challenge anyone from the Greens political party or the Labor Party to tell me how reducing Australia's emissions by even, say, 50 per cent will have any discernible impact on the changing climate of the world. I await a response. I repeat: Australia emits less than 1.2 per cent of the world— (Time expired)

**Domestic and Family Violence**

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (12:55): Today I want to talk about a national tragedy that is occurring on our doorstep. It is a tragedy that is blind to race, culture, age and postcode, and it is a tragedy that is growing to epidemic proportions. That tragedy is domestic violence.

The shocking stories we have seen over the past weeks are unacceptable. In one single week, we saw reports of five attacks on women and children, by men. Tara Brown, from the Gold Coast, was allegedly run off the road and then fatally bludgeoned as she lay defenceless in her upturned car. The next day, Brisbane woman Karina Lock was shot at point-blank
range by her estranged husband. On the same day in Brisbane, Zarah Abdi was viciously attacked with a machete by an ex-partner. Earlier in the week, a Sydney man was charged with the stabbing murders of his mother and young nephew.

These are not isolated incidents. Tragically, one woman dies every week at the hands of a current or former partner. This year alone, it is estimated that more than 60 women have lost their lives to domestic violence. One in three Australian women have experienced physical violence since the age of 15, and 17 per cent of Australian women have experienced violence by a current or previous partner in their lifetime. It is estimated that Australian police deal with 657 domestic violence matters every day of the year. That is one every two minutes—and things are getting worse. Karen Willis, Executive Officer of Rape and Domestic Violence Services Australia and 1800RESPECT, has warned that we are on the verge of a tsunami of domestic violence. Looking at the data, it seems that she is right.

In Victoria, the most recent police statistics, from June this year, show a 65 per cent increase in the number of family violence incidents since 2011. Last year, while the crime rate decreased by 0.6 per cent across the board, family violence incidents bucked the trend, showing an eight per cent increase. The annual police performance report in my home state of Tasmania, which was recently released, revealed a very perturbing spike in family violence. Last financial year saw family violence incidents jump to more than 2,600, up almost 200 from the previous year. We also saw a spike in the number of family violence orders that were issued, up to 1,426 from 1,329 the year before. It is a problem that we have known about for many decades, and good hearts and minds have been trying to solve for many years. But, despite all the goodwill, we are not achieving the results that we must.

We also need to recognise that domestic violence is not just a disease; it is a symptom of entrenched cultural problems with attitudes to women. While there have been enormous advances in recent years in attitudes to women, there are some corners of our society where lingering sexism is still prevalent and where gender inequality is accepted as normal or appropriate.

The reports that have come to light in the past few weeks have angered, saddened and sickened me in equal measure, but the overwhelming feeling that I have been left with is outrage—outrage that such vicious attacks of violence could somehow be accepted as unfortunate but unavoidable or even normal, and outrage that we have fundamentally failed to provide pathways for these women to get out.

We cannot let this just be a flurry of reports soon forgotten and discarded. Change will require a commitment from all sectors of society and members of all communities to bringing about deep and lasting cultural change that rejects violence against women. Complacency is no longer an option. We need to act and we need to act now. We need a coordinated commitment from all levels of government across the health, welfare, family and community services and crime and justice sectors. There are some important steps being taken already, like the decision of the Palaszczuk government to fast-track change and commit to adopting the recommendation in Quentin Bryce's landmark report on family and domestic violence, *Not now, not ever*.

This is a national tragedy and it needs strong national leadership to drive change. Sadly, domestic violence still has not managed to secure an appropriate place on our national agenda that reflects the sheer scale and urgency of the problem. I believe there are genuine, good
hearts on both sides of politics and a genuine determination throughout this place to see an end to this senseless violence. I also recognise that the former Abbott government has regularly voiced its clear intention to address the pressing issue of domestic violence. Mr Abbott spoke with strong words about the unfolding tragedy and has declared 'enough is enough' when it comes to the scourge of domestic violence. I also support Mr Abbott's call to appoint a fierce advocate for action on domestic violence, Rosie Batty, as the Australian of the Year. I recognise Mr Abbott's moves to establish a national awareness campaign, but I cannot ignore the very serious disconnect between the words of this government and some of its actions.

In the past two years, the federal government has levied savage cuts on vital legal and community services that provided support to women escaping family violence. We have seen $270 million cut from community services. There has been $44 million taken from homelessness services when we know that domestic violence is the leading cause of homelessness in this country, and $22 million has gone from community legal centres. Also, legal aid has to do its important work with $14 million less. Together these services provide support to enable women to escape family violence.

If the reality of domestic violence for non-Indigenous communities is appalling, it is even worse for Indigenous women. Aboriginal women are six times more likely to be victims of domestic violence than non-Indigenous women. They are also 34 times more likely to be hospitalised as a result of domestic violence than their non-Indigenous counterparts. In this context, the government's decision to cut $534 million from Indigenous programs and front-line services is totally unjustifiable. Without these services, many thousands of women will have the option of escape completely closed off for them. How can a government stand before the Australian people and say that it is committed to addressing this social menace while ripping away funding from the very services that women rely on to escape? How can we encourage women to leave the violence they have been enduring if the safety net we are offering is groaning under the weight of underresourcing and is riddled with holes. If you want evidence of the immense pressure the system is under, just look at the 18,632 calls that went unanswered by the 1800RESPECT phone line, which is manned by the federal Department of Social Services, or consider that 2,800 women fleeing domestic violence are turned away from homelessness services every year.

Not only is it cruel and inhumane to revoke support for domestic violence victims; it is also economically ill-considered. Domestic violence is estimated to cost the economy $13.6 billion a year. This is expected to rise to $15.6 billion by 2021 according to government estimates. Domestic violence accounts for 40 per cent of police time and results in enormous strain on our health and justice system as well as the community sector. We also need to understand that by failing to address the issue now, we are sentencing hundreds of thousands of Australian children to forming their world views through a screen of family violence. We know that exposure to intimate partner violence in childhood creates an increased risk of mental health, behavioural and learning difficulties. We also know that children exposed to violence in the home are more likely to go on to commit or experience violence themselves when they grow up.
Australia needs real, genuine commitment to break this cycle of violence not just strong words. Mr Abbott himself conceded this yesterday in his final speech as Prime Minister when he clearly stated:

Then there's the challenge of ice and domestic violence, yet to be addressed.

In March this year, Labor called on former Prime Minister Abbott to hold a national crisis summit on domestic violence. A summit would bring together parliamentary leaders from all jurisdictions with law enforcement, service providers, experts and survivors to get consensus on urgent judicial and services reform. Again, earlier this month an offer was made in the spirit of genuine commitment to work together with the government to address the issue in a bipartisan manner, but Mr Abbott did not agree to this request. So, today I call on Mr Turnbull to turn the rhetoric of his predecessor into concrete action. Today I call on Mr Turnbull to commit to holding a national crisis summit and working in genuine bipartisanship with Labor to address this very urgent issue affecting our community today. Today I call on Mr Turnbull to restore and to increase that vital funding for community, legal and homelessness services that will assist those who are trying to escape domestic violence in our society.

Western Australia: Canning By-Election

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (13:05): I rise this afternoon to put some brief thoughts on the record about the upcoming by-election in Canning in my home state of Western Australia. My thoughts are with everyone from the Australian Greens, our volunteer team, to everybody else who is putting in an effort, including those from other parties, a reasonably large field of independents and those who are showing that at least at that grassroots level our democracy has still got a bit of life in it yet, and to Dr Vanessa Rauland in particular—my friend and occasional colleague. On a lot of the issues I have worked on, I have learned a great deal from her over time. Her passion for low carbon cities, low carbon urban development—not as a kind of hairshirt that we have to collectively wear but as a way of making our cities and towns more vibrant, more economically productive, safer, cleaner, lower pollution environments and better places to live—is genuinely inspiring. It has been wonderful to see Dr Rauland move out of the small business role just briefly and onto the political stage to be able to throw those ideas into the field. Our thoughts are with you at this time.

I note for everybody engaged in the by-election campaign in Canning and for those from further afield who are not familiar with that part of town that Canning is a very large outer metro electorate to the south and eastern part of the City of Perth. The Perth metropolitan area stretches from two in a way quite different constituencies between the hub around Armadale in the hills, up the Darling escarpment, all the way around to the southern part of Mandurah, down on the coast, and the peri-urban hinterland in between.

It is an area that has been quite substantially left out of the national debate. As we found in the by-election last year, it is a really valuable way of putting local issues into a national context. One of those contexts is that the country has a different Prime Minister to the one it had when the by-election was called only a couple of weeks ago. Because of that, it is likely that the government under the new leadership of Prime Minister Malcolm Turnbull will get a bit of a sugar hit and a bit of a bump in the polls. I think that is inevitable. It happens reasonably reliably after these sorts of changeovers happen. I would be asking people who are
undecided—or who at least were undecided the last time the pollsters took a look around—in considering their vote to look at not just the style and whether there is a nicer smile or a better salesman but what is being sold.

I also want to acknowledge the work of the Australian Solar Council in sticking up for their members, principally small businesses, around the country who are trying to get the solar sector on its feet but also all of those who use their products to have, in effect, a home and power station.

One of the things we discovered is that 23 per cent of undecided voters said that renewables are their No. 1 issue of importance. It is really unusual to find the issue given such prominence. I think that was in part provoked by the fact that until very recently we had a climate change denying Prime Minister in office who led that culture from the top. He was not quite brave enough to call it crap as he once used to do but rather pretended and proceeded with a fig leaf, but that permeated the culture and, more importantly, the legislative agenda of the government, which was to as rapidly as possible try to kill the clean energy sector off, whether that be large-scale solar and wind energy developers in our regional hinterlands or the kind of people that the Australian Solar Council are speaking to in places such as Canning. So that is a quarter of undecided voters putting renewable energy as their No. 1 priority.

What we hear from Mr Turnbull is that the policy settings are not going to change. The government will attempt to do a better sales job, but the policies themselves are not going to change. Anybody who finds that mystifying I would invite to listen to the contribution that was given by Senator Macdonald not 20 minutes ago when he laid out in quite graphic detail exactly what the problem is and why it is unlikely that anything will change no matter who is the front man and providing the sales pitch.

The Barnett government is not much better. My colleague Robin Chapple MLC discovered in the fine print of their contract a week or two ago that anyone who wants to install photovoltaics will be signing an energy contract that says they will not install battery storage or an electric vehicle. It is unbelievable that that is what people are being forced to sign up to if they are putting PV on their roofs.

These are the issues, among many others, that are in play in the Canning by-election. We would ask that the people who are still considering where to park their vote whether they think climate change is a slow-motion disaster that we are leaving for our kids and grandkids, whether they think it is right upon us today as an urgent imperative that we need to deal with or whether they are grabbing it as an extraordinary opportunity to reshape our communities and improve the quality of life for people who are living particularly in outer metropolitan areas.

This is why I think it is interesting to be hearing voices from places such as Armadale, Mandurah, Boddington and some of the smaller settlements on the edge of the Perth metropolitan area. We look to advice from groups such as the National Growth Areas Alliance. That is an alliance of local governments that effectively take in the growth areas on the edges of all Australia's great capital cities. Eighty-three per cent of Perth employment is in the suburbs. So more than four out of five jobs are not in the central business district of Perth. I presume it is reasonably similar for other Australian capitals. Yet our public transport system and our infrastructure is all tremendously CBD centric. It is the outer metropolitan
areas, even though they are growing very rapidly, that have missed out on services and infrastructure. I think that can be a real focus in a by-election such as that that is occurring in Canning at the moment.

There is overwhelming evidence that residents in the fast-growing outer suburbs lack access to the same jobs and services as those in the inner suburbs. That is really a question of opportunity, and it is something that we can do quite a bit about. There are congested and insufficient road networks and a total lack of public transport. There is a good rail service into Armadale and Mandurah, obviously, but most people do not live within an easy walk or bike ride of those railway stations. This is not to cast particular political rocks, because there was some attempt under the last government to deal with this issue. Bringing those jobs and services to outer metropolitan areas is not something that should not simply be left up to the market. We should not wait for people to move into so-called affordable houses on the far fringes of our metropolitan areas and then wait another 20 years for the jobs and the public transport to show up.

The National Growth Areas Alliance *Bring the basics within reach* report which was released reasonably recently told stories of outer suburban residents through its 'voices of our suburbs' project. These are voices that are often left out of political debate. But the by-election that is occurring in Canning at the moment is a wonderful opportunity to highlight those voices and listen to those people about the amount of time that it takes to commute to work and get the kids to school without the provision of public transport. They have been waiting for suburbs to be developed and sometimes waiting 20 years before basics services are provided. Better access to jobs, better access to health services, more local schools, better public transport, more leisure opportunities—these things should not be the province of the inner cities alone.

One of the projects that has looked at what this would look like in practice that I have most enjoyed working on with AUDRC and the Property Council over the last couple of years is called Transforming Perth, which is about doing infill well. It is about doing public transport centred urban development where there is growth, rather than simply spilling out over the periphery of Perth. The modelling that we have done shows that, just by developing not high-rise but two- or three-storey properties along public transport corridors, you can infill a quarter of a million diverse and affordable dwellings within the existing urban fabric of Perth. That is very consistent with what residents have asked for and what advocacy groups such as the National Growth Areas Alliance are asking for as well. It is a way of channelling urban growth but also a way of having services, such as childcare centres, places of employment, civic spaces and places for people to congregate, which have tended to be more in the inner city and established areas. There is no reason at all why we cannot breathe life back into some of the suburban areas that are so desperate for the services, infrastructure and employment hubs that others in inner cities enjoy.

I am looking forward to getting back to Western Australia. It is about this time in the cycle that I start to miss the West very much. I look forward to meeting with the election campaign team and Dr Rauland on Saturday to see what we can make of the by-election and to see how this most recent somewhat seismic, perhaps—although that is yet to be seen—political change that is happening here in Canberra affects people's views and lives on the ground.
Public Health Policy

Senator McGrath (Queensland) (13:15): I wish to speak this afternoon on the evils that pertain to the nanny state. In the eternal war against the Left, our opponents take many forms—unwashed student socialists on campus, latte-sipping hipsters in trendy inner-city hangouts, bureaucrats, leftie journalists, and Labor and Green politicians in their ivory towers of condescension. The one thing they all have in common is their hostility towards the fundamental principles that we fight for as warriors of freedom: the liberty of the individual, a free market, small government and low taxes. As I have said before in this place, the simple statement by the Irish politician and freedom fighter in the middle of the Second World War, James Dillon, that 'democracy, freedom and liberty must always be defended' rings loud as a battle cry for those of us who stand for this axis of enlightenment.

In Australia today, the war against the Left is being waged on numerous fronts, particularly in relation to freedom of enterprise, freedom of speech and individual liberty. Indeed, this nanny state approach advocated by the Left, founded upon feigned moral outrage and a government-knows-best mentality, should only embolden us to champion our cause for freedom.

Let me run through a few particularly grievous nanny state issues. Tobacco is the go-to baddie of the so-called public health advocates. While I do not for a moment deny the health effects of tobacco, it is up to the individual to decide for themselves whether they wish to smoke or not smoke. It is also up to us to open to debate the ways in which government should regulate and dictate what adults can do to their bodies with an otherwise legal product. Taxes on tobacco have been jacked up over recent years, mostly as a cover for the former Labor government's fiscal recklessness. Smoking bans have been extended to malls and footpaths and there have been moves to ban smoking on entire university campuses, such as the proposals at the Queensland University of Technology and the current ban at the Australian National University.

Then there is plain packaging. It has stripped businesses of their right to brand and market a legal product, and has increased sales of illegal tobacco, otherwise called chop-chop. It is the antithesis of freedom for government to interfere with the rights of businesses to market their products, whether it is tobacco, alcohol or stuffed animals. It is an attack on free speech and the intellectual property rights of law-abiding businesses and should be condemned.

A KPMG report into illicit tobacco, released in October 2014, found that between July 2013 and June 2014 the proportion of chop-chop increased from 13.5 per cent to 14.3 per cent of total tobacco consumption, and the illegal importation of tobacco has increased from 0.5 million kilograms in 2012 to 1.3 million kilograms today. Given rising tax rates and the growth in chop-chop, it is not even clear that smoking rates are falling any faster than the long-term trend—the stated aim of the scheme. Throw in the cost of litigation in the High Court and overseas, expected to be well over $50 million, and one has to wonder whether the plain packaging experiment has been worth the trouble.

In typical do-gooder fashion, e-cigarettes, which may actually be a key tool in decreasing addiction and lung cancer rates, have been demonised. E-cigarettes, for those who do not know, are battery-powered nicotine vapourisers. They do not contain tobacco or produce smoke, but rather use a nicotine vapour which produces a similar effect to smoking without the health risks caused by the toxins in traditional cigarettes. Indeed, a review from King's
College London and the Queen Mary University of London, released earlier this month, found that most of the chemicals causing smoking-related disease are absent from e-cigarettes and the chemicals that are present pose limited danger, making e-cigarettes about 90 per cent safer than smoking. Despite this, there are restrictions on the sale and use of e-cigarettes and associated vapour in Australia. The balance of evidence does not support this unjustified government restriction on e-cigarettes, which should be reconsidered.

There have also been calls from the Left to extend taxes and restrictions on junk food to protect Australians from themselves. But the effectiveness of widespread behavioural taxation is highly questionable. In 2011 the Danish government introduced the world's first fat tax as a measure to promote healthy lifestyles. It was an abysmal failure—scrapped after only 15 months after it was shown that consumers merely bought cheaper brands rather than healthier food. It is a tax failure that would make even the Australian Labor Party blush. Rather than restrict food ads during children's television, parents should be left responsible for their own family eating habits.

Alcohol restrictions, to combat so-called binge drinking, have been hotly contested of late, with the Helen Lovejoys and Maude Flanders of the world shrieking, 'Won't somebody please think of the children!' But the nanny statists are way off. Australian Bureau of Statistics figures show that the long-term trend for alcohol consumption has been declining, falling more than 20 per cent per capita over the last 40 years. Alcohol tax changes have merely changed drinking preferences and led to greater at-home drinking.

Then there are the calls for greater restrictions on alcohol at licensed venues and lockouts. The facts and evidence do not support such government intervention. Lockouts were a failed experiment in Melbourne and have had unintended consequences since they were introduced in Sydney, with patrons going elsewhere and increasing crowding on the street. Restricting trade in lockout areas also has an adverse effect on jobs, particularly for young people, limiting and damaging the hospitality and entertainment industries. This is all for little gain in terms of reduced violence.

In 2012 a Queensland government report found that the vast majority of ambulance calls for alcohol-related violence occurred before 3 am in Fortitude Valley and even earlier in Surfers Paradise, suggesting that a curfew would be ineffective at improving safety. Of the 50,000 patrons who visit Fortitude Valley in Brisbane on weekend nights, only 33 arrests are made on average—a microscopic 0.066 per cent. It is wrong to penalise the vast majority of law-abiding partygoers for the behaviour of a few knuckleheads. Instead of punishing the many for the sins of the few, we should seek to change the culture amongst young people to ensure that they take greater personal responsibility for their own individual actions.

The Liberal-National Party in Queensland gets this issue. The Safe Night Out strategy that they implemented created 15 Safe Night Out precincts in key entertainment areas across Queensland, stretching from Cairns to the Gold Coast. These areas have greater use of ID scanners to coordinate and identify perpetual troublemakers, increased policing powers and supportive places such as sober safe centres to help patrons. In addition, crimes were toughened up to deal with drunken assaults, the liquor licensing regime was enhanced and education was introduced for young Queenslanders still at high school to promote responsible behaviour with alcohol. This coordinated approach is making inroads into alcohol related violence in Queensland.
In stark contrast, the Labor Palaszczuk government plans to introduce a damaging policy in Queensland: 1 am lockouts, stopping service of alcohol at 3 am, and bans on high alcohol content drinks, including shots, after midnight. While that may entice the teetotallers in our community, law-abiding Queenslanders, both young and old, should not have to put up with this. The Labor Palaszczuk government should recant its nanny statism and leave the Liberal-National parties' Safe Night Out Strategy in place.

Finally, I would like to comment on mandatory bicycle helmet laws, because despite numerous concerns about safety the evidence does not suggest that overall health outcomes are actually improved. Obesity rates in Australia are climbing faster than anywhere else in the world. Yet Australia is only one of two countries in the world with national all-age mandatory bicycle helmet laws. British research suggests life years gained through cycling outweigh years lost in cycling fatalities by a factor of 20 to one. A recent study of the users of Barcelona's public bike hire scheme put this ratio at 77 to one. A recent survey from University of Sydney Professor Chris Rissel found that amending helmet laws to allow adult cyclists free choice would lead to an approximate doubling of cycling numbers in Sydney. London's 'Boris Bikes' provide an example of the relatively high safety levels of public bicycle hire schemes in countries without compulsory bike helmet laws. Of the 19½ million trips taken on Boris Bikes over the first three years of operation, there has been only one fatality, with no other life-threatening or life-changing injuries.

A Queensland parliamentary committee report in November 2013 recommended that people over 16 years of age can choose whether or not to wear helmet if they are riding on footpaths, bike paths or on roads where speeds are limited to 60 kilometres an hour or below, and if they are hiring a bike, like in Brisbane's public bike hire scheme. If you are riding a bike without wearing a helmet in Queensland during magpie season, you are probably a bit of a nutter, but that should be your choice as an individual to make. I would like to commend the Institute of Public Affairs, the Centre for Independent Studies, the Australian Institute for Progress and No Curfew for their work in defending the freedom agenda. If we are to ban anything, it should not be freedom of choice but the nanny state.

Mixed Martial Arts

Senator STERLE (Western Australia) (13:25): When I was a kid growing up, 'chop chop' meant get your bum into gear and get moving—anyway, I have just learnt something new! I rise today to speak on an issue that I believe would contribute immensely to the great State of Western Australia. The issue is I speak of is mixed martial arts, and more specifically about hosting an Ultimate Fighting Championship event in Perth. I have personally spoken with UFC executives and representatives—Mr Tom Wright, UFC Director for Canada, Australia and New Zealand; Mr Joe Carr, UFC Vice President of International; and Mr Peter Kloczko, UFC's Australian and New Zealand representative—all of whom have indicated that they would most definitely be interested in hosting an event in Perth if they were allowed to. However, the Western Australian Barnett government has stood in the way of this, by introducing a ban in March 2013 prohibiting the use of a fenced enclosure in mixed martial art events.

This ridiculous decision was even contrary to advice given by the WA Combat Sports Commission, a government body that supports the use of a fenced enclosure and voiced concerns about the decision made by the government. The commission stated it 'supports the
use of fenced enclosures for MMA contests but will abide by this decision'. This particular comment comes from the body that actually recommends and enforces the rules. So it appears that we have a case of professionals being dictated to by the politicians, who clearly do not have the best interests of the athletes and the sporting community foremost in their minds. This has made mixed martial arts far less safe in Western Australia. It was also stated widely in the media that there was no consultation within the combat sports community, who would have told the government how this move would put athletes' safety at risk.

What does this all mean? It is preventing the most professional mixed martial arts organisation in the world from hosting an event in Perth. The UFC will not risk the safety of their athletes if they cannot compete in the Octagon, which is fenced. This was personally conveyed to me by the UFC, who wanted to stress how important this safety measure is to the organisation. This is why I cannot understand the WA government's decision, because, firstly, it does not account for athlete safety and, secondly, it prevents the premier organisation bringing a professional event to Perth. That is why today this speech will mark the beginning of my UFC for Perth petition, in the hope of getting the UFC to the west. This ridiculous Barnett government decision needs to be overturned.

Let me talk about some of the issues which I have briefly raised so far. Because of the action of the Western Australian government, some people automatically presume that mixed martial arts is banned in Western Australia; this is not the case. Mixed martial arts events are sanctioned on the proviso that the event must be conducted in a boxing ring. This was the same as in Victoria, which this year changed their regulations to allow MMA events to be competed in a fenced enclosure. Victorian sports minister Mr John Eren pointed out that competing in a fenced enclosure is 'a move industry experts say will increase safety and reduce the likelihood of serious injury'.

Let me explain to you why a safety enclosure is important. In the sport, the full spectrum of martial arts is utilised. Many of those are Olympic sports such as boxing, wrestling, taekwondo and judo. But it also encompasses other martial arts such as karate, Muay Thai and Brazilian jujitsu. If a fenced enclosure is not there when athletes go for a take-down, the athlete can go through the ropes potentially injuring themselves, officials and/or spectators. Yes, it is true that some MMA bouts in a boxing ring still occur, but these are with far smaller promotions. The larger and, I stress, the professional organisations conduct bouts in a fenced enclosure because they want to ensure the athletes' safety.

Having an organisation set a better standard in terms of safety and professionalism is not dissimilar to various industries in Australia, including industries I know a little about such as the transport industry. For example, if you have a reputable company that is the highest paid organisation and upholds the value of its employees by providing a safe working environment, then it actually improves the whole industry, because employees want those standards in their organisations.

No wonder MMA athletes want to compete for the UFC. The benefit of this is that it will lift the standards throughout the industry. The UFC is a leader in the sport of MMA. The leadership of the UFC has been especially evident. When MMA was in its infancy it had limited rules and was looked at as an underground sport. The evolution led by the UFC has made MMA into a professional sport, now considered the fastest growing sport in the world. There are now unified rules of MMA that are globally agreed on. If leadership had not been
taken by the UFC the sport would not be a professional one. That is why it is hard to understand why the WA Barnett government is allowing the sport to go backwards in WA.

To make a bad decision even worse, the state is forgoing the economic benefit of hosting the UFC in Perth. Sydney has hosted a UFC event four times. Brisbane, the Gold Coast and Adelaide have each hosted an event once, all with great success. In November this year the UFC will host its first event in Melbourne at Etihad stadium, expecting some 70,000 spectators. This will be one of the biggest UFC events in history. It will be headlined by the UFC’s biggest drawcard, ESPN sports woman of the year and UFC bantamweight titleholder Ronda Rousey. The co-event is another female title fight. Like Western Australia, Victoria had a ban on fenced enclosures, but it has since overturned that ban, as I said previously. The current sports minister of Victoria stated when changing the rules:

The new regulations will make the sport safer by introducing a ‘safety enclosure’, such as the octagon, giving the green light to UFC bouts in Victoria that will boost tourism and create jobs.

Those are things I like to hear: ‘boost tourism and create jobs’. Why are those states smart enough to have a UFC event while Western Australia is still languishing behind? Is WA a state that no longer cares about tourism and job creation like the rest of the states? I quote a figure that came out recently:

… international tourism to Western Australia grew just 1.22% in the year ending June, 2015, compared to a national average of 11.8%.

In Adelaide the UFC itself pretty much booked out a hotel, but they also had many interstate and international visitors watching the fights live. I was advised that many Western Australians made the journey east to Adelaide, and I know that many more will go to Melbourne. Not only would people get to see a world-class event here in Perth but, to be frank, they would be getting a glimpse of the best state in the land.

I now want to address the issue that the WA government will want to push: that the sport promotes violence. I have stated previously that mixed martial arts is not banned in WA, just as boxing is not banned. Access for people to view MMA is not banned in WA. So why are they essentially banning the UFC? If it is about violence then why not ban boxing, MMA, karate, judo and whatever? Why in essence ban the organisation that sets the highest standard in the sport but allow smaller semi-professional or amateur organisations to conduct events? They have never addressed this.

The elite promotion that is the UFC has its own code of conduct, which has seen athletes terminated and/or suspended. The UFC are known for their commitment to being a mainstream professional sport, so when an incident occurs they take it very seriously. There are no exemptions, and champions have been stripped of their titles. The majority of the athletes on the UFC roster are full-time professional MMA athletes and are the highest paid in the sport. The UFC also has one of the strictest drug policies in sport. As discussed, the UFC was part of the negotiations that brought in a set of unified rules to mixed martial arts. This made the sport a more regulated one with many rules, in contrast to the image of it being a no-rules fight. Many of the rules recommended by the UFC are the same as the rules for modern mixed martial arts. This is the level of professionalism that has evolved mixed martial arts. I was fortunate enough to see how the operations worked in Adelaide. From my perspective I saw how professional the UFC are. The safety of the athletes was of upmost importance and
they made no secret of it, because as the most professional organisation they want to set the standard.

It just seems archaic that the WA government has in effect excluded the UFC from going to Perth. In closing I reiterate that the Western Australian government's position is just plainly wrong and is ensuring that safety is no longer a priority in WA in mixed martial arts. This poor decision is essentially banning the UFC from hosting an event in Perth and forgoing the level of professionalism and economic benefit that they will bring to WA. This draconian, nanny state approach by the government is solely punishing the followers of the UFC.

**Economics References Committee: Personal Choice and Community Impacts Inquiry**

Senator LEYONHJELM (New South Wales) (13:35): I would like to clear up some confusion. First I am going to answer a question that has come my way a lot in recent times: 'What is the nanny state?' Next I am going to outline the origin of the phrase. At its core, the nanny state involves enacting laws and enforcing policies that interfere with or manage personal choices when the only consideration is the individual's own good. This is distinct from public health interventions that address public problems such as product safety, sanitation, vaccines and water quality. These are not nanny state laws. They are not directed at making individuals live their lives according to a certain set of rules or a certain standard.

A good example of nanny state intervention can be seen in the case of obesity. If you eat too much and get fat, that is your problem. It may be unwise, but it is not the government's business whether you eat too much and get fat. You are the one affected, and the costs you incur are private. The distress and grief of those who choose to be around you may be a consequence of that choice, but it is a private matter between you and your loved ones. And if governments make an unconditional and unsolicited commitment to pay your health costs, that simply indicates that governments are reckless with the money of taxpayers. This recklessness does not justify further incursions into our lives. Two wrongs do not make a right.

The Senate Economics References Committee inquiry into personal choice and community impacts, of which I am chair, has adopted 'nanny state' as its shorthand phrase to describe its focus. Last week, during the course of the first hearing, and then during an interview on *Lateline*, Mr Michael Moore, CEO of the Public Health Association of Australia, spent a great deal of time deliberately confusing nanny state issues with non-nanny state issues. He was aided and abetted by the ABC's Emma Alberici, who kept asking me questions about guns. Firearms ownership is not a nanny state issue. If it were, it would have been included in the terms of reference for the inquiry. It is not a nanny state issue because the legal regime pertaining to the licensing of firearms owners has the aim of protecting others from harm.

Why does this matter? I am a classical liberal, like John Stuart Mill. And it is John Stuart Mill's 'harm principle' that is at the core of the political philosophy I espouse:

… the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others … Over himself, over his own body and mind, the individual is sovereign.

During the first hearing, Senator Dastyari pointed out that it was in Australia's interest for people to be honest about their ideologies. Senator Dastyari is correct. The unwillingness of
politicians—and many others—to admit to having an ideology allows confusion to arise. You will never be in any doubt about my ideology.

Mr Moore is hot on the idea of 'stewardship', developed by the UK's Nuffield Council on Bioethics in a lengthy policy paper called Public health: ethical issues. Stewardship, I am given to understand, means that 'the state has a duty to enable people to lead healthy lives'. It emphasises reducing what the council calls 'unfair health inequalities'. While I do not agree with the notion of stewardship, the arguments advanced in the council's paper are nuanced. They take John Stuart Mill's 'harm principle' seriously and treat those who oppose coercive public health intrusions with respect.

By contrast, public health advocates conflate the sort of regulation needed to protect children with regulation intended to protect adults from harming themselves through personal choices. The nanny state inquiry is not about children, and attempts to make it so are a straw man. No-one disputes that children must be treated differently from adults. While I absolutely prefer decisions about children to be left to parents, without state interference, there are circumstances—like child abuse—where the state must become involved. Public health advocates also purport to speak on behalf of the poor, less educated and less sophisticated. This looks superficially compassionate, but it is not. It is arrogant and elitist, and assumes moral and intellectual superiority. Its effect is to hector people about unhealthy lifestyle choices, controlling their purchases, and punishing those who maintain 'impure' behaviours—through regressive taxes on cigarettes and alcohol, for example.

In the Public Health Association's submission, and on Lateline, Mr Moore also made claims about the origin of the phrase 'nanny state'. He said it was coined in 1965 by the Conservative British health minister, Iain MacLeod, writing under the name of Quoodle, who in 1954 famously smoked through a press conference on the dangers of smoking, and who died of a heart attack at age 57. There is only one problem with this story. It isn't true. In fact, use of the word 'nanny' to describe state interference in individual choices is at least 13 years older and came from the left side of politics. In 1952, American journalist Dorothy Thompson—one-time wife of Sinclair Lewis, the Nobel Prize winning socialist writer—used 'nanny state' to describe British imperialism in the Middle East. Thompson wrote in her syndicated column:

> Western empires have "filled" the role of headmaster, or Nanny-governor. The West does not treat the inhabitants of its colonies as equals.

She continued:

It is an amusing notion that comes to me that, with the retreat of empire, Britons are turning Britain itself into a Nanny-state, perhaps out of a long habit in persuading or coercing natives to do what is good for them.

In a 1960 article in the New Statesman, the magazine established by the Fabian Society, 'nanny' was used to attack the British Board of Film Censors. 'Novels and the Press get along, not too calamitously, without this Nanny; why shouldn't films?' asked columnist William Whitebait. He said Nanny 'exercises a crippling drag on the growth of a serious and healthy British cinema'.

Any attempt to discredit the nanny state term by linking it to Iain MacLeod will fail. He was a smoke-like-a-chimney health minister who voted for the legalisation of abortion and homosexuality, supported the immigration of all races into Britain, and advocated
decolonisation. He also had a serious war wound and ankylosing spondylitis, such that it is unlikely smoking killed him at 57. It is also likely he was a classical liberal. Mr Moore thinks that the phrase 'nanny state' was coined by a fool. Iain MacLeod did not coin it, but he was certainly no fool when he used it. In fact, his opposition to illiberal laws and racism was drawn from the same anti-paternalism that drives modern resistance to public health regulation. MacLeod believed that a powerful class should not impose its own values on the rest of society. Colonial masters told their subjects how to live their lives—lessons given force by military domination.

Every time people in love with their own expertise—including many public health advocates—seek to regulate what people buy or how they spend their time or what they put in their mouths, they forget the people who shop and the people who vote are the same people. If we can trust people to vote—a difficult and demanding choice with profound consequences—we can trust people to know what to eat, to drink, to buy, what video games to play, and whether or not to smoke.

Select Committee on the Regional Processing Centre in Nauru

Senator REYNOLDS (Western Australia) (13:44): Last week, Senator Gallacher, Chair of the Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru spoke four times in this place on the committee's report. He specifically singled me out for a highly personal attack on the quality of my character, the content of my heart and on my very humanity. He also challenged me to respond to his allegations, which I do here today.

None of us in this place should ever have to come here and justify our humanity and compassion should never, ever be a political contest of one-upmanship. Yet, sadly, that is what it has become.

On 8 September, in this place, the chair made the following assessment of my character. He said:

I will single out Senator Reynolds because of her conduct throughout the inquiry. It was totally partisan, totally political and less than objective conduct.

He then went on to say:

… I did not know what a woodchuck was—which is a politician who will say and do anything for promotion. I will single out Senator Reynolds on that basis.

But that was not enough to besmirch my character; my very humanity was next, with Senator Gallacher also saying:

You could not sit through these hearings and read these submissions and not be affected by them. They were really disturbing submissions.

… … …

For someone—

that is, for me—

to try and tart that all up as a couple of Labor Party senators having a go at the government is totally false and wrong.
And further:

For a senator to put her name to a dissenting report and say that we on this side have made it all up is really heinous.

Disappointingly, this fiery attack was delivered, not to my face, but to my empty chair here.

Three coalition senators participated in this inquiry: me; you, Mr Acting Deputy President Bernardi; and Senator Johnston. Senator Johnston and I co-authored the dissenting report, so I remain puzzled as to why I was singled out for this rather extraordinary attack. Was I seen as the weakest link? Was I seen as the easiest target? I can assure the Senate that, if that was the chair's assumption, he was grievously mistaken.

While of course Senator Gallacher's comments were hurtful I would normally have let them go through to the keeper but, in this instance, I have chosen not to for three reasons. Firstly, the chair himself challenged me in no uncertain terms to respond. Secondly, the very highly personal nature of these comments, I think, sends an appalling message to women and also to men, when looking for a career in this place.

Thirdly, I believe it is simply wrong for anyone in this place to assert that they have a monopoly on compassion and I believe it is time to call it out.

The issue at hand, the one I was accused of being devoid of humanity on, is, sadly, one that I am all too familiar with and deeply and emotionally invested in. If the chair had been looking for the perfect issue to plunge the dagger into my heart, he certainly found it.

I was Chief of Staff to the Minister for Justice and Customs when the Howard government had to tackle the heinous crime of people smuggling, which dehumanises and commoditises people in the worst possible way and which, as we know, has led many people to their death.

These three years were the absolute toughest of my professional career. When you receive calls from border protection agencies to advise your minister that boats are sinking and that men, women and children are drowning, it is utterly devastating and I can assure the senator that you feel.

When you see evil, when you have to deal with the consequences of terrorism, when month after month you assist the injured and traumatised survivors, when you deal with the devastated families of the dead and when you have to see and smell the dead, by God you feel. You feel sadness, you feel grief, you feel anger and you feel rage.

But I understood then, as I do today, that emotion and compassion in public life should never be the sole driver of government decisions. While you must be always be guided by your humanity, decisive action must always be led by rational and deliberative decisions. In this case, the only effective option over a decade ago was to put the people smugglers out of business and to do that there are no easy decisions and there are no easy options.

I am and remain very proud of the decisions that the coalition government team took to, once again, put people smugglers out of business for I believe that stopping this trade is absolutely the most humane outcome in the worst possible circumstances.

Turning to the report in question on RPC Nauru, coalition members stand by our dissenting report and we have heard nothing in the chair's four speeches last week which factually contradict our observations. In fact, it is quite the opposite.
The political and partisan nature of this inquiry was clear for all to see in the report's title: *Taking responsibility: conditions and circumstances at Australia’s regional processing centre in Nauru*. Taking responsibility—really?

The clear weight of evidence throughout the inquiry was that, while this government did not establish RPC Nauru, this government has taken responsibility for fixing the endemic problems we inherited at all 17 detention facilities, opened by Labor as a result of their loss of control of our borders. Thirteen have already been closed by this government and I know many more will be.

Readers of the majority report by Labor and the Greens could be forgiven for thinking that RPC Nauru had magically teleported through space and time to Nauru after the election of the coalition government in September 2013 and that absolutely nothing had happened since then and that time had stood still.

In fact, the overwhelming weight of evidence to the inquiry clearly demonstrates just how much this government has done: hundreds of millions of dollars for new facilities; children and families removed from detention; the Moss Review and the implementation of its recommendations; the new Child Protection Panel; and extra AFP assistance to the Nauru authorities. Nobody is saying for a second that there is not much more still to be done, because clearly there is. But taking responsibility is certainly something that this government has done.

As a consequence of the weight of evidence that we received, I believe the majority report recommendations would have been salient and applicable in late 2013, but they are clearly not relevant today. Coming to Senator Gallacher's allegations that I have no humanity and that I do not feel, of course I was affected by some of the evidence to this inquiry. It would be simply inhuman not to be. But, equally, I was not blind to the significant weight of contradictory and anecdotal second-hand evidence that was presented to the inquiry that we were simply unable to substantiate—evidence such as the sensational new evidence of waterboarding that was breathlessly announced before the last and final hearing of the inquiry. However, when subjected to the most basic of questioning by me and Senator Johnston, the witnesses' testimony simply comprehensively fell apart and there was not a single shred of credible evidence of waterboarding.

If Labor and the Greens had been serious about taking responsibility for, or at least sharing responsibility with this government for, the circumstances that they left behind, I believe they would have waited several more months before initiating this select committee because that would have given time for the Moss review recommendations to have been assessed. Calling this inquiry weeks after the government had started implementing the Moss review reforms demonstrates to me more than anything else the highly political nature of this inquiry. If they were serious, they would have waited until the end of the year until we had at least six months to assess how the recommendations were being implemented.

I would like to conclude by saying that making personal attacks on a single dissenting member is not taking responsibility; acting to fix the problems is, and the government are taking responsibility for what we have been left with.
Senator O'NEILL (New South Wales) (13:53): I rise to remind people listening and those in the chamber that on this day in 2008 Malcolm Turnbull defeated Brendan Nelson for the Liberal leadership. At his first press conference of his one year and 76 days at the helm Mr Turnbull said:

... our job as Liberals is to ensure that our society is a fair one.

Words come cheap to those on the other side. He did not believe it then and he does not believe it now. Mr Turnbull now takes over the reins of a party that has shown it is anything but fair and does anything but act in the interests of a fair society. If you think we are going to get a different government and that anything will change under Mr Turnbull's stewardship then you must also inhabit the same blissful la-la land that Mr Turnbull refers to so often.

Elocution lessons and a nice suit will not be enough to change the unfair agenda of the Abbott-Turnbull government. It is determined to inflict pain on the Australian people and create incredible unfairness and inequity. We see that at every turn, whether it is their budget choices or the legislation and regulations they push through this parliament. Without Labor holding it up it would be a lot worse than it already is.

The new Prime Minister was one of the heavy lifters in cabinet who supported all the cuts—every single one of them—of the horror budget of 2014. That was the budget that ripped $80 billion out of hospitals and schools, the budget that cut pensions and slashed funding to the ABC and SBS, the budget that intended to take away unemployment benefits from young job seekers and the budget that proposed a GP tax to visit a doctor. He supported it all—emphatically and on many occasions.

While the conservative state Premiers were so horrified by the budget measures that they took a stand against Mr Abbott, Mr Turnbull was out trumpeting the values of that very budget. Even with the benefit of hindsight—having seen the Australian public's reaction to it and having watched it held up here in the Senate—just in March this year Mr Turnbull said in a speech at the Brisbane Club that it was 'in no way correct to say that the 2014-15 budget was a failure'. By deduction he clearly thinks it was a success. He said the problem was not the cuts themselves but the way the government sold them. Labor has managed to stop many of the Liberal's cruel legislation efforts from hurting Australian families but we know this government is still determined to slug students with a $100,000 debt for a university degree and is still determined to break and dismantle Medicare and fair access to health care for all Australians.

Is Mr Turnbull ever going to stop the deregulation of tertiary education? Not if we believe his words. If he changes his mind, that will reveal his character more—that you cannot trust a single word he says. Is he going to stop the GP tax by stealth the Liberals have imposed by freezing the Medicare rebate? Not if we believe his words. If he does change his mind, once again he will prove how ill suited, in terms of his character, he is for the high office of the Prime Minister of this great country.

The Liberal government that Mr Turnbull now leads is still hell-bent on taking away penalty rates from hardworking and unselfish workers, such as nurses, who work unsocial hours and holidays such as Christmas. That is what he wants to get rid of. People experience inconvenience working at those times yet this government, with Malcolm Turnbull as part of
the cabinet and now as its Prime Minister, are all for taking away any compensation for the dedication of caring, hardworking Australians.

Last week the Fair Work Taskforce held its first hearing in New South Wales at Gosford in the seat of Robertson. We know the member for Robertson is one of the ones who backed Mr Abbott 100 per cent last week. This week, with blood on her hands, with the knife at her disposal—

**Senator Cash:** That's my action. I have copyright on that one.

**Senator O'NEILL:** Senator Cash is one of the ones who use this gesture. We know she has plenty of friends holding the knife with her, stabbing an elected Prime Minister in his very first term and taking him down. There were bloodcurdling screams from the room where the vote was taken. We have a hypocritical government that is not able to stand up for any fairness. They took out their own first term Prime Minister. They are grubby and dirty. While they have been plotting and planning this whole massacre—

**Senator Bernardi:** Mr President, I rise on a point of order. I wonder whether accusing the government of being hypocritical is unparliamentary.

**The PRESIDENT:** No, it is not.

**Senator Bernardi:** Are you sure?

**The PRESIDENT:** Senator Bernardi, there is no point of order.

**Senator O'NEILL:** I was interrupted while I was mimicking the gesture of Senator Cash, who is very famous for declaring that blood should never be spilt in the chamber. But they are covered in blood—from one end of the chamber to the other and across to the other side. The reality is that, while they were plotting and planning taking out their first term elected Prime Minister, they slowed this chamber down and filibustered debate after debate. They held up legislation getting it ready for the new Prime Minister, Malcolm Fraser—Malcolm Turnbull. It would probably be better if we got Malcolm Fraser back.

**Senator Back:** Mr President, I rise on a point of order. The senator spoke of the late Malcolm Fraser. I think she may have actually been referring to the now Prime Minister, Mr Turnbull. I wonder if you can draw her attention to accuracy in the chamber.

**The PRESIDENT:** That is a debating point.

**Senator O'NEILL:** Time was ticking while that point of order was being taken.

**The PRESIDENT:** Yes, the clock does not stop, because we count down to a hard mark at 2 pm.

**Senator O'NEILL:** The reality is in Gosford, where we heard that council cleaners on $20—

**The PRESIDENT:** Thank you, Senator O'Neill. It now is 2 pm.

**MINISTERIAL ARRANGEMENTS**

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:00): I table an updated list of the ministry and seek leave to have it incorporated in *Hansard*.

Leave granted.

*The document read as follows*—
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<td>Senator the Hon Eric Abetz</td>
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<td>Minister for Indigenous Affairs</td>
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<td>The Hon Malcolm Turnbull</td>
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<td>Minister Assisting the Prime Minister for the Public Service</td>
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<td>Minister Assisting the Prime Minister on Counter-Terrorism</td>
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<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
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<td>The Hon Christian Porter MP</td>
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<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
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<td>Assistant Minister for Infrastructure and Regional Development</td>
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<td>Minister for Justice</td>
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<td>The Hon Barnaby Joyce MP</td>
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<td>Senator the Hon Simon Birmingham</td>
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<td>Parliamentary Secretary to the Minister for Education and Training</td>
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<td>Minister for Social Services</td>
<td>The Hon Scott Morrison MP</td>
<td>Senator the Hon Mitch</td>
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<td>Assistant Minister for Social Services (Manager of Government Business in the Senate)</td>
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<td>Minister for Human Services</td>
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<td>Parliamentary Secretary to the Minister for Social Services</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
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SENATE

Wednesday, 16 September 2015

Title | Minister | Other Chamber
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Minister for Industry and Science | The Hon Ian Macfarlane MP | Senator the Hon Michael Ronaldson
Parliamentary Secretary to the Minister for Industry and Science | The Hon Karen Andrews MP | 
Minister for Defence | The Hon Kevin Andrews MP | Senator the Hon George Brandis QC
Minister for Veterans' Affairs | Senator the Hon Michael Ronaldson | The Hon Kevin Andrews MP
Minister Assisting the Prime Minister for the Centenary of ANZAC | Senator the Hon Michael Ronaldson | 
Assistant Minister for Defence | The Hon Stuart Robert MP | Senator the Hon George Brandis QC
Parliamentary Secretary to the Minister for Defence | The Hon Darren Chester MP | 
Minister for Communications | The Hon Malcolm Turnbull MP | Senator the Hon Mitch Fifield
Parliamentary Secretary to the Minister for Communications | The Hon Paul Fletcher MP | 
Minister for Immigration and Border Protection | The Hon Peter Dutton MP | Senator the Hon Michaela Cash
Assistant Minister for Immigration and Border Protection | Senator the Hon Michaelia Cash | The Hon Peter Dutton MP
Minister for the Environment | The Hon Greg Hunt MP | Senator the Hon Simon Birmingham
Parliamentary Secretary to the Minister for the Environment | The Hon Bob Baldwin MP | 
Minister for Finance | Senator the Hon Mathias Cormann | The Hon Joe Hockey MP
Special Minister of State | Senator the Hon Michael Ronaldson | The Hon Kevin Andrews MP
Parliamentary Secretary to the Minister for Finance | The Hon Michael McCormack MP | 
Minister for Health | The Hon Sussan Ley MP | Senator the Hon Fiona Nash
Minister for Sport | The Hon Sussan Ley MP | Senator the Hon Fiona Nash
Assistant Minister for Health | Senator the Hon Fiona Nash | The Hon Sussan Ley MP

Each box represents a portfolio. Cabinet Ministers are shown in bold type. As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): by leave—I rise in relation to the revised ministry list which has been tabled and lists Mr Malcolm Turnbull as Minister for Communications and Minister Fifield as representing him. I draw to the Senate's attention that, on 14 September, Mr Turnbull said:

Of course, I've also resigned—

Senator Scullion: Big issue!

Senator WONG: Unlike you, I think that who a minister is might be a relevant matter for the Senate.

Honourable senators interjecting—

The PRESIDENT: On my right! On both sides! Senator Wong, you have the call.

Senator WONG: Thank you. I will go back. On 14 September, Mr Turnbull, in the transcript of the press conference where he announced he was running for the leadership, made clear:

Of course, I've also resigned as Communications Minister.
I ask the Leader of the Government in the Senate to perhaps explain the difference between Mr Turnbull's public statement of resignation—

A government senator: Is this a question?

The PRESIDENT: Senator Wong sought leave and—

An opposition senator: No, you idiot, it is not! Listen!

The PRESIDENT: Order on my left!

Senator WONG: It is not unreasonable to know whom Minister Fifield is representing, given that the Prime Minister has said he has resigned from the portfolio, but he is on the list as being the communications minister. Who is the communications minister?

The PRESIDENT: That is a fair point, Senator Wong.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:01): This should have been by way of a question, but I can indicate that on Monday Mr Turnbull made an offer to the Prime Minister that he would resign his commission as minister to the Governor-General. Obviously, a minister's resignation only takes effect when the resignation is accepted or formally revoked by the Governor-General. Mr Turnbull's appointment as Minister for Communications continues until the swearing in of the ministry. This is quite obvious to anyone who should understand the operation of the Executive Council, as the honourable senator would know.

QUESTIONS WITHOUT NOTICE

Turnbull Government

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): My question is to the Minister representing the Prime Minister, Senator Abetz. I refer to Senator Canavan, who said that House question time was delayed by the Prime Minister yesterday 'to make sure we could finish negotiations' on a new coalition agreement. Was Mr Turnbull's prime ministership held over a barrel by the Nationals' exorbitant demands? Can the minister confirm that Mr Turnbull simply rolled over?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:03): The answers to the honourable senator's questions are no and no. What I can also indicate is that the people of Australia have benefited from the Liberal and National parties working together to deliver good government for the people of Australia. That history dates way back. I of course refer not only to the Turnbull administration but also to the Abbott administration, the Howard administration and the Fraser administration. When our two parties are working together, the Australian people benefit from more jobs; household budgets become more manageable; and they know that families are our focus.

It stood to reason that, with a new leader, it was important for the former agreement to be reconfirmed and a new agreement entered into. That is exactly what has happened for the benefit of the people of Australia to ensure that there is good government for the people of Australia—so that we can keep on with the job of delivering the Chinese free trade agreement, which will create jobs like never before; so that we get rid of the red and green tape; so that we look after the farming communities and the small businesses in our economy.
They are the things we are dedicated to. That is what the Liberal and National parties are committed to. And it stood to reason that the National Party and the Liberal Party reworked the coalition agreement to ensure that both parties knew where they stood and so that good government could continue to be delivered for the benefit of the people of Australia. That is what occurred, and I am delighted the coalition continues.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:05): Mr President, I ask a supplementary question. I refer to the National Party's president, Larry Anthony, who has circulated a letter about the coalition agreement. Can the minister confirm that the agreement covers, and I quote from that letter, 'climate change, water policy, jobs, telecommunication, competition laws, infrastructure, access to higher education' and 'policies promoting agriculture, dams and Northern Australia'? Is this the whole deal or is there more?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:06): Isn't it an amazing thing that the Liberal and National parties have come together—and I know that this is a big gamble, but I am willing to take at face value that which Senator Wong has asserted in her question—as two parties to deliver for Northern Australia. What a surprise! And that we are committed to the creation of dams and water resources in Australia. What a surprise! I understand that climate change might have been part of it. Well, what a surprise!

We have good, active policies in all of these areas, and it stands to reason that these matters of water resources, climate change, agriculture, dams and Northern Australia should all be part and parcel of our focus on delivering more jobs for the Australian people.

A government senator interjecting—

Senator Kim Carr: This one here—I was showing Senator Wong.

Senator Cameron: The malevolent Michaelia!

Senator Brandis: From what paper?

Senator Kim Carr: It's from The Daily Telegraph.

Senator Bernardi: Mr President, I rise on a point of order. I would encourage you perhaps to launch a pre-emptive strike about the disorderly use of props, as is being demonstrated by some on the other side.

The PRESIDENT: Thank you. I have never had a point of order raised in advance before, Senator Bernardi! But I will ask senators not to breach the standing orders.

Opposition senators interjecting—

The PRESIDENT: Order! Senators on my left! Senators are aware of the provisions of the standing orders!

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:08): Mr President, I ask a further supplementary question. Given the exhaustive list, are there any issues in a Turnbull coalition government which will not be dictated by the Nationals? Will the minister now table a copy of the coalition agreement and the side letter to that agreement between the Prime Minister and Mr Truss?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:08): There is no doubt that the National Party are very effective advocates. But one thing that they cannot do
and will not do is to seek to dictate terms, because to have a true partnership you do not go about dictating terms to each other. You discuss these matters for mutual benefit—and not only, might I add, for the mutual benefit of the Liberal and National parties but, more importantly than that, for the benefit of the Australian people so that the pressures on household budgets can be relieved, so that we can have job security, so that our regional areas get the benefits of the economic growth—

The PRESIDENT: Pause the clock! Senator Wong on a point of order?

Senator Wong: Yes, Mr President, on direct relevance. I asked if he would table a copy of the agreement and the side letter.

The PRESIDENT: That was part of your question, Senator Wong. Minister, you have nine seconds.

Senator ABETZ: The most important part of the question that I am debunking is the assertion that the National Party somehow dictated the terms. What we as a government are doing is ensuring that we deliver the best policy framework possible for job creation and to reduce household budget pressures. (Time expired)

Employment

Senator SESELJA (Australian Capital Territory) (14:10): My question is to the Leader of the Government in the Senate and Minister for Employment, Senator Abetz. Will the minister advise the Senate of the steps the government has taken and is taking to generate jobs and to deliver improved living standards for Australian families?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:10): I can indicate to Senator Seselja and to the Senate that the first thing this government had to do on taking office was to begin to clean up the mess left by Labor and the Greens. There was the waste, there were the unfunded promises, there was the billions in debt and deficit, there were our porous borders, there was the Labor NBN debacle, there was the world's biggest carbon tax and there was a mining tax that was supposed to pay for everything but did not raise a single cent. And the way they turned back the workplace relations clock to the 1970s stalled job creation. That was just part of the mess that we had to clean up.

Since taking office, we have actually ended the waste—$50,000 million worth of waste has been cut from the budget, despite the Labor Party voting against their own savings measures. We are fixing the budget, and we are fixing Labor's NBN debacle. We have restored integrity to Australia's borders—restoring the integrity which has allowed us to take in 12,000 Syrians—clearly, people in genuine need. We have scrapped the carbon tax, we have scrapped the mining tax and we are working to stamp out union corruption and to bring our workplace relations laws back to a sensible balance. And we have negotiated the best trade agreement with China of any nation in the world.

These reforms have helped create over 300,000 more jobs and have given security to millions of Australian families and their household budgets. Our policies have made our economy stronger and our nation safer. There is always more to do, but Australia is now heading in the right direction. (Time expired)
Senator SESELJA (Australian Capital Territory) (14:12): Mr President, I ask a supplementary question. Can the minister outline to the Senate the benefits for Australians and their families if we can grasp the opportunities that the future offers?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:12): With its educated workforce, its natural resources and its geographic proximity to the Asia-Pacific, Australia has tremendous opportunities. If we realise them, those opportunities will provide Australians with the jobs and careers they need for the future. They will also provide the high wages and the ability to pay for the high-quality government services that Australians expect.

But to create these jobs and to achieve these benefits, Australia needs reform. It needs free trade agreements. It needs to stop the waste. It needs a viable tertiary education sector that can compete with the rest of the world. There can be no standing still in today’s world. Unless we reform so we can adapt, we will be left behind. That is why this government is so committed to the necessary reforms for the future of our nation. (Time expired)

Senator SESELJA (Australian Capital Territory) (14:13): Mr President, I ask a further supplementary question. Is the minister aware of any threats to these opportunities for the Australian people?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:13): We have the people, we have the resources and we have the expertise to take our standard of living to entirely new levels. But those opportunities will be lost if we embrace the politics of fear and scaremongering engaged in by those opposite.

Yesterday, Mr Shorten said that Labor was prepared to be constructive. Well, I am delighted to hear that! And he can start by supporting the China-Australia Free Trade Agreement, which was introduced just this morning into the other place. And when he has done that I look forward to a new approach from Labor in the Senate. I look forward to getting their support to the other positive ideas the government has put forward to reform our economy, to ease the cost-of-living burden on Australian families and to help create even more jobs. This is the task this parliament needs to embrace, and I encourage the Australian Labor Party for once to get on board.

Turnbull Government

Senator O’NEILL (New South Wales) (14:15): My question is to the Minister for Finance, Senator Cormann. I refer to the deal stitched up between Mr Turnbull and Mr Truss to secure Mr Turnbull's prime ministership, which includes a families package that provides funding for stay-at-home mums. Was the minister consulted prior to this decision, and will he now disclose the cost of the decision over the forward estimates?

Senator CORMANN (Western Australia—Minister for Finance) (14:15): I thank Senator O'Neill for that question. Let me say that the Liberal and National parties have for some time formed a very strong and effective coalition. What has happened this week, after the Liberal Party elected a new leader in Malcolm Turnbull as Prime Minister, is that we have entered into a new coalition agreement, as is usual process. I am pleased to confirm for the Senate that the agreement reaffirms and reconfirms, in the main, existing and pre-existing policies and pre-existing budget commitments—
Senator Kim Carr: We want to know how much money?

Senator CORMANN: I am going to get to that, Senator Carr. I am being directly relevant to the question. Senator O'Neill raises the particular—

The PRESIDENT: Order! Just a moment, Senator Cormann.

Senator Gallacher: Mr President, I rise on a point of order. May I ask that the minister address his remarks to the chair. At least that way I will be able to hear his voice through the microphone. I cannot hear him through the side of his mouth.

Honourable senators interjecting—

The PRESIDENT: Thank you. Order! If senators did keep the noise down, it would help.

Senator Wong: Mr President, I raise a point of order on direct relevance. There were two parts to the question: was the minister consulted prior to this decision, and will he now disclose the cost of the decision over the forward estimates?

The PRESIDENT: Senator Wong, that is correct, but the minister has been directly relevant. He has been answering the subject matter of the question. The minister has more than one minute left in his answer. I call the minister.

Senator CORMANN: Thank you very much, Mr President. In the agreement that was reached between our leader and the Leader of the National Party, Mr Truss, we have reconfirmed a whole range of pre-existing policies and pre-existing budget commitments. Of course, there is one feature in the agreement which relates to the additional support for lower income families, which has been part of a proposal that Minister Morrison has been discussing with Senator Canavan, Senator Bob Day and Senator John Madigan for some time. This is part of a revised families package, which will be budget neutral and which will be fully offset as part of the overall revised families package that is being pursued by the government. In response to the other part of the question, the net effect of any decision of government that has budget implications will be reflected in the half-yearly budget update later this year, which is MYEFO. That is the usual way. Senator Wong knows it and, yes, I have been involved in this process in the appropriate way. (Time expired)

Senator O'NEILL (New South Wales) (14:18): Mr President, I ask a supplementary question. I refer again to the deal stitched up by Mr Turnbull with the Nationals, which includes Mr Joyce's pet dams project. Was the minister consulted prior to this decision, and will he now disclose the cost of the decision over the forward estimates?

Senator CORMANN (Western Australia—Minister for Finance) (14:19): Clearly, Senator O'Neill must have been living under a rock because the government has for some time been committed to increased investment in water infrastructure. The government has for some time been committed through the agriculture white paper and the Northern Australian white paper to significant additional investment, particularly across Northern Australia in the context of the agriculture portfolio. As I have indicated in my primary answer, the agreement that was reached between the Leader of the Liberal Party and the Leader of the National Party formally reconfirmed pre-existing policies and pre-existing budget commitments, in the main. Clearly, there was a reassurance sought and a reassurance given that under the new leadership of the Liberal Party these policies would continue to be pursued. Of course, the fiscal implications of that are reflected in the budget in the usual way.
The PRESIDENT: Pause the clock.

Senator O'Neill: Mr President, I rise on a point of order on relevance. We have not had an answer to the question, which was asking the minister to disclose the cost of the decision over the forward estimates. He has given us a history of his relationship with the National Party on two occasions now but no numbers and no clarity about a decision over forward estimates.

The PRESIDENT: The minister has nine seconds in which to answer the question.

Senator Cormann: I directly answered the question. These are pre-existing policy commitments. The announcements are made in the usual way and are reflected in the budget and budget updates in the usual way. (Time expired)

Senator O'Neill (New South Wales) (14:20): Mr President, I ask a further supplementary question. I refer to Senator Canavan who says that the cost of the coalition agreement will be between $2 billion and $4 billion, and this minister says that Senator Canavan is not correct. What will the impact be of the coalition's agreement on the budget bottom line and what programs will be cut to pay for it? Was the price of Mr Turnbull's prime ministership $4 billion? (Time expired)

Senator Cormann (Western Australia—Minister for Finance) (14:21): Firstly, what I would say, as I have indicated in response to the primary question, is that the agreement in the main and overwhelmingly was a formal reconfirmation of existing policies and existing budget commitments. Governments make decisions all the time about reprioritising expenditure, and, as we have said all the way through, whenever there is new spending on identified higher priorities, they will be offset by reductions in expenditure in comparatively lower priority areas to ensure that the impact on the budget bottom line is neutral. That is the approach that the government will continue to take because we are very focused on repairing the damage that was done by the worst finance minister in the history of the Commonwealth, who left the budget in very bad shape—because we continue to work to repair the budget mess that you left behind. That is what the Turnbull government will be doing, to the best of its ability, in the months and years ahead. (Time expired)

Senator Kim Carr interjecting—

The PRESIDENT: Order, on my left!

Senator Kim Carr interjecting—

The PRESIDENT: Senator Carr, I gave a general warning a couple of weeks ago. I might give specific warnings if this continues.

Murray-Darling Basin

Senator Hanson-Young (South Australia) (14:23): My question is to Minister Birmingham, the Minister representing the Minister for the Environment. The Prime Minister's new deal with the Nationals has given the Minister for Agriculture, Barnaby Joyce, responsibility for water. The Minister for Agriculture once told our community in South Australia to move to where the water is if indeed they were concerned. Are you as a senator from South Australia confident that this deal with the Nationals has not sold our state down the river?

Senator Birmingham (South Australia—Assistant Minister for Education and Training) (14:23): I thank Senator Hanson-Young for the question. I can give an emphatic
yes to Senator Hanson-Young. Yes, I have supreme confidence that this government will continue to look after the interests of the Murray-Darling Basin. I have supreme confidence that this government will deliver on the Murray-Darling Basin Plan, because the National Party and the Liberal Party are the parties that came together in the Howard government and brought the Water Act to fruition. The National Party and the Liberal Party stood as one in the opposition years, when the Murray-Darling Basin plan was adopted.

I can remember who voted against the adoption of the Murray-Darling Basin Plan, and it was not the members of the Labor Party, it was not the members of the Liberal Party and it was not the members of the National Party; it was the members of the Australian Greens. The Australian Greens were the ones who stood in the way of the adoption of the Murray-Darling Basin Plan. The Australian Greens were the ones who did not want to have sound progress in relation to the Murray-Darling Basin Plan.

I worked very closely with Mr Joyce in the last parliament. He was the shadow minister for water during that time. I was the shadow parliamentary secretary working with him, and, to be honest, we learnt a lot from each other. I learnt about the interests of upstream irrigators and he learnt about the interests of South Australia, and that was a very effective relationship.

I have supreme confidence that, if Barnaby Joyce is the agriculture minister, going forward, and has responsibility for water, we will see effective water management in Australia and we will see the Murray-Darling Basin Plan delivered, but delivered in a way that ensures Australia's irrigators, including South Australia's irrigators, have absolute rights and security over their water entitlements in the future as well.

Senator HANSON-YOUNG (South Australia) (14:25): Mr President, I ask a supplementary question. The Minister for Agriculture will have significant power over next year's review of the Murray-Darling Basin Plan. What will the government do to ensure that the legacy of the former minister for the environment, Malcolm Turnbull, is not undermined by allowing another slush fund to be wasted away, controlled by the Nationals, at the expense of Australia's environment and the future of our mighty Murray?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:26): Unfortunately, Senator Hanson-Young appears not to understand how the Water Act actually works. Next year, there is not a review of the Murray-Darling Basin Plan, but next year we will see the sustainable diversion limit adjustment mechanism come into play, and the adjustment mechanism is well defined in the Water Act. It has specific provisions for how many offsets could be provided and how much additional water could be provided. Under the act, that adjustment mechanism has to be run in consultation with all of the states, so you actually have to have the Murray-Darling Basin Ministerial Council on this—the state ministers working in tandem with the Commonwealth. So, if Senator Hanson-Young thinks that any single minister, no matter what their political persuasion, can make a difference to that, she is sorely mistaken, because that is stipulated in the terms of the act, very clearly, and I have supreme confidence, as I have said before, that the Basin Plan will be delivered in full and on time by this government.

Senator HANSON-YOUNG (South Australia) (14:27): The only South Australian who believes that Barnaby Joyce cares about our state! Mr President, I ask a further supplementary question. Given the significance—
Government senators interjecting—

The PRESIDENT: Order, on my right!

Government senators interjecting—

The PRESIDENT: It would help, Senator Hanson-Young, if you did not bait those on my right.

Senator HANSON-Young: Given the significant donations from the mining industry to the National Party, its new federal president's former role as a mining lobbyist for Shenhua and, of course, Minister Joyce's own close relationship with mining barons like Gina Rinehart, how can the Australian public be certain that the minister for water will not divert water to miners, over farmers and the environment?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:28): I have supreme confidence not just that Barnaby Joyce will effectively manage the Murray-Darling Basin Plan and deliver under that plan; I have supreme confidence also—in relation to your question—that, if anybody will look after and stand up for Australian farmers, it is Barnaby Joyce. Barnaby Joyce will stand up for Australian farmers and their interests.

Senator Hanson-Young, you said I am the only South Australian who might believe that Barnaby Joyce cares about SA. I have stood with Mr Joyce on the banks of the Lower Lakes. I have been there with Mr Joyce, visiting irrigators around Murray Bridge, up in the Riverland. I do know that he cares. I do know that he seems to know an awful lot more about how the Water Act works than you seem to know, because the ineptitude in your questions demonstrates that the Australian Greens, who voted against the Murray-Darling Basin Plan, have learnt nothing in this space, whereas I know that Mr Joyce knows it, understands it, cares about it and will deliver.

National Disability Insurance Scheme

Senator WILLIAMS (New South Wales) (14:29): My question is to the Assistant Minister for Social Services, Senator Fifield. Will the minister update the Senate on the historic agreement signed today to ensure the full rollout of the National Disability Insurance Scheme in New South Wales and Victoria?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:30): Thank you, Senator Williams. Today is a great day for Australians with disability, their families and also their carers.

Senator Cameron interjecting—

Senator FIFIELD: Thank you, Senator Cameron. Today I had the great pleasure of joining the Prime Minister, Premier Baird and Premier Andrews for the signing of the intergovernmental agreements between New South Wales and Victoria for the full rollout of the NDIS through Victoria and through New South Wales. These agreements will see more than half of the eligible NDIS population nationwide covered by the scheme. It is important to emphasise at this point that I am working hard on concluding agreements with the other jurisdictions in relation to the NDIS in the other states and territories. This agreement delivers on the heads of agreement that was signed by the Commonwealth and New South Wales
governments to implement the full scheme across New South Wales by July 2018 and in Victoria to implement the full scheme across that state by July 2019.

It is important to emphasise that the NDIS is the core business of government, helping people who face extra challenges for reasons beyond their control.

Opposition senators interjecting—

Senator FIFIELD: Can I say, Mr President—and I hope Australians with disabilities and their families understand—that the continued interjecting by those opposite during an answer about the National Disability Insurance Scheme was appalling. *(Time expired)*

Senator WILLIAMS (New South Wales) (14:32): Mr President, I ask a supplementary question. Will the minister advise the Senate what these agreements mean for people with disability and their families?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:32): I will, if the opposition will be silent for a moment. The agreements signed today mean that from July next year the full state-wide rollout in New South Wales and Victoria will commence. The agreement gives certainty to around 140,000 people with disabilities and their families, who will receive support through the NDIS in New South Wales. By the end of the two-year rollout, the full NDIS will be operating across New South Wales and around 115,000 participants will have the services and supports that they need. The agreement also provides for up to 26,000 potential new entrants in the year after the transition period—people who have newly acquired disabilities do not have a current need or who are currently unknown to the disability support system. It means that the full NDIS will be operating across New South Wales by 2018 and, in time, around 140,000 participants will have what they need. Victoria—good news as well: 105,000 people across that state. *(Time expired)*

Senator WILLIAMS (New South Wales) (14:33): Mr President, I ask a further supplementary question. Can the minister inform the Senate of the government’s progress with delivering the National Disability Insurance Scheme throughout Australia?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:33): This government is 100 per cent committed to delivering the NDIS in full. We have always been committed to it; we always will be. We will see this through to completion. We will deliver it within the existing funding envelope. We have supported the concept from day one. We supported the Productivity Commission work. We supported the legislation. We are helping Australians who face extra challenges for reasons beyond their control. Can I say, Mr President, despite what came from the other side in the answer to the first question, the NDIS is an example of this parliament working at its best. The NDIS is an example of Commonwealth-state relations at their best. This is the Australian parliaments and the Australian governments lifting themselves beyond partisanship to make sure that Australians with disability get the better deal that they deserve.

National Stronger Regions Fund

Senator LAZARUS (Queensland) (14:34): My question is to Senator Cash, representing the Minister for Infrastructure and Regional Development. The Stronger Regions Fund, overseen by the Deputy Prime Minister, Warren Truss, who is supposedly a representative of the people of Queensland, briefly announced its first round of project funding for 2015. The
funding is designed to support Australia’s regions. Of the 51 projects funded, a whopping 19 are located in Victoria. Queensland only received funding for seven projects, and the NT, which I am sure my fellow senator, Senator Peris, would be very concerned about, only received funding for one project. Why is your government ignoring the needs of regions across Australia and funnelling taxpayer funds into Victoria at the expense of other states and territories?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:35): I thank Senator Lazarus for the question. I am going to dispute and disagree with what you have said, because in relation to this government’s infrastructure spend I am very, very proud to be part of a government that has made the largest investment in infrastructure that this country has ever seen. Senator Lazarus, this government has made an investment of $50 billion in infrastructure. And certainly, as part of that investment, local and regional communities continue to benefit from this government, which is delivering more funding into communities.

But you raise a particular—your home state of Queensland. In relation to Queensland, this government is funding a number of projects, including—to take you through—the Bruce Highway. We have a range of projects and programs of work on the Bruce Highway to provide a safer, more reliable and efficient highway. Like you, if I were a senator from Queensland, I would be concerned in relation to the Bruce Highway. Can I also advise you of the investment that we have made in the Cape York Region Package. This is a package of road and community infrastructure projects, which includes upgrading and weather-proofing of the Peninsula Developmental Road.

We are also—to take you briefly through the list—investing in the Dalrymple Road. We are investing in the Gateway Motorway North. We are investing in the Kin Kora roundabout. We are investing in the Moreton Bay Rail Link. We are investing in the D’Aguilar Highway. So, Senator Lazarus, I dispute what you are saying. This government are making a record investment in infrastructure. Certainly, as part of that investment, we are delivering for the people of Queensland.

Senator LAZARUS (Queensland) (14:37): Mr President, I ask a supplementary question. The National Stronger Regions Fund is designed to fund priority infrastructure across Australia's regional communities. The fund should be managed and funding granted on the basis of demonstrated need, not political bias or to fund political campaigns. Why is it that 51 of the projects funded—60 per cent—are in coalition-held seats?

Opposition senators interjecting—

Government senators interjecting—

The PRESIDENT: Order, on my right and on my left!

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:38): Senator Lazarus, I believe my colleagues may have adequately answered your question! I am going to dispute the premise of your question. This government, as I said, is very proud to have made a record investment of $50 billion in infrastructure across Australia. On being elected in 2013, we said we were going to be a government that would invest in infrastructure and would build Australia. That is exactly what we have done.
Senator Whish-Wilson: Mr President, I rise on a point of order on relevance. Both questions related specifically to the Stronger Regions Fund. Senator Cash has not addressed the questions. She is taking figures from the Roads to Recovery Program and other programs. She has not answered the two very specific questions on the Stronger Regions Fund.

The PRESIDENT: I remind the minister of the question.

Senator CASH: I disagree with the premise of Senator Lazarus's question. This government is proud to be a government that is quite literally building Australia's future. We are very proud of our investment in Queensland, because we know that our record investment in Queensland is giving more jobs to Queenslanders. I am sure, Senator Lazarus, you would agree with me that anything that does something to give more jobs to Queenslanders is a good thing.

Senator LAZARUS (Queensland) (14:40): Mr President, I ask a further supplementary question. In Queensland more than 50 per cent of our people live outside of our capital city and 80 per cent of our state is in drought. Rural and regional Australia is on its knees and yet, despite this, nearly 30 per cent of the Stronger Regions Fund funding went to projects in metropolitan areas. Why is the government ignoring the needs of rural and regional Australians?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:40): Again, Senator Lazarus, I am going to disagree with the assumptions you have made in your question. I advise you, though, that we are, under the Stronger Regions Fund, investing in priority infrastructure in regional communities. We are driving growth, creating jobs and enhancing liveability with projects that, as you would be aware, provide a strong economic focus, particularly in disadvantaged regions.

For example, in 2015-16 priority funding is going to focus on those areas that have been experiencing severe drought, because we know those areas are disadvantaged and, as such, the government need to do something to ensure that we are assisting. That is certainly somewhere you will see priority funding going. The Australian government have announced funding of $212 million for 51 projects across Australia under the— (Time expired)

Trade with China

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:41): Mr President, my question is also to the Assistant Minister for Immigration and Border Protection, Senator Cash. Can the minister inform the Senate of further statements of support for free trade agreements, such as the China-Australia Free Trade Agreement, outlining the benefits they have for Australian jobs? Can the minister confirm that the labour market testing provisions in the China-Australia Free Trade Agreement protect the jobs and maximise the job opportunities for Australian workers in the future?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:42): I thank Senator Fawcett for his question, which raises two very important issues. In relation to the first issue: Australia can never rely solely upon our domestic economy to generate the growth we need to create jobs – not today, not ever.

... ... ...
Miners, manufacturing workers, food processing workers, truck drivers, wharfies, warehousing workers, shop assistants – their jobs all depend on exports and imports.

Exporting doesn't only mean more jobs – it means better jobs.

It benefits working people by creating better-paid, more rewarding and more secure jobs.

Trade agreements open up world markets for Australian businesses, allowing them to find new sources of demand for the goods and services that Australian workers produce.

I think that all of us in this chamber can agree that these sentiments sum up the benefits of free trade agreements to jobs and the economy. In fact, even I agree with those statements and sentiments. They are not mine. I did not say that. Let me tell you who did. It was not a current state Labor figure. It was not a former state Labor figure. It was Senator Wong, the shadow minister for trade, who just three months ago delivered an address to the Australian Fabians Forum espousing all of the virtues of free trade.

But, of course, Senator Wong's sentiments changed just 41 days later after the Labor Party's national conference when she got her instructions from the CFMEU to be part of a duplicitous campaign based on lies and misinformation. It is a campaign that is, without a doubt, xenophobic. I say to those on the other side: if you support trade, if you know, as Senator Wong does, or at least say she does, that these agreements bring benefits, then support the China-Australia agreement. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:44):
Mr President, I ask a supplementary question. Will the minister inform the Senate how Australian jobs are maximised through the China-Australia Free Trade Agreement and, in particular, why it is important to embrace this opportunity and to reject xenophobia?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:44): Again I am going to rely on the words of Senator Wong herself to answer the question. Senator Wong made three further points in her speech. Firstly:
Protectionism is a false panacea.
Secondly:
Sitting on the sidelines while other countries negotiate trade agreements is also a false panacea.
Thirdly:
Refusing to enter trade agreements will allow our competitors to gain market share at Australia's expense.

Senator Wong, we on this side could not agree with you more. Labor's scaremongering on behalf of their union bosses is going to destroy job opportunities for Australians. It is time for those opposite to stop standing up and giving speeches behind closed doors in support of free trade, espousing the virtues of free trade and free trade agreements. It is time for those on the other side to put the Australian worker first, support growth and support the chapter. (Time expired)
Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:46): Mr President, I ask a further supplementary question. Can the minister advise the Senate which industries will benefit and thereby create more Australian jobs as a result of the trade liberalisation that will flow from the China-Australia Free Trade Agreement? How can this be further facilitated by good policy at the border?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:46): Yes, I can. Under the China-Australia Free Trade Agreement more than 95 per cent of our exports to China will become entirely duty free. That is what those opposite are standing in the way of. This means that wine tariffs of up to 30 per cent, beef tariffs of up to 25 per cent, seafood tariffs of up to 15 per cent, dairy tariffs of 20 per cent, tariffs on our lamb, cheese and services, including all of our resources, all go. In relation to the minerals sector, the elimination of all coal tariffs is a boost of around $600 million. Speaking as a Western Australian, this is very important to my home state. Those on the other side are prepared to do the bidding of their mates in the CFMEU and are prepared to be a part of a campaign of lies and misinformation. Why? Because they are the puppets of the unions when they should be serving the Australian people's interests. (Time expired)

Tobacco

Senator LEYONHJELM (New South Wales) (14:47): My question is to Senator Birmingham, the Assistant Minister for Education and Training representing the Minister for Education and Training. Yesterday it was brought to my attention that the Queensland University of Technology proposes to impose a smoking ban across its entire campus plus a ban on the sale of cigarettes from QUT student guild convenience stores, depriving the student guild of revenue. How is this extension of the nanny state into our universities compatible with a liberal education fostering social tolerance and the promotion of student autonomy?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:48): I thank Senator Leyonhjelm for that question. I inform Senator Leyonhjelm at the outset that this is a decision of the Queensland University of Technology. I would trust and hope that, in the spirit of small government that Senator Leyonhjelm stands for, his question is not inferring that he would expect the government to intervene in such a decision of the Queensland University of Technology. I understand—and I thank Senator Leyonhjelm for a little forewarning on this—that in response to a university-wide survey undertaken several months ago, QUT staff indicated overwhelmingly that they would like their campuses to be smoke free, and that the university is responding to that sentiment.

Senator Ronaldson interjecting—

Senator BIRMINGHAM: I hear the concerns of Senator Ronaldson, to my left. Obviously he will have to overcome the challenges should he visit QUT some time soon. The QUT Guild, which, as I understand, comprises elected student representatives, is of the same view as the staff of the university. However, I am advised that QUT itself has no intention or has not asked the guild not to sell cigarettes in its commercial outlets. As senators would be well aware, many public institutions, including a number of other universities, have moved in the direction of smoke-free campuses. This is their decision, but of course it is a responsible health decision in many instances. I understand that the Vice-Chancellor would be more than
happy to welcome Senator Leyonhjelm to QUT to meet with staff and students to discuss their policy, if required. Obviously you will not be able to take Senator Ronaldson with you, Senator Leyonhjelm, given his concerns.

Universities are autonomous institutions, and this government would like to see them with even greater autonomy in terms of their administration, operations and activities. We are certainly not intending to interfere in the decisions of QUT in this regard.

**Senator LEYONHJELM** (New South Wales) (14:50): Mr President, I ask a supplementary question. Fourteen of Australia’s 43 public and private universities, including the ANU, have imposed smoking bans, and 17 of them have banned the sale of cigarettes by student union convenience stores. With the abolition of compulsory student union fees, student unions are meant to be self supporting. How is this going to happen if the student unions cannot make a profit?

**Senator BIRMINGHAM** (South Australia—Assistant Minister for Education and Training) (14:50): Firstly, I should note that from 1 January 2012 higher education providers were able to charge a student services and amenities fee for services and amenities of a non-academic nature, though I may not be too enthusiastic about some of those measures. I would also indicate that, as I said before, QUT say they have not banned their guild from selling cigarettes. I understand that it is a decision of the guild. I am informed by Senator McGrath that the president and secretary of the guild are apparently in the gallery today, so I am sure that they may be happy to discuss this with you further if required. I do not know whether other universities have sought to impose a ban on their student unions or guilds or whether these have been free decisions of the unions or guilds themselves. To suggest that student unions or guilds cannot make a profit is wrong. There are a wide range of goods and services that student unions can sell. Providing those services are services that students want to pay for and are willing to pay for, that seems a perfectly sensible activity for them to pursue. *(Time expired)*

**Senator LEYONHJELM** (New South Wales) (14:52): Mr President, I ask a further supplementary question. If universities choose to restrict their own-source revenue and to increase their expenses, should the taxpayer supplement the budgets of universities? In addition to that, when the ANU banned smoking on campus, did it inform the government, as per the requirements of section 19 of the Public Governance, Performance and Accountability Act?

**Senator BIRMINGHAM** (South Australia—Assistant Minister for Education and Training) (14:52): The government does not believe that a university imposing a smoking ban on their campus constitutes a restriction of their own-source revenue. This would be a decision in relation to their guilds or unions if they chose not to sell cigarettes, but I am not aware of any university itself that is actually selling cigarettes to generate income or revenue.

In relation to the Public Governance, Performance and Accountability Act 2013, I assume and presume the senator refers to section 19(1)(c) of the act, which requires a Commonwealth entity to notify the responsible minister as soon as practicable after the accountable authority makes a significant decision in relation to the entity or any of its subsidiaries. As I outlined earlier, the idea that a university should have to report to the federal government a decision to ban smoking on their campus is not something we believe would have to be notifiable. Nor of
course do we think the idea that they should have to report is consistent with good liberal values. *(Time expired)*

### Telecommunications

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:53):
My question is to the Minister representing the Prime Minister, Senator Abetz. Is the Prime Minister aware that his captain's pick as CEO of the NBN, Mr Bill Morrow, started as CEO of Vodafone Australia in March 2012? Is the Prime Minister aware that in June 2012, during Mr Morrow's tenure as CEO, Vodafone Australia uncovered the illegal hacking of a journalist's phone records and texts and identified that it was a criminal breach of the Telecommunications Act? Is the Prime Minister also aware that Vodafone then hired KPMG to investigate this criminal act and that KPMG then produced a report for Vodafone confirming the criminal act took place?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:54):
I am advised that the Prime Minister was aware of claims that a Vodafone employee accessed the phone records of a Fairfax reporter. The Telecommunications Act 1997 and the Privacy Act 1988 provide strong protections prohibiting unauthorised access to a person's telecommunications information. It is also an offence under the Telecommunications (Interception and Access) Act 1979 for anyone to access stored communications without a warrant. This includes the content of text messages.

It is understood that Vodafone has issued a statement about the matter, advising that it commissioned an independent investigation. It is also understood that it reported the matter to the Australian Federal Police. It is understood that Vodafone has also taken action, as a result of this incident, to strengthen its internal privacy arrangements and has appointed a dedicated privacy officer. Both the ACMA and the Office of the Australian Information Commissioner have been in contact with Vodafone regarding this matter.

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:55):
Mr President, I ask a supplementary question. When did the Prime Minister know, as you have indicated that he did know? Is the Prime Minister aware that the Australian Communications and Media Authority has stated that it has never investigated the claims? Is the Prime Minister also aware that Mr Morrow stated at a Senate select committee hearing on Monday that he could not recall any of the specific details and reported nothing to the police, yet the current Vodafone CEO has now apologised to the journalist and reported it to the police?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:56):
As to the exact time, I will see if the Prime Minister has any information to assist the honourable senator. In relation to what ACMA did or did not do, that is a matter for ACMA, which I understand is an independent authority. In relation to Mr Morrow, Mr Morrow has given his evidence and, unless Senator Conroy is suggesting that that evidence is somehow false, that evidence should remain and be accepted. We know that Senator Conroy has the capacity to besmirch people's reputation at Senate estimates and in the processes of the parliament. What I would say to the honourable senator is that, unless he has evidence to the contrary, the answer of Mr Morrow should stand.
Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:57): Mr President, I ask a further supplementary question. Given that the Prime Minister's captain's pick cannot recall the emails circulated inside the company about this crime, the discussions among Vodafone senior executives about the crime, the hiring of KPMG to investigate it and the report produced by KPMG confirming the crime, and that he failed to report the crime to police or the ACMA and failed to apologise on behalf of the company to the journalist, will the Prime Minister now express his full support for Mr Morrow? (Time expired)

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:57): The providing of an answer saying, 'I can't recall' about matters that occurred some years ago should not come as any surprise to Senator Conroy. As I understand, he watched Mr Shorten's performance at the royal commission very closely, and the answer 'I can't recall' I think slipped out of a certain person's mouth on a fairly regular basis. So, if that is to be condemned, I would invite the honourable senator to condemn Mr Shorten's performance at the royal commission. But, of course, as is always the wont of the Australian Labor Party, it is not 'do as we do'; it is 'do as we say'.

Senator Moore: Mr President, I raise a point of order. It goes to direct relevance to the question. The minister has gone nowhere near the actual question, which was, 'Will the Prime Minister now express full support for Mr Morrow?'

The PRESIDENT: Thank you, Senator Moore. I remind the minister of the question. He has 18 seconds in which to answer.

Senator ABETZ: The question, as is the wont of Senator Conroy, had a very long and substantial preamble which did require a response, and that is what I was responding to. The fact that Mr Morrow answered— (Time expired)

Indigenous Eye Health

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (14:59): My question is to the Assistant Minister for Health, Senator Nash. Can the minister advise the Senate of new government investments to enhance Indigenous eye health as part of the government's Closing the Gap recommendations?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:59): I understand that Senator Siewert has a notice of motion later today, and I acknowledge her continuing efforts to improve Indigenous eye health. I am pleased to advise the Senate that the government will be investing $4.6 million over four years, from 2015-16, towards enhancing Indigenous eye health through the provision of eye health coordinators. The eye health sector, in particular the Chair of Vision 2020, the Hon. Amanda Vanstone—well-known to this chamber—and Professor Hugh Taylor of the Indigenous Eye Health Unit at the University of Melbourne, has strongly advocated for national oversight of Indigenous eye health, and I am pleased to be able to announce this today.

A key recommendation of Professor Taylor's report The Roadmap to Close the Gap for Vision notes the importance of eye care coordination, particularly at a national level, to improve service planning and delivery. The role of eye health coordinators will include work to improve the eye care pathway from patient entry to completion of care, thereby improving
the patient journey and enhancing efficiency of services at the local, regional and jurisdictional levels. Eye health coordinators will work with stakeholders such as local hospital networks, Primary Health Networks and Indigenous health services to ensure that use of local service providers and existing health systems is maximised.

I congratulate the representatives of the Indigenous eye health sector who collaborated to bring forward this funding proposal. In particular, I would like to acknowledge Vision 2020 for finalising a proposal which brings together the sector for the first time to deliver this program. Other members I would like to acknowledge include the Indigenous Eye Health Unit at the University of Melbourne, Optometry Australia, the Fred Hollows Foundation, the Royal Australian and New Zealand College of Ophthalmologists and the Australian Society of Ophthalmologists. I am pleased to inform the chamber this funding builds on the existing coalition government investment of $35.7 million.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:01): Mr President, I ask a supplementary question. Can the minister update the Senate about how the government is tackling the problem of trachoma in Indigenous communities?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (15:01): In addition to my announcement, I am also delighted to inform the Senate that funding of up to $1.6 million over two years will be provided to the Indigenous Eye Health Unit at the University of Melbourne to undertake trachoma health promotion. This was also a component of the Indigenous eye health sector proposal. Trachoma is a major blinding infectious eye disease occurring in 60 per cent of outback communities. Australia has made good progress in reducing the rates of trachoma but more work is required to achieve elimination. This funding will go towards health promotion focusing on clean faces and safe bathrooms to complement other existing trachoma activities. Again, I would like to acknowledge the continued advocacy of Professor Taylor over many years and note the government will be continuing to work closely with him to eradicate trachoma.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:02): Mr President, I ask a further supplementary question. Can the minister inform the Senate how these investments in Indigenous health care build upon existing efforts to close the gap in health outcomes for Aboriginal and Torres Strait Islander peoples?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (15:02): This government is committed to closing the gap and achieving health equality between Aboriginal and Torres Strait Islander Australians and non-Indigenous Australians. We recognise that good health is a key enabler to do this and for children to go to school, for adults to lead productive working lives and for building strong and resilient communities.

In addition to smoking prevention programs, key investments over the next three years include $1.4 billion to the Aboriginal community controlled health services for primary and preventative care, $154.5 million to the New directions: mothers and babies services program for child and maternal health services and $62.6 million to the Australian Nurse-Family Partnership program to provide targeted support to high-need Indigenous Australians. Improving Indigenous health is a priority for the government and all healthcare providers both
within the community controlled healthcare system and the mainstream system. Ensuring continuity of care is vital for this government—

_Senator Abetz:_ Mr President, I ask that further questions be placed on notice.

_Senator Wong:_ Mr President, I rise on a point of order and I apologise that it is raised belatedly, but I have only been advised of the comment during the course of question time. I understand that during the course of question time Senator Macdonald made an inappropriate interjection in which he stated, 'Learn to speak Australian.' I would ask that that be withdrawn.

_Senator Ian Macdonald:_ Mr President, on the point of order, I said, 'Learn to speak Australian, mate.'

_Honourable senators interjecting—_

_The PRESIDENT:_ Order on both sides! I do not want a debate across the chamber about this.

_Senator Wong interjecting—_

_The PRESIDENT:_ Senator Wong, you have raised a point of order. On advice and from my own observation I do not see that that is unparliamentary language.

_Senator Wong:_ I will respectfully disagree with you, and I would say that in a multicultural society that thing ought not be said in the national parliament.

_The PRESIDENT:_ I have ruled on the point of order.

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**

**Answers to Questions**

_Senator STERLE_ (Western Australia) (15:06): I move:

That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Finance (Senator Cormann) to questions without notice asked by Opposition senators today.

_Honourable senators interjecting—_

_The DEPUTY PRESIDENT:_ I think the discussion is now over. If all senators could simply either resume their seats, or those in the process of leaving the chamber should continue to do so.

_Senator STERLE:_ I can understand emotions are running high after the crazy week we have seen with the knifing of a first-term Prime Minster. But I just want to touch on some of the questions put to ministers today that they did not answer. Senator Cormann was a repeat offender. He could not even answer, directly, how much money has been put aside—and where is it going to come from?—for this promise that has been made to the Nats.

The new Prime Minister, Mr Turnbull, who has prided himself on being environmentally friendly, has made a massive commitment to the Nats—at what price, I still do not know—to take water from environment and give it to Minister Joyce in agriculture. I do not know what was going on, in that room, to secure the deal but—crikey—it is going to end in tears.

It is very important to know why these deals are being done by the junior members of the coalition, the Nats. There was no concern about the bush. I say that as a long time chair of the rural and regional affairs and agriculture committee, both in references and in legislation, and
because of the amount of work that I and my colleagues on the committee have done over the years addressing the issues faced in the bush, in remote and rural communities.

One of the biggest issues that has come to light, just recently—and no bigger, seriously, for canegrowers in Queensland—is the plight of the sugar growers of Australia, who are in dire straits. Senator Macdonald knows this because he was on the inquiry with me, as were Senator Williams, Senator Canavan and Senator O'Sullivan. Canegrowers in Queensland, predominantly, are facing extension. The words I am using sound a little emotional, but I went out of my way with my colleagues on the committee to go and visit—

Senator Bushby interjecting—

Senator STERLE: Senator Bushby is being a little bit smart. I do not think he should, because there are many Queensland canegrowers, in particular, and some in Northern New South Wales who would not take kindly to smart remarks, in interjection, when I am talking about the future of the sugar industry in Australia.

Senator Bushby: What's your solution?

Senator STERLE: I would like to take that interjection. What is the solution? Here is the solution, Senator Bushby. There is a group of Nats senators and members—Nationals not Country Party—who, with the agreement of former Prime Minister Abbott, formed a sugar task force. Their local members, being the Nats in Queensland, were absolutely switched on to know that this industry is in dire straits. So listen carefully, Senator Bushby.

Off they went, under the guidance of Mr Christensen, the member for Dawson. I honestly believe the member for Dawson is in touch with his electorate, as are the other National senators and members mentioned in Mr Christensen's web page who are talking about the good work. The sugarcane growers are under serious attack, because of Wilmar, foreign millers. Currently, they are able to market their sugar through QSL. QSL is disappearing so they will not—and Senator Bushby, listen very carefully—be able to choose who will be marketing their sugar. That is why my office is inundated with canegrowers coming to visit me and they are on the phone regularly. Mr Christensen and the other hardworking Nats from Queensland are really worried. They made certain recommendations. Senator Bushby asked how it could be fixed. A mandatory code of conduct is the answer.

You do not have to take it from me, because that is what Mr Christensen said in his task force. He and his fellow hardworking, diligent, panicking members of the National Party in Queensland want a mandatory code of conduct. My report came out in full support of my colleagues. Both the government senators and the crossbench senators, the Greens, agreed that they should have a mandatory code of conduct. That is how we fix it.

While deals are being cut from Mr Turnbull to take the prime ministership at the wishes of the party, in the Liberal Party room, he still has to do deals with the Nats. I would love the Nats to come in here and tell me—we have their $4 billion deal but we do not know of anything else that has been cut. What have they done to Queensland's canegrowers? I am not Mr Christensen and I am not a Nats member but we all share concern for a very important industry in Queensland.

It was made very clear to us. If the cane industry goes down—and Senator Macdonald, correct me if I am wrong—the suffering that would create in Queensland's remote communities will never be repaired. (Time expired)
Senator EDWARDS (South Australia) (15:12): This is a very good opportunity to reinforce the competent management of the budget, this $4 billion that is part of the coalition’s agreement. It can only come about through prudent fiscal management. That is what this government has always been about. It has always been about repairing the budget so that there is this kind of latitude in there, so that when you identify different policy areas that are in need you can make the adjustment. That is what the Nationals brought to the table yesterday and that is what they negotiated.

It is no secret that the National Party enjoy a great deal of popularity on the east coast of Australia. They are represented there in numbers; therefore, it is not unusual for them. That may vary down the east coast. Water is one of those issues I can talk about. Under the six years of the Labor government we saw an explosion in desalination plants. In South Australia my own experience with water is that we now have a dormant $2.3 billion desalination plant that costs $1 million a week not to operate. That was the reaction on water policy that Labor came up with. It costs $1 million a week to run a desalination plant that the government cannot afford to turn on. It is the same deal in Victoria and the same deal in New South Wales. That is what happens when government policy on water goes into the hands of people who do not understand the water requirements of the bush.

There has also been some sniping across the chamber about the fact that the National Party took the opportunity to raise the issue of extra money for families. And why wouldn’t they take that opportunity. It is no secret that many National Party members in this chamber have spoken quite passionately about the needs of young families in Australia. I find it somewhat disingenuous that people in the Labor Party no longer want to represent the views of young families in this country. It is quite amazing. They are disrespectful when they call the Nationals ‘the doormats to the coalition’. It is appalling. All these people were doing was raising an issue at a time when the Prime Minister felt the budget could allow that money for young families.

The issue that we have in relation to family payments could only be seen as good government policy and a policy adjustment at a time when it was appropriate. The Leader of the Nationals, Mr Truss, is a very considered fellow, a very credible fellow and one of the most sensible statesman you could meet. I am sure that when they sat down to look at this the Prime Minister looked at it in terms of how he could help. They obviously feel quite strongly about it—as they do about the effects test with small business. That has been raised as well. And Senator Dastyari, on the other side, knows that the effects test was raised with us in a recent Senate hearing. There are a lot of people raising these issues about small business, and it is quite right of the National Party to raise this. Some might say that was opportunistic. It was not. It has been raised in this chamber in recent times. Their views on it are well known, and good on them for bringing it up.

Senator DASTYARI (New South Wales) (15:17): I want to acknowledge the contribution from Senator Edwards, a fine senator whom I have had the opportunity to do much work with on many of these issues. For the record, I am happy to endorse him for any position he ever runs for! Some questions were asked in question time regarding this agreement between the National Party and the Liberal Party. Was it worth $2 billion? Was it worth $4 billion? We are not sure of the amount. I am getting a bit confused by this because we have heard some very different things in this chamber. On one hand, we heard from the National Party that it was an
amazing deal, that they went in hard, that they negotiated tough, that they demanded a list of things from the government and that the government willingly oblige. And then we heard from Senator Cormann, who effectively said that all of this had already been promised and there was nothing in the agreement. I am confused about whether the National Party has played the Liberal Party or the Liberal Party has played the National Party. If there is anyone whose word I will take on this, it is Senator Canavan. You can call this what you want. You can call it a negotiation. You can call it an agreement. Personally, I call it a ransom payment. It is a $2 billion to $4 billion ransom that was paid to the National Party to get an agreement up. They even held up question time yesterday to be able to strengthen their negotiating position. It had all the hallmarks of a ransom payment. There was the media. There was the leaking about it earlier. There was the press conference. The one thing that has been missing is the proof of life; that is the only bit we are yet to see.

And today Senator Cash, in response to questions, went on with the outrageous claim that the Labor Party had been xenophobic in our position on trade. Yesterday they were telling us we were 'Xenophonic.' Today they are telling us that we are xenophobic. I want to explain what 'Xenophonic' means. I have actually been looking this up. 'Xenophonic' means 'having a fear of two or more Nick Xenophons in the same place at the same time.' I can understand that they have been pretty afraid of this. They are so 'Xenophonic' on the other side that they got rid of their Prime Minister! They are so 'Xenophonic' that they are about to make Christopher Pyne the Defence Minister of Australia! This is a frightening set of situations. And they accuse the Labor Party of xenophobia! In question time we had members opposite yelling out comments that somehow in this chamber it is now allegedly appropriate to say that you have to 'talk Australian, mate,' that there is a ruling that this is somehow now appropriate language to be using in this chamber. Frankly, what we saw in the answers at question time today is a government that is devoid of action and devoid of any real plan. What we saw was audition after audition for people's own jobs.

Senator Bilyk: A dress rehearsal.

Senator DASTYARI: It is a pathetic dress rehearsal. It is embarrassing. It is unbecoming. Leadership battles are not easy, they are tough. The outcomes are hard. But at least on our side of politics, when they happen, people have the decency to turn around and offer their resignations — on different occasions five or six resign. If leaders want to accept the resignations or bring them back, that is up to them. Frankly, this ungracious, undignified auditioning for positions — people out there backgrounding and begging to keep their jobs — is unbecoming. The great Gareth Evans said: 'Pull out, digger; the dogs are pissing on your swag.' I think, frankly, that is some advice that can be used for a whole bunch of the frontbench ministers of this government, who should be offering their resignations and stepping down. If they stood by what they said and had any decency or integrity, they would know they have lost the confidence of the people to serve in this place.

Senator IAN MACDONALD (Queensland) (15:22): I think the great Gareth Evans might have also said to the Labor Party, as has every other serious Labor Party leader: 'Sign the China free trade agreement.' Apart from that, there is nothing memorable that I can recall in anything that Mr Evans has ever said to this chamber.

I am sorry Senator Sterle is leaving the chamber, because I do want to respond to his well-meaning but inaccurate comments about the sugar industry. Before I do that, I explain to
members of the Labor Party who might be interested that they keep talking about my friend and colleague Senator Canavan but Senator Canavan and I are in the same political party. We are in the Liberal National Party of Queensland, which is the Queensland division of the Liberal Party of Australia. In this parliament and elsewhere, the coalition is one big, happy family. We are a broad church. We have various different people with different inclinations on policy issues, and that is what has made the coalition government so strong. We all work together. We are all interested in water policy; we are all interested very much in the sugar industry. Senator Sterle asked: what has the coalition ever done for the Queensland sugar industry? I will tell you, Senator Sterle, because I was a member of the government at the time. Back in 2004, we provided over $400 million to save the sugar industry from the difficulties it was going through at the time, as a result, partly, of the deregulation of the sugar industry in Queensland by the then state Labor government. It was the state Labor government that deregulated the sugar industry, which Senator Sterle, as I understand him, is now suggesting should be re-regulated. I also say, Senator Sterle, that you complain about—

Senator Sterle: On a point of order, Mr Deputy President: Senator Macdonald has misled the Senate. My report never mentioned bringing back regulation at all. He knows that that is a lie and he needs to withdraw—

The DEPUTY PRESIDENT: Senator Sterle, resume your seat. I remind senators that there are no points of order to be raised if a senator simply disagrees with what another senator has said. There are other opportunities to correct the record, but a point of order is not the appropriate mechanism for that.

Senator IAN MACDONALD: Thank you, Mr Deputy President, and I will not worry about the accusation that I am lying. Those sorts of sticks and stones do not break my bones, and names will never hurt me. Senator Sterle, you talk about foreign investment in the sugar industry.

The DEPUTY PRESIDENT: Senator Macdonald, I would ask you to direct your comments through me.

Senator IAN MACDONALD: Yes, Mr Deputy President. Senator Sterle raised the issue, directly talking to me, of foreign investment in the sugar industry. I remind him that, when Wilmar came in and bought out all the Sucrogen mills, the deal was approved by Mr Wayne Swan, the then Labor Treasurer of this country. Now Senator Sterle has a new interest. I have to say, in Senator—

Senator Conroy: Mr Deputy President, I rise on a point of order on relevance. This is a debate about the questions asked by the opposition, and I do not think we asked a question about sugar. So perhaps Senator Macdonald might want to come to the topic.

Honourable senators interjecting—

The DEPUTY PRESIDENT: I do not need other senators to rule on the point of order, that is my role. Senator Conroy, while the motion before the chair is that the Senate take note of answers to questions asked by the opposition, it is a debate and Senator Sterle did introduce this subject in much of his contribution. It is in order for Senator Macdonald to respond to the comments that Senator Sterle made.

Senator IAN MACDONALD: I was about to pay Senator Sterle a compliment, because he is one of the few Labor senators who I think is sensible and rational and actually tries to
help, and he chaired the committee that looked into this issue very, very well. But he tries to make some division between the Liberal and National parties when there is none. I remind him that some federal parliamentarians are vitally interested in the sugar industry, and I am one, of course, because I am one of the few members of parliament who actually live in a sugar town—as do Mr Christensen, Mr Pitt, Michelle Landry, part of whose electorate is in a sugar region, and Stuart Robert. Of those, three sit with the Nationals in Canberra and two with the Liberals, and one of those Nationals has a different view to Mr Christensen on the issues that Senator Sterle was talking about.

The matter that Senator Sterle raised is a complex issue and it will not be resolved in a five-minute debate, but I disagree with Senator Sterle's comment that the sugar industry was 'in danger of collapse'—or he used some other term like that. Can I tell you: the sugar industry in Queensland, particularly in the electorate of Dawson, where I live in my home town in the Burdekin, is a very vibrant industry with lots of different farmers, many of them better businessmen than most other businessmen you would find around Australia. The sugar industry will continue to flourish in North Queensland and will continue to be guided by sensible leaders and sensible representatives. I decry that the industry is in any danger. Any danger coming to the industry is from this campaign to abolish sugar from our diets. That is a real issue, and that is what millers and growers should be getting together to fight. (Time expired)

Senator O'NEILL (New South Wales) (15:29): I am pleased to participate in the debate this afternoon about the vague answers that we were given to some pretty important questions in question time today. Here we are, on day 2 of the bright, new Turnbull era of the Abbott-Turnbull government, and already we can see just how different this government is not going to be. This is not a government that is in any shape or form significantly different from the one that Australians have been ashamed of and disgraced by so frequently since Mr Abbott came to office. We still have ministers avoiding answering any of the questions, and we still have the same policies intact—the cutting of $57 billion from health remains and the cutting of $30 billion from schools remains. Yesterday in question time we saw the new Prime Minister confirm that he supports all of the policies. All of their measures that will bring a change of style to the role will not do anything in terms of changing the direction. That was evident in Senator Cormann's answers to my questions today.

When I asked my first question about the deal that was stitched up between Mr Turnbull and Mr Truss to secure the Prime Minister's job, there was a question about the families package that is supposed to be coming as part of the deal to improve the lot of people in the bush. Well, nice try! But the answer we heard was that it would be 'cost neutral'. And the National Party are trying to dress themselves up in a new suit as well. With this new agreement that they have made with the Turnbull government they acting like they are great heroes. But we have seen week after week, month after month and, sadly, year after year this Liberal government absolutely trash its partners in coalition—the National Party—and rip off the people of the bush. And they are being sold another dud on this families package. 'Cost neutral', says Senator Cormann. That means no more money for those families. So they should listen very carefully to the web of lies that is already being spun by those in this place who seek to pretend that they represent the people of the bush.
Going to the question about Minister Joyce's dams, again, the National Party has made some claims that they have this great deal. We had some of them saying, 'Let's not go into a deal'. Others have rushed headlong into it. We are getting claims that Minister Joyce has secured this great deal about dams. But, again, what did Senator Cormann reveal? He said, 'Oh, no, we'd already done that deal. That's already accounted for.' Again, this shows the gap between what the Nationals are trying to tell their constituency, who have been loyal to them for many years in the bush, and the reality that is emerging. When the finance minister has to cough up the money, it simply is not there.

Let us go to the last question that I asked of Senator Cormann. It was a question about Senator Canavan's claims on radio in Brisbane yesterday that there will be between $2 billion and $4 billion—additional dollars—that they have for the bush. What did the minister have to say about that? In his comments, he confirmed what he has already put on the record with the media, and that is that that is not correct. The first two items, as was clearly indicated in Senator Cormann's response, were cost neutral—already in the budget. This claim of $2 billion to $4 billion is a furphy. It is not the truth. And that is what we get: you cannot get the Liberals telling the truth and you cannot get the Nationals telling the truth. That is what we have got: a completely untruthful government. Whether it is left or right, whether it is city or country, they cannot tell the truth about what they are doing.

They certainly do not respect the people of the bush. The people of the bush, who have aspirations for their children, know not just in their heart and soul and not just in their sense of integrity and fairness but in their hip pockets that they cannot possibly envision a future for their children with $100,000 degrees on the horizon. That is what this government will try to continue to push through. They know that they cannot afford a GP tax. Whether it is the one that they advertised that they wanted to bring in to put a price signal between sick people and their doctor or the shameful one that they snuck in by regulation on the first day of July in this new financial year where they froze the indexation, the people in the bush will pay. It is hard enough for them to get petrol in their car and drive the distances that they need to get to a doctor, but this Liberal-National coalition will put a barrier between people in the bush and health.

They are continuing on their merry way. Turnbull is nothing new. It is all the same—the same old, same old. (Time expired)

Question agreed to.

Indigenous Eye Health

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:34): I move:

That the Senate take note of the answer given by the Assistant Minister for Health (Senator Nash) to a question without notice asked by Senator Canavan today relating to Indigenous eye health.

In a couple of minutes I will be moving a motion about Indigenous eye health. I am pleased to see that the government is moving on Indigenous eye health. As yet I cannot find a formal announcement online of the actual detail of this expenditure, so I will be awaiting that with some anticipation.

In terms of the eye health coordinators, that is certainly a very good step in the right direction, because this is an issue that we need to have a significant level of investment in. When you look at the fact that most of the blindness and vision impairment that Aboriginal
and Torres Strait Islander peoples face and have are preventable, we can see the size of the problem that we are actually trying to deal with concerning Indigenous eye health.

This comes on the back of the report *The roadmap to close the gap for vision* from Vision 2020 and from, as Senator Nash articulated, Professor Hugh Taylor, who was done so much work on Aboriginal and Torres Strait Islander eye health. Their final report, which was released just a couple weeks ago, particularly included an economic analysis of the value of Indigenous sight which showed just how not only is this a really important issue in terms of actually dealing with Aboriginal and Torres Strait Islander peoples eyesight but also it has an economic benefit.

While the roadmap talked about the level of additional investment that was needed—in the vicinity of an additional $68.25 million to be provided over five years for Indigenous eye health—I note that, from the details that Minister Nash articulated in the chamber in answer to the question, there was $4.5 million per year for the next couple of years for the eye health coordinators and $1.6 over two years for addressing trachoma because, as we know, we still have a significant issue with trachoma in this country. That is, as I said, a very good step in the right direction. But it is very obvious that we still need to be investing more if we are going to address the issues around preventable vision impairment and blindness in Aboriginal and Torres Strait Islander communities. The percentage of people affected by the preventable loss is much higher in Aboriginal and Torres Strait Islander communities than in the broader Australian population.

But it is quite obvious from the *Roadmap* and the final report, *The value of Indigenous sight*, the economic analysis, that we actually do still need a much higher level of investment. So while I do congratulate the government and the minister, who I know is very genuine on Aboriginal health issues, we do need some further investment, and I will continue to pursue that. But it is very important that we acknowledge the work, and getting those eye health coordinators in place will be a very good step in the right direction. But there are many other areas that are articulated both in the *Roadmap* and in *The value of Indigenous sight*, the economic analysis, that needs a higher level of investment. We will continue to pursue that higher level of investment.

Question agreed to.

**PETITIONS**

The Clerk: Petitions have been lodged for presentation as follows:

**Marriage**

To the Honourable the President and Members of the Senate in Parliament assembled:

This petition of certain citizens of Australia draws to the attention of the Senate:

Marriage is the union of one man and one woman, voluntarily entered for life.

It is an institution vital to the well being of all society. In particular it confirms the importance of motherhood and fatherhood and seeks to protect children's biological identity.

It has a meaning that we hold deeply for its cultural, religious and social significance.

We therefore ask the Senate not to redefine marriage to admit relationships to which it does not naturally or historically apply.

by Senator Bullock (from 250 citizens).
Australia Post  
To the Honourable the President and Members of the Senate in Parliament assembled:  
The petition of the undersigned shows,  
That proposals to slash Australia Post services and double prices will lead to a vicious circle of price rises, service cuts and steeper mail volume declines putting at risk tens of thousands of Mailing Industry Jobs and over $14 Billion in gross value adding to the Australian economy.  
Your petitioners request that the senate disallow Regulation F2015101181 and Regulation F2015101179.  
by Senator Urquhart (from 1,784 citizens).

NOTICES

Presentation

Senator Lines to move:  
That the Senate acknowledges the Federal Government's Family and Domestic Violence Strategy, but notes that;  
(a) adequate supply of affordable housing options is critical in enabling women to escape domestic violence; and  
(b) the Commonwealth has an integral role to play in the provision of affordable housing options.

Senator Conroy to move:  
That there be laid on the table by the Minister representing the Minister for Communications (Senator Fifield) and/or the Minister for Finance (Senator Cormann), by 3.30 pm on Monday, 12 October 2015, the following documents in relation to NBN Co Limited:  
(a) the 'Operating Plan' referred to in its Corporate Plan 2016;  
(b) financial and deployment forecasts for the multi-technology mix from FY2015 to FY2022, as included in the Operating Plan;  
(c) the most recent '12 Quarter Integrated Deployment Plan' referred to in its Corporate Plan 2016;  
(d) the high level desktop analysis of an all-FTTP fixed line deployment scenario referred to in its Corporate Plan 2016; and  
(e) the letter from shareholder ministers to NBN Co Limited requesting that it prepare the high level desktop analysis of an all-FTTP fixed line deployment scenario.

Senator Rhiannon to move:  

Senators Canavan and Williams to move:  
That the Senate—  
(a) notes:  
(i) the importance of education as part of the campaign to combat the dangers of 'ice' in Australian society, particularly amongst vulnerable youths, and  
(ii) the success of the most recent phase of the national drugs campaign 'Ice Destroys Lives', with feedback reporting that 94 per cent of youths who saw the campaign stating they had taken some action
as a result, either by talking to peers or to their parents, or by changing their thinking about 'ice', and 51 per cent of at-risk youth who had seen these advertisements saying they would now avoid using 'ice'; and

(b) condemns those who downplay the dangers of 'ice' by calling for the legalisation of a hazardous and toxic substance that destroys brain function, mental wellbeing, general health, employment, relationships, lives and families.

Senator Muir to move:

That the Senate notes the economic, social and other benefits of motorsport in Australia.

Senator Williams to move:

That the Corporations Amendment (Financial Advice) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 108 and made under the Corporations Act 2001, be disallowed.

Senator Williams to move:

That the Specification of Occupations, a Person or Body, a Country or Countries 2015, made under regulation 1.03, subregulations 1.15(1) and 2.26B(1), paragraphs 2.72(10)(aa) and 2.72(5)(ba), sub-subparagraph 5.19(4)(hi)(A), Item 4(a) of the table in subitem 1137(4), Item 4(a) of the table in subitem 1138(4) and Item 4(a) of the table in subitem 1230(4), paragraph 1229(3)(k) and paragraph 186.234(2)(a) of the Migration Regulations 1994, be disallowed.

Senator Williams to move:

That the Pay as you go withholding - PAYG Withholding Variation: Allowances - Legislative Instrument, made under the Taxation Administration Act 1953, be disallowed.

Senators Moore, Peris, McKenzie and Waters to move:

That the Senate—

(a) notes the achievements of the Australian Women's Cricket Team, the Southern Stars, and congratulates the team on its success in the recent Ashes series in England, the first win in England since 2001;

(b) acknowledges that the Southern Stars are currently ranked number one in the world in test, one day and T20 cricket, a feat they also achieved in early 2013;

(c) congratulates Cricket Australia on its efforts to improve the payment scheme for women cricketers, and to continue closing the gender gap in sport with the 2015 investment and restructure of women's cricket at the domestic level which will progress the plan to increase participation of girls and women in the sport; and

(d) encourages increased media coverage of women's cricket, building on the community interest and the skill and professionalism of the cricketers.

Senators Xenophon and Conroy to move:

That the Senate—

(a) notes that:

(i) the 2009 and 2013 Defence White Papers both state a national security requirement for the procurement of 12 new submarines,

(ii) on 20 February 2015, the Minister for Defence announced the acquisition strategy for Australia's Future Submarine Program, including details of the Competitive Evaluation Process to be undertaken by the Department of Defence, advising that the department would seek proposals from potential partners on 'options for design and build overseas, in Australia, and/or a hybrid approach',

(iii) all tier one navies have their warships and submarines built locally,
(iv) submarine builders DCNS and TKMS:

(A) have expressed a view to a Senate inquiry that the total life cycle costs (from design through construction through operation) will be no more expensive if our future submarines are built in Australia, and

(B) along with submarine builder ASC, have agreed to a proposition put to them at a Senate inquiry that participation in the design and construction of a submarine makes through-life maintenance easier,

(v) building submarines in Australia would:

(A) contribute to Australia's defence self-reliance, and

(B) provide valuable economic and skills stimulus to Australia's manufacturing industry, and

(vi) both the Collins class submarines and ANZAC frigates were built with greater than 70 per cent local content (by value); and

(b) calls on the Government to:

(i) commit to the procurement of 12 submarines,

(ii) commit to its pre-election promise to a local build of submarines and withdraw the stipulated options for 'design and build overseas' and a 'hybrid approach' on Australia's future submarines, and

(iii) set a submarine build benchmark of at least 70 per cent Australian local content (by value).

Senator Wong to move:

That there be laid on the table by the Minister representing the Prime Minister, by no later than 3.30 pm on Thursday, 17 September 2015, the Coalition Agreement, and related side letter between the Prime Minister and the Deputy Prime Minister, signed on Tuesday, 15 September 2015, outlining the relationship between the Liberal and National parties in government.

Senator Waters to move:

That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes. *Fair Work Amendment (Gender Pay Gap) Bill 2015*.

Senator Moore to move:

That the Senate—

(a) notes the second Sunday of September is Australia's National Bilby Day;

(b) acknowledges the long-term commitment of conservationist, Mr Frank Manthey, to address the plight of the bilby and his efforts to raise community awareness of the need to secure the future of the bilby and other endangered Australian fauna; and

(c) congratulates the Mayor of Ipswich, Mr Paul Pisasale, and the Ipswich community on the organisation of the inaugural community National Bilby Day celebrations on Sunday, 13 September 2015.

Senator Macdonald to move:

That the Senate—

(a) notes:

(i) the super colony hazards of yellow crazy ants in the Wet Tropics, which is distinctly different to the presence of yellow crazy ants in other areas of Queensland, and

(ii) with concern the damage to the natural ecology, to agriculture and to human beings from the yellow crazy ants caused by the formation of super colonies in the Wet Tropics region;
(b) acknowledges the work being done by the Wet Tropics Management Authority, the Cairns Regional Council, the Commonwealth Government's Green Army and individual landowners and volunteers who are to date achieving strong results in containing and locally eradicating the infestation;
(c) calls on the relevant local and Queensland governments to at least match Commonwealth funding to fight the infestation; and
(d) urges the Federal and state governments to commit to eradication of the yellow crazy ants in the Wet Tropics.

Senators Hanson-Young and Gallacher to move:

That, noting the sovereignty of the Republic of Nauru and Papua New Guinea, and within the limits of Australia's sovereignty, the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 31 December 2016:
(a) conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea;
(b) transparency and accountability mechanisms that apply to the regional processing centres in the Republic of Nauru and Papua New Guinea;
(c) implementation of recommendations of the Moss Review in relation to the regional processing centre in the Republic of Nauru;
(d) the extent to which the Australian-funded regional processing centres in the Republic of Nauru and Papua New Guinea are operating in compliance with Australian and international legal obligations;
(e) the extent to which contracts associated with the operation of offshore processing centres are:
   (i) delivering value for money consistent with the definition contained in the Commonwealth procurement rules,
   (ii) meeting the terms of their contracts, and
   (iii) delivering services which meet Australian standards; and
(f) any other related matter.

Withdrawal

Senator WILLIAMS (New South Wales) (15:38): I give notice of my intention at the giving of notices on the next sitting day to withdraw business of the Senate notices of motion No. 1 to No. 3 standing in my name for eight sitting days after today. I seek leave to make a very brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator WILLIAMS: The Regulations and Ordinances Committee has been making inquiries about a number of issues in relation to these instruments. Based on information received from ministers, the committee has concluded its examination of these matters. The committee's final report on these matters is contained in Delegated legislation monitor no. 10 of 2015 and Delegated legislation monitor no. 11 of 2015.

MOTIONS

Indigenous Eye Health

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:39): I move:

That the Senate—

(a) notes:
(i) the release of the University of Melbourne and Price Waterhouse Coopers report, *The value of Indigenous sight: An economic analysis*, and

(ii) that currently for every $1 invested in eye care the return is $0.90, however, if the recommendations in the report *The Roadmap to Close the Gap for Vision* are implemented it is anticipated that there will be a return of $2.50 for every additional $1 spent; therefore the elimination of unnecessary vision loss for Indigenous Australians will generate an estimated return of $1.60 for every $1 spent on eye care;

(b) acknowledges that:

(i) 94 per cent of the vision loss experienced by Indigenous Australians is preventable or treatable, and

(ii) if Australia implements the 'roadmap', in addition to the provision of current eye care services and programs, it will be able to restore sight or avoid future vision loss for 34 000 Indigenous Australians, closing the gap for Indigenous eye health; and

(c) urges the Federal Government to:

(i) review the report and provide national leadership on eye health, and

(ii) address the gap between Aboriginal and non-Aboriginal eye health as a matter of priority.

Question agreed to.

**Parramatta Female Factory Precinct**

**Senator RHIANNON** (New South Wales) (15:40): I move:

That the Senate—

(a) notes that:

(i) the green bans movement led by the New South Wales Builders Labourers' Federation, the forerunner of the Construction, Forestry, Mining and Energy Union (CFMEU), saved key heritage precincts in Sydney, including the Rocks and Victoria Street at Kings Cross,

(ii) the CFMEU New South Wales Branch has placed a 'green ban' on the iconic Parramatta Female Factory Precinct,

(iii) the Hobart Female Factory gained World Heritage status despite the fact that it is not as extensive, well-preserved, significant or as old as the Parramatta Female Factory Precinct, and

(iv) the proposed 30 storey, 3 900 unit development at North Parramatta would negatively impact the heritage listing of the Parramatta Female Factory Precinct; and

(b) calls on the Minister for the Environment to:

(i) acknowledge the national and world heritage value of this site, and

(ii) urgently approve the Precinct's National Heritage Listing.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:40): I seek leave to make a short statement.

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

**Senator FIFIELD:** The government opposes this motion. The government is already taking action on the matter of the Parramatta Female Factory Precinct. On 31 July this year the Minister for the Environment announced that the Parramatta Female Factory Precinct had been placed on the Australian Heritage Council’s priority assessment list for potential inclusion on the National Heritage List. The Australian Heritage Council is now in the midst of a thorough assessment of the heritage values of the site, after which it will make its recommendation to the minister on whether to include the Female Factory Precinct on the
National Heritage List. This is a statutory process under the EPBC Act. Senator Rhiannon should know that this is the process and not seek to circumvent it.

Question agreed to.

Mining

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:41): I move:

That the Senate notes that:

(a) the Australian mining industry generates $138 billion per annum in exports to Australia's economy;

(b) Australia's mining industry exports include: copper, gold, silver, indium tin oxide, alumina, silica, cobalt, carbon, aluminium, nickel and magnesium;

(c) every smartphone depends on the mining of these resources; and

(d) opposition to Australia's mining industry would restrict the supply of these mineral resources, and opponents of Australia's mining industry should therefore refrain from using these smartphones and tablets.

The PRESIDENT: The question is that notice of motion No. 858 moved by Senator Canavan be agreed to.

The Senate divided. [15:46]

(The President—Senator the Hon Stephen Parry)

Ayes ......................34
Noes ......................30
Majority ..............4

AYES

Back, CJ
Birmingham, SJ
Canavan, MJ
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Johnston, D
Leyonhjelm, DE
Macdonald, ID
McGrath, J
Muir, R
Parry, S
Reynolds, L
Ruston, A
Sculli, NG
Sinodinos, A
Wang, Z

Bernardi, C
Bushby, DC (teller)
Cash, MC
Day, RJ
Fawcett, DJ
Fifield, MP
Lambie, J
Lindgren, JM
Madigan, JJ
McKenzie, B
Nash, F
Payne, MA
Ronaldson, M
Ryan, SM
Seselja, Z
Smith, D
Williams, JR

NOES

Bilyk, CL
Bullock, JW
Conroy, SM
Di Natale, R
Gallagher, KR

Brown, CL
Cameron, DN
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Senator Brandis did not vote, to compensate for the vacancy caused by the resignation of Senator Wright.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Defence Personnel

The PRESIDENT (15:50): A letter has been received from Senator Lambie:

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

The Coalition Government's failure to debate in the House of Representatives private members legislation that has been passed by the Senate guaranteeing future pay rises for member of our Australian Defence Force are linked to the pay rises of members of parliament or Consumer Price Index, whichever is highest.

Is the proposal supported?

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

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

Senator LAMBIE (Tasmania) (15:50): Today's matter of public importance is an exciting opportunity for Prime Minister Turnbull to show the Australian people that he is different from the old PM and that he truly cares for the men and women of our defence forces. As most people will recall, the former Prime Minister liked getting his photo regularly taken with our diggers when he failed to deliver a fair pay rise to them. This injustice was partly remedied after an extra pay rise was reluctantly offered to our defence community, but only after a big public backlash and my threat to block all legislation until the Australian Defence Force received a fair pay rise.
As well as our Australian Defence Force still being left out of pocket, this shameful incident proved that we needed to find a better way to guarantee that our diggers receive a fair pay rise. I offered the Senate a solution to the Australian Defence Force pay crisis, in the form of a private member's bill which automatically linked Army, RAAF and Navy pay rises to the pay rises of politicians or the CPI, whichever was the higher amount. After debate this Senate voted on and passed the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. This bill now sits in the other place—the House of Representatives—awaiting a final debate, vote and passage to the Governor-General for the signature of assent.

Through this discussion on today's matter of public importance this Senate is again able to remind the Liberal and National parties about unfinished business they have with regard to our diggers' pay. If the Liberals and Nationals follow their old path of never giving an inch to the crossbench senators and not listening to reason and common sense then there is no point in changing Prime Ministers. I know that this new PM has genuine respect for and close links with our Australian Defence Force. I ask him to seriously consider the message that this Senate has sent—not only once but, including, today twice—to this parliament and the Australian government.

In closing I want to counter the misleading comments and arguments that the National and Liberal party members made in this Senate when they opposed my private members bill. The Australian people will not stand for Liberal and National members hiding behind nitpicking, sly and false arguments when it comes to fair pay rises for members of our Australian Defence Force. Linking Defence Force wage rises to the wage rises of politicians—or the CPI, whichever is higher—will not mean that our Australian Defence Force members receive less pay. That is rubbish. Parliamentary Library research reveals that the average yearly rise in defence pay over the last 10 years is only three per cent. This stands in stark contrast with the average yearly rise in politicians' pay, which since 2004 is almost seven per cent. The calculations include the politicians' pay rise in 2012 of 34.3 per cent and the last two years when politicians' pay has been frozen. The weighted median figure for the CPI is 2.4 per cent.

On Wednesday 4 March former PM Abbott asked the Chief of the Defence Force to take a proposed pay increase of only 0.5 per cent to the Defence Force Remuneration Tribunal, making for a total Australian Defence Force pay rise of two per cent. In 2000 the Chief of the Defence Force received $305,000 per annum. The latest figures show that the Chief of the Defence Force in 2014 took home $764,000 that year. That means the person asked by Mr Abbott to increase ordinary diggers' pay, by a mingy 0.5 per cent, in the last 14 years had his own pay increased by almost $460,000, or 250 per cent. It is clear that if the private members bill regarding Australian Defence Force pay is passed by the House of Representatives our diggers would be guaranteed a fair pay rise over the next 10 years without having to be subjected to the current flawed and biased Defence Force Remuneration Tribunal, which has betrayed them while tribunal members have enjoyed pay rises of 250 per cent over the last 10 years. This unjust system must be changed for the better—and the Prime Minister has the power today to deliver justice and fair pay finally and once and for all to our Australian Defence Force families.

Senator BERNARDI (South Australia) (15:56): I rise to speak on this matter of public importance because I spoke against Senator Lambie's original bill when it came into this place. My reasons for opposing her Defence Amendment (Fair Pay for Members of the ADF)
Bill then have not changed. It is important that we do get some facts on the record. I do not for a moment doubt Senator Lambie's absolute commitment to the men and women of Australia's Defence Force, or the commitment of those on both sides of this chamber. Those men and women do an amazing job serving our country and they do deserve fair pay. In many instances the pay rises that they have had have been more than competitive with rises in other arenas in the public sector. To labour the point about Senator Lambie's pay rises for politicians, if you exclude structural adjustments, where we have seen the incorporation and rolling in of various entitlements into a single wage structure, there has only been a 0.4 per cent differential between politicians' and ADF pay. So we have to get the facts on the record.

The purpose of this place is to pass legislation, to pass bills, to reduce complexity and make government much more efficient in many instances. The bill that Senator Lambie is seeking passage of is unnecessarily complex and it does have a number of consequences, which were highlighted to Senator Lambie when it was debated in the Senate. They were probably unintended consequences. The bill may appear straightforward, but it is actually not straightforward. There are many and varied differentials in the comparisons between parliamentarians' and ADF remuneration and entitlements. A case in point is that the ADF has more than 1,300 pay points across more than 500 employment categories. The bill that Senator Lambie introduced did not link them in a successful manner and many of the Defence Force Remuneration Tribunal functions would have been negatively affected under her proposal.

Of course pay in the ADF is not linked to inflation movements up or down, and the government requires pay rises for ADF members to follow the same general pacesetting principles that apply to other government employees and to the wider community. I made the point then, and I make it again now, that over the past decade ADF wage rises have outpaced inflation by over 13 per cent. Under the government's current policy of providing a two per cent pay rise to ADF personnel for each of the next three years, once again ADF pay will both exceed current parliamentary pay increases and increase more than the expected CPI.

ADF pay is currently determined by the independent Defence Force Remuneration Tribunal, in accordance with section 58H(2) of the Defence Act 1903. This was formally established in 1984 under the then Hawke Labor government. It comprises three members: a president, who has to be a deputy president of the Fair Work Commission; a person experienced in industrial relations matters; and a person who was but is no longer a permanent member of the forces.

They determined the first pay case in 1985. The ADF is represented before that tribunal by the Defence Force Advocate. In accordance with section 55 of the Defence Act this person is skilled in industrial relations matters and has intimate knowledge as to the nature of service in the Defence Force. That is important because it means that there will always be a contemporary perspective put into the Defence Force remuneration determinations. That means it is not subject to the whims and whines of people in this place, who may have a longstanding knowledge or history; also, as they leave the Defence Force their knowledge cannot be as intimate as it was when they were there. I think it is very important that we maintain the current circumstance where those who have a thorough understanding of the Defence Force, the nature of service and the determinations can make these assessments. Thus, I would advocate continuing with the current scheme.
The nature of military service is in itself unique. These are people who voluntarily enlist. They do it for myriad reasons. I do not know a single service man or woman who says they joined up for the money, because it is perhaps not the most lucrative career. But it is an absolutely vital career for us and we are very, very thankful that they are prepared to serve in whatever capacity, whether at home or abroad, defending our freedoms, keeping us safe and providing an essential service. As valued employees, as valued service people and as valued servants of the country they deserve a fair go—absolutely. No-one is going to quibble about that. But the fairest and best method for them to get a fair go, to get appropriate remuneration, is through an independently assessed criteria, not subject to linking it to inflation or another measure. I think that is the most positive thing we can do for the service men and women who do such a sterling job for us.

Returning to the bill, I recall the explanatory memorandum was very brief but contained a number of factual inaccuracies, which I believe were explained to the Senate at the time. However, if you are going to perpetuate factual inaccuracies and then continue with your bill, I think we are entitled to repeat them and say, 'They’re wrong.' Because if you cannot rely on the integrity of what is said in this place in respect of legislation we will face some great difficulties.

The EM states, if I recall, that members of the ADF have their pay assessed arbitrarily by the Minister for Defence, under section 58B, and the minister's decision cannot be appealed. As I have made it very clear, that is actually not true. The Minister for Defence does not make determinations on ADF pay. In relation to appeals, the Defence Act actually provides mechanisms for the Defence Force Remuneration Tribunal to review ADF pay.

The powers of the minister in respect of ADF remuneration under section 58B of the Defence Force Act relate to determinations regarding conditions of service for ADF members, other than salary. These include housing benefits, relocation support, leave entitlements, family healthcare programs and other non-salary allowances.

If you cannot get that right, do you really think we should be pushing through a bill, through the other place, that I would argue will not only disadvantage service men and women but is actually entirely flawed in its premise and in the explanatory memorandum. This is the great problem and that is why these longstanding remuneration arrangements should be maintained rather than being at the whim of some well-meaning senator.

I am very fortunate in that I have the power of a large party organisation behind me, in which we can distil the essence of good and bad policy. I can rely on my colleagues with respect to their unfettered loyalty in supporting my goals and aims through the parliament. Senator Lambie, unfortunately, does not have that same support network, if you will, so we need to ensure that we can get decent legislation through this place that is accurate. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (16:06): I rise today to speak on Senator Lambie's matter of public importance. In March this year the Senate passed Senator Lambie's matter of public importance. In March this year the Senate passed Senator Lambie's Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. This bill linked, as a minimum, ADF pay to either an increase to CPI or parliamentary allowances, whichever is the highest. Since then this government has failed to allow that bill to be debated in the other place. Australia's new Prime Minister, Mr Turnbull, should now do the right thing. He should do what his predecessor would not and allow this
bill to be debated in the other place. This is an important issue and parliament should have an
opportunity to debate the matter.

Earlier this year the former Prime Minister was dragged kicking and screaming to increase
the government's measly pay offer from 1.5 per cent to two per cent. Two per cent is higher
than current inflation. Labor welcomed that increase, but it is important that parliament
examines a way to ensure that ADF personnel never have to go through that pain again.
Senator Lambie's bill proposes a mechanism that would ensure that if inflation moves ADF
personnel will not be worse off.

A future Labor government will undertake a full review of the process for determining
ADF pay to ensure that it is effective and transparent and properly takes into account the
unique nature of military service. It is worthwhile going through some history here to
understand Labor's position. After promising not to cut defence funding before the election
the coalition government cut ADF pay at the first opportunity. They also sought to cut ADF
Christmas leave and other allowances while they were at it. Worse than that, they did it in
November, not long before Christmas.

In October last year reports began to emerge that the government was offering an unfair
and below inflation increase of 1.5 per cent a year across the three-year agreement. This
disgraceful deal was explained away by the former Prime Minister as a way to drive down the
pay and conditions of all Commonwealth public servants. He was using our Defence Force
personnel as a battering ram in his ideological crusade against the Public Service. That is
right—he was using the pay and conditions of our serving men and women as part of his
political strategy to hurt all Commonwealth public servants.

ADF personnel have long held a special place in our society. ADF personnel undertake
unique, demanding and often dangerous work. They put their lives on the line with dedication
and courage to ensure Australia is safe. They do this on behalf of all Australians. Today we
have ADF personnel deployed all over the world. Most notably, they are in the Middle East
supporting the international effort against Daesh and the Taliban. They are also working on
the high seas against piracy and drug traffickers.

Australians instinctively understand the sacrifices our ADF personnel make. That is why
we saw such community backlash when the government sought to cut the pay of our ADF
personnel. Senator Lambie in particular was extremely vocal in her calls for the government
to pay the ADF more. Other crossbenchers also spoke out. The RSL and the Defence Force
Welfare Association pushed hard against the pay cut. The new Prime Minister should do the
right thing and allow this bill to be debated in the other place.

In 2012 former Prime Minister Abbott told the RSL national conference that 'a fair go is
the least a grateful nation can offer to serving and former military personnel'. Prime Minister
Turnbull should heed his predecessor's advice and give our ADF personnel a fair go. It is
embarrassing that those opposite unanimously supported this—every single coalition senator
supported this. Only when the pressure built, as outrage flooded social media pages and the
petition was collected, did the craven members of the coalition decide they had to protect
serving personnel's pay and conditions. Let no-one on the other side of the chamber pretend
that they were there when it counted in this debate, because they were not.
Senator XENOPHON (South Australia) (16:11): I support this matter of public importance and I support Senator Lambie’s Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. There is an important principle here. This bill ought to be debated. If a bill has been passed, particularly by this place, it ought to be dealt with and debated in the other place, one way or the other. People need to nail their colours to the mast—do they support this bill or not? To leave it in the never-never is fundamentally wrong. It needs to be dealt with. This bill passed the Senate in March and has been stuck in the lower house ever since. Now that the government has changed leadership I hope it takes note of this matter of public importance debate and brings this bill on in the lower house as a matter of urgency.

Members of the Australian Defence Force are called upon to carry out a huge range of challenging and at times life-threatening duties here at home and overseas. As Senator Conroy pointed out, we have members of the Defence Force deployed throughout the world. They are doing things as grave as fighting the evil that is Daesh and the Taliban in Afghanistan. Signing on to be an ADF member could see you involved not just in wars in far off countries but in drought, bushfire, flood and natural disaster relief and peacekeeping.

The sense of duty and loyalty of our Defence Force members to this country is incredibly strong and has been so for well over a century and must remain so. Senator Lambie’s bill goes a long way towards this aim. It is about having fair pay increases for the ADF. ADF employees are not like other workers. They cannot go on strike; they cannot decide to not do their duty because of an industrial dispute. They are in a unique position in the sense that the ordinary rules that apply to other workers cannot apply to them because of the very nature of their duties. That is why there needs to be a better way of setting their pay. The proposition in Senator Lambie’s bill does provide a mechanism, because they do not have the same rights as other workers. Therefore, this bill has a lot of merit.

When this bill was being debated the government was embroiled in a bitter and drawn out pay dispute with the ADF’s almost 60,000 full-time members. It was stubbornly sticking to an offer of 1.5 per cent—below the CPI of 1.7 per cent and well below the significant pay increases parliamentarians have had in recent years. Senator Lambie’s bill would guarantee that all future ADF pay rises would never fall behind either the cost of living, the CPI, or the pay rises of those of us here in parliament—whichever is greater. It focuses the mind on how we have a mechanism that is fair and equitable for members of our defence forces.

The government settled its pay dispute with the ADF in June, providing for a two per cent annual increase up to November 2017, but this bill forces us to consider a fairer mechanism of pay increases for members of the ADF. This MPI is essentially about having this bill debated in the other place. If a bill has been debated and dealt with in this place then there ought to be a mechanism to ensure that it is debated in the other place. To ignore this bill is completely disrespectful of not only Senator Lambie but the entire Senate, given the passage of this bill in the Senate. That is why I support this MPI.

I urge the Turnbull government to consider this bill, have it debated and come up with a better mechanism of dealing with pay increases for ADF personnel, because they do not have the same rights as others in the workforce because of the very precious nature of the vital duties they perform in the national interest.

Senator REYNOLDS (Western Australia) (16:15): I too rise to speak on Senator Lambie’s matter of public importance and also to remind the Senate of my original objections
to the bill in question. First of all, I again commend Senator Lambie on the intention behind the MPI and also the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. The intent reflected in the title is entirely laudable. Senator Lambie is absolutely a passionate advocate for past and present service personnel, but unfortunately the devil is always in the detail and it resides within this bill.

Unfortunately, despite the laudable title of this bill, the practical operation of this bill does precisely the opposite of what the title suggests it would achieve. If passed by the House of Representatives, this bill would result in a significant decrease not only to the base pay of ADF personnel but also to their service allowances and entitlements. It is for that reason alone that it is inconceivable to me why the ALP and the Greens would have voted for a bill that will have a significant decrease for Defence personnel from the current two per cent.

By way of a quick history, the government's move to increase the ADF pay offer from 1.5 per cent to two per cent since March this year has provided a higher pay increase for the ADF personnel than that provided for by Senator Lambie's bill. As I said, though my colleagues and I applaud Senator Lambie's intent, after the first decision—

Senator Lambie:
CPI was 2.4 per cent! You are misleading the Senate!

Senator REYNOLDS: If Senator Lambie gives me time, I will explain exactly how, in great detail, this is a retrograde bill. Following the announcements, Mr Nikolic, I and other colleagues quietly but very persistently advocated to the minister and the Prime Minister that we thought the initial 1.5 per cent pay increase was insufficient. We also worked with them very hard to find where the additional $200 million would come from out of the Defence budget. Once we had done that and we had found the money, we also put another very persuasive argument to government about why this was equitable. The reason was that, under the last government—the Labor government—the wage increase of ADF uniformed personnel lagged behind those of the APS by 25 per cent. We believe, therefore, that this recommendation was not only appropriate but that we had found the money to pay for it. Subsequently, on 4 March, the Prime Minister announced the government's intention to seek a variation to the ADF Workplace Remuneration Arrangement—the WRA—to provide an increase to the pay to two per cent per annum each year over the three-year life of the arrangement. The cost of the existing WRA is $634 million over the life of the agreement, and, as I said, the increase was an extra $200 million that has now gone to our ADF personnel.

The DFRT endorsed the government's new proposal when it handed down its determination on 9 June 2015 and the additional increase was reflected in ADF pay packets from 30 July and it was backdated to 12 March this year. Importantly, the DFRT decision kept ADF pay well above the current annual inflation rate of 1.5 per cent, which, in fact, as we have just heard from the speakers opposite, is what ADF pay would drop to under Senator Lambie's bill—not two per cent but 1.5 per cent.

There are three major reasons why I believe this is a very well-intentioned but ill-drafted bill and it would have devastating consequences on the incomes of our Defence Force personnel. The first reason is the linking of pay rises for members of the ADF to one of two things: either to CPI or to MP's salaries—option A or option B, and nothing else. Let's have a look at these options. Option A is tying it to politicians and senior public servants. The fundamental flaw in this is that we have all had our salaries frozen to zero, so option A that is
proposed under the bill is zero. I am assuming that the drafter did not realise this when this bill was drafted. So, option A is zero per cent and is tied to politicians. Option B under the bill is tied to CPI, which, as we know from current CPI figures is well below the current two per cent. In fact, it is about 1.5 per cent. So it would be either option A or option B—zero per cent or 1.5 per cent.

Senator Lambie: Mr Acting Deputy President, I rise on a point of order. When this pay rise was disputed and done last November, the CPI was 2.4 per cent, so let's get some facts in here, please.

Senator REYNOLDS: That is not a point of order.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Reynolds, thank you very much for your assistance—

Senator REYNOLDS: That is a debating point.

The ACTING DEPUTY PRESIDENT: Senator Reynolds! I do not need your assistance. I have listened to Senator Lambie. I say to Senator Lambie that there is not a point of order. Senator Reynolds, ignore the interjections.

Senator REYNOLDS: We have option A—zero per cent—and we have option B, which is currently 1.5 per cent. The bill is very short and it is very clear, as has been confirmed by the speakers who preceded me. That is the first reason why it is a bad bill, because it will clearly reduce the salaries of ADF members.

The second reason I think this is a well-intentioned but bad bill is that under the bill the members of the ADF will have their pay assessed arbitrarily by the Minister for Defence under section 58B of the Defence Act. I argue for this reason alone that the entire premise of this bill is not correct. The Minister for Defence does not and should not make determinations on ADF pay. In fact, under the Defence Act the power is reserved specifically for the Defence Force Remuneration Tribunal—the DFRT—pursuant to section 58H(2)(a) of the Defence Act. Unlike what is said in the explanatory memorandum, the powers of the minister in relation to ADF remuneration of the Defence Act relate to determinations regarding conditions of service to ADF members other than salary—that is, not pay. In the past, these determinations have included housing benefits, relocation support, leave entitlements, the Abbott government's rollout of the National ADF Family Health Program and a range of other nonsalary related allowances.

In fact, the Hawke government, in the Defence Legislation Amendment Act 1984 established the Defence Force Remuneration Tribunal, which now comprises three independent members: the vice-president of Fair Work Australia, a person experienced in industrial relations matters and a person who has been a member of the ADF—a truly representative tribunal. This is a fundamental and critical fact that this bill has ignored and which I therefore believe actually renders it invalid. The DFRT determinations are to be made by already taking into account the special skills and capabilities required of ADF members and their unique employment circumstances. This bill, and the wording of it in relation to the tribunal and the minister would itself not only invalidate it but it would also effectively abolish the DFRT.

The third reason that this is a bad bill, well intentioned as it is, is that the definitions in it are far broader than just for the increase in pay rates. When you actually have a look at the
Defence Act and you look at the tribunal details, it is very clear that this will not only apply to Defence pay but will also apply to all other meanings of ‘salary’—all salary related payments and not just the base pay rate.

As I outlined in my speech on this bill, the proposed section 58ZC would introduce a mandatory formula into all Defence Force pay determinations, and not just those suggested in the bill. In making any salary determination the tribunal would need to include a calculation that converts any amount it decides upon into a percentage increase for the purposes of working out a minimum salary increase, using the new amount and rate of comparison as set out in the proposed new section 58ZC contained in this bill.

What does that actually mean? It is a bit bureaucratic and technical, but—

Senator Gallacher: Don't worry! We'll understand it!

Senator Reynolds: Thank you very much, Senator Gallacher, through you, Mr Acting Deputy President. Additionally, as the WRA also applies to relevant allowances determined by the tribunal, it includes service allowances, and there is no requirement to apply clause 58ZC to that part of ADF remuneration. Therefore, not only could the bill potentially cause additional distortions to the current ADF remuneration arrangements it would actually mean an effective decrease to 1.5 per cent—the current inflation rate—not only for ADF pay rates but for all their service allowances and other conditions of service. So when you look at the detail of this bill, it could reduce ADF pay rates from two per cent to 1.5 per cent and that would actually be across all the other thousands of conditions of service and entitlements.

While I absolutely support the intent of the bill—and I know that Senator Lambie has put it forward with absolutely the best intentions to look after our service personnel!—when you actually have a look at the detail of this bill it absolutely has the opposite intent to what she intended—absolutely. It was for those reasons that I could not support the bill then and I cannot support it now. I would urge those opposite, before they continue to ask for this to be debated in the House of Representatives, to actually go back and have a look at the implications of this bill, because it is very clear when you look at the bill, the relevant act and the DFRT guidelines that this would, if passed in the House of Representatives, send our ADF pay back from two per cent to 1.5 per cent and take all of their service allowances and conditions with it.

It is for those reasons that I support the intent of this MPI and the bill that sits behind it, but it is absolutely a most retrograde step for all our men and women in uniform. Thank you very much.

Senator Gallacher (South Australia) (16:26): I rise to make a contribution in this debate and, unfortunately, just following on from Senator Reynolds. I think Senator Reynolds failed to listen, which is probably not all that unusual in this chamber—sometimes it gets a bit noisy. This bill linked, as a minimum, ADF pay to the higher of either an increase in CPI or parliamentary allowances. So, a minimum of—not ‘or’. Also, she has very carefully picked out a statistic that, not surprisingly, was the best possible statistic for her case. So, the June quarter 2014-15 was 1.5 per cent. But, hang on, that was 2014-15. What about 2012-13? That was 2.4 per cent. What about the three per cent before that?

Senator Canavan: It's not relevant!
Senator GALLACHER: I will tell you why it is relevant, Senator Canavan. The reason it is relevant is that for about 22 years I used to negotiate pay rises. What we used to do was to put the CPI in our back pockets. We used to go to the employer and say, ‘This is what the CPI says.’ And you know that when you examine what the CPI from the Australian Bureau of Statistics is, it is a measurement of household expenditure. You only have to wander around the newspapers to find a decent article in The Sydney Morning Herald which lists every category of expenditure. I am sure that Senator Canavan, with his Productivity Commission hat on, knows how carefully it is constructed to give a representative view of what the expenses of a household are in the six states and two territories.

We know—well, I think—that the ADF actually get paid prospectively rather than retrospectively. So we are actually going to try to guess what is going to be in the second and third years. We are not going to pay them retrospectively; we are going to say, ‘Okay, we think the CPI for the last three years has done, not 1.5 per cent, but 2.3 per cent.’ Senator Reynolds said that people would have got a decrease, when common sense would tell you that you average it over three years if you are doing a three-year agreement—you would have a look at the last three, and the last three were 2.3 per cent. You could articulate that it might be more going forward, or you could articulate that it might be less, but it is a bargain.

The real problem here is that the ADF do not have the same pay structure as people in the wider community do. The ADF serve; they serve this country and have served overseas for 10 or more years in active service. They should not really be put under the pump and worry about their families paying the electricity, the school fees, the petrol and the public transportation costs that they have seen increase. They should not have to worry about that. The finance minister, Senator Cormann, can get out there this morning and say, ‘I am open and ready for business. Trust me, Prime Minister, I am as loyal as they come!’ But we all know that the cigar and the glass of wine and the tune Best Day of My Life was the genesis of this episode when they sat down in the May 2014 budget and wrecked the place. They never sat down and said they were going wreck the ADF pay increases, but that was the implication of their terrific—in their view—budget.

It started to filter out and it filtered out to the ADF. Rightly, Senator Lambie and others took the government to task. They absolutely took them to task, so much so that the bill went through the Senate, and it has been put on the backburner because amongst those 150 representatives in that other chamber you are going to struggle to find a lot of people who are going to stand up and do a Senator Reynolds—distort the fact and figures—and try to say that this is a bad deal.

This is putting a base into the argument. They should have the CPI in their back pocket every year because that is what happens on a base. Things go up—transport goes up, education goes up, electricity goes up. I know lots of people in the community who say that the CPI is not enough and that it does not keep pace with actual inflation. I do accept that the Australian Bureau of Statistics does a job, a very thorough job, in trying to get all of the cost-of-living items into a figure, but my contention is that that is a base figure. Most groups in the community want to put that in their back pocket and go for a bit more.

I commend Senator Lambie in her endeavours to shine a light on this despicable effort by the coalition government to save money in these areas. These are people who serve the country and, as Senator Lambie has stated, there are plenty of people, maybe even reservist
brigadiers, who get paid very well and who can probably forgo a pay increase. Do not tell me that the grunt, the bloke on the ground, someone in 7RAR, someone who is a sapper with three kids at home, and might be posted in Afghanistan or wherever they are posted, has to worry about whether their family has enough to make ends meet. Do not tell me they should wear any of this nonsense; they should not. They should be paid respectfully and commensurate with their loyalty and service for Australia. Their loyalty and service for Australia should be recognised with a fair and just pay offer each and every year that they serve.

There are a couple of inquiries that I have been involved in, and we know that the Army, the Navy and the Air Force do fantastic work. We know that people are loyal to their service to the Defence Force, to the government and to the service of Australia. We also know that should be enhanced and continued. I would be surprised if any defence minister was not bitterly disappointed at this miserable effort from Senator Cormann and the honourable Joe Hockey when they sat down in May and concocted the best day of their life when they got their cigars and their glasses of wine out. I am sure that they did not actually envisage that they were going to have to eat a bit of humble pie later on by backing down on the effect of their awful work. I am not surprised that Senator Cormann, today, is waiving all that and airbrushing it into history. 'I'm open for business. I'm free. I'll serve any Prime Minister.' I think this Prime Minister would probably have to have a bit of a think, if that was the architect of this Prime Minister's demise and the absolutely humiliating backdown that they have had to cop.

Then we compound it. They will not even debate it in the other place because we know what happened in the debate here. You cannot find anybody who is against Senator Lambie's proposal. I am not against it. I am sure no-one in the chamber it. No-one has spoken against it. If it ever sees the light of day in that other chamber, there will not be too many coalition or Labor people coming out against it. So maybe, just maybe, Senator Lambie has hit the nail right on the head in her attempt to advocate for defence personnel, which I know she is truly passionate about. I have had to endure her arduous questioning of a number of senior defence officials at a number of hearings. Her passion will not go away. The issue will not go away. They should debate it in the other chamber.

They do not think defence people are worth the CPI—that basket of consumer goods that you need to feed your family. If they do not think they are worth that, then say so. Let those thousands of members of the Australian Defence Force hear it in the chamber. But do not come in and be tricky and use one year at 1½ per cent. Go back over the three years when it was 2.3 per cent. Anyway, we are guessing about what it is going to be in the future.

As I said, Mr Acting Deputy President,—I am sure you are aware of it because you did it thousands of times yourself—when you approached negotiations you have the CPI in your back pocket and you went for a bit more. I believe the CPI and a bit more is what defence personnel should get in reward for their loyalty, their service and their dedication to this country. They are often maintaining two households. They are not always at home; they are often deployed. We take care of them as best we can when they are deployed. It is not easy when you are bringing up a family at home and your husband might be doing six months in Afghanistan, or six months in Timor, or working on the floods in Queensland. In the last round of meetings that we had in Queensland, there was a unit that was deployed for the
Queensland floods, they had two weeks off and then went to Afghanistan for six months. That family has to make ends meet. They need a car to get around to drop the kids off at school. CPI and a bit better would be very, very handy.

**Senator WHISH-WILSON** (Tasmania) (16:36): I will have some of what he has had, please. That was a very good speech, and I commend Senator Gallacher on his passion. In fact, I think you should frame that, Senator Gallacher, if that is possible with words. That was a really good speech.

I just want to get up-front and on record that the Greens have the utmost respect for our Australian Defence Force personnel. We respect their service, we respect the sacrifices they are prepared to make and do often make. Most importantly we want to make sure that, if they are to be sent into harm's way, the parliament debates the merits of these missions. This, too, for the Greens is a matter of respect. Of course, we have had this debate in the last week in parliament about war powers legislation. The Greens support Senator Lambie's bill to peg the indexation of Defence Force pay to CPI or to parliamentary pay. My colleague Scott Ludlam rose in this chamber and made a contribution to the second reading debate on this legislation. Senator Lambie's bill would ensure that a prime minister or a government of the day, faced with budget circumstances entirely of their own making—especially one that is impotent in actually raising revenue in this country—could not take for granted a cohort of people who from time to time are called on to risk their lives or serious physical or mental injury in the line of their ordinary course of duty and who do not have industrial representation. It is very important to stress that our Defence Force personnel do not have a union that can get out in front and protect them and their families and their working conditions. They cannot go on strike. They basically have no real recourse in this country. This bill would ensure that the kind of errant approach to their rights that we saw in the first year of our former Prime Minister, Tony Abbott, never happens again.

I would also like to raise the bigger issue, while we are discussing Defence personnel pay and conditions, and that is that the Greens would also like to see all public servants get fair pay and conditions. We need to be cognisant of the fact that public servants right across the board do a good job for all Australians and they deserve fair pay and conditions. We do not like to see unnecessary cuts to both workforce numbers and fair pay and conditions, especially when we have the ability to raise revenue in this country if we make some hard decisions around tax reform.

It is also worth throwing into the mix, in the very few minutes that I have left to speak, that this government spends tens of billions of dollars on the acquisition of Joint Strike Fighters, new submarines and all sorts of other military hardware, and what we are talking about is small bickies. Indexing someone's pay to CPI is small bickies compared to what we go out and spend on defence hardware. It is personnel versus hardware, when of course the most important thing about our Defence Force is the people—the people who actually serve, who go off to war or on peacekeeping missions, to provide disaster relief and to give aid.

I take the opportunity today to note that, for many ADF personnel, life after service is often when they are in most need of government support. Senator Gallacher mentioned some of the inquiries he has been at recently. Senator Lambie was in Brisbane with us only a few weeks ago when we heard some heartbreaking stories from young veterans who have done multiple
tours of Afghanistan and who are suffering terribly. They moved the whole committee to tears.

The Greens supported the government when it introduced a bill originally to index veterans’ benefits to CPI, but we opposed it when the government tried to cut income support to the children of veterans. This regulation was ultimately disallowed by the Senate.

In the last 55 seconds of this contribution, I also raise the subject of commemoration of service—and, Mr Acting Deputy President Sterle, you and I both share an interest in commemorations—and the fact that up to $150 million has been spent on commemorations, while in real-time we are talking about cutting Defence Force pay. It is a bit rich. It is also a bit rich when we are seeing cuts right across the board to the Public Service. So, while we need to commemorate the service of our defence forces, we need to commemorate for the right reasons. It is very important that we put into perspective the amount of money that is being spent in this country on defence hardware and commemoration and that spent on Defence personnel.

The Greens will be supporting Senator Lambie’s bill, and I hope that we can carry this forward and actually get some legislation enacted. Congratulations, Senator Lambie.

**Senator DASTYARI** (New South Wales) (16:41): I rise today to speak on the matter of public importance introduced into this chamber today by Senator Lambie. At the end of the day, this is a very simple debate. This is about one thing, and that is allowing this bill to be debated in the House. That is all anyone is asking for. We are asking that people either put up or shut up, that they be prepared to defend their positions publicly, on the record.

I see my good friend Senator Canavan sitting opposite. Senator Canavan is an incredibly impressive man. Through one or two small negotiations with the government, he was able to get somewhere between $2 billion and $4 billion out of them. So I am urging Senator Canavan to use his new-found will, his new-found power, his new-found dominance of the Liberal Party to get this problem fixed. Frankly, all it is going to take is one phone call from Senator Canavan to get this problem fixed! So, if, by 5 pm today, this matter has not been resolved, we all know who we are going to hold responsible! We are going to be holding Senator Canavan responsible for this!

**Senator Canavan:** It’s a heavy burden, but I’m prepared to carry it, Senator Dastyari!

**Senator DASTYARI:** Senator Canavan, with great power comes great responsibility!

Senator Lambie has been a proud and consistent supporter of the Australian Defence Force since long before she entered this place. I respect her service and I respect her commitment to her former colleagues. In March this year, the Senate passed Senator Lambie’s Defence Amendment (Fair Pay for Members of the ADF) Bill 2014 and it proposed a measure that would ensure that, if inflation increases, ADF personnel will not be worse off. The bill links ADF pay rises, at a minimum, to either an increase in the Consumer Price Index or increases in parliamentary allowances, whichever is the higher. Since then, however, this government has refused to allow this bill to be debated in the other place. I think that is so appalling about this. What is being asked for here is not necessarily that everyone agree or even that the bill be agreed to by the House. People are entitled to debate it. But you have to be prepared, you should be prepared and you should be willing to be prepared—

**Senator Canavan:** What's your view?
Senator DASTYARI: And I take the interjection from Senator Canavan, the mouse who is now roaring! I am a big supporter of any measure that is about making sure that public servants are given fair pay for the work that they do. Senator Lambie at least has had the guts to put up a proposal and a model and a measure. People can debate the exact details of any legislation, but, frankly, I am going to have a lot more respect for someone who is prepared—you know that saying, put your money where your mouth is? I would say, ‘Put your bill where your mouth is.’ Senator Canavan, where is your bill on this? Where is the National Party on this issue?

You are running the government now. We have seen it. It is impressive, I have to say. In one fell swoop, you are effectively holding the government to ransom on so many issues. You can hold the government to ransom on just one more and do the right thing by ADF personnel

The men and women of the Australian Defence Force provide an essential and often dangerous service to all of us. Their work is demanding and, as we know, far too often life-threatening. They put their lives on the line, with dedication and courage, to ensure Australia is safe. Today, more than 2,500 Australian Defence Force personnel are on deployments around the world. We have more than 1,500 personnel in various operations in the Middle East, including Operation Okra, Operation Accordion and Operation Manitou. In Afghanistan, 900 personnel are involved in Operation Highroad. There are Australians deployed in smaller operations in the Sudan, Egypt, Israel and Lebanon. And, as we know, they are deployed on 'on water' matters around Australia.

All Australians recognise the sacrifices that our ADF personnel make. What we are saying in this motion is simply allow them the respect and decency to have a proper, frank and fair debate about their pay. What we are asking for is a government that is strong enough and proud enough to be prepared to have the debate—and that is what this government is not prepared to do.

Senator LAZARUS (Queensland) (16:46): I take great pleasure in talking about the MPI for today. I am very disappointed that the Abbott government has disregarded the will of the Senate by ignoring Senator Lambie's bill in relation to ADF pay. I married into a military family so I do understand the sacrifices our military make to keep our country safe and secure. They spend long periods of time away from their family. They miss key family events and endure postings in extreme and difficult conditions. On a daily basis, the Australian men and women of our Defence Force put their lives on the line to keep our country safe and free.

There is a common term used by many and one which I believe in, and that is that freedom is not free. It takes the sacrifice of ordinary men and women who do extraordinary things to keep our country safe, secure and free. Sadly, this sacrifice often includes loss of life, physical injury, mental injury and post-traumatic stress. Freedom is not free because there is also a financial cost, because we need to adequately acknowledge and reward our people for their commitment to keeping our country safe and free.

What cost can we put on the safety, security and freedom of our nation? I am of the view that it is priceless. Most Australians go to work and come home every day, without having to worry about their personal safety. Our Defence Force, our military personnel, go to work every day knowing that their personal safety is not assured. Our military risk their lives to
keep our lives safe. It is only fair that the pay and conditions of our military should be linked to the pay and conditions of politicians.

My home state of Queensland is home to many different Defence Force personnel on bases across the Navy, Army and Air Force. Unlike many people in the workforce, our military do not have the support of a union to represent them, nor are they able to speak out in relation to issues involving pay and conditions. When existing mechanisms designed to act in the best interests of our military fail—and I include the Abbott government and the tribunal in this category—the Parliament of Australia should be the voice of our military to ensure they are appropriately supported and remunerated. It is for this reason the Senate supported Senator Lamble’s bill to link the ADF to the pay rises of members of parliament or to CPI, whichever is highest. I reject ill-informed arguments put forward by coalition senators that this is a bad bill. If the coalition think there are issues with the bill then they should act in good faith by suggesting improvements rather than trying to get out of paying our ADF more. I am hopeful, given that the leadership of the government has now changed, that government’s operating style will now change and the lower house will actively seek to deal with this important bill as a matter of haste.

I am encouraged by some of the comments made by Malcolm Turnbull. Our new PM assures us that his government will deliver a consultative and collaborative style of government that respects the intelligence of the electorate. I am sure all people across the electorate of Australia want the government to appropriately reward our ADF for their invaluable contributions to this country. Accordingly, I hope our new Prime Minister, Mr Malcolm Turnbull, ensures this bill is given the priority it deserves. I, along with other senators, who have already spoken on this MPI, including Senators Conroy, Lambie and Xenophon, call on Prime Minister Malcolm Turnbull to respect the wishes of the people of Australia and the Senate chamber by dealing with the bill before the last sitting period this year so that our ADF can move forward, knowing they are respected, they are appreciated and they are valued and that they are going to receive the pay and conditions they so justly deserve. I congratulate Senator Lamble for standing up for Australia’s ADF. It takes courage to do what is right.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Order! The time for the discussion has expired.

DOCUMENTS

Consideration

The documents tabled earlier today were called on but no motion was moved.

COMMITTEES

Scrutiny of Bills Committee

Report


Ordered that the report be printed.
Legal and Constitutional Affairs References Committee

Report

Senator LAZARUS (Queensland) (16:52): I present the report of the Legal and Constitutional Affairs References Committee on a popular vote on the matter of marriage, together with the Hansard record of proceedings and the documents presented to the committee.

Ordered that the report be printed.

Senator LAZARUS: I move:

That the Senate take note of the report.

Senator RICE (Victoria) (16:53): I wish to speak to the report of the Legal and Constitutional Affairs References Committee on the marriage equality plebiscite. The Australian Greens completely support the recommendation that the issue of marriage equality be decided by a vote in the parliament. We believe the committee report is an excellent articulation of the reasons as to why it is the case that marriage equality should be resolved by a vote of the parliament.

We were convinced by the evidence from witnesses and submitters who voiced really serious concerns about the potential harm that would be caused by a popular vote and agree that it is undesirable to amend the definition of marriage in this way. The evidence that was given to our inquiry by LGBTIQ members of the community and their families showed what the possible consequences of a public campaign accompanying a plebiscite might be. There were some really powerful points made to this inquiry both in submissions and at the public hearing that was held last Thursday.

It really struck me as I listened to the firsthand evidence of human rights and mental health experts, researchers and LGBTIQ community representatives that any form of public vote on the issue of marriage equality could have irreversible mental health and public health implications for many LGBTIQ community members and their families. For example, we heard from Dr Paula Gerber from the Castan Centre for Human Rights Law at Monash Uni, who said:

…I do not think a plebiscite or referendum should be held from the perspective of children's rights. We are, as you know, a state party to the Convention of the Rights of the Child and that requires us to act in all matters concerning children in the best interests of the child. There are two groups of children that are likely to be harmed if a plebiscite or referendum is held on marriage equality, those two groups being the 6,000-plus children who are being raised by same-sex parents … and also LGBTI youth. All the research demonstrates that LGBTI youth are vulnerable, have a high incidence of mental health issues and higher rates of suicide.

At the hearing last Thursday night we heard from Amelia Basset from the Rainbow Families Council. She talked about the potentially damaging impact on children with lesbian, gay, bisexual, transgender, intersex or queer parents or carers if there was a public vote. She said:

It is our strong belief that a lengthy public campaign would be a particular risk because it is so much in the community … It brings the debate into the streets, the schools, the swimming pools, these sports clubs and neighbourhood houses—all the places and spaces where our children hang out. I think it would be impossible in this media-saturated age for parents to enforce any kind of a media blackout as a way of trying to minimise the exposure of their children, including young children, to a publicly funded no campaign.
She spoke of an example from Ireland. She said:

We have a very powerful example from Ireland, where a young boy said to his mother, 'Will I still be your son if the no campaign wins?' For him, that very deep sense of stability, identity and security in his family was absolutely being challenged by the discussions he was hearing in the media.

So the evidence was very strong and very convincing that a plebiscite is not an appropriate way to decide on the issue of marriage equality. We have the power in this parliament to make that decision, and we should be making it as soon as possible.

But, of course, we are in a scenario where we have a government saying that they are determined to proceed with a plebiscite. The dissenting statement from the government members of the committee put that very strongly on the record, and our Prime Minister said very strongly that a plebiscite is the government's proposed way of making a decision on this issue following the next election.

So we wanted to explore, if we are in a situation of having a plebiscite, whether there were any ways to minimise the damage. Going down the path of a plebiscite does not have to be a decision of this parliament. It could be a decision made by the executive power of the Prime Minister. He could say, 'We are having a plebiscite,' and the parliament would have no say on the form of that plebiscite or what question could be asked. So in our additional comments to this report we wanted to note some of the criteria that would have to be in place to minimise the potential damage that could be caused if a plebiscite was proceeded with.

We feel that a plebiscite should only be considered in conjunction with the next federal election in order for it to be done quickly and to minimise the cost. To have a plebiscite at the next federal election would cost only $44 million compared with an estimated cost of over $150 million to have a stand-alone plebiscite. We believe, if it were to occur, that: the framework for its conduct should be the subject of a bill agreed to by parliament; voting should be compulsory; a joint select committee should be established to consider all aspects of the conduct of the plebiscite; and the question for the electors should be researched and developed by the Australian Electoral Commission. To ensure that the views and human rights of all participants are respected and upheld, we firmly believe that appropriate parameters must be established around: public advertising for the plebiscite and regulation of the media, including social media; appropriate limitations on campaigning, including the period of time during which campaigning is allowed; and taking into account what the impact of campaigning could be on vulnerable people, particularly those in the lesbian, gay, bisexual, transgender, intersex and queer communities. There need to be social support services available to them.

In conclusion, this inquiry and the report very firmly collated the evidence to show that the most appropriate way to make a decision on the issue of marriage equality, to end discrimination against LGBTIQ Australians, is for parliament to decide. We should be deciding it with a free vote available to all members of parliament as soon as possible. That was the evidence presented very clearly. A plebiscite has the potential for considerable harm and is very much only a second best option.

_Senator IAN MACDONALD_ (Queensland) (17:00): The coalition members of the Legal and Constitutional Affairs References Committee strongly object to the recommendation of the Labor-Greens-Independent majority in the committee. In response to the previous speaker, Senator Rice: how outrageous that in a democracy like Australia we should ask the Australian
people what they think of this issue! I am not quite sure why there are so many people concerned about this. If, as we are being told, an overwhelming majority of Australians support this move, the opposition of those who also support it but oppose sending it to a vote of all Australians seems to be a little strange.

I urge senators to have a look at the coalition's dissenting report and to understand that this is a question with many views in all political parties. They are complex questions and the best way to deal with them once and for all is to let the Australian people have a say. This particular matter has been debated in this parliament on many occasions in recent times. It never seems to be resolved. One would hope that once the Australian people have a say the matter will be resolved permanently. Regardless of my own views, in this parliament I would intend to support legislation implementing what the majority of Australians tell us they want to do on this issue. I reiterate, as coalition senators said in the dissenting report, what Mr Turnbull, the Prime Minister, said in question time yesterday. He made the same point:

Our government, our party room, has decided that the decision will be taken by a plebiscite. Why is the opposition afraid of the people having a vote? Why don't they want all Australians having a vote? There is no greater virtue in a free vote here or a plebiscite.

I am delighted that the Prime Minister, just yesterday, set out so clearly what the government view is. That proposal meets the coalition's commitment to the Australian people before the last election. Before the last election the coalition said that we will retain the definition of marriage during this term of parliament and in the next term we will have a look and see what should happen then. We are a coalition that, when we make promises, we actually intend to keep them, unlike the Labor Party, who promise no carbon tax and immediately change their view, supported by the Greens political party, when they get into government.

There is a strong opposition to the recommendation of this committee. I would also draw the attention of the Senate to my additional comments in relation to this matter. They relate to the farcical situation into which the Senate committee system is being taken by this and many other inquiries undertaken by the Senate Legal and Constitutional Affairs References Committee. This inquiry was effectively an inquiry into a private member's bill—a piece of legislation—which, as a matter of course, go to the legislation committee. But this committee and the majority of the Senate at the time decided that, contrary to the regulations and practices of the Senate, these bills—this is the second where this has happened—would not go to the legislation committee but would go to the references committee. Why? Because, under both Labor and Liberal governments from time immemorial, there is a majority of government members on legislation committees. On references committees normally there is a small majority of opposition. In this particular committee there are three Labor members representing a small number of senators in this chamber, and there is a Greens Independent chairman representing only himself. So that means four from the left side of politics and two from the government side of politics.

The ACTING DEPUTY PRESIDENT (Senator Williams): Order! Senator Macdonald, resume your seat. You have a point of order, Senator Lazarus?

Senator Lazarus: Mr Acting Deputy President Williams, I rise on a point of order. Senator Macdonald is suggesting that I am a Green. I am certainly not a Green. I am an Independent and very proud to be one.
The ACTING DEPUTY PRESIDENT: That may be a debating point. Continue, Senator Macdonald.

Senator IAN MACDONALD: I am pleased to hear that, Mr Acting Deputy President. I thought that Senator Lazarus was elected to this parliament as a member of the Palmer United Party. He received votes because he was representing the Palmer United Party views.

Senator Lazarus: Mr Acting Deputy President, I raise a point of order on relevance. What does that have to do with this report?

The ACTING DEPUTY PRESIDENT: We do have broad terms of speaking here, Senator Lazarus. Senator Macdonald, I bring your attention back to the document being tabled and ask you to speak a little more directly to the subject.

Senator IAN MACDONALD: Thank you, Mr Acting Deputy President. I will, of course, as always, comply with your request. I raised that because Senator Lazarus always votes with the Greens, or seems to establish his vote on the basis that whatever the government is in favour of, he is against. We saw that in that even more ridiculous committee set up—

The ACTING DEPUTY PRESIDENT: Senator Macdonald, resume your seat. Do you have another point of order, Senator Lazarus?

Senator Lazarus: Mr Acting Deputy President, I raise a point of order on misleading the Senate. I do not vote against the government on every piece of legislation. If the government put up decent legislation I would vote for it.

The DEPUTY PRESIDENT: Thank you, Senator Lazarus. There is no point of order.

Senator IAN MACDONALD: I point out that, when legislation that the Palmer United Party supported and campaigned on comes here, Senator Lazarus votes against it. It can only be that he has decided to vote against—

Senator Lambie: That's why we left.

Senator IAN MACDONALD: That's why he left? Well, that is great democracy. People vote for you because they think you support the Palmer United Party policy. You come in and then vote against them.

Senator Lazarus: Mr Acting Deputy President, I raise a point of order on relevance. Can we please get back to the report? How I got to this place is irrelevant when it comes to this particular issue.

The DEPUTY PRESIDENT: Thank you, Senator Lazarus. Senator Macdonald, I will direct you back to the tabling of this document.

Senator IAN MACDONALD: I do not often agree with Mr Palmer, but I do agree with the letter he distributed to most Queenslanders about the senator. Mr Acting Deputy President, this continues an approach by the Labor-Greens and Greens-Independents senators of disrespect for the Senate and for the once proud record of recognition of the work of Senate committees. More and more inquiries by the legal and constitutional affairs committee go to the references committee, because they know that with the Greens, the Labor Party and the Greens-Independent senator they will always have a majority, they will always be able to predetermine the issue and write the report before the committee even takes any evidence. That is again what happened in this instance.
I draw senators' attention to my additional comments, where I despair at the way in which the Senate committee system is being made farcical by these blatantly political matters—there is always a bit of politics in them. This is about the third inquiry where this committee has dealt with blatantly political matters; there is no policy content, nothing of any substance that anyone is really interested in. The Labor Party and the Greens continue to supplement and support this process, which brings the whole Senate committee system into disrespect.

This committee, of all the committees I have served on in my long term here, is the most outrageous for calling meetings at short notice. We have a chair's draft of what happened this morning—which seems to change every five minutes, because apparently the chair cannot make up his mind—and then we have a meeting at 10.35, and the committee decides by majority—

Senator Lazarus: Mr Acting Deputy President, I raise a point of order: (1) Senator Macdonald was not at that committee meeting and (2) I would ask him to withdraw the comments he just made about me not having any idea.

The ACTING DEPUTY PRESIDENT: I do not think it is a case of withdrawal here, Senator Lazarus, but I do ask the Senate to conduct the debate in an orderly fashion. Continue, Senator Macdonald.

Senator Lazarus: No, I am sorry—this senator goes out of his road to ridicule and—

The ACTING DEPUTY PRESIDENT: Senator Lazarus, that is a debating issue, not a point of order.

Senator Gallacher: Mr Acting Deputy President, I raise a point of order. I draw your attention to the meeting of temporary chairs, where the President and the Deputy President gave some guidance, if you like, on civility in the chamber, particularly about the use of the words 'lies' or 'lying'. I do think it is wider than that and that we do need to maintain discipline and order—

The ACTING DEPUTY PRESIDENT: Yes, I agree with you totally. There is no point of order, Senator Gallacher. I did not hear the words 'lies' or 'lying'. Continue, Senator Macdonald.

Senator IAN MACDONALD: I might give Senator Lazarus some advice: if he cannot take the knocks, he should get off the field—or, perhaps more appropriately, if he cannot stand the heat, he should get out of the kitchen.

Senator Lambie interjecting—

Senator IAN MACDONALD: And thanks, Senator Lambie, for your advice—one who was elected under the Palmer United Party policies and who continues to vote against them.

I have been distracted by these interjections, but can I simply say that this is another blatant waste of taxpayers' money, putting pressure on already overpressured Senate committee staff with these blatantly stupid and political issues. You always know when what I say is hitting
the mark, is accurate, because you get point of order after point of order, because people cannot take the truth. I commend to the Senate the additional comments I have made about this issue, which regrettably brings the whole Senate committee system into disrepute.

**Senator LUDWIG** (Queensland) (17:14): The Australian Labor Party supports recommendation 1 of the majority report of the Legal and Constitutional Affairs References Committee and believes that a bill to provide for marriage equality should be debated and voted upon in the parliament as a matter of urgency with all parliamentarians being allowed a conscience vote. Labor senators note that a cross-party marriage equality bill has been introduced into the House of Representatives by the member for Leichhardt, the Hon. Mr Warren Entsch MP, and the member for Griffith, Ms Terri Butler MP. This bill enjoys the support of like-minded members and senators from all political parties and those from the crossbench, and could be progressed in the parliament immediately if the Prime Minister were willing to facilitate debate in the House and the Senate.

The Australian Labor Party recognises that marriage equality is an issue in relation to which people possess deeply held personal views and upon which reasonable people acting in good faith will reach differing conclusions. If a conscience vote were granted to all parliamentarians, members and senators who do not support marriage equality would be free to express their view against it. The Australian Labor Party strongly opposes the proposal to make marriage equality the subject of a plebiscite or a referendum.

It is unnecessary to hold a plebiscite on marriage equality. The High Court has made it abundantly clear that parliament's power to make laws with regard to marriage under section 51(xxi) of the Australian Constitution extends to same-sex marriage. The question of marriage equality is clearly one which ought to be dealt with by this parliament. Australia operates under a system of representative democracy whereby the people of Australia elect representatives to the House of Representatives and the Senate to make policy decisions affecting the future of our nation. To abrogate this responsibility by deferring the question of marriage equality to the people by way of a plebiscite represents, in my view, a dereliction of duty and a breach of the public trust. A plebiscite would also be of no legal effect. It would be no more than an exorbitantly expensive opinion poll. The Australian Electoral Commission has advised that a plebiscite could cost up to $148.4 million. The government is yet to explain how it would pay for such a costly exercise.

The proposal to make marriage equality subject to a popular vote is not offered in good faith. It was invented by the recently toppled former Prime Minister, the Hon. Mr Tony Abbott MP, and his colleague the member for Cook, the Hon. Mr Scott Morrison MP, as really nothing more than a cheap tactic to delay progress on marriage equality and, if possible, frustrate it altogether. Whatever your view on marriage equality, the parliament should not allow itself to be used by the Liberal Party for its political purposes.

It is disappointing that the Greens party has decided to get on board with Mr Abbott and Mr Morrison on the plan for a plebiscite, because once you make it your default position, even if you prefer a different position, it becomes the position. The Greens party decision to sponsor the bill only serves to legitimise Mr Abbott's and Mr Morrison's cynical proposal. The plebiscite proposal which this bill seeks to facilitate was foisted on stakeholders without any consultation. The submissions to the inquiry make clear that the LGBTI community opposes putting marriage equality at the mercy of a popular vote, and experts at public law
make clear that it is a legally pointless exercise. I cannot speak for the Greens as to why they would support Mr Abbott's and Mr Morrison's plan for a plebiscite. I think it is questionable and disappointing. It may be that they felt they were failing in their efforts to own marriage equality. But I do not want to cheapen that debate. Given the growing level of cross-party support, it may be one of those areas where they want to regain some lost ground. The Greens party should distance itself from Mr Abbott's and Mr Morrison's plebiscite proposal.

The greatest criticism in relation to the plebiscite must be reserved, though, for the newly appointed Prime Minister, the Hon. Mr Malcolm Turnbull MP. I think Mr Turnbull has deserted the LGBTI community on marriage equality. That desertion surpasses even his betrayal of former Prime Minister Mr Tony Abbott, who he deposed in a back-room political coup. It exposes him as the ultimate hollow man on this issue. Mr Turnbull has repeatedly, I think, made overtures to the LGBTI community and espoused his support for marriage equality, in an effort to present himself as a moderate alternative to Mr Abbott and gain the support of progressive voters. Mr Turnbull encouraged the Australian people to believe that he was committed to dealing with marriage equality through a conscience vote in the parliament. He expressed dismay that Mr Abbott had forced the government to adopt the plebiscite proposal through the procedures of the joint coalition party room.

However, in a deal to secure the support of hard-right Liberals and wrest the prime ministership from Mr Abbott, Mr Turnbull has renounced his support for marriage equality. He has abandoned the commitment to a free vote and embraced the plan for a plebiscite. When the Deputy Leader of the Opposition, the Hon. Ms Tanya Plibersek MP, asked Mr Turnbull about his support for marriage equality during his first question time as Prime Minister in the House of Representatives on Tuesday, 15 September, Mr Turnbull said he had:

... decided that the resolution of this matter will be determined by a vote of all the people via a plebiscite to be held after the next election.

The member for Isaacs interjected that Mr Turnbull was a 'sell-out'. Whatever language you use to describe Mr Turnbull's behaviour and whatever your view on the question of marriage equality, on which reasonable minds will differ, one thing is clear from the behaviour of Mr Turnbull: you would have to say he is the ultimate hollow man when it comes to this issue. What has made it abundantly clear to me that a plebiscite would not be the best course is when you look at the work in the submission by, in particular, the Rainbow Families Council. I quote from the report, where they say:

... in particular the Council is extremely concerned about the impact of such a public debate on our children and young LGBTIQ people living in our communities.

No matter what explanation is provided about the need for a 'people's vote' by way of a plebiscite or a referendum, no matter what assurances or agreements are made to ask that the debate be respectful or must stick to the topic of marriage equality between two adults, we strongly believe our children and our families will always be dragged into the fray.

The Australian Psychological Society added their weight to that same argument, when they said:

Recent evidence from a suite of studies confirms that the process of putting marriage equality to a public vote can be harmful to the psychological health of gender and sexual minorities. The findings highlight that lesbian, gay and bisexual people (LGB) not only have to contend with the possibility of

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having rights to marriage denied through a public vote but also the stress associated with the campaign itself. For those reasons, and for the reasons I have articulated today, I do not think a plebiscite is the right course for this debate. I know that some people, particularly the coalition, think it is the right way to go. I think it is simply a way to defer the issue to ensure that we do not get to have a proper debate in this place. It is not an argument to simply say the debate has come on many times and we have not been able to resolve it. We do have the ability to resolve it in this place. I also do not think it is an argument to simply say that a plebiscite is allowing the people to speak—we are representatives of the people, we have the ability to have these debates. People argue that debates such as this are too complex for us to deal with in this place. We have had many debates, for example on RU486—particularly tough issues and it has taken many times to deal with them and many hours have been utilised to ensure everyone gets to put their view, but what we have done is debate them in here and we have found a resolution.

Senator CAROL BROWN (Tasmania) (17:24): I want to take a few minutes to commend the Legal and Constitutional Affairs References Committee report and support the recommendation that 'a bill to amend the definition of marriage in the Marriage Act 1961 to allow for the marriage between two people regardless of their sex is introduced into the Parliament as a matter of urgency, with all parliamentarians being allowed a conscience vote'. I congratulate the committee on the report and say to the Senate that not that many weeks ago a number of senators were able to attend rallies held all around the country supporting marriage equality. I attended one of those rallies and I was happy to be able to speak there. I said to the thousands of people that were there that the only thing standing in the way of marriage equality and a marriage equality debate in parliament was Mr Abbott. Unfortunately I have been proven wrong. I was very disappointed, as I know many thousands of Australians around the country who have campaigned on this issue for decades were disappointed, to hear that the new Prime Minister, Mr Turnbull, has been locked into having a plebiscite—a minister who previously supported marriage equality has now been locked into a position that by all accounts, including Mr Pyne's account, was a decision by a coalition caucus room which was branch stacked.

I want to take a few moments to put on record my support for the report and my appreciation of the work that the chair and the other senators who have signed up to the report have done. I say to members of the community who might be listening and to those thousands of people who have worked on this issue for decades, as well as to those who have come to it lately, that we do need to press on and we do need to put the argument that a plebiscite is not the way to go. The parliament is the place where this issue should be debated, with a free vote for all. That is what we do here. This is the work that we do. I commend the report to the Senate and seek leave to continue my remarks later.

Leave granted; debate adjourned.

Community Affairs References Committee
Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:28): I present the report of the Community Affairs References Committee on Commonwealth community
service tendering processes by the Department of Social Services, together with the *Hansard*
record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**Senator SIEWERT:** I move:

That the Senate take note of the report.

Basically the committee was looking at the tendering process for Department of Social
Services grants, commonly called DSS grants. The process was ironically called *A New Way
of Working for Grants*. The department said it was 'a new, broadbanded discretionary grant
programme structure which will strengthen our capacity to deliver grant programmes, services
and support to individuals and families.' I think it is fair to say from our grants inquiry that
that process did not strengthen our capacity to deliver grants, programs, and services and the
tender process did not pay off as the department thought it would. The benefits that the
department and the government thought would eventuate have not come to fruition. In fact,
many people think that it built up more inefficiencies and that the administration burden was
not eased.

Before I go on, I would like to thank all the participants in the inquiry—the people who
made submissions, the witnesses who appeared before us and of course the ever hardworking
community affairs secretariat, who, once again, have done an extraordinary job pulling
together all the evidence from the many submissions that we received.

This is in fact our second report. We did report earlier in the year on some of the process-
related issues and around the Commonwealth grant guidelines and the ANAO process. These
recommendations—we make 12 more—build on those recommendations. Many issues were
brought up during the committee's inquiry. There was particular concern about the loss of
services around Australia, including emergency relief, housing, and homelessness services,
and of course the impact that the loss of those services has on the service users, who are,
when all is said and done, what this process is about. We are also deeply concerned about a
diminishing vibrant and diverse community sector and about the need to highlight the point
that this sector needs to be supported and maintained.

We also looked at the issues around transparency and accountability and we mention that
in the report. One issue that came up there is the fact that we have lost some of our smaller
service organisations and bigger organisations have, to a certain extent, taken over those
contracts but then have subcontracted back to the organisations which lost the grant in the
first place but which were told, 'By the way, you do it without getting administration support.'
In other words, it is having a negative impact on that smaller organisation. But that then rolls
out to the people who they are in fact working to support and that of course increases their
administration burden.

Concerns are articulated in the report around the termination and loss of staff that some of
these organisations have experienced and the poor timing in terms of notifications; the lack of
indexation and varying indexation rates where organisations are getting indexation; the
defunding of advocacy organisations and the changing of timing; and the withdrawal of some
funding lines during the process.

The department has recognised that there are significant problems with this process and has
organised its own internal review, the NOUS review, which is into the internal processes, not
some of the outcomes but which has—get this!—not been publicly released, which is also of concern to the committee. We make recommendations around publishing any gap analysis that the government has already done of gaps in the provision of services. We talk about issues around the tendering process and the fact that it might not meet the needs. Some of the evidence we received was to the effect that the tendering process did not meet the needs of smaller organisations and they were therefore consequently shut out of the process. We recommend in any future tendering process the weighting of the way that smaller community-based organisations work and the value they bring with the unique and specialised services they provide. We also recommend that this issue around subcontracting be looked at.

Very serious concerns were raised about data and what data the government now wants organisations to collect. We make recommendations about indexation, that the NOUS review of the process should be released publicly and that an urgent review be conducted as to where the critical service gaps continue to exist.

The government acknowledged that there were problems with this process because, after they announced the initial tender process, they then released more funding to cover some of those gaps that had been identified. I think it is fair to say that there is no reassurance in the community that all those service gaps have been recognised and plugged.

The committee recommends that, after 18 months of operation, an independent evaluation be undertaken to determine if the outcomes of the tender process have in fact improved services, which is what the government claims that it should be doing.

The committee also recommends that the Auditor-General conducts its own review into the tendering process, including examining the department's pre-tender work and identifying service needs, because that was another issue that came up, and also, importantly, by region. The committee could not identify that the department carried out any analysis of the impact of the tendering process at a regional level. The committee did do that. We talked to three regions to make three case examples, Geraldton, the south coast of New South Wales and Western Sydney, to look at what the overall process, a withdrawal of services and the tender process, was on those regions. The department had not done that and we did in fact identify some adverse impacts in a regional context when you are withdrawing and changing funding for services at so many levels.

We also recommend that the Auditor-General in that review also looks at the subcontracting process, the capacity of community-based services, whether the capacity has been reduced and whether the issues around, for example, Aboriginal communities and CALD communities had been factored into the tender selection process and then looks at the impact of the process on the delivery of services, advocacy and support available to vulnerable people and communities.

This sort of process should never happen again—to throw all these particular grants up in the air in such a short period of time, on top of a significant cut to funding, because overall they were dealing with taking out $270 million through this process. This should never happen again. It is very obvious that it has caused enormous distress to the community sector. There are gaps in services, there are cuts to services, it has not produced a better process and, when all is said and done, it has not produced better outcomes for the most important people who we need to look at in this process, the users of the services: the vulnerable members of our community.
Senator CAROL BROWN (Tasmania) (17:37): I too rise to speak on the Senate Community Affairs References Committee's final report into the Department of Social Services community services tendering processes. This inquiry came about as a result of the government's savage $270 million of funding cuts to community services grants and the shambolic tender process that followed. The evidence to the committee was that the multiple concurrent tender processes, the unworkable timeframes and the poor engagement and communication with the community services sector only compounded the devastating impacts of the government's $270 million cut to funding for community services.

The committee heard evidence from individuals and organisations that have committed years and even decades to supporting some of the most at-risk and vulnerable individuals, families and communities in our country. One thing that was frequently noted by these individuals and organisations—and Senator Siewert touched on this in her contribution on this report—was the complete lack of respect the department and the government had shown throughout the tender process and in their dealings with the sector. Ms Susan Jane Helyar, Director of the ACT Council of Social Service, told the committee:

I just think we need to affirm to you that the ACT Council of Social Service and our members have described this as the worst tender process they have been part of. Members of ours have talked about never having been treated like this by any form of funder. I think it has been characterised by completely reckless disregard for the work that people do and the contribution that they seek to make.

She said 'reckless disregard'. I think those comments from the ACT Council of Social Service really tell the story of the funding cuts and the process that was undertaken. The funding cuts and the tender process made it blatantly clear that this government do not understand the critical importance of the community services sector. They simply do not recognise the importance of these organisations in building inclusive, strong and resilient communities and families.

While I encourage everyone in this place to read this report and the committee's interim report in full, I will take a few moments now to highlight a couple of the recommendations that the government needs to act upon immediately. The committee recommends that an urgent review be conducted of the critical services gaps that continue to exist, that this review be made public and that these gaps are met immediately to make sure that very vulnerable people get the support that they need. This cannot be achieved without completely reinstating the full $270 million in funding that the government has axed. By the government's own admission, the cuts and the tender process have created service gaps across the country. The government has made some attempts to address the gaps but I fear these decisions have been short-sighted and politically expedient. This is one of the reasons that an Auditor-General's review of the conduct of the tendering process has also been recommended. Critically, the report also makes recommendations about the need for five-year contracts and adequate indexation of funding to provide certainty and sustainability in the sector.

I would like to highlight the acknowledgement in the report that in some circumstances competitive tendering processes may not meet the needs of the community sector. As we have seen in this process, combined with the funding cuts and the short timelines, the competitive tender process stifled collaboration and innovation and crippled a number of organisations—in particular, small local organisations that do not necessarily have a national footprint but have incredible grassroots connections and community engagement. The funding cuts and the
disastrous tender process have devastated vital community services for vulnerable communities and individuals. I only hope that this report can highlight important lessons for future processes because this simply cannot happen again. Our community service organisations and their staff and their incredible volunteer base deserve better. Vulnerable and at-risk individuals, families and communities simply cannot afford to continue to bear the brunt of the government's cuts any longer.

Like my colleagues, I would like to thank the secretariat on their work with this report, but I would also like to take a moment to read into *Hansard* comments from a witness about the fact that the tender process has resulted in the loss of smaller community based services and the diversity of service provision. Volunteering Victoria gave the example of a Queensland based service provider that won a tender over an established local provider to deliver services in Tasmania, my home state. They said:

One of the objectives of the new model was to provide ‘a foundation for integrated, community-led program delivery that understands and meets local needs’ … However, we were dismayed to hear that in Tasmania a Queensland-based service provider was successful in displacing an established VSO—a volunteer service organisation—with strong community connections. We understand this provider has plans to expand to other parts of the country, which is also a potential threat to future funding for other existing place-based VSOs. This outcome is at odds with the Government's stated objective and fails to recognise the value of the knowledge and connections that existing service providers have built up over many years of serving their local communities.

There are many more examples in this report of the evidence that was given to the committee about how let down they felt. First of all we had the $270 million cuts; we had a shambolic tender process; we then had Minister Morrison saying, 'If there are any gaps come to me; write to me'. That announcement by Minister Morrison about members of parliament and organisations being able to go to him to identify service gaps was just a smokescreen. There was so much concern. There was so much concern in the community and in the community service sector about the impact of these cuts and the impact of the tender process that was being undertaken. That has been borne out by the fact that Minister Morrison had to put some more money in—not enough—and then had to make what I regard as politically expedient announcements to cover some of the gaps that his cuts left.

I would like to thank the secretariat for their work on this report. It is an excellent report. I would like to thank Senator Siewert for her work as chair on the committee. I would also like to thank the hardworking individuals and organisations who took the time to make submissions and give evidence to this inquiry. It is clear that the tender process failed these organisation and the people they support and represent. I commend the report to the Senate. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NOTICES

Presentation

Senator LAMBIE (Tasmania) (17:45): by leave—I lodge a notice relating to an order for the production of documents. I shall move:
That there be laid on the table by the Minister for Veterans' Affairs (Senator Ronaldson), by no later than 3.30 pm on Monday, 12 October 2015, the following information relating to the 2014 Client Services Survey conducted by ORIMA Research for the Department of Veterans' Affairs (DVA):
(a) any contractual restrictions placed on the Minister releasing the survey methodology by the third party company, ORIMA, which conducted the survey;
(b) all questions asked in the survey;
(c) the sampling methodology;
(d) the format(s) of how the survey and results are stored by DVA;
(e) aggregated results for each question (including in an electronic format);
(f) aggregated results showing which areas of DVA's performance are regarded as:
   (i) strong,
   (ii) poor, and
   (iii) in need of improvement;
(g) a copy of each set of survey responses with any personal identifiers redacted (including in an electronic format);
(h) a breakdown by age group of all who responded;
(i) a copy of all 'client commentary' provided and examples of which are published on the DVA website; and
(j) the criteria used by DVA in selecting the summarised interpretation of the results on the DVA website.

COMMITTEES
Legal and Constitutional Affairs References Committee
Report

Senator LAZARUS (Queensland) (17:47): I present the report of the Legal and Constitutional Affairs References Committee on the circumstances surrounding a letter sent to the Attorney-General, together with the Hansard record of proceedings and documents presented to the committee.

Order that the report be printed.

Senator LAZARUS: I move:

That the Senate take note of the report.

I came in on this report a little way into its beginning. I was interested in the subject and, obviously, it was very serious. The report's recommendations reflect that everyone agrees there was an issue. We have recommended some clear and positive ways in which this incident will not happen again. Hopefully, the recommendations will be taken on board.

I would like to thank the secretariat for a wonderful report and all the people involved with Hansard. I note in the government senators' dissenting report that they have referred to the chair as a Green Independent senator. I assume that is just an oversight, because misleading the Senate is very, very unparliamentary! In saying that, I commend this report to the Senate.

Senator JACINTA COLLINS (Victoria) (17:49): I would like to speak to this report of the Legal and Constitutional Affairs References Committee as well. In advance, I will also be seeking leave to continue my remarks.
Labor senators have provided additional comments to this report and I would encourage those who have followed this matter, which has attracted a fair degree of public interest, to have a look at those comments as well. I thank Senator Lazarus for his contribution, coming in part way through the process to the report. Labor senators have focused on some critical concerns about the politicisation of the Public Service in our remarks, and I would encourage people to look at those.

Let me commence by reminding senators where this all began. In May, counsel assisting the New South Wales coronial inquest into the tragic Martin Place Lindt Cafe siege refer to a letter that the siege perpetrator, Man Haron Monis, had written to the Attorney-General, Senator Brandis. My colleague, the shadow Attorney-General, Mr Dreyfus, and I both noticed that the letter was not referred to in the joint Commonwealth New South Wales review of events leading up to the siege. At budget estimates on 29 May the Attorney-General's Department told us that the letter from Monis to the Attorney-General had both been provided and considered by the siege review.

The next day, the shadow Attorney-General asked the foreign minister, who represents the Attorney in the other place, whether there had been any changes to correspondence handling procedures since Australia's terror threat had been raised to its higher level. There the saga deteriorates considerably. The foreign minister responded, describing the Labor Party as contemptible for daring to ask the question. How dare we question this government on matters related to national security! As Laura Tingle observed, for instance, in the Australian Financial Review:

National security being the new religion, it's a bit rude to ask … questions …

That was the response. Four days later, the foreign minister corrected the record after question time—no apologies; no stepping back from her gross overreach in insulting people for daring to ask questions. There is the timing—four days later—and after question time the shadow Attorney-General was denied the opportunity to ask questions in the House, despite this attack.

Labor, quite reasonably, suspected a carefully orchestrated strategy had been deployed to avoid scrutiny while the House was sitting, and the evidence seen by this committee has confirmed that suspicion. This is what we now know as a result of asking questions. The letter in question was never provided to the siege review. The Attorney-General's Department and the Prime Minister's department knew in February—not May or June, but back in February—that the letter had never been provided to the review. Not only did the Attorney-General's Department not provide the letter in question to the siege review it omitted to provide all correspondence after November 2010, lost behind a second tab on a spreadsheet—all recent correspondence subject to the task force review was overlooked by the Attorney-General's Department.

And there was a sixth correspondence item that did not even make it to the spreadsheet which also was not provided by the Attorney-General's Department to the review. Yet, the attorney's office received unambiguous advice before question time on the Monday of that week, 1 June, that the evidence was incorrect but it allowed four question times to pass before they corrected the record. Meanwhile, on 3 June, the Attorney-General's Department spent a full working day nuancing a few paragraphs on a letter to their minister rather than correcting the record as they knew it needed to be corrected.
Now, the Attorney-General's Department stated in oral testimony that they knew the letter was not provided to the siege review but they had to determine whether it was provided by some other source—a fishing exercise. Mr Moraitis, the Secretary of the Attorney-General's Department, attempted to soothe the committee that his motivation was that he provide an absolutely correct answer. Mr Sheehan, his deputy secretary, assured us almost 40 times that the internal review was necessary and did not delay a necessary correction. But after making these soothing noises at the hearing, a note from the Department of Prime Minister and Cabinet was handed across the table. That note contradicted 2½ hours of assurances provided by the Attorney-General's Department, and that was the beginning of the contradictions.

Because of inaccurate summary tables provided by the Attorney-General's Department, the committee sought and obtained correspondence between the departments. We sought the Attorney-General's question time brief. We sought and received roughly 1,000 pages of correspondence and emails. None of the assurances made by Mr Moraitis and Mr Sheehan about the need for an internal review were supported by this documentary evidence. Those assurances were in fact contradicted.

Ms Jones, for example, was so certain about the need to correct the record that she offered on 1 June to break her leave to come into the office and sign a letter for the purpose of correcting the record. We also found that the Attorney-General's deputy chief of staff, Mr Faulks, was advised of Ms Jones's offer to correct the record before question time on that Monday. So why then did it take four days to correct the record?

Material presented to the committee shows two streams of activity on the Monday morning. One was to find out what went wrong and the other was to prepare to correct the record. But, that evening there was a meeting between the Attorney-General and his secretary in which a decision was made to delay correcting the record until after question time at the end of that week. Following the meeting, Deputy Secretary Sheehan provided instructions via email to all relevant officers in the department. In that email he, for the first time, linked the review to correcting the record, and he specifies three business days for the time frame of the review—Thursday afternoon, coinciding with the end of a sitting week.

We were unimpressed to learn during this inquiry that staff in the Attorney-General's Department spent a full business day nuancing a letter to their minister on the topic rather than getting on with the business of informing the parliament that they had made a mistake. It is little wonder that the Department of Prime Minister and Cabinet said that the Attorney-General's Department was—and I remind senators—'ducking for cover'.

'No,' Secretary Moraitis protested that his officers were 'running around like headless chooks'. I would describe the Attorney-General's Department's behaviour as that of officers who have been politicised by their minister. The Attorney-General wanted to avoid scrutiny about his own political overreach and that of the foreign minister in the other place, and he had once again co-opted his secretary in that goal.

But in the end the record was corrected. 'So what is the big deal?' some people have asked. Well, we think it matters when we are talking about a government that has made national security 'a new religion'. It matters when we are talking about this minister and a department that has at its heart out national security apparatus. This is about trust in the minister and his officers—trust in their honesty, capability and accountability to this parliament. The Attorney-General and his department knew that they had made a mistake. The foreign
minister had made a mistake, but their instincts were to manage the politics rather than to rectify that mistake. How can we trust that response in the future?

Our new Prime Minister has an opportunity to set new standards. Michelle Grattan raised some of the issues with Mr Turnbull's behaviour when he was last leader of the coalition in opposition. But he had the opportunity to learn from some of these issues during—as senators will recall—the Godwin Grech saga. We know that the Attorney-General, through his censures here and other elements of his behaviour, did not learn during that saga. I hope that Mr Turnbull did. Our security and our safety are too important to politicise when the Prime Minister decides on the next Attorney-General.

The ACTING DEPUTY PRESIDENT (Senator Williams): Order! Senator Collins, your time has expired.

Senator JACINTA COLLINS: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BILLS

Social Security Legislation Amendment (Debit Card Trial) Bill 2015

First Reading

Bill received from the House of Representatives.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (17:59): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (18:00): by leave—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This Bill will enable a trial phase of new cashless welfare arrangements and a cashless debit card, in response to a key recommendation from Mr Andrew Forrest's Review of Indigenous Jobs and Training.

The cashless debit card is an important recommendation in the Forrest Review report, Creating Parity, as a means of reducing the social harm caused by welfare—fuelled alcohol, gambling and drug abuse.

The main objective of the trial is to test whether restricting discretionary cash can reduce the overall social harm which is caused by welfare-fuelled alcohol, gambling, and drug abuse, particularly against women and children.

The trial will be conducted in up to three locations, and will be limited to 10,000 people. The locations will be selected on the basis of high levels of welfare dependence, where gambling, alcohol and illegal drug abuse are causing unacceptable levels of harm, and there is an openness to participate from within the community.
Ceduna in South Australia will be the first site under the trial to commence. The leadership in the community have publicly called for this reform, and see it as a mechanism to potentially address some of the welfare-fuelled alcohol and drug abuse that affects the community.

On the day the Government announced it would like to proceed with Ceduna as a trial site for the cashless debit card, the Ceduna Community Heads Group—a key leadership group in the community of Ceduna—endorsed the reform and said:

We want to build a future for our younger generation to aspire to and believe we cannot do this if our families are caught up in the destructive cycle of alcohol or drugs that destroys our culture, our lands and our communities.

At the heart of this reform is a change that is being shaped specifically to meet our local needs. It has been a true collaboration to ensure that we can give our mob and our Communities every chance to create real and genuine change in their lives.

We have grasped this initiative; we have helped shape this initiative; and we are confident that this initiative is for the betterment of all people within our region.

We are also in advanced discussions with the leaders in the East Kimberley region. Key leaders in the region, led by Ian Trust of the Wunan Foundation, Ted Hall Jr of the MG Corporation and Desmond Hill of Gelganyem Trust, see the trial as a worthy idea to address many social issues facing their communities. The three men wrote to the Government saying:

We acknowledge that agreeing to the East Kimberley being a trial site for the restricted debit card may seem to some a rather drastic step. However, it is our view that continuing to deliver the same programs we have delivered for the past forty years will do nothing for our people and, besides wasting more time and money, will condemn our children and future generations to a life of poverty and despair. As leaders in the East Kimberley, we cannot accept this.

When key local leaders stand up and call for reform, Parliaments should listen.

Under the trial, 80 per cent of payments received by people on a working age welfare payment, such as newstart allowance, will be placed on the cashless debit card.

Participants in the trial will receive an everyday mainstream debit card, which will be connected to the Visa, MasterCard or EFTPOS platform.

A person will not be able to use this card to access cash or use it at liquor and gambling outlets. Because cash will be limited, the ability to purchase illegal drugs will be restricted as well.

Recognising that we do not live in a cashless society and that people need cash for minor expenses such as children's lunch money, the local footy, or bus fares, the remaining 20 per cent of payments will be available for use at the person's discretion. The 20 per cent cash ration is supported by the Ceduna community.

In trial locations, the cashless debit card will work as similarly as possible to any other bank card. The trial will seek to ensure the card can work at all existing terminals and shops, except those selling restricted products, as well as online where possible. The only difference will be that it will not allow the purchase of alcohol and gambling products or allow cash withdrawals.

The Bill also empowers the Minister to authorise community bodies in trial locations. An authorised community body will be able to reduce the percentage of a person's welfare payment that is placed on the cashless debit card. This recognises that the community has an important role to play in the trial, and in encouraging socially responsible behaviour.

The trial, expected to start in the first quarter of 2016, will make a vital contribution towards informing potential future arrangements for income management, aimed at reducing social harm caused by welfare-fuelled alcohol abuse and drug abuse, especially against women and children.
Income management and the BasicsCard will continue for two additional years to maintain support for existing income management participants while the trial is running. The Social Services Legislation Amendment (No. 2) Bill 2015, introduced on 28 May 2015, will make a number of changes to streamline the income management programme to enable more effective operation of the programme. Income management and the trial will not be run in the same locations. In Ceduna, and any other trial site that is an existing income management location, income management will be switched off before the trial starts.

We acknowledge that, for some people, using a debit card rather than cash to pay for everyday items will be an initial inconvenience. We do not underplay that. However, the potential upside is a transformed community where women are safer, less money is spent on alcohol and gambling, and more money is available for children’s needs.

We think, for this reason, this is an opportunity worth trialling.

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

Fair Work Amendment Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator KETTER (Queensland) (18:01): I rise to continue my contribution in opposition to the Fair Work Amendment Bill 2014. Avid followers of Senate proceedings would recall that, prior to ceasing my comments on the last occasion, I was going through the shameful episode which followed the coalition government's Work Choices legislation. I was also highlighting some of the dangers associated with allowing unscrupulous employers off the leash and allowing them to circumvent award provisions. The Work Choices AWAs were a lesson to us that whenever we consider providing opportunities for employers to circumvent award provisions, we should always ensure that there are appropriate safeguards.

I am under no illusions about the changes to the individual flexibility arrangements. I believe that this is a backdoor way by this government to attack the penalty rates of workers. The workers that I am particularly concerned about are workers who are vulnerable, who are casual employees, who are women, who are children. I am here to talk particularly about workers in the retail industry who have, as I have indicated, been the subject of some of the most egregious examples of abuse through the Work Choices system. It is not just a figment of my imagination. In fact, the Minister for Employment, Senator Abetz, has actually called this issue out. He has made it very clear in media statements that this legislation and particularly these changes to individual flexibility agreements are designed to ensure that workers have the opportunity to trade penalty rates for things such as flexible working hours.

I refer to The Australian Financial Review article from February of last year. It is very much on the record that penalty rates are really at the heart of the changes that are being made here.

Labor's Fair Work system is fair and equitable for both parties and it is already in place across the majority of enterprise agreements in Australia. In fact, the Fair Work Commission Expert Panel has cited data that demonstrates that the majority of enterprise agreements already provide for what could be described as flexible working arrangements. The whole purpose of enterprise bargaining is to enable workers, usually through their representatives such as their relevant trade union, to sit down with their employer to come up with an
enterprise agreement that provides for certain flexibilities. As a former official of our nation's largest union, the shop assistants union, I have experienced the process of negotiating enterprise agreements and listening to employers, both large and small, talk about how they have an interest in providing some flexible conditions. I should make the point that there are very many responsible employers out there who want to do the right thing but our system is such that we must protect vulnerable employees against potential abuse by unscrupulous employers.

The amendments proposed by this government in relation to IFAs reinforce why, when it comes to looking at what this government does, we need to examine the detail very closely. The government is unreasonably proposing that a key safeguard be abandoned when it comes to what can be traded through an individual flexibility agreement. I know that other Labor senators have touched on this point but this is something that I feel extremely passionate about. It goes to the recommendation from the expert panel that, if a non-monetary benefit is being traded for a monetary benefit, the value of the monetary benefit foregone must be relatively insignificant and the value of the non-monetary benefit is proportionate. Despite this clear recommendation from the expert panel, which gave a great deal of consideration to these matters, these clear prescriptions of relative insignificance and proportion are missing from this government's amended bill. That the full recommendation is missing is an alarming reflection of this government's approach to workplace relations and I have already indicated that I believe it reveals the genuine intention behind the construction of this provision, that is, that penalty rates are very much in the firing line in relation to these changes.

I am disappointed that the government seems to be adopting a misleading approach in respect of this provision, because one is being led to believe that the only way in which flexible working relationships can be implemented at the workplace level is through the provision of individual flexibility agreements, when nothing could be further from the truth. I have already instanced the fact that enterprise bargaining negotiations can deal with this issue, but there are also amendments to the Fair Work Act which have led to a situation where employees are able to access and get the benefit of flexible working arrangements without the need to trade off conditions. Employees are eligible to request flexible working arrangements if they are a parent or they have responsibility for the care of a child who is of school age or younger, if they are a carer, if they have a disability, if they are 55 or over, if they are experiencing violence from a member of the employee's family or if the employee provides carer support to a member of their immediate family.

Employers who receive a request for flexible working arrangements must seriously consider that particular request, but may refuse on reasonable business grounds, so it is not necessarily a guarantee of achieving flexible working arrangements. But, in the same instance, an IFA also requires agreement on both sides for a change to be made.

Some of the common provisions which are implemented through this other stream for accessing flexible working arrangements are changing starting and finishing times, part-time work or job sharing, working more hours over fewer days, working additional hours to make up for time taken off, taking rostered days off in half-days or more flexibly, time off work instead of overtime payments, or changing the location of work or the need to travel to work—for example, working from home. These are flexible arrangements which are available.
under Labor's amendments to the Fair Work Act. They are available to workers without the need for them to trade off conditions, by virtue of accessing individual flexibility agreements.

It is of concern to me—and when we talk about individual flexibility agreements we need to understand this—that there is a very significant power imbalance in the workplace. In the industries that I have talked about, that power imbalance is particularly evident. I talked about the vulnerability of casual employees and the vulnerability of women and children working in a situation where their employer dictates to them many of the aspects of their employment. This is a major concern. One should also understand that many of the individual flexibility agreements that we have seen to date are not necessarily bespoke, in the sense that there is evidence to suggest that they are tailored by the employer to suit the employer. There are in fact pro forma IFAs that are being distributed.

I call on the Senate to reject this legislation. It is fundamentally unfair.

Senator LAMBIE (Tasmania) (18:11): I rise to oppose the Fair Work Amendment Bill 2014 and to make a brief contribution to the debate. As this government legislation stands now, I cannot support it, because, as it reads, it creates the potential for undermining and lessening Australian workers' rights and the safety of workplaces. Specifically, the areas of the bill with that potential are part 4, 'Individual flexibility arrangements', or IFAs, where the legislation creates the possibility of overtime rates, penalty rates, allowances and leave loadings being taken away from vulnerable workers; part 8, where it limits the right of entry of union representatives into workplaces; and part 9, about employee termination, where the Fair Work Commission, or FWC, is not required to hold a hearing or conduct a conference when determining whether to dismiss an unfair dismissal application under section 399A or section 587.

I will be honest: I am doubtful that this legislation will live up to its title of 'fair work'. So today, on behalf of Tasmanian workers, I oppose the passage of this legislation. However, once the leadership of this Senate and of this ministerial portfolio is settled, I would be happy to sit down with our new Prime Minister and his new minister, whoever that may be, and negotiate in good faith for the passage of this legislation after certain changes and guarantees from Prime Minister Turnbull that have been outlined by other crossbench senators, including Senator Xenophon.

I hear the Labor Party's arguments and warnings about this legislation. I think their concerns are legitimate, and this legislation needs to be drastically improved to protect workers' pay and conditions. However, I know that, under the leadership of Mr Abbott and Mr Truss, this conservative government had an aggressive, hostile attitude to Australian workers and their representatives. That makes me less likely to trust this Liberal-National government and its industrial relations legislation.

In recent times, there have been a few key examples of Australians being sacked and replaced by cheap overseas workers. The network of people I will lead to the next election is founded on four key policy principles. The first is food and water security, the second is energy security, the third is national security and the fourth, as always, is Australian job security. This legislation and the Liberal-National attitude towards sacking Australian workers and replacing them with overseas labour could be a lethal combination for our working families, and it attacks the principle of Australian job security.
Senator Nash in her contribution talked about giving dignity and respect to Australian workers. But where was dignity and respect for our workers when 36 Australian maritime workers were sacked and replaced by cheap foreign workers on Caltex’s oil tanker *Alexander Spirit*? There was no dignity and there was no respect for those good people, those hardworking Australians.

Instead of fighting for those workers’ jobs, members of the Liberal government became cheerleaders for foreign workers. They were foreign maritime workers who were not required to undergo rigorous security, criminal history and health checks by ASIO, the Federal Police and other government agencies. All Australian maritime workers are required to undergo rigorous security, criminal history and health checks by ASIO, the Federal Police and other government agencies before they are allowed to work on board our ships. That is a reasonable risk management strategy to have in place, given that crews are in charge of vessels like oil and gas tankers, which could easily explode or be made to malfunction, with devastating consequences to the Australian public and our environment. So why would the Liberal government make it easier for overseas crews, with no Australian security or health checks, to operate oil and gas tankers in our coastal waters and ports?

There was no dignity and respect for the 32 Australian workers employed on North Star Cruises in Western Australia who stood to lose their jobs if their boss, Bill Milby, followed the advice coming out of the Deputy Prime Minister’s office. I was shocked when I heard that respected maritime businessman, Mr Bill Milby, from North Star Cruises, had been told by an Abbott government official that ‘If he wanted to make more money and compete with the foreign competition—after proposed Liberal changes to the Coastal Shipping Act were passed by this Senate—Bill should sack his Australian crew on board his Australian built cruise liner and replace them with cheap foreign workers.’ I invited Bill to my Senate office for a chat. Bill repeated what he was told by the staff of the Nationals leader and Deputy Prime Minister. I believe Mr Milby told the truth. But I cannot understand why this Liberal-National government is so keen to kill off Australian workers’ jobs and replace them with overseas workers? Is it just an insane hatred of unions and their workers? Does their hatred go that deep that they are prepared to trade off Australian jobs for foreign workers? I think this question has to be asked.

One of the worst examples I have seen of this government's eagerness to sack Australian workers and replace them with foreign labour is in the manufacturing of defence clothing. The situation is described in an email I received from Michele O’Neil, the Secretary of the Textile, Clothing and Footwear Union of Australia. Michele wrote:

Dear Senator,

Further to my email of 7 July 2015, I am writing to update you on the latest developments in our campaign to secure our members' jobs at the Workwear Group's factory in Footscray.

We have been informed that Minister Kevin Andrews and the DMO have made the wrong decision.

They have decided not to place further orders with The Workwear Group, resulting in the company announcing that our members will lose their jobs in September.

There is still time to change Minister Andrews' mind. Your support and efforts over the last few months resulted in our members still working today.

Applying further pressure on the Defence Minister, urging him to change his decision, could save these 45 workers' jobs.
I have attached a letter addressed to the Minister calling on him to make the right decision this time. I have to add that it is 'funny' that Kevin Andrews cannot work out the right way to spend $100 million, yet he is in charge of a portfolio that is worth billions of dollars—and he is justifying why he should keep his job! Maybe it is time he went.

Today, I once again call on the new Prime Minister, as an expression of good faith, to show that his government's hostile attitude towards Australian workers has changed and to personally intervene, along with his new defence minister—because the old one should be sacked for the way he has betrayed these workers—and ensure that the factory stays open, that Australian defence clothing manufacturing jobs are secure and that we keep a viable, local and competitive industry for government uniform supply. I will not even go into security.

In his second reading address to parliament, Minister Pyne said:

The measures in the bill will help encourage investment in new projects that are important to the Australian economy by preventing unions from vetoing greenfields agreements.
I am willing to talk about that point with the Prime Minister and his new defence minister. However, I close by making this point. If we want to encourage investment in Australia and maintain Australian workers' wages and conditions, we must: (1) guarantee that Australia's fuel, gas and power are cheaper than our major trading partners so that our manufactures, small businesses and farmers can profitably compete on unfair world markets whilst maintaining the wages and standard of living of Australian workers; (2) legislate to make sure that state and federal governments buy local first in their procurement policy and support local manufacturing, even if it means paying a few more dollars than they do to overseas competitors—and I am talking about our steel-making industry and workers; (3) support voluntary national service for our young people, which would allow them to join the military for a year and learn some skills or participate in trade training and apprenticeships. I oppose the legislation before the House.

Senator GALLACHER (South Australia) (18:20): I also rise to oppose the Fair Work Amendment Bill 2014. My contribution will be in the areas that this bill seeks to address: union workplace access, right of entry, greenfields agreements, strike first, talk later loophole, individual flexibility arrangements, other Fair Work Act recommendations and interest on money held for underpaid workers.

I suppose we could indicate at the outset that paying interest on money in excess of $100 which has been underpaid to workers and which has been kept in trust for more than six months is probably the thing we could agree with. I think most people would think that is pretty fair. If a worker has been underpaid, the Ombudsman has collected the money, the worker is not located as yet and the amount is more than $100 and has been held for six months then interest is due and payable. I am sure interest is gained on the account. It is no different from the accounts that unions operate. Unions will take employers to task for underpayment of wages. In some circumstances, those wages may be paid to the union. The union will operate an account where that money is held in trust. A union member may make their claim and be paid with interest. So it is good to see government acting in the same way as responsible unions do.

The first issue I want to talk about is right of entry. I had a long career as a union official. I think I can remember when the right-of-entry permits came in, but I never actually carried
one. I never actually carried a right-of-entry permit. I had about eight organisers and I used to do a regular stock take, asking, 'Where's your permit? Get it to the legal officer. Make sure it's up to date.' But no-one used them. We would knock on the front door and ask to meet the employer. In 99.9 per cent of cases, we would have a meeting with the employer. We would go to the front door of the premises. We would knock on that door, introduce ourselves to the receptionist and seek an appointment with the relevant manager, owner, director or operator of the company. We would sit down with that person and we would talk about why we were there and what we intended to do.

It is true that we were not always well received. But the immediate reaction of an organiser who is not well received, particularly in transport, is not to rush back to their car, get their permit out and say, 'I've got this permit. You've got to let me in.' Their immediate reaction is to think, 'I wonder what the problem is here. Maybe there is an issue here with workplace safety. Maybe there is an issue here with wages. Maybe they are not paying meal allowances or maybe they have incorrectly classified workers. Maybe they are not paying the appropriate penalty rates in the agreement and/or the award.' But their reaction is not to go racing out to get a piece of paper and say, 'You must let me in. You must give me a place to sit in the smoko room and then I will go and tell every worker that if they talk to you I will not look on it favourably.' We never operated that way.

I have not seen the imbalance that this government is talking about. But I was only around for about 22 years. Maybe Senator Bullock, who had a much longer career in this area, will be able to cast some light on whether there was a need to get this bit of paper that gave you a right of entry and apparently gave you power. It gave you nothing. You had to organise. You had to deal with the employer and you had to deal with the workers. So I have seen no evidence of this apparent skewed imbalance in respect of right of entry. I have been here for four years, so maybe in the last four years union officials have got this bit of paper out and it has been working against employers. But I doubt that. I speak on a regular basis with people who work actively in transport, organising employers and workers to get the best results in the workplaces of businesses.

I have not seen this imbalance, but I know that Senator Abetz is very keen on this one issue. I am not sure what experience he has in any sector or industry to do with workplace relations. I know that he is the workplace relations minister and that he has a very strong view on these things, but I also know that it is a very jaundiced view—that there is this evil of right of entry. But, to be fair and practical, if you are going to rely on a bit of paper in Australian workplaces to get the job done, you are not going to do too well.

People go in the front door. They articulate their concern or the objectives of the union. They are either met with an agreement to meet workers or they are shown the door. If they are shown the door, they will probably organise it another way. They may not organise it in the workplace but organise it in the car park or up the street or in the home. That is the reality. I have heard of new officials and delegates who have come off the job to become officials who absolutely thought that right of entry was a gold pass to get in there and tell the boss how to run his business—but nothing could be further from the truth. It is absolute rubbish.

The government claims that unions are too easily able to frustrate the making of greenfield agreements. Well, I love them. If any employer came to me with a greenfield agreement I was done. I would not take three months to write one. That was exclusivity. That was me in my
element. The employer would be in on it too, because he would only have to deal with me. He would not have to deal with every other union. So this business here is really about employers making greenfield agreements that only suit them. A greenfield agreement is a wonderful thing. I remember the debates on them within the ACTU and in other places. These greenfield agreements that the government is talking about are ones where employers are shopping around to get a bad deal signed up to by someone with no understanding of what wages, conditions and safety should look like.

There are amendments to extend the good faith bargaining rules to the negotiation of greenfield agreements, and this is a government that talks about getting rid of red tape! Employers and unions will be required to participate in meetings with each other. You are going to legislate for that. My goodness. There is no lack of will to make good agreements in the industrial relations arena. There is no lack of goodwill. There is no lack of unions that are professional and able to articulate the objectives of their membership. Employers have their objectives in making a reasonable return on their investment. When it comes to sitting down and doing that, I have not seen any evidence of where that has failed other than when people are shopping really bad greenfield agreements. But this government will try to legislate so that it will be possible for someone to get a really horrendous greenfield agreement. There are no takers in the whole industrial relations community. No union worth their salt would sign a bad greenfield agreements. But employers will now be able to go to the commission and have one approved. So basically the employer will negotiate for themselves, with really bad conditions and really bad outcomes for the worker, and then get the agreement registered. Then they will have to try to get people to fill the positions. With 800,000 unemployed, they probably will find people to fill those positions, but they will not be productive, good agreements. The sort of agreements we on this side of the chamber sign are productive ones that are good for the worker and good for the employer and are safe while delivering fair outcomes.

I have some experience with the 'strike first and talk later' loophole because a union that I had a strong association with used this initiation of a bargaining period and protected action. But my information is that it was because the employer would not talk and commence negotiations. So in order to get the employer to the table this action was taken. I know it caused enormous concern, not in this government, but in the former government. It caused concern for the Labor government. If you have legislation and you have skilled and smart people and it is legal to do it, people will take their advantages where they find them. I do not resile from the fact that it happened and it was legally permissible under the act. It was done. If it needs to be changed, I am not sure that it is going to change the world that much. People will work their arrangements around it.

I come to the individual flexibility arrangements. Come on—if you look at the transport sector, you cannot drive your truck any faster, because you have things called speed limits. You cannot put any more on its back, because you have weight limits. There are only a certain number of hours in the day, which most transport workers take full advantage of. It is not uncommon for transport workers to work from six in the morning till six at night, five days a week. It is not uncommon for those people to be at work half an hour before their starting time, donating their time to get their van, or truck, or workplace in order. That is not unusual. I have a very close friend, who is an owner-driver, who gets to work half an hour
early every day of his working life. He does not seek pay for that. He just likes to be organised before his six o'clock start. On a Friday night he does not finish until 7.30. That is every day—60-plus hours per week.

Where would you get flexibility in that arena? You cannot speed, you cannot overload. You have to have some sustenance during the day, so you have half an hour for lunch and a bit of morning and afternoon tea. The rest of the time you are working. You are on the job, in the truck, looking for a park, looking for a loading bay—they are basically non-existent in a lot of our major cities—and dealing with customers from morning till night. What is the flexibility that we would seek here? I know—we would probably seek the flexibility of giving away a meal allowance or something. We might even look at the flexibility of saying, 'We could go to ordinary time, instead of getting time and a half and double time.' But transport workers will not do that. Most workers paid under industry sector awards or enterprise agreements understand their conditions.

Senator Bullock will go back further than me, but in the second tier agreement in 1988 things were traded off. Morning teas were traded off. Truck drivers traded them off because they used to have theirs on the road. The poor bugger in the yard did not get them at all. So there has been this incessant look at workplaces and at the arrangements of how work is carried out. When workers hear the words 'individual flexibility agreement' their antennae go up. They know exactly what it is about: it is an attack on their take-home pay and conditions. It is removing the ability for them to accumulate enough to sustain their families and, in a lot of cases, their equipment, because in a lot of cases people bring equipment such as vans and trucks to work. These individual flexibility arrangements are an attack on that.

This is very careful, clever legislation. You find out that the employee signs a genuine needs form. You find out that the employer, if he believed he was not doing anything wrong, has a defence. There is a genuine needs form signed by someone who has little power in the negotiation unless they are represented by a union, then if it all unwinds and there is actually a loss of entitlement, we will hear, 'Oh, the employer didn't realise he was doing it, so there is nothing to see here. Move on.' The individual flexibility arrangement has meant that the power has passed from one to the other, and in the exchange of power there is generally the exchange of conditions and wages.

These are not good policies. We know that Work Choices is dead, buried and cremated, but we also know that the business community and those who have castigated this coalition government for being slow on workplace reform and industrial relations are still advocating their case. They would like to see workplaces being opened up and people making agreements that affect other people in the workplace. Because, even if you were happy to give some piece of your employment entitlements to the employer, it is not just you it affects. It goes on to affect everybody else in the workplace, and you start dividing and conquering the workplace. If there are 100 people on an enterprise agreement and everybody has the same conditions, you have to upset 100 people to change that. But if you bring in an individual flexibility agreement, preferably in a small area, you can then start to have some competition between workplaces. Allegedly you will get some productivity gains by getting the same output but reducing the costs in.

These are not good arrangements and they will be resisted by all organised sectors of the workforce. But these people that Senator Abetz is in charge of in his workplace relations
portfolio are very skilled at working at the opportunities. They will not go to an organised workplace and try to dismantle that. They try that with the CFMEU at every opportunity, with $80-million royal commissions and the like, but they will not go to a normal, run-of-the-mill SDA, TWU, NUW or ASU workplace and try to dismantle that. They will try to provide a little corner of the sector where there are people who are casual or maybe who do not have English as their first language. They will provide employers with an opportunity, and then it will be up to some unscrupulous employers to say, 'Okay, I can get this deal up. I can get this IFA up. If I can get these people to say that it meets their genuine needs and they are better off overall, and I pretend that I can't count.' The employer would have to pretend that he could not count, if he got a genuine needs form in and it worked out that he could pay less in wages that week. He would have to say, 'I can't really count, but I'll cop this genuine needs form and ride on.'

This just leads to a competition to the bottom. In the sector where I worked all my working life, if you put pressure on rates you put pressure on safety. You will have more accidents and illness, more claims for compo and all sorts of things. In the transport sector, if you put pressure on rates of pay, people will take the opportunity to put more on a truck and will take the opportunity to break the speed limit. We know this because there are about 300 truck related accidents and deaths per year. There have been horrific cases where individual flexibility agreements have been so all-encompassing—they were not termed 'individual flexibility agreements' but they are an example of what can happen—that truck drivers have been on the road and the company has rung them up, saying: 'You need to keep going. The truck is due in to Brisbane, Townsville or Melbourne at a certain time and we will keep ringing you every hour to keep you on the road. By the way, you have signed up to make sure you get this job done.'

I have met individuals who have gone to jail for being involved in accidents where people have been killed. They have broken all the rules; they have broken laws of the road in relation to speeding, drug taking and hours of work. So you do not want to push too much individual flexibility and go for a 'better off overall' agreement in road transport. You should not go that way; you should go completely the opposite way. There are people who will sign up for whatever. They will drive too long, too far and too fast and will use whatever it takes to get them through the journey. When they get paid by the kilometre, it is only the fact that they get 1,000 kilometres up that matters. Sleep does not matter, rest does not matter and the other workers on the road do not matter.

Individual flexibility agreements would be catastrophically dangerous in the long-distance and middle-distance transport sector. Even where there are signed agreements that are good agreements, we know from bitter experience that people will break those agreements, work longer and harder and chase the dollar further. There are often catastrophic consequences. I am sure Senator Abetz does not want to facilitate this outcome. I am sure he is listening to employers who say, 'I just need a little bit more flexibility.' Employers can get all the flexibility they like as long as they pay more, not less. If they pay more than the going rate, people will be enormously flexible. If they offer a few more dollars, people will do the right thing. If they employ more people, people will give them a better outcome in their business.

What we see from bitter experience is that individual flexibility agreements drive conditions and wages down. That is their sole purpose. People bid for work in a very
competitive market place. They need to fit wages and conditions to the contract price. An individual flexibility agreement may be a pathway to do that, but it will not be an efficiency in the economy; it will be an inefficiency, because it will unravel. People will fall out of love, as we used to say, and there will be claims and counterclaims, with all the disputation that occurs around that.

Individual flexibility agreements are Work Choices under another name. We will always resist that. As long as we on this side of the chamber are here as representatives, we will always ensure that Australians get fair and just workplace conditions.

Senator LAZARUS (Queensland) (18:40): I inform the chamber and the people of Australia that I am deeply concerned about the Fair Work Amendment Bill 2014 and consequently do not support it in its current form. I cannot and will not support any legislation that erodes the rights of Queensland workers or, more broadly, Australian workers.

However, I am also aware of the importance of the business sector in Australia and its role in providing the engine room for our economy. In order to achieve economic growth and restore business and consumer confidence, we need to support business to grow and prosper. A growing business sector equals jobs growth. Jobs growth, however, will not be achieved by removing the rights of workers. It will be achieved by stimulating the economy through growth measures and investing in our people, thereby enabling them to succeed.

Restricting our people's access to higher education by deregulating the higher education sector will not achieve this either. This is another reason why I do not support the deregulation of higher education. It will only result in a substantial increase in the cost of university degrees, which will discourage Australians from seeking to better themselves through education. I am hoping that, under Mr Turnbull's leadership, the deregulation bill never sees the light of day again in any way, shape or form.

The Fair Work Amendment Bill comprises many components. While I feel that most components of the bill will have a negative impact on the rights of workers, some components are actually good and deserve support. Accordingly, I am co-sponsoring a raft of amendments to the bill which will knock out the negative elements and retain the good elements. I should mention that there are probably a range of other positive measures that could have been included in the bill. However, as the bill was developed under the Abbott government, and, as per usual, the crossbench and indeed many sectors of the community affected by it were never consulted in the early stages of its formation, we are now burning the midnight oil to try and fix a bad bill that should never have made its way to the Senate in its current form. My hope is that, under the new Turnbull government's leadership, things will change significantly moving forward.

In relation to the bill specifically, I am supporting the removal of a range of sections or parts to cleanse it of its nasty components. These include part 2 of the bill, which relates to the payment of accrued annual leave on termination. It is my view that workers should be paid accrued annual leave on termination at the appropriate rate. Part 3 relates to the accrual of annual leave while receiving workers compensation benefits. Employees on workers compensation are absent from the workplace through no fault of their own and should not be disadvantaged or penalised by losing accrued leave as a result. Part 4 relates to individual flexibility arrangements. I am of the view that this section has the potential to see vulnerable and disadvantaged workers' rights exploited by employers. Accordingly, it has to go.
Part 6 relates to the transfer of employee entitlements across related businesses. I believe that this will disadvantage employees who voluntarily move across businesses within an organisation's group of brands. Part 8 relates to right of entry by unions into workplaces. I am deeply concerned that this will restrict and hamper unions from undertaking their important work of representing the rights and needs of workers in the workplace. Part 9 relates to Fair Work hearings and conferences. I believe that this will remove the requirement for Fair Work to hear the merits of unfair dismissal applications and decide whether to dismiss or hear the cases. Unfair dismissals are often very murky and require the consideration of Fair Work to fully understand the circumstances around them. Therefore it is imperative that this part be removed to ensure that hearing and conferencing arrangements are retained to protect employees.

In addition, I am co-sponsoring an amendment to part 5, which seeks to deal with the way in which greenfields agreements are negotiated. The amendment will extend the negotiating phase of a greenfields agreement to six months from the current proposal of three months. This will provide the platform to enable both the employer and the union to come together in the hope that they can reach an agreement to commence a new project. I understand there are concerns on both sides regarding the way in which parties may approach the negotiating process. However, the amendment does seek to extend the good-faith bargaining framework. In effect, the amendment will allow both parties more time to reach an agreement and, where the process fails, enable Fair Work to become involved and make a determination.

I am pleased that the crossbench has come together to collectively work through this bill. We as a group are acting in the best interests of our states and our constituents. I believe that the people of Australia will be extremely proud of the results we are achieving in this chamber for workers and, more broadly, for all Australians across the country. I note the good work of Senator Day in putting forward an amendment to the Fair Work bill to increase flexibility around the negotiation of greenfields agreements. While I understand the reasons for Senator Day's amendment, I am concerned that such increased flexibility could result in the exploitation of workers who technically cannot vote on workplace agreements because they are not yet employed. For that reason and various other reasons, I have let Senator Day know that I cannot support this amendment. I will be supporting the opposition's amendment which removes part 7 of the bill relating to protected action ballot orders. My reason for supporting this amendment is that the part does not obligate employers to negotiate before any protected action takes place. There may be scope to rework this part in future to ensure that it meets the needs of employees and employers; however, considerable consultation would be required by both sides in order to achieve this. In summary, I believe that the crossbench has achieved a delicate balance between the needs of the business community and the economy and the protection and retention of workers' rights across Australia.

Senator BULLOCK (Western Australia) (18:48): Earlier today I was regaling the Labor Party whip with stories of a life well spent in the service of working people, when she was kind enough to observe that some of my stories may be relevant to opposing the Fair Work Amendment Bill 2014 and suggested that I share them with a broader audience. I should say at the outset that if all the employers in Australia were fair-minded, responsible, reasonable people then there would be little need for all of the industrial relations legislation which
practitioners in this area are burdened with on a daily basis. There would be little need, too, for unions to look after the interests of working people.

Unfortunately that is not the world that we live in. In the world that we live in, unions stand as the only organisations dedicated to protecting the interests of working people and ensuring that they get a fair go. Without the trade union movement, workers in this country would be at the mercy of a system that is horribly unbalanced between the power of the employer on the one hand and the ability of the worker to negotiate on the other. To the extent that we need industrial relations legislation, that need is to ensure that there is a balance of those interests. I do not think that this legislation improves the balance. On the contrary, it seems to me that this legislation worsens the balance of interests in favour of the already advantaged group, the employers.

Let me illustrate that through some of my own experience. For the better part of 30 years I negotiated the terms and conditions of employment for employees at the Coles distribution centre in Western Australia. Those negotiations started with a meeting of all the members to establish a log of claims. We would then go off with a delegation of union representatives, delegates from the floor, to negotiate that log of claims with the employers, who would of course have their own set of claims. We would sit down and work out the arrangements for the ensuing three years. Over the course of 30 years I managed to get rates of pay in excess of $350 a week more than the award rate, secure improvements to shift allowances and ensure that shift workers had the right to only have their shifts changed by agreement—which is an important right, so that their method of living is not upset by a unilateral decision by the employer to move them from one shift to another. We secured the nine-day fortnight. We developed a bonus system which enabled workers to—and in fact many workers did—double their ordinary-time earnings on the bonus that we negotiated.

We had some redundancy provisions that I fondly remember, because 25 years ago they sent a chap over from Melbourne to negotiate with me who decided that the best way to negotiate with me was to take me out and get me drunk. At the end of the night we had a redundancy provision which secured a minimum of 20 weeks pay, four weeks pay for each year of service, an extra week's pay for each year of service if you were over 45, paid out accrued sick leave and paid out pro rata long service leave. We did not go out again. All of these things were built up over time, and I always thought that when members at that site were enjoying wages in excess of $350 a week over-award they should feel comfortable paying the union fees of between $3.85 a week and $8.90 a week—a very modest fee for the service provided over 30 years.

Ten years ago things changed. The company had developed a new warehouse—the old warehouse was at Canning Vale and the new warehouse was near the airport. The members were very much looking forward to taking advantage of the new facilities and moving to the new site, we had our members meeting, we had our delegates all revved up and ready to go with the negotiations for the new agreement, and we had our first meeting at which I had the misfortune to meet the most ruthless, unreasonable and unscrupulous employer that it has ever been my misfortune to negotiate against—a man by the name of Earl Hayes. He said he would not be meeting with the delegates because there would not be a vote on the new agreement. The new agreement was for a new site and there were no employees at the new
site—it was a greenfield site and the agreement that would be in place at the greenfield site would be the agreement determined by the company.

Shift arrangements were to disappear. Working arrangements were to cover 24 hours a day, seven days a week and people would be rostered onto any of those hours. There would be no shift loadings for the work. People would get an hourly rate for certain ordinary hours of work and all hours, 24 hours a day, seven days a week, would be ordinary. If a person, for example, started their shift at two o’clock in the morning, which would normally be regarded as a night shift, they would be paid, as I recall, a 20 per cent loading for the hours between two and five and that would be it—they would not get a 30 per cent loading on the whole of the shift which they would otherwise have got under their old agreement as a night shift worker; they would just get an hourly-based loading on ordinary hours of work. The nine-day fortnight? Gone. The bonus system? Gone. These were the company’s claims—they said, ‘Well, you can either accept them and be a party to this agreement or we are just going to do it anyway’. This was the arrangement that existed for greenfield sites under the Howard government. They moved 10 kilometres up the road and they expected all of their employees to go there, and they said there would be no redundancies because every employee would be offered suitable alternative employment. They insisted upon this agreement because it was a greenfield site agreement and they could write their own ticket. We had no option. We went up the road on their terms. Three years later, with a fully unionised site, I got the lot back—the lot. I got the nine-day fortnight back, I got the shift arrangements back, I got the shift penalties back—I got all the penalties back. Mr Hayes joined the great Australian leader, Gough Whitlam, in being fired with enthusiasm.

What we have under this proposed legislation is an arrangement which gives to the employer the right to sit out three months and then write their own ticket on a greenfield site—no proper negotiation, no consultation with employees, just the right to impose their own conditions after waiting a mere three months and then they can go and say, ‘Here is our enterprise agreement, look how it compares with the industry standard’, which would probably be the award, and 30 years of work goes down the drain. Workers would be compelled to accept conditions that dramatically undercut the conditions enjoyed previously. We cannot allow that to happen; we cannot allow the sorts of arrangements that were foisted on me under the Howard government to be resurrected under this greenfield site legislation so that employers can write their own ticket on terms and conditions of employment and impose them on workers working for the company when perhaps they are just moving 10 kilometres down the road. I am very grateful to Julia Gillard for fixing up that loophole in the greenfield site provisions of the act so that that could not be imposed on us again—so a later government did the right thing in fixing that loophole—but this bill has the potential to take us back to the days when employers could write their own ticket and enforce conditions on employees, reducing conditions irrespective of the wishes of employees, irrespective of a vote, refusing to negotiate. Those days are back under this proposed bill and it must be opposed.

I move on to right of entry. Unlike Senator Gallacher—Senator Gallacher was not long in the trade union movement, only 22 years; I was an official of the union for 37 years—I did use my right of entry. In the 1970s I used to amuse myself by reading the Sunday papers in New South Wales and identifying those shops trading illegally and paying them a visit. I paid a visit to a furniture shop in the Bankstown area. I went in and showed my right of entry and...
asked if I could inspect their shop registration certificate. The proprietor had an interesting way of dealing with visiting union officials. He went behind the counter and got out an axe—not a tomahawk; an axe. He followed me, briskly, out of the shop waving his axe. Happily outside the door of the shop there was a public phone booth. In those days mobile phones were restricted to Maxwell Smart. I got on the phone and rang the police, and the police attended. I said, 'Here I am; I am a union official and here is my right-of-entry certificate. I had been into that shop to ask to see a copy of his shop registration and he chased me out of the shop with an axe.' The policeman said, 'Leave here immediately or I will arrest you for trespass.' Right-of-entry certificates do not do you a whole lot of good but, nevertheless, right of entry is critically important. Every worker deserves to have access to a union official who understands the terms and conditions of employment applicable at their site so that they can ask questions and ensure that their entitlements are being honoured. I do not believe that that right of access should be fettered in any way, aside from a requirement on the union official not to interfere with the conduct of work on the site. But certainly union officials should have access to the lunchroom. The idea that you are restricted to a room next to the boss's office—and I have been subject to this—so that everybody who wants to see the union official has to traipe past the boss's office so they can be identified as a troublemaker and punished later once the union official goes is outrageous. People should be in a relaxed environment and be able to chat with the union official in the lunchroom, have their questions answered and brief the union official on issues that are of concern to them in their workplace so that those issues can be addressed.

The idea that right of access should, firstly, be restricted access to the lunchroom and, secondly, could only happen at the request of an individual is outrageous. That means somebody has to put up their hand and say, 'I am a union member, Boss, and I request that the union comes out here because I've got a problem with you.' In my experience, most people just want their entitlements clarified. They want to ask questions about their award or agreement, to see where the truth lies. They want an independent assessment of what the boss has told them to ensure that they are getting their entitlements. These are not people who want to create trouble; they are just people who want to be better informed as to their rights at work. The requirement that a person has to fess up and say, 'Look, I'm a union member and I request the attendance of a union official because I've got issues,' should not be a requirement that falls on the shoulders of a worker, particularly if there are only one or two union members on the site. That they have to be identified by the boss as the person who has called in the union is just unreasonable.

In my industry, the retail industry, access was a reasonably simple matter. Shops are in shopping centres and they are open to the public. There is a front door and you walk through it, so getting access to a shop is a relatively easy matter. But I have sympathy for other unions, organising union members on remote mine sites in Western Australia where access is not an easy matter, where it is very difficult to gain access to the site, where it is appropriate to advise the employer in advance that the union wants to come on site and where special arrangements do need to be made to facilitate the visit of the union official to the site. As I understand it, this bill proposes to remove that facility as well so that people working on remote sites have very difficult hurdles to jump in order to have access to their union official.
I want to move on to IFAs. These are, as Senator Gallagher said, individual flexibility agreements, not investment facilitation arrangements that are causing so much controversy under the ChAFTA arrangements. I oppose and always have opposed individual flexibility arrangements—full stop. I do not see any need for them. It seems to me that, in the lead-up to the 2007 election, they were little other than a sop to the mining industry, which wanted workplace agreements light. I have negotiated a lot of agreements. Those agreements, in an industry like the retail industry which depends on a high degree of flexibility, embodied the parameters of that flexibility within the agreement. The agreement sets out the broad system of flexibility under which employees work. But there is adequate provision beyond that for further provisions to be inserted into agreements that allow for revocable agreement beyond the parameters of the flexibility set out in the enterprise agreement to be entered into between an employer and an employee.

The basic agreement sets out the broad terms of the flexibility that is on offer and then beyond that the employer and the employee have the right to agree further flexibility, which is subject to the agreement, which is done on a no disadvantage basis and which is revocable by the employee if their circumstances change. An employee may want a particular work arrangement today but find that in six months time their circumstances change and that that arrangement, which is in breach of the basic terms of the enterprise agreement, is no longer suitable to them. So agreements of that nature need to be revocable. They need to be in writing so that there is no argument about them and perhaps there needs to be some notice given so that if all of the employees decide and agree that a particular system will work they cannot all revoke their agreement on the one day and cause chaos within the employer organisation.

All of those flexibilities are available to employers today, by negotiation, without recourse to IFAs. I do not see why they should exist at all. But if they are to exist the expert panel recommended that, to the extent that they involve a trade-off of any monetary benefits, those monetary benefits need to be relatively insignificant and that the benefit flowing to the worker as a result of entering into the individual flexibility agreement needs to be proportionate to the relatively insignificant monetary benefit traded off. That, at least, is some small safeguard against workers, under pressure, entering into agreements that are not at all in their interest. I have got experience of workers entering into agreements that are unsuitable to them. Under the Western Australian shop award, the 19-day month was a right under the award and it could be given away by individual agreement, so individuals could agree to forgo the 19-day month. There was a day some years ago when Kmart scheduled a special staff meeting in every store in Western Australia. Every employee in every store attended before work. They were all told that the business was doing terribly and that sackings would ensue—there was no alternative—but they could act to save the jobs of their fellow work mates by giving away their 19-day month. By nine o’clock that morning 80 per cent of Kmart employees across the state, being honest, decent people who did not want to see their work mates sacked, had all given away their 19-day month. That is the sort of pressure that can be put on people to enter into agreements that are not at all in their interest. I am pleased to say that there were some amongst the other 20 per cent of people who rang the union and we fixed it.

Finally, I turn to annual leave loading on termination. The national employment standards used to prescribe that leave loading was payable on termination. For that reason many awards
did not prescribe that, because no award or agreement could be less than the national employment standards. To take that away now is unconscionable.

Senator DASTYARI (New South Wales) (19:08): I want to begin by commending Senator Bullock for his contribution moments before, his understanding and his long-term experience in standing up for workers in Western Australia and with the SDA, the shoppies union as it is affectionately called by its friends. It is an incredible record. He is rightly proud of what he has been able to achieve for some of the most low-paid, most disadvantaged workers in Australia, particularly those in Western Australia. It is a legacy that I know he is very proud of.

This Fair Work Amendment Bill 2014 is nothing more than an attack on the rights of Australian workers and an attack on trade unionism in this country. In this legislation we have part of what is really nothing more than an ideological drive by elements of this government to push a fairly radical world view and a fairly radical view of industrial relations in this country through the prism of what they purport to be fair and reasonable. There is nothing fair about this legislation and there is nothing reasonable about this legislation. What we have is some of the worst elements of previous failed attempts being brought through the back door. Frankly, this type of ideologically driven agenda—in this case against the trade union movement—has really driven this government to the mess that it is in.

When we have 800,000 fellow Australians unemployed—the highest number in 20 years—114,000 more people on the jobless queue since this government was elected and an unemployment rate of six per cent and above for more than a year, you do not need an attack on the rights and conditions of workers. I want to show why legislation like this is so dangerous. There is the recent case of some incredibly exploited Seven-Eleven workers that we saw on Four Corners, through the journalism of Adele Ferguson and others on the Four Corners team. In this space we should be having a debate about how we make sure those people are able to access their union, how we make sure that the good work that the unions do and want to do in that space gives them greater protections, how we protect these workers, how we give them more access and how we match databases in places like immigration with those available to trade unions to make sure these workers are able to be protected and stop being exploited.

Instead of having the debate I believe we need to have, here we have a debate about stripping away the rights of these workers, about stripping away the conditions of these workers and about taking away the fundamental conditions they need to have protected. Frankly—and this is what is so worrying—the government is doing this through the guise of being reasonable and saying they are small changes, there are words here and there and it is small bits and pieces.

The Senate Education and Employment Legislation Committee reported on the Fair Work Amendment Bill 2014. Those listening may have an opportunity to pull that off the parliament website. It goes through in detail just how damaging some of this legislation is. It is all driven by the ideological view that trade union representation and participation is something that needs to be destroyed or degraded. I think this ideological position that those on the other side of politics have had for so long has driven us to this situation.

The acting minister for industrial relations, Senator Abetz, has really had this position over a very long period of time. The language has certainly been toned down, there is no doubt
about that. I think recognition of the political reality of the view of Australian workers has meant that this government is not prepared to be as frank or honest in its language about what it wants to do, but there is still the intent, the nature, the details, the hidden tricks within the legislation and the small measures that are designed to do so much damage. I think that is what we need to be worried about. This is a continuation of a crusade against employment conditions. It is a continuation of the race to the bottom mentality when it comes to labour standards. Most importantly, this bill will stitch up low-paid workers and make it harder for them to make a decent living.

This flies in the face of the promises that were made before the election. The government promised in proposing amendments to the Fair Work Act that the amendments would not go any further than its pre-election promises and it would implement specific recommendations directly from the 2012 fair work revie The government has broken its promise on both counts. The government is going further than its pre-election promises in a number of places, including, as Senator Bullock eloquently outlined, individual flexibility arrangements, greenfield agreements and right of entry. The government has overstepped its election mandate by using language to disadvantage employees. It is now clear that the government cannot be trusted to honour its most basic promise, which was to implement recommendations from the 2012 Fair Work review without change.

If enacted, workers are going to suffer as a result of so many of the proposals in this bill. There is the language that has been used. There is the idea of some kind of responsible centre that we are going to return to. The details of this bill demonstrate that was never the real intention of this government, because that is not where this bill takes the debate. The idea of the individual flexibility arrangements is so worrying. The reason why they are so worrying is that they are a tool used for a specific purpose for a specific environment at a specific time. They could be used in a scenario that could be a win-win by extending it in the way that this legislation suggests. The devil is always in the detail in these matters. The government is unreasonably proposing that the key safeguards be abandoned. It is the small thing of language.

Senator Bullock talked—and more eloquently with his experience than I will be able to—about greenfield agreements and right of entry. We heard Senator Gallacher as well, a little bit earlier, go through both of those. I am conscious of the time. I wanted to use this brief opportunity to perhaps express some of my personal experiences dealing in this space. Senator Bullock, I believe, talked about his 37 years working in the trade union movement. I spent three weeks working in the trade union movement. There is an opportunity here to explain why it did not go beyond that.

I did a program with the Transport Workers Union—a union that I have been a proud member of for over 12 years now—when I finished my schooling in 2001. It was over the summer period. I thought it was a great experience. I thought I did very well. I thought I was a very impressive model employee for the three weeks that I was there. Frankly—and I said this to Mr Tony Sheldon at the TWU conference recently—I do have a bone to pick, and I will be settling the score in the few minutes I have left tonight! At the end of the three-week program, there were five jobs available at the union. Three people applied. Two of them were given a job. It was the feeling of the union executive at the time that I was not a fit and proper employee of that institution. When I raised it with Mr Tony Sheldon in jest at the conference
dinner—I was there as a speaker—he pointed out that the Transport Workers Union, which I have been a member of for 12 years, had to draw the line somewhere and they felt that they needed to draw the line with me. I said to him that I would settle the score one day and that I would take the opportunity—perhaps using parliamentary privilege at some point in time—to be able to explain my case. Frankly, I think I was an amazing employee of that place and I think it was their loss and not mine with their decision not to hire me in the call centre, which was the job for which I applied. Those who know me and have seen my record and my mobile phone use know that a call centre perhaps was the perfect job for an employee such as myself!

This is a bad bill. This is a bill that should not be supported. This is a bill that, at its heart and in its detail, has so many damaging elements that go too far and break election promises. This is the type of bill, the type of legislation, that has got the government into the mess that it is in. I hope that, as part of this somewhat-review that surely will be going on in this government, they realise that pursuing this type of ideological attack against working Australians is not only bad politics—leave the government to make its own bad politics; they can make these decisions themselves—but also bad policy. It is the fact that it is bad policy that worries me so much. There is the trade union royal commission; every piece of legislation they do; the agreements they make in the public sector; what they have done in the manufacturing space—all of that unholy attack on working Australians is doing the government no favours and, more importantly, it is doing Australia no favours.

We have a detailed report that has been assessed and has been analysed.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Edwards) (19:20): Order! I propose the question:

That the Senate do now adjourn.

Uber

Senator LINDGREN (Queensland) (19:20): I rise this evening to speak on Uber, the ride-share app that is challenging the current position of the taxi industry, particularly in Queensland. Uber Technologies Incorporated is an American international transportation network company that uses an application, or an app, that a consumer can download and use on their mobile phone. Uber is a digital disrupter that is currently avoiding Commonwealth and state laws. Uber may be popular amongst users, but it is a villain to Queensland taxi drivers, regulators, employment law and government revenue. Even some UberX drivers are now realising how little money they are making—approximately $10.70 an hour once all operating and self-employment costs are taken into account.

Uber—in particular UberX—do not use professional drivers, nor do they use a modified, commercially insured vehicles. Currently in Queensland, it is the Department of Transport and Main Roads that decides who can drive whom around and who administers the law that governs the licences for drivers. In my home state of Queensland, Uber is illegal under the Transport Operations (Passenger Transport) Regulation 2005 in Queensland, which requires a person to have authorisation to operate a public passenger vehicle providing public passenger service.
The previous LNP government issued a cease and desist order to Uber. Between June 2014 and June 2015, Uber drivers in Queensland have received more than $1.7 million in fines. Yet we see Uber continue to grow in popularity, in particular with young consumers and drivers who own late-model vehicles and who are in search of extra income.

As you know, Mr Acting Deputy President, the coalition government believes in enterprise and small business. That is why I find this issue a particularly vexing one. On one hand, I applaud the entrepreneurial spirit of Uber and those seeking to make public transport more efficient and user friendly. But at the same time, I feel for small businesses—the mum-and-dad business taxi owners who have bought a legitimate and legal taxi licence that costs on average $390,000 in my home state of Queensland.

Currently, there are 3,264 cabs in service across Queensland. These cabs are owned by more than 2,800 owners. More than 1,200 companies are taxi operators, while the industry employs more than 15,000 drivers. Around 48 per cent of all these licences in Queensland are held by small operators with fewer than five taxis.

Taxi service licences in a geographical area are sold by competitive tender by the state government. These licences may then be bought and sold as assets. The cost of these licences varies due to the geographical area in which they operate. Furthermore, there are overheads which do not apply to Uber but which apply to taxis before they can operate. These include taxi service licences and accreditations.

Unlike Uber taxis must serve passengers in sequential order, either in terms of when their phone or their app booking is received or where they are in a taxi rank queue. Exceptions are made for wheelchair-accessible taxis, as they must give priority to passengers in a wheelchair or on a mobility scooter. Cabs must also be no more than six years old, or eight years old for a wheelchair-accessible vehicle, and they must have a taximeter installed. Drivers must also provide itemised receipts on request and must accept all methods of electronic payment. They must hold open licences for more than 12 months; pass daily criminal history checks and obtain a medical certificate for motor vehicle driving. They must also pass a national minimum English standards assessment and complete a driver-training course. Every vehicle must have a six-monthly inspection and a subsequent certificate of inspection.

Uber drivers do not have these overheads and regulations, creating an unfair advantage. Their drivers are not required to have a blood alcohol level of zero when driving customers, they do not have to have safeguards for the consumer and a driver is not under any obligation to ensure that they are not fatigued.

Various states and territories have placed obligations and levies on the taxi industry, especially in the area of passenger safety. Members of the Queensland taxi industry must pay a security levy to the state government to address antisocial behaviour at taxi ranks on weekend nights. Other mandated safety costs require every taxi to have three GPS locaters installed and an approved security camera system that is installed and operational. Additionally, one of the GPS locaters must be contained within the security camera and be able to withstand high temperatures in case the taxi is ever incinerated. This ensures that any footage and GPS data can still be accessed. These safety features further add to the costs of the service obligations placed on the industry.
I acknowledge that Uber falls under state and territory jurisdictions with regards to passenger transportation laws. I also acknowledge that these laws may vary from jurisdiction to jurisdiction. I understand that the ACT and Western Australian governments have offered a strong indication that Uber is likely to be able to operate after an innovative industry review. I am also advised that Victoria has taken steps to accommodate Uber into its existing regulatory regime, although the service remains illegal. And south of the Tweed, the New South Wales government has announced the launch of an independent task force to examine the future sustainability of taxis, hire cars and other emerging point-to-point transport providers, including ride-sharing models. The task force will also examine the possible impact of any regulatory changes on existing investors and, if necessary, will make recommendations on a possible adjustment package. With some states and territories looking to legalise Uber, it is clear that a national consensus will not be reached. Whilst regulating Uber is of course necessary to maintain public safety and to ensure that Uber and its drivers meet their tax and other obligations, removal of constricting layers of red tape is necessary to enable the small business operators to survive in an ever-competitive market.

Uber is a multinational business based in California, with a value of over US$51 billion. It claims that it does not employ drivers but simply ‘partners’ with drivers. In geographical areas with over 10,000 people, service contracts for taxis exist between the state and booking companies. All vehicles in the geographical areas are required to be associated with a specific booking company. In Brisbane, this includes Black & White Cabs and Yellow Cabs. Booking companies are obliged by law to provide a universal service. This means that they are required to have a specific number of taxis on the road, spread across a geographical area.

Taxis are required by law not to discriminate. They are to provide services for the disabled and must undertake school pick-ups, compared to UberX, which only takes those who download the app. Booking companies are required to take bookings by telephone as well as electronic means. Unlike Uber taxi call centres employ people, compared to a swipe on a mobile screen.

Maximum fares for taxis are gazetted. There is no maximum gazetted fare for Uber. Surge pricing during peak usage can see users paying three times or more than the usual fare. Taxi fares may be paid using a variety of means, predominantly cash or card, whereas Uber patrons register their credit cards using the app before utilising the service, with the final transaction occurring overseas.

In May 2015 the ATO declared that Uber drivers needed to register for GST from 1 August or face appropriate consequences. It is my understanding that a legal challenge is underway against the ATO in the Federal Court. As noted previously, the billing for an Uber transaction occurs overseas at three per cent tax in Singapore. One can only assume how much, or how little, income tax is paid by Uber in Australia.

To date, the Queensland government has not undertaken a review of ride-sharing services or pointed towards reform in this area. However, Queensland's taxi strategy expires at the end of 2015. What is clear is that a dual approach is required. A number of states are moving to legalise and regulate ride-sharing apps. I call on the Queensland Labor government to even the ledger and to look at strategies that even-up the playing field so that everyone gets a fair go. The taxi industry is an integral part of the wider public transport network, and plays a vital
role for the sick, the elderly, the disabled and those who live in areas not serviced by traditional public transport.

They are very good examples of deregulation of the taxi industry internationally, with varying degrees of standards implemented and with benefits for both the taxi industry and consumers. For example, our New Zealand neighbours removed quantitative restrictions on the number of taxi licences in 1989. After deregulation, the number of taxis increased substantially, like in other deregulated markets. The New Zealand experience demonstrates that deregulation or the removal of quantity and price controls with appropriate introduction of quality standards can bring about a restructuring of the industry in a way that benefits both consumers and suppliers alike. A fair go for all is all that I ask for. While competition is desirable in any market, it must occur on a level playing field where all participants are subject to the same market entry requirements.

**Domestic and Family Violence**

*Senator McALLISTER* (New South Wales) (19:30): Domestic violence is once again on the public agenda. I am glad that we are talking about it, but I am saddened that we have to talk about it. I am saddened and horrified by the tragedies that occurred late last week that wrenched our attention, once again, to a problem that is ordinarily in society's peripheral vision. It is something we are aware of but do not look at.

The Counting Dead Women researchers from Destroy the Joint have counted the cost of the epidemic of violence against women. Last week's deaths were the 61st and the 62nd this year. I read through those 62 women's names and their stories. They started on 1 January and they continued like a steady drip—a drip of deaths—over the year. So many of those lives have sunk like stones in the national consciousness, and many of these women earned no more than a few lines on a police blotter. I did consider reading their names in this place to commemorate them but I realised I could not. I could not because I do not think I could make it through the list of names and I could not because, in any event, I do not have enough time on the floor to properly tell each woman's story. That is the very definition of a national emergency, when the list of the dead is too long to commemorate.

As I was reading through the stories I became increasingly upset about, not only the way that these women were killed, but also the way in which we talk about these deaths. Clementine Ford has recently written about this. She notes how we often talk about violence against women in passive ways. We say: 'Women have lost their lives to domestic violence,' or in a case where the perpetrator takes his own life as well, we hear: 'A man and a woman were shot.' When we do this it makes it sound as though domestic violence is a natural disaster, some immovable force that is beyond our control. It de-emphasises the role that someone has played in the tragedy. These women did not lose their lives, their lives were taken from them and they were killed.

I was delighted to see the coverage that was provided for the Our Watch Awards, which seek to recognise and reward exemplary reporting of violence against women, particularly in reporting that highlights the causes of violence and what we, as a society, can do to stop it before it starts. This initiative forms part of the National Plan to Reduce Violence against Women and their Children. I congratulate the winning journalists and researchers in all categories.
The media has so much to contribute both in changing the way we talk about this as well as keeping focus on the issue. The fact that we talk about domestic violence in this way is not the media's fault, it is part of a broader culture which sees male dominance over women as an immutable constant. It can be seen in a whole spectrum of ways in which gender inequality is reinforced. In domestic violence the onus in our conversation so often is on women to avoid men's actions and on women to protect themselves against domestic violence as if it were some sort of natural force like a king tide or gale force winds. Online, we know that harassment and serious harassment is a real problem for women. Women who are active on Twitter or Facebook often receive horrific threats. We know from many studies that a female username will receive many, many more of these threats than a man or a male-sounding username expressing exactly the same views.

At the other end of the spectrum in the workplace women are told that the reason for the gender pay gap is that they need to be more assertive. Women are told that they need to ask for raises and negotiate harder. Rarely do we ask if it is right or fair that pay increases only go to those who ask for them. Only sometimes do we ask ourselves if it is okay that we have a system that seems to disproportionately reward men over women. There are important caveats here. There is a huge difference between sexism in the workplace and violence in the home. You cannot equate a woman's death with her being underpaid. Someone who fails to address inequality in our workplace, of course, should not be assumed to be violent. However, there is a common thread. In the home, in the workplace, all across the country, women are hurt in different ways by men who fail to acknowledge that inequality persists and that it is not right. Not all men, not even most men, but by some men, by enough men who count. We urgently need a systematic response which recognises the relationship between gender inequality and domestic and family violence.

In this place, the Committee on Finance and Public Administration has recently taken steps to understand and respond to domestic violence. My friend and colleague, Senator Gallagher, tabled the report from that committee process last week. In Queensland, Premier Annastacia Palaszczuk has worked with former Governor-General Dame Quentin Bryce to develop a thorough policy response. Premier Palaszczuk has now asked Dame Quentin Bryce to lead the implementation of those recommendations. In Victoria, Premier Daniel Andrews has established a royal commission to examine family violence. But, of course, this a not a problem that can be solved by any single state, any single business, any single media organisation or any single individual. We need national leadership, leadership at the Commonwealth level, to bring together a comprehensive response. We need to build on the National Plan to Reduce Violence against Women and their Children.

There has been much talk in recent days of bipartisanship and the promise that it offers our country. In March, Bill Shorten offered exactly that on this issue, suggesting a national summit on domestic violence which would bring together all of the stakeholders and all of the people who might play a part in solving this crisis. Labor is ready and willing to work with the government in a bipartisan way to make progress on practical proposals to eliminate family violence. I know that in this place, on all sides of the chamber, there are senators who are passionate advocates of eliminating violence against women. I could not think of a better issue on which the new Prime Minister might offer bipartisan support.
Crossley, Dr Louise

Senator RICE (Victoria) (19:38): I rise tonight to pay tribute to a great Australian who passed away on 30 July. Louise Crossley was a dear friend and colleague, a mentor and an inspiration. She was a scientist, environmentalist and adventurer. At the beginning of the month, on Bruny Island, I attended a memorial celebration of Louise's life, and it was a joyous event, bringing together so many facets of Louise's rich and varied life. The celebration was attended by three of our current Greens senators—Senators Whish-Wilson, McKim and me—as well as former senators Christine Milne and Bob Brown.

Christine Milne remembered Louise as 'a leader, a great traveller and a person who made things happen', noting that Louise loved the Antarctic and was a pioneer as Station Leader at Mawson Base in 1991, only the second woman in Australia to lead a base. She was the first convener of the Tasmanian Greens, stood as the Greens Senate candidate in Tasmania in 1998—one of the finest potential senators never to be elected to this place—and also served as one of the first conveners of the Australian Greens.

Louise was a wonderful role model of female leadership and friendship. She was generous, kind, compassionate and strong, and never lost her passion for people, music, ideas and new experiences. To the last, she was a champion for women.

Former senator Bob Brown remembered her as 'an eminent Tasmanian scientist, author, environmentalist and community leader', with 'a great no-nonsense intellect, quick dry wit and keenness to protect the biosphere, not least Tasmania's wild and scenic beauty'.

In tributes online, Vica Bayley of the Wilderness Society described Louise as 'a passionate environmental leader and long-time conservation campaigner in Tasmania, spearheading work to protect the forests of Bruny Island and highlighting the plight of threatened species such as the swift parrot'. He said:

Louise was a much-loved leader of the conservation movement in Tasmania who … made enormous contributions to progressing environmental awareness, achieving conservation outcomes and mentoring young campaigners …

Host of Radio National's LNL, Phillip Adams, who knew Louise from her days with the Powerhouse Museum and the Commission for the Future, paid tribute to her shortly after her passing, acknowledging her on-air for her contribution, her incisive mind and her passion. He awarded her a posthumous 'koala stamp'.

I cannot remember when I first met Louise. It was probably at a very early meeting of the Australian Greens, back in the early nineties. I know that any meeting that Louise was at benefited from her clarity, her humour and her ability to analyse and synthesise information.

I certainly remember her contribution to the first Global Greens Congress, held here in Canberra in 2001. Louise had pulled together the Global Greens Charter, a framework for Greens politics, from her wintry Antarctic base on Macquarie Island. The charter has stood the test of time. Any party around the world that wants to become a member of the Global Greens has to sign up to this charter, which covers Greens principles of ecological wisdom and sustainability, social justice and respect for diversity, participatory democracy, and peace and nonviolence. The Global Greens Charter has enabled the Greens worldwide to grow powerfully and coherently, and stands as Louise's great legacy.
Global Greens and Louise went hand in hand. For the next Global Greens Congress held in
Brazil in 2008, Louise decided that she could not in all conscience fly, given the carbon
pollution that aviation entails. So she set out to travel by land and sea, travelling by public
transport and cargo ship there and back. It was an adventure in true Louise style. She arrived
to chaos, with the Brazilian organising team overwhelmed by the scale of the task. Louise
rolled up her sleeves and, along with the equally magnificent Margaret Blakers, spent most of
the conference making a massive contribution to keeping things organised—not quite what
she had planned for her attendance of the event!

Four of us took the opportunity to have a few days off together after the congress,
travelling by bus and ferry to a small island, Ilha Grande. Louise was held up tidying up after
the conference, so she arranged to travel separately from the rest of us. We were getting
worried late in the evening, quite a few hours after she was meant to have turned up, when
finally she arrived. She had been well on her way when she realised she had mislaid the
directions to and details of where we were going, and we did not have working mobile phone
connections. Somehow, with next to no Portuguese and some ferries to wrong places, she
finally tracked us down. This was my first trip with Louise, and what a travel companion and
travel mentor she was. I remember striding out on a walk across the island with her, hearing
her tales of her adventures around the world.

Our paths crossed more often after that. We sought each other out at Greens meetings and
supported each other, and supported other women. She was generous and thoughtful, warm
and humble, while being simultaneously feisty and assertive. Her style of leadership
coincided with mine. This is how she described it:
I enjoy working with other people to make things happen. Increasingly the concept of leadership of
being out front and having everyone else follow is not the way it works. Usually 2 or 3 brains are better
than one, and it's that kind of collaborative leadership that works best, and the sum becomes greater
than the parts, and that's the excitement of it. You develop that way, and you learn. I really think
leadership is about learning.

In 2011 we spent a fortnight travelling together on a road trip across south-west Queensland
and South Australia. We climbed in the Flinders Range, walked across the salt pans of Lake
Eyre, and she stood back allowing me to grieve for my father as I remembered him on the
shores of Lake Eyre where my family had scattered his ashes three years before. We talked
about spirituality and science, her life and her adventures, including her time in Antarctica.
She rekindled my desire to visit Antarctica, which I finally was able to act upon when I was
senator-elect—with Louise as my advisor, gear provider, and background reading provider
from her massive Antarctic library, including her very own Explore Antarctica. I still have
some of Louise's Antarctic books, and the gloves she lent me for the trip are those I wear on
my bike as I ride to Parliament House each day, capable of coping with minus-five degrees!

Louise's passion for and connection with Antarctica was profound. As well as her time on
Mawson, she had two more stints as a station leader on Macquarie Island in 2000 and 2003.
She described Antarctica as:
… the awesome beauty of a midwinter aurora, the perils of glacier travel, the discomforts of a blizzard
bound tent, the exhilaration of boundless landscapes, the joy in companionship of special friends on a
'jolly', the trust and interdependence generated by a longer field expedition, the satisfaction of a
successful resupply operation, the depression and loneliness of isolation from friends and family, the
wonder of wildlife, in fact the whole kaleidoscope of experiences which create for almost everyone who has been there, the most intensely lived period of their lives.

That enchantment drew her back as a lecturer on Antarctic and Arctic cruises almost every year from 1994. It was on one of those trips in 2011 that she was diagnosed with cancer and evacuated back to Australia for emergency surgery.

I can imagine Louise as a leader in Antarctica. It was her leadership and her love for life, for humanity and for nature that I will remember her most for. Her life over the last four years—managing life with cancer, managing the treatment, the ill-health, the surgery and submitting herself to the health system—was a challenge for such an independent and adventurous person. She took every opportunity in the respite and the periods of remission to travel and connect with friends and nature, particularly spending as much time as possible on her wild, wind-swept eyrie, Sea Eagle, on her beloved Bruny Island and to keep working on projects, including campaigning for Bruny forests and their precious swift parrots.

Louise decided to give up all treatment at the end of last year and was given three to six months to live. She described making that decision as a great relief, giving her a sense of lightness and certainty that it was the right thing to do. We talked a lot about dying, which I found deep and profound and a real privilege to share with her. Louise Crossley died in Hobart surrounded by friends, with her friend Kate playing Bach cello suites for her as she passed. Travel well, Louise, on the adventure you are now on. Your love and your many legacies will live on.

Senate adjourned at 19:48

DOCUMENTS

Tabling

The following document was tabled by the Clerk:
Defence Act 1903—Section 58B—Post indexes—amendment—Defence Determination 2015/34.

Tabling

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


Offshore Petroleum and Greenhouse Gas Storage Act 2006—
