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SITTING DAYS—2014

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- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

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

Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator the Hon Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the 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 the Hon Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Palmer United Party in the Senate—Senator Glenn Patrick Lazarus
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston
The Nationals Whip—Senator Barry James O’Sullivan
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert
Palmer United Party Whip—Senator Zhenya Wang

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

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<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
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<tr>
<td>Back, Christopher John</td>
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<tr>
<td>Bernardi, Cory</td>
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<tr>
<td>Bilyk, Catryna Louise</td>
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<tr>
<td>Birmingham, Hon. Simon John</td>
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<tr>
<td>Brandis, Hon. George Henry, QC</td>
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<td>Brown, Carol Louise</td>
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<td>Bullock, Joseph Warrington</td>
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<td>Canavan, Matthew James</td>
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<td>Colbeck, Hon. Richard Mansell</td>
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<td>Collins, Hon. Jacinta Mary Ann</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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<th>Territory</th>
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<td>CLP</td>
<td>Peris, N.M.</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.

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
DLP—Democratic Labour Party; FFP—Family First Party; IND—Independent,
LDP—Liberal Democratic Party; LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party
Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
## ABBOTT MINISTRY

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<th>Title</th>
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<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
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</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
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<tr>
<td>Assistant Minister for Employment</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>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>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Bruce Billson MP</td>
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<tr>
<td>Acting Assistant Treasurer</td>
<td>Senator the Hon Mathias Cormann</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Steven Ciobo MP</td>
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<tr>
<td><strong>Minister for Agriculture</strong></td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
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<tr>
<td><strong>Minister for Education</strong></td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
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<td><strong>Minister for Industry</strong></td>
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<tr>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
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<tr>
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<td><strong>Minister for Sport</strong></td>
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<tr>
<td><strong>Minister for Defence</strong></td>
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<tr>
<td>Minister for Veterans' Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
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<td>Senator the Hon Michael Ronaldson</td>
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<tr>
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<tr>
<td><em>Parliamentary Secretary to the Minister for Defence</em></td>
<td>The Hon Darren Chester MP</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. 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.
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<td>Shadow Minister for Housing and Homelessness</td>
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CHAMBER
Tuesday, 25 November 2014

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

DOCUMENTS

Tabling

The Clerk: 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

Meeting

The Clerk: Proposals have been lodged as follows: by the Economics References Committee for a public hearing tomorrow from 9.30 am; by the Legal and Constitutional Affairs Legislation Committee for a private meeting today from 12.35 pm; and by the Select Committee on the National Broadband Network for a public hearing on 2 December 2014 from 4 pm.

The PRESIDENT (12:31): I remind senators that the question may be put on any proposal at the request of any senator.

BILLS

Australian National Preventive Health Agency (Abolition) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (12:32): The government is fast tracking the full implementation of the National Bowel Cancer Screening Program, building on the successes it has achieved to date, thereby providing access for all Australians aged 50 to 74 years to biennial screening by 2020 and continuing to enhance our broader preventive health efforts by supporting the establishment of 10 new headspace sites, which will provide community based services for young people aged 12 to 25 years who have or are at risk of mental illness. We need to make sure that our investment in the health system, wherever it can, encourages Australians to develop and maintain healthy behaviours. This is one reason we are developing a national diabetes strategy, supported by an advisory group which will draw on the expertise of clinicians and researchers who focus on this disease.

Diabetes and its complications places an incredible demand on the health system, particularly type 2 diabetes, a disease which can be prevented and managed through physical exercise and diet. The experts are reviewing current practices and will develop advice to ensure that all parts of the health system are able to respond effectively to those who are diagnosed, as well as increasing our efforts to prevent the disease. The government will also continue working with the primary care and other sectors to promote health behaviours and to support better health outcomes. We are establishing primary health networks, which will seek
to embed preventive behaviours in the community. It is important that our general practitioners are seen as a critical part of the preventive health picture.

If we can achieve better outcomes in the health of high-risk and high-need complex chronic disease patients, we will help prevent increased demand on specialists and hospitals. As well as the role for the Australian government, the states and territories have responsibility for providing services and they need to ensure these services include preventive approaches.

Cross-government action on preventive health will not be jeopardised as a result of abolishing ANPHA. There are established and transparent mechanisms available to progress national prevention issues. Similarly, closing ANPHA does not preclude the Commonwealth from working with stakeholders, seeking expert advice or forming productive working relationships with other bodies. Such collaboration is not dependent on having a separately established and funded Commonwealth agency.

Through our continuing programs, this government recognises an ongoing role for the Commonwealth in promoting healthier lifestyles in the context of individuals taking responsibility for their lives. These efforts need to be integrated across the health system with a focus on those who are most at risk and those who can gain most from changing behaviours that lead to poor health outcomes. That said, Australian life expectancy continues to rise, supported by our health system and by quality research and evidence-based interventions. We do not need a separate agency looking at only part of the prevention picture. There is no evidence to show that this is the most effective way to promote responsibility for healthy lifestyles among Australians and address population health priorities.

This government will continue to focus on activities where there is evidence that the government can act to make a difference. This government will continue to work to ensure that preventive health underlines all our health efforts, that preventive health becomes embedded in the health system and in the attitudes and behaviours of all Australians.

The PRESIDENT: The question is that the Australian National Preventive Health Agency (Abolition) Bill 2014 be agreed to.

The Senate divided. [12:40]

AYES

Back, CJ
Bernardi, C
Birmingham, SJ
Brandis, GH
Bushby, DC
Canavan, M.J.
Colbeck, R
Day, R.J.
Edwards, S
Fawcett, DJ
Fierravanti-Wells, C
Fifield, MP
Heffernan, W
Johnston, D
Leyonhjelm, DE
Macdonald, ID
Madigan, JJ
McGrath, J
McKenzie, B
Muir, R
Nash, F
O’Sullivan, B
Parry, S
Payne, MA
Debate resumed on the motion:

That this bill be now read a second time.

Senator JACINTA COLLINS (Victoria) (12:42): The Counter-Terrorism Legislation Amendment Bill (No. 1) 2014 is the third national security bill the government has introduced into this parliament, though it is essentially ancillary to the second—the foreign fighters bill—which passed the parliament with Labor's support on 29 October 2014. This bill, introduced into the parliament the same day, 29 October, contains one measure recommended by the Parliamentary Joint Committee on Intelligence and Security in its report on the foreign fighters bill but which was not able to be legislated in that bill due to a need to consult with states and territories.

The bill also contains three new measures: further changes to the control order scheme, streamlining the process for the AFP to apply to the Attorney-General for consent to seek a
control order from an issuing court and expanding control orders to apply to persons involved in supporting or facilitating terrorist activities; also, provision for emergency ministerial authorisation for the activities of the Australian Secret Intelligence Service, or ASIS, the Australian Geospatial-Intelligence Organisation, or AGO, and the Australian Signals Directorate, or ASD; and, lastly, provision for cooperation between ASIS and the Australian Defence Force on military operations. The three new measures were developed in response to operational needs identified by Australia's anti-terror agencies after the foreign fighters bill was introduced into parliament. The government sought to include these measures in the bill without first revealing these measures to the Australian people and without the full scrutiny of the intelligence committee.

It has consistently been Labor's position that all national security legislation should be rigorously examined to make sure that it not only will be effective in protecting our nation but also does not unduly infringe on important rights and freedoms. In keeping with that position, Labor insisted to the government that these new measures be introduced in a separate bill and subjected to public scrutiny and full intelligence committee inquiry. Accordingly, this bill was introduced into the Senate on 29 October and was referred to the Parliamentary Joint Committee on Intelligence and Security. The PJCIS sought submissions, held brief hearings and tabled its report on 20 November. I would like to thank members of the committee for their diligence in producing their report promptly. The committee's inquiry into the bill followed on almost immediately from the two successive inquiries the committee held concerning the first two of the government's national security bills—both of which were very substantial pieces of legislation. I thank the members of the committee and the committee secretariat for their tirelessness in dealing with this third inquiry. I am also grateful to those community organisations and members of the public who participated in the inquiry, many of whom also participated in the two preceding inquiries.

The intelligence committee recommended in its report that the bill be passed, and it made 15 substantive recommendations. Significant recommendations include, first, amendment of the bill to require the AFP to provide the Attorney-General with summary of facts when seeking consent to apply to the court for an interim control order, including any facts indicating why it should not be made; second, retention of the requirement for the AFP to explain to the issuing court each condition in a draft control order. The bill as introduced would only require the AFP to justify the control order as a whole. The third significant recommendation is to shorten periods for notification of the relevant minister where agencies issue emergency authorisations. The fourth recommendation is that the government urgently appoint, again, a new independent national security legislation monitor and task it with reviewing whether recommendations for safeguards on the control order regime recommended by the 2013 COAG review should be implemented; and the fifth recommendation is for a range of oversight measures. Labor has asked the government to implement those recommendations and the government has agreed to do so; accordingly, Labor will support the bill.

The recommendations will improve the accountability and transparency of decision making by national security agencies. The recommendations will also ensure that control order applications are closely and appropriately scrutinised. It is worth remembering that in the amendments to the foreign fighters bill that Labor insisted on, we ensured that the entire
control order regime would sunset two years after the next federal election. As I said here when speaking to that bill, control orders are extraordinary and unprecedented measures which were introduced in the mid-2000s in response to the September 11 attacks and the Bali and London bombings. In recognition of their extraordinary nature, the Howard government subjected them to a 10-year sunset period. The Abbott government sought to extend this for a further 10 years. Labor was not satisfied that the case had been made for such a lengthy extension. It is not acceptable that these extraordinary powers could operate for two decades without being properly reviewed by the parliament. Labor will always resource our agencies appropriately to deal with the genuine threats that Australia faces, but we will not abandon scrutiny of agency powers properly considered special or emergency measures.

Importantly, Labor has ensured that these sunset provisions are accompanied by mandatory reviews ahead of time. As amended, the foreign fighters bill provides for statutory review of the control orders regime, among other powers, by both the intelligence committee and the Independent National Security Legislation Monitor. The sunset date and the statutory review which will precede it will ensure that the entirety of the control order regime is again brought before the parliament for its close consideration. That review will necessarily examine the operation of the amendments to the control order regime effected by the current bill.

In its latest report, the intelligence committee has added to this review process by recommending that the government expressly task the monitor with reviewing whether recommendations for safeguards on the control order regime recommended by the 2013 COAG review should be implemented. I note that the office of the Independent National Security Legislation Monitor was created by Labor to review, on an ongoing basis, the operation, effectiveness and implications of Australia's counterterrorism and national security legislation. In carrying out this important oversight role, the monitor assists in maintaining public confidence in our national security agencies. The monitor's role is particularly relevant in the context of the recent changes to and expansion of our counterterrorism and national security laws, as the monitor is also required to consider whether those laws contain appropriate safeguards for protecting the rights of individuals and that they remain necessary and proportionate to any security threats that our nation faces.

I also note the recommendation by the intelligence committee in its latest report that the government appoint a new monitor to fill that important office, which has been vacant since the expiry of Mr Bret Walker SC's term some seven months ago—which is incredible in itself, given that this is the third significant piece of legislation in this space. Senators may have a sense of déjà vu about this recommendation. The intelligence committee recommended in its report on the first bill, the National Security Legislation Amendment Bill (No. 1)—tabled on 17 September—that the government appoint a new monitor 'as soon as practicable'. The intelligence committee repeated itself in its report on the foreign fighters bill, tabled on 17 October, saying the position of monitor should be 'urgently' filled. In its report on the current bill, the committee repeated this recommendation, saying that it was a matter of 'absolute urgency'. Labor is pleased that the government has finally heeded this recommendation and will very shortly announce the appointment of a new monitor. We look forward to the new monitor's contribution at a time of great change in our national security laws.

As I have said here when speaking on the previous two bills, and as the shadow Attorney-General, the member for Isaacs, has said in the other place, Labor approaches national
security legislation as a responsible opposition should. Having carefully considered the bill put forward by the government, and having ensured a number of significant improvements to that bill through the intelligence committee inquiry process, Labor has agreed to support the measures being proposed to bolster our national security laws. Here, as previously, Labor has insisted on proper scrutiny. Here, as previously, Labor has worked constructively as an opposition to assist the government in getting the bill right. Here, as previously, Labor is willing to support changes to our national security laws that are necessary and, I stress, proportionate to meet the changing threats that our nation faces. On that basis, I indicate that Labor will be supporting the legislation.

Senator WRIGHT (South Australia) (12:52): I rise to oppose the Counter-Terrorism Legislation Amendment Bill (No. 1) 2014. This is yet another draconian piece of legislation to add to what is becoming an impressive collection of rushed, poorly crafted national security legislation pushed through this place by the government and, despite all their rhetorical protestations, supported by the opposition. This bill is another highly disturbing example of excessive law-making professed to be about protecting Australians from harm but in fact intruding upon the rights and freedoms of Australians at home and, this time, when overseas as well. It has been introduced without regard to concerns raised by legal and other experts, without scrutiny by a multiparty Senate committee and in the absence of an Independent National Security Legislation Monitor.

Next week I will be introducing a private senator's bill to amend the Independent National Security Legislation Monitor Act 2010 to preserve and enhance this crucial oversight and scrutiny role, which has been left vacant since April this year. Among other things, my bill will aim to: ensure that the monitor can review proposed as well as existing national security legislation; make it clear that the monitor is required to consider whether Australia's national security legislation is a proportionate response to the national security threat faced; ensure that the position of monitor is a full-time position, cannot be left vacant and is supported by appropriate staff; and ensure that all reports of the monitor are tabled in parliament and that the government is required to respond to the recommendations of the monitor within six months of tabling, something which has not occurred in the past.

The crucial role of the Independent National Security Legislation Monitor, the INSLM, was outlined by the Parliamentary Joint Committee on Intelligence and Security, the PJCIS, in their recent report into this bill. The Parliamentary Joint Committee on Intelligence and Security recommended that the government finalised the appointment of the Independent National Security Legislation Monitor as a matter of absolute urgency. This is not only a position the government has left vacant for a good part of the last six months; it is also a position the government wanted to abolish. I know this government finds it difficult to take advice from the experts, but its attempts to avoid scrutiny of such important legislation, which will affect the rights and freedoms of Australians, are completely unacceptable.

That the position of Independent National Security Legislation Monitor has remained vacant since April is, I believe, no coincidence. This vacancy has coincided with some of the most significant changes to our national security legislation in my lifetime, and the government has wanted to avoid scrutiny on each of the national security bills at every step of the way. I have stood in this place late at night, when the press gallery is empty and the nightly news has gone to air, and witnessed the government push draconian national security
legislation through this place without enough time for sufficient scrutiny, without adequate time for senators to know exactly what they are voting for or against, without a full appreciation of the unintended consequences for our freedom of association, of speech, of movement, of the press—and I could continue.

The Australian Greens understand that our law enforcement and intelligence agencies must have the powers to find and prosecute those who engage in terrorist acts or other such hostile activities, but we do not accept that the rights and freedoms of Australians need to be significantly eroded in order to achieve this goal. It is crucial we are able to protect innocent Australians while prosecuting the guilty, and it is crucial we have independent oversight of national security legislation to ensure it is a reasonable, necessary and proportionate response to the national security threat we are facing.

I will now go to the specific content of this bill. I will go first of all to schedule 1 of the bill, which makes control orders easier to get and for a broad range of purposes. The expansion of the control order regime is one of the most serious aspects of this bill. In its 14th report, the Parliamentary Joint Committee on Human Rights considered the extension and amendment of control orders which was effected by the last national security legislation this Senate considered, the so-called foreign fighters bill. The committee observed that the control order regime involves very significant limitations on human rights in Australia. The committee noted that the control order regime is a coercive regime which engages a significant number of human rights, including the right to security of the person and the right to be free from arbitrary detention, the right to a fair trial, the right to freedom of expression, the right to freedom of movement, the right to privacy, the right to protection of the family, the rights to equality and nondiscrimination and the right to work.

Essentially, the control order regime allows the imposition of controls on an individual, limiting their freedom, without needing to follow the normal and long-established criminal law process of arrest, charge, prosecution and determination of guilt beyond a reasonable doubt on the basis of evidence. A control order can impose a number of obligations, prohibitions and restrictions on the person who is the subject of the order, and these include: where a person must stay and when; preventing a person from going to certain places; preventing a person from talking to or associating with certain people; preventing a person from leaving Australia; requiring a person to wear a tracking device; prohibiting access to or use of specific types of telecommunications, including the internet and telephones; preventing a person from possessing or using specified articles and substances; and preventing a person from carrying out specific activities, including in respect of their work or occupation—their livelihood. Control orders can be applied to people who have not been charged with a criminal offence and even to people suspected of harbouring a criminal intent.

These orders have been consistently criticised by domestic and international human rights bodies and described by independent experts as in urgent need of reform. They have been used only twice in Australia and are supposed to be directed at serious criminal activity when a threat is eminent and decisive urgent action is needed to prevent serious harm—serious criminal activity, like participation in terrorism, terrorist training or hostile activities. They exist alongside an ever-expanding arsenal of counter-terrorism that allows police and ASIO to go undercover with immunity to put people and their friends and family under extensive and intrusive surveillance, to arrest, question and detain people without charge, to stop and search
people and places, and to charge people on the basis of who they know or what they say. This is Australia in 2014.

This bill would make it possible to get a control order if a police officer suspects on reasonable grounds that it would prevent the provision of support for, or facilitation of, a terrorist act or hostile activity overseas. This bill would also dilute the existing safeguard that requires the court to consider whether each obligation, prohibition or restriction contained in the control order is proportionate and necessary and will make other procedural changes to make control orders easier to get. Some submission makers to the PJCIS inquiry suggested that this would mean that control orders would be sought against controversial street preachers or others who spread extremist interpretations of Islam and expressed their support for violent acts overseas or to prevent engagement in online media, online banking, community or religious meetings, or religious activities, such as attendance at a mosque. The Australian Greens consider this to be a completely unnecessary extension of an already faulty regime that has been consistently criticised by human rights bodies and the Independent National Security Legislation Monitor.

The Australian Greens oppose the changes proposed in schedule 1, particularly those proposing additional grounds for which control orders can be obtained and the provisions in schedule 1 which would remove the requirement for an Australian Federal Police officer applying for a control order and the issuing court to consider the necessity and proportionality of each of the obligations, prohibitions or restrictions on a person. The PJCIS also shared some of these concerns and has made a number of recommendations for amendments to schedule 1. If contrary to this position schedule 1 of the bill is pursued, the Australian Greens have proposed sensible amendments to at least ameliorate the harsher aspects of this schedule.

The Australian Greens' amendments limit the use of control orders to require a clearer, stronger nexus between the activity of the person and the commission of a specific criminal offence. The amendments do this by requiring the police officer who is applying for the interim or confirmed control order to demonstrate that he or she suspects on reasonable grounds that the person has in fact provided support for or otherwise facilitated a terrorist act or a hostile activity in a foreign country. As drafted, the bill allows control orders to be sought if reasonably suspected to be necessary to prevent the provision of support for, or the facilitation of, the engagement in a hostile activity in a foreign country and preventing the provision of support for, or the facilitation of, a terrorist act. This is a very slippery slope. It is absolutely unacceptable that a control order would be sought purely as a preventative measure, which is what this bill is seeking to do, when there is no clear evidence that the person subject to the order has actually formed a criminal intent or taken any specific action towards the commission of a criminal offence. Our amendments would ensure that control orders are available only in the most serious of circumstances where the authorities have real evidence to demonstrate that they are necessary to protect the public from a terrorist act or to prevent engagement in a hostile activity overseas.

As currently drafted, the proposed changes in schedule 1 of the bill would significantly expand the scope of the control order regime from one of last resort, which was its original intent, to one available at the early stages of a foreign incursion or terrorist investigation. Expanding the scope of the control order regime goes against expert advice, including that of the former Independent National Security Legislation Monitor, Bret Walker SC, who found
that control orders were 'not effective, not appropriate and not necessary' and recommended that they be scrapped. Yet here we are with the government once again ignoring the expert advice and ploughing ahead with an expansion of this faulty regime without making the case for these changes.

As the Gilbert + Tobin Centre of Public Law wrote in their submission to the PJCIS, the bill's explanatory memorandum justifies the expansion of the control order regime by pointing to the threat posed by Islamic State and the return of foreign fighters to Australia. Their submission goes on to say that this assertion is 'not sufficient to justify the significant expansion of measures that have already been discredited by major inquiries'. The Gilbert + Tobin Centre of Public Law submission states:

In the absence of some significant evidence presented by the government as to why these changes are necessary to prevent terrorism, we believe that the Committee should recommend against their enactment.

Law enforcement and intelligence agencies in Australia already have a broad range of powers at their disposal. They have extensive surveillance powers, can go undercover with immunity and can already arrest, question and detain people without charge. Why they must continue to significantly expand the flawed control order regime is beyond me, and beyond many others it seems. One of the reasons the INSLM recommended the control order regime be scrapped was that such significant restrictions should not be placed on an individual's liberty in Australia in the absence of a finding of criminal guilt.

I will turn now to schedule 2 of the bill, which relates to ASIS and defence related assistance. Schedule 2 of this bill makes changes to the Intelligence Services Act to make it clear that Australia's overseas spy agency, the Australian Secret Intelligence Service, which I will refer to as ASIS, can help the ADF, the Australian Defence Force, in support of military operations. It also dilutes procedural safeguards relating to the grant of emergency ministerial authorisations. These changes greatly extend the functions of ASIS that are already extremely broad in scope and that already exempt ASIS from criminal and civil liability, without providing any new limits or safeguards to ensure that ASIS does not engage in activities that cause harm or result in the breach of fundamental rights. The Gilbert + Tobin Centre and some other commentators have expressed concern that the changes proposed in schedule 2 may lead to ASIS being involved in the targeted killings of Australian citizens fighting in Iraq and Syria. They say that such killings raise significant and difficult questions of domestic policy, human rights and international law. Having a government being able to kill its own citizens in foreign countries, and in the absence of greater parliamentary and public debate about these matters—this should not be facilitated by this bill.

There is also strong concern among legal experts that the Intelligence Services Act does not contain a general prohibition on torture. Other concerns with schedule 2 relate to the changes to the authorisation process. The proposed changes in schedule 2 are of concern as they would enable a minister to authorise an ASIS operation to apply to a class of Australian persons rather than requiring individuals of concern to be identified. This then subjects whole groups of Australians who are overseas to surveillance by ASIS without requiring the authorisation process to actually identify a particular individual. This would vastly extend an already invasive surveillance regime to cover people who have not been identified as raising any particular risk or concern to the safety of others or to the security of Australia, provided
they are within the class of persons specified by the minister—doing it in a 'job lot', if you like.

The Inspector-General of Intelligence and Security has flagged that this may pose difficulties for effective oversight. The proposed changes in schedule 2 also expand the circumstances in which 'emergency authorisations' can be sought—meaning that authorisations can be made orally by the minister, or even by ASIS itself in certain circumstances. Many of these features of schedule 2 have been criticised sharply by those who have made submissions to the PJCIS, and have led to the PJCIS making numerous recommendations for reform of this bill—reforms that would begin to restore some fairness to this process. It remains to be seen if these reforms are adopted, but, even if they are adopted, the government has failed to make the case for why such extensive powers are needed, and why adequate safeguards and limitations have not been introduced.

The Australian Greens consider this to be a completely unnecessary extension of an already overly expansive regime. The Australian Greens oppose the changes proposed in schedule 2. If these features of schedule 2 are pursued, the Australian Greens have proposed an amendment that would specifically prohibit ASIS from engaging in any conduct that would amount to torture in accordance with Australia's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture has absolutely no place in Australia. Under section 14 of the Intelligence Services Act, ASIS officers are not subject to any civil or criminal liability for any act done outside Australia if the act is done in the proper performance of a function of the agency. This has given rise to concerns that, if this bill extends the scope of ASIS's activities to include the provision of assistance to the ADF, this could lead to the targeted killings of Australian citizens fighting in Iraq and Syria, or to other acts constituting serious human rights incursions—including torture. There are currently no specific protections in the Intelligence Services Act to guard against the use of torture by ASIS in its overseas activities. There is, however, limited protection against direct use of violence or weapons by an ASIS officer. The Australian Greens' amendments would make it crystal clear that ASIS officers must not be involved in any conduct that would be contrary to Australia's obligations under the convention against torture.

In closing, I want to reiterate the serious nature of the bill which we are debating. We are talking about expanding a flawed control order regime. No longer would control orders be used only as a last resort. This bill risks control orders being sought during the early stages of a foreign incursion or terrorist investigation. We are debating a bill that may lead to ASIS being involved in the targeted killings of Australian citizens. Once again, the Australian Greens condemn acts of terrorism in the strongest possible terms. But we do not support this government's insistence on eroding the rights and freedoms of Australian people. The Australian Greens will be opposing this bill.

Senator MOORE (Queensland) (13:12): Senator Wright has just said that this is a very serious piece of legislation, and indeed it is. The Counter-Terrorism Legislation Amendment Bill (No. 1) 2014 is the third serious piece of legislation about national security which this chamber has considered in recent months. I know that Senator Collins talked about the process that we followed in terms of the bills following each other, but, just to put it on the record, this particular bill actually looks at taking a step further from the recent bill on foreign
fighters. It has three new measures: changes to the control order scheme, which we have heard discussed by previous speakers; streamlining the process for the AFP to apply to the Attorney-General for consent to seek a control order from an issuing court; and expanding control orders to apply to persons involved in supporting or facilitating terrorist activities. Secondly, there is the provision for emergency ministerial authorisation for the activities of the Australian Secret Intelligence Service, or ASIS, the Australian Geospatial-Intelligence Organisation, or AGO, and the Australian Signals Directorate, or ASD; and the provision for cooperation between ASIS and the Australian Defence Force on military operations.

These three new measures were developed in response to operational needs and to needs which were identified by the agencies after the foreign fighters bill was introduced into parliament. That reflects the evolving nature of this area, particularly as we are facing a situation which I believe everyone agrees is a real threat—an international threat and also a local threat—to our security with the rise of the insurgencies in Syria. The important thing for Labor is to ensure there is a very strong balance between the need for intervention and for powers to be given to our security agencies, and the need to ensure the Australian community has trust and confidence in the system and does not lose the rights we have always valued in our community—the kinds of rights Senator Wright was discussing; both our human rights for our own citizens and our international obligations. It is a balancing process—looking at the threat, assessing the threat and responding to the threat and, in those circumstances, ensuring we have the strongest possible scrutiny of our legislation and our operations in our system at home. That is what we expect of our security systems, and it is what I believe the community expects.

I believe there has been some shaking of that trust over a period of time. I believe a lack of trust has been building in the community because of the speed at which some of the changes have been introduced and also because of the feeling that there has not been appropriate scrutiny of the changes proposed. We have looked at making very significant changes to our processes. In the current system, we ensure this kind of change is appropriately scrutinised through the processes that are already inbuilt. Core to that is the operation of the joint parliamentary committee, the PJCIS. This joint committee must have the power, the time and the resources to effectively scrutinise the major changes the government has brought forward. On each occasion when the three bills came to this place there was an extraordinary rush in terms of the time the committee had to consider the submissions put forward and, just as importantly, in terms of the time allowed for the community to engage in the process. We know that across our community we have a number of organisations—highly-regarded organisations and groups that do specific research in these intellectual areas—and community members who feel very strongly about national security. They feel very strongly about any threats to individual or community freedoms. They must have the opportunity, in the system we set up, not only to engage in the process but to engage effectively—which means time to research, to prepare information and to see the content of the information that is being brought forward. In each case, over the last few months, there has been a great rush. We have been deeply impressed by the way that range of organisations has taken the time and effort to engage and bring forward their concerns to ensure the government and the parliament hear what the issues are. In short, they have ensured there is scrutiny.
People can put forward submissions; they can come before a parliamentary committee and engage in questioning and raising concerns that can then build on the legislation and make sure it is better. We know that works. We know with the previous bill, which is known as the foreign fighters bill, the joint committee brought forward 34 recommendations through that process. Those recommendations were accepted by the government and passed into law. That made the bill stronger; it made the bill more responsive and it gave the community an opportunity to feel as though their concerns were listened to and, in all cases, responded to. In some cases the concerns were accepted and brought into the legislation.

The joint parliamentary committee has made 15 recommendations on the bill currently before us. It is my understanding those recommendations have been taken up by the government. Certainly, that was what was in the media this morning, so why would we doubt it! Senator Wright went through, in some detail, some of the issues raised by the people who came forward with their expertise to look at the bills and highlight where they thought the bills could be improved and where they thought issues around individual freedoms were threatened.

One of the areas that was scrutinised in the previous process was the feeling of individuals and groups in the community that they were in some way being targeted exclusively by the legislation. Those concerns need to be heard. They need to have a full response from the parliament and the various agencies to ensure there will be neither undue targeting nor an intrusion on the things we hold dear in our community.

We also have the work of the joint parliamentary human rights committee; I know Senator Wright referred to that in her contribution. This is another element of scrutiny in our parliamentary process: looking at what bills are being brought forward across the board and—particularly in the case of the national security bills—looking very clearly at the human rights aspects of these bills. I know the human rights report will bring forward concerns that have been identified; that is part of the ongoing debate.

There will be times when a decision will need to be made by the parliament and the government. They will listen to the concerns raised but they may determine that the level of the threat or the danger is such that decisions need to be made and explained on that basis. As a relatively new member of that human rights committee, that has happened with a number of these issues. The department has put forward the reasons for making decisions that could and do impact on human rights issues. We talk about freedom, and freedom of access, and the right not to be imprisoned or detained. Those things are part of the series of legislation but parliament has decided—at least with the foreign fighters bill—that the level of danger is so great there have to be decisions made. The important thing is that the scrutiny occurs—that there is appropriate scrutiny in our process and that the wider Australian community knows that not only does that scrutiny exist but that it operates effectively. We know, and I know Senator Collins talked about this, the role of the independent National Security Legislation Monitor. We believe that a decision on that position is going to be made very soon. Certainly, the Attorney-General, in response to a recent question in this place, said that there was no need to ask the question, because the government is going to respond. I have always thought it was a good process to ask questions and then get an answer.

In terms of the response, my understanding is that that position will be filled. That has been a regular recommendation of the Joint Parliamentary Committee on Intelligence and Security
and also of individuals in this place and in the wider community. It is absolutely critical that the role of the Independent National Security Legislation Monitor be filled at all times—in particular when the government is moving significant pieces of legislation that impact on security issues. At this most critical time, it is important that that position is filled and that the wider community knows that that position is filled, so that those who are interested in these issues are able to see how it operates.

I do not believe that every person in the Australian community is completely engrossed in our national security system, but I know that some people are. I know that it is a really critical element of their knowledge and their experience that they want to know what is going on. In the evidence that has come before the joint parliamentary committee over the last three exercises of looking at legislation, the demand that this position be filled has been consistent—that we have, in our system, the operation of the Independent National Security Legislation Monitor looking at legislation; that we also have the important work of the Inspector-General of Intelligence and Security and her staff, which is a group that operates within the system to ensure that there is effective scrutiny; and, on top of that, because it is part of our job, that we need to have both the Joint Parliamentary Committee on Intelligence and Security and the Joint Parliamentary Committee on Human Rights working effectively. When we have those processes in place, there should be a confidence that, when legislation is brought forward that is looking at security issues in our community, there will be an effective and robust process of scrutiny that must ensure questioning and an expectation that there will be a full explanation from the department and the government on the rationale for the changes and also the operation of the changes and, most importantly, how the changes will be monitored into the future. That would be an expected process for this place.

There have been concerns that, over the last couple of months, those processes have not been as robust as they should be. By now, having three bills in a certain period of time, we should be about getting it right with how it works. When a request comes forward for a change because of an identified danger, then the process of the legislation goes through each of those elements. Public scrutiny in the operation of the parliamentary committee is absolutely critical. We know from our experience over the last three bills that there will be a response. There will be quite detailed responses and there will be a willingness to be engaged. Through this process with the bill before us today, we have 15 substantive recommendations. Those recommendations have made changes to what the original legislation proposed. For me, one of the most important ones is the fact that there needs to be justification for action. It should be a given that, when significant action is taken, there should be a clear justification for that action. One of the amendments that has been put forward is to require that the Australian Federal Police provide the Attorney-General with a summary of facts when seeking consent to apply to the court for an interim control order. This should and must include any facts indicating why it should not be made. When the AFP, as provided for in this legislation, is seeking to have an interim control order, there must be, when putting forward their case to the Attorney-General, a full explanation of why and also why not—what would be the impact of asking for that particular control order change? That would mean that there would be a record of the reasons for the decision that was made.

We know that, over the last few months, the issues of control orders have been very significant in the community—the operation of control orders, to whom they will apply, what
will be the arguments for them and the decision-making process for that have all been subject to considerable concern in the wider community. In fact, in the earlier bill, one of the issues was whether there would be a sunset clause into the future so that the whole use of control orders would be considered again—so we would not automatically continue to have this process in our system, because there are questions about whether this is the most effective way. The important thing is that these issues were raised and that there has been, through this piece of legislation, a response to ensure that there will be justification for such a significant decision from the Attorney-General.

There is also the retention of the requirement for the AFP to explain to the issuing court each condition in a draft control order. The bill as introduced would only require the AFP to justify the control order as a whole. This is a detail of justification, making sure that there is understanding of why each element of the draft control order is justified. This makes sure that a need is identified so that the decision is made with full information. The shortening of periods for notification of the relevant minister when agencies issue emergency authorisation makes sure that there is not an unlimited-time process in place so that, once a decision is made, it would go on into the future without any termination.

One of the issues about which I have been most concerned over the previous months is a feeling that has been put forward in the community that the Labor Party has just waved this legislation through and that we have rolled over and said, ‘Okay, government, you can have anything you want. We are not concerned about looking at how these bills will operate.’ That is not right. It is very important that the community understands that, through the processes in an effective system of scrutiny, there have been major questions raised about the proposed legislation that has been put forward by the government. There has been an extraordinary effort made by all members of the joint parliamentary committees of intelligence and security, and of human rights. This legislation has not just been waved through. There has been real scrutiny.

Many people will feel that the limitations in the legislation have not been strong enough, and that is their right. They will view the legislation as being too strong. They will believe that there is too strong a focus, and that there is a limitation to rights. Labor believes that there has been a balance struck between acknowledgement of the danger and threat—and that changes have to be made—and ensuring that there is effective legislation and effective review so that people in Australia can feel safe and know that their rights are protected.

That is a tough balance, but we believe that that balance has been reached. That balance can only be maintained if the effective scrutiny in the system is retained and if there is appropriate resourcing to those scrutiny mechanisms. Should that be in anyway diluted, that incredibly important element of community trust—and, indeed, parliamentary trust—will be lost. If that is lost this legislation will lose its impact.

When the government moves legislation that affects the community's freedoms and rights as well as their security, if the community does not believe that the government has their best interests at heart we will have lost, because we will not have maintained the community feeling which is so important to Australians. Our clear message to the government is that we will support appropriate security legislation. We acknowledge that Australians are becoming much more aware of the dangers that are arising out of the militancy and the horrors of what is happening in the Middle East. However, we must ensure that at all times our parliament
does its job to effectively scrutinise anything that comes before us. And that will be the message that we will continue to take through what will be an ongoing process.

This process must continue to look at the threats and ensure that we respond appropriately in Australia. But that must mean that the community is involved, as well, because this legislation does not belong to government; this legislation must be supported and owned by the wider community.

Senator LEYONHJELM (New South Wales) (13:32): I rise to speak against the Counter-Terrorism Legislation Amendment Bill (No 1) 2014. This is the third—and narrowest in scope—tranche of the recent national security legislation, and I am sick of it.

I am sick of this government, with opposition collusion, chipping away at our rights and freedoms—rights and freedoms that took hundreds of years to build up, but that are rapidly being brought undone. Once again—as with the National Security Bill and the Foreign Fighters Bill—at no point has the passage of this bill into law been justified evidentially. In speeches, submissions, and articles on the previous two bills I asked for credible examples of harmful activities that only the passage of such laws would discourage. Once again, I make the same request. And once again I expect to hear nothing—because, I am sure, there is none.

On a first pass, part of this bill is actually useful—the proposed enactment of a statutory basis for ASIS to provide assistance to the ADF in support of overseas military operations. I understand that support of this nature has previously been provided only in an ad hoc way, without clear parliamentary authority. Government on the fly is never a good thing, and if this were all there was to the bill, I would support it. However, that useful change to existing law has been bolted onto an expansion of the control orders regime—something, in and of itself, obnoxious because it confounds the basic principle that people should not be deprived of their liberty without a finding of guilt.

This bill will make it much easier to obtain a control order, because it allows two extra grounds on which one can be issued. One, that making the order would substantially assist in preventing the provision of support for or the facilitation of a terrorist act; or, two, that the person has provided support for or otherwise facilitated the engagement in a hostile activity in a foreign country.

In my submission to the Parliamentary Joint Committee on Intelligence and Security—which I remind the government and opposition the crossbench is not represented on—I pointed out that these provisions are vaguely drafted and are not even linked to existing definitions in the Criminal Code. I believe they could be used—and I see no evidence to the contrary—to constrain speech: in particular, speech that falls short of incitement but endorses one or another form of extreme Islam. As I have already said, I believe that the main target is Hizb ut-Tahrir, and I am sure there will be further legislation if this law fails to silence them.

To their credit, the PJCIS, in its advisory report, agreed with me on this point, and recommended that the terms 'supports' and 'facilitates' be based on language in the existing Criminal Code. Yet, while the government says it accepts the recommendations of the PJCIS 'in principle', its response on this point is to make a change in the explanatory memorandum to this effect. This is ridiculous. A court will only look at the explanatory memorandum when the legislation is unclear. If there is potential for a need to look to the EM to understand what is intended, why not put it in the bill in the first place? I suspect the government is hoping the
court will come up with its own interpretation of these words, which will be more broad than that in the Criminal Code.

Quite apart from the PJCIS's concerns, I wish to repeat my point that this bill catches all sorts of legitimate objections to foreign tyranny. Historically, and more recently, Australians have involved themselves in conflicts in the former Yugoslavia. I personally have no objection to anyone who advocates the violent overthrow of the regimes in Pyongyang or Harare. I suspect many people in this place would agree with me on the last two at least. As it stands, it is simply impossible to know in advance which foreign conflicts will attract censure and which will not.

Finally, control orders are civil orders—the grounds for one need only be made out on the balance of probabilities—yet to breach one attracts a penalty of five years' imprisonment. The idea of sending someone to jail for five years for something he says, on a balance of probabilities, should not be entertained in a liberal democracy.

The second 'bolt on' I find concerning is what amounts to a derogation from the convention of ministerial responsibility. As the law currently stands, emergency authorisations under the Intelligence Services Act must be made personally by a relevant minister—any one of the PM, the defence minister, the foreign minister or the Attorney-General. The authorisations, understandably, are very serious. They concern military operations against Australians who have taken up arms in countries like Iraq for terrorist organisations like Daesh. Leading lawyers—Professor George Williams of the University of New South Wales among them—point out that this amounts to a targeted killing regime. In principle, I have no particular difficulty with this, unlike some people. There comes a point where utterly demented hatred of Australia has to be recognised for what it is. However, the authorisation regime also has to be recognised for what it is and the buck really should stop with an elected minister, not an unelected civil servant.

When it comes to emergency ministerial authorisations for ASIO, ASIS, ASD and the AGO, this bill proposes that the relevant minister may have his emergency authorisation power exercised on his behalf by the head of one of those agencies in the event that he cannot be contacted or is unavailable. The traditional common law caution regarding authorisations where significant individual rights and liberties—in this case life, movement, association—would be affected is in play. To my mind, a regime where at least one relevant minister is always contactable should be instituted. Surely this is not beyond the organisational skills of the government. I am not alone in this view. Both the New South Wales Council for Civil Liberties and the Muslim Legal Network made similar observations in their submissions to the PJCIS.

The loosening of definitions in the previous two tranches of national security legislation when it comes to advocating terrorism, hostile acts in a foreign country and facilitation has been carried over into this bill. There is likely to be a serious chilling effect on speech, such that it may become even more difficult to establish who or what is a genuine threat to Australia and its people. The expanded grounds for the issuance of control orders not only abrogate the presumption of innocence but also introduce unwanted vagueness into the law, inviting misuse by future governments. Finally, where an emergency authorisation concerns a matter of life and death, as it almost certainly will, then the minister should exercise that
authority personally. The convention of ministerial responsibility demands nothing less. I condemn this bill.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (13:41): I begin by thanking the opposition for its bipartisan support for the important reforms in schedule 2 to the bill and for its recognition of the need to ensure that our intelligence agencies are supported by a legislative framework to act with agility in circumstances of urgency. The government will move amendments in the committee stage to implement the seven recommendations of the Parliamentary Joint Committee on Intelligence and Security which require legislative amendment.

I will deal with two matters raised in the contribution, on behalf the Greens, of Senator Wright. I am afraid, Senator Wright, that once again you misunderstand the purpose and effect of this bill. It has been suggested that the proposed amendments to confer an explicit capacity on ASIS to assist the ADF in support of military operations may enable ASIS to engage in or facilitate targeted killings of Australian persons overseas. That is, as the PJCIS recognises, a baseless assertion. The amendments will not confer any new functions upon ASIS. ASIS can and does support the ADF in its military operations already. The amendments will simply make this explicit. ASIS remains subject to a statutory prohibition on the use of violence, so given that ASIS is subject to a statutory prohibition on the use of violence, and given that these amendments do nothing to change this other than to put on a certain legislative basis what is the existing practice, it is a little hysterical, if I may say so, to suggest that the amendments will enable ASIS to kill people.

In addition, in making use of intelligence provided by ASIS, the ADF is bound by its rules of engagement, which are developed in consultation with the Office of International Law in my department to ensure that compliance with Australia's human rights and other international obligations is observed. So, Senator Wright, the ADF functions ethically, consistently with the laws of war, consistently with its rules of engagement and consistently with Australia's international obligations. ASIS has a prohibition on the use of violence. There is no possible way the assertion that you have made is supported or, indeed, consistent with or made possible by these amendments.

Senator Wright, you have also falsely suggested that the absence of an express prohibition on torture may mean that intelligence services and agencies, including ASIS, can engage in such conduct. As the PJCIS acknowledged in its report on the bill, there is no legal merit in that suggestion. No Australian intelligence agency—none—can or does or is at liberty to engage in torture. Were it to do so, if would be breaking the law. Nothing in this bill changes that position.

The statutory functions of our agencies cannot allow for torture. Intelligence agencies are expressly limited by sections 9, 12 and 14 of the Intelligence Services Act to activities that are necessary for the proper performance of their functions. Given that there is a prohibition on the use of violence by ASIS, there can be no sensible suggestion that conduct constituting torture could be necessary for the proper performance of its functions. Indeed, the use of violence is explicitly prohibited by our law. I know, Senator Wright, that you make these contributions in good faith, but I am afraid that in both respects you are completely wrong.
In closing the debate, I thank in particular the members of the Parliamentary Joint Committee on Intelligence and Security, who made an important contribution to this discussion that resulted in recommendations the government has been glad to accept—through the amendments that have now been circulated. As I said in relation to the previous tranche of this national security legislation, this is a very good example of our system of parliamentary democracy working well. The executive government develops legislation as a result of a parliamentary inquiry. It then submits that legislation to the scrutiny of a parliamentary committee. The parliamentary committee examines the legislation and comes up with its own ideas, as we would expect. The government considers those ideas and, where it thinks they are good ideas, it adopts them. What this illustrates is that we do not think that all wisdom resides in the executive government. We want the parliament, in particular through its committees, to be our interlocutors. They have been in this area and the outcome commands bipartisan support and the support of all sensible commentators in this field. It is only criticised, really, by those who take what is, if I may say so, a rather paranoid fantasist view of the national security apparatus of our country. As a result of the process I have described, we arrive at a sensible position with appropriate powers governed by appropriate safeguards.

While I have access to sensitive and classified intelligence reports that I am unable to share publicly, media reporting over recent days points to an increasingly concerning picture—and not just in Syria and Iraq. According to media reporting, as many as 48 Nigerian fishermen were ruthlessly slaughtered over the weekend by members of the Nigerian Islamist group Boko Haram. As I have said on numerous occasions, the first priority of government is to ensure the safety and security of its citizens. It is instructive that the two sides of politics that, from time to time, take on the great and burdensome responsibility of government in this country—the coalition and the Australian Labor Party—both contributed to the development of and support these measures.

Currently, Australia’s domestic counter-terrorism legislation concentrates on those intent on committing acts of terrorism. Advice from law enforcement is that some Australians have taken on the roles of supporting and facilitating Australians either to engage in terrorism offences in Australia or to travel to conflict zones and return to Australia with capabilities acquired from fighting or training with proscribed terrorist groups. The threat to Australians posed by these individuals is as great as the risk posed by those engaging in terrorist acts or foreign incursions. This bill expands the preventive purposes of the control order regime to counter this threat so as to allow the Australian Federal Police to seek control orders in relation to a broader range of individuals of security concern—namely, those who support or facilitate terrorists and foreign fighters. There is an innate logic in saying that, if the control order regime ought to be available to deal with foreign fighters and those who engage in actual terrorism, then it should certainly also embrace those who facilitate those very acts.

The bill also amends the Intelligence Services Act—the act that deals with the national security agencies other than ASIO—to streamline procedural authorisation requirements. This will ensure that our agencies are as agile as they need to be in the contemporary security environment, particularly in emergencies.

Following my introduction of the bill on 29 October, I referred it, as I have said before, to the Parliamentary Joint Committee on Intelligence and Security, which is chaired by my
colleague Mr Tehan, the member for Wannon. The committee made 16 recommendations in its advisory report, which was tabled on 20 November, involving mostly minor changes to enhance operational and administrative safeguards and oversight mechanisms. Most importantly, the final recommendation of the committee was that the bill should be passed. As I announced on 24 November—yesterday—the government accepts or accepts in principle all of those recommendations, and I will move amendments to the bill to implement 11 of them. It is important to bear in mind that not all the recommendations of the committee were recommendations for changes to the bill as initially published. In addition, when the bill is debated in the House, the government will table a revised explanatory memorandum that includes additional information further elaborating on the justification for various measures in the bill—in line with the committee's recommendation.

The bill will make targeted amendments to the Criminal Code to further enhance the control order regime, as I have said, so as to ensure that it extends to the facilitation offence. Placing control orders on individuals engaged in facilitation of terrorism will help the AFP disrupt the activities of enablers, thereby preventing acts of terrorism in Australia and hostile activities overseas. The bill also implements recommendation 8 of the PJCIS inquiry into a previous bill, the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill, by authorising the committee to review any proposed legislative instrument listing an alias or removing a former name of a terrorist organisation.

The PJCIS supported the need for amendments in the bill that, as I said a moment ago, would expand the control order regime to facilitators. These included: keeping the existing requirement for the AFP to provide an explanation to the issuing court of each of the requested restrictions, obligations and prohibitions; requiring the AFP to provide the Attorney with additional information when seeking his consent to request an issuing court to make an interim control order, including information about why the order should or should not be made; increasing the period of time before the AFP must seek the Attorney-General's consent after obtaining an urgent interim control order from four to eight hours, rather than 12 hours as initially proposed by the bill.

The government agrees with PJCIS recommendation 2 that the language of the bill should be consistent with the existing language of the Criminal Code. The Criminal Code uses some terms without defining them. To ensure greater explanation around the terms 'supports' and 'facilitates', the government will amend the explanatory memorandum to provide additional information about those terms, consistent with the language of the Criminal Code. The bill will make targeted amendments to the Intelligence Services Act to improve the ability of ASIS to provide timely support to the ADF in support of military operations and to streamline the statutory authorisation process to enable Intelligence Services Act agencies to collect intelligence on Australian persons overseas, in emergency circumstances—the Intelligence Services Act agencies being ASIS, the Australian Geospatial-Intelligence Organisation and the Australian Signals Directorate.

The need for the proposed amendments to the Intelligence Services Act has arisen in the context of the ADF's operations in Iraq against ISIL and the number of Australians who are fighting with or alongside terrorist organisations such as ISIL and participating in the hostilities in that theatre. As I noted in my second reading speech on the bill, these circumstances mean that there is a heightened need for urgent intelligence collection on such
persons. While agencies have a legislative basis under the Intelligence Services Act on which to undertake all relevant intelligence and collection activities, the agencies have identified some procedural requirements which are not as streamlined as they need to be in circumstances of urgency or emergency. The bill proposes amendments, therefore, to clarify and streamline—without reducing safeguards—those procedural arrangements that enable Intelligence Services Act agencies to collect intelligence on Australian persons overseas, to enable them to operate effectively in circumstances of the kind I have outlined.

Importantly, the amendments do not expand the functions of the Intelligence Services Act agencies or confer any new powers that would enable agencies to engage in activities that they would currently be prohibited from undertaking. Rather, the bill is directed to improving procedural arrangements to ensure our agencies are as agile as they need to be in the contemporary security environment. The inclusion of an explicit function for ASIS concerning assistance to the ADF appropriately enhances the transparency of this role, rather than conferring a new function.

The PJCIS, in its advisory report, supported the need for all proposed amendments to address these issues. The PJCIS made nine recommendations in relation to the proposed reforms to the Intelligence Services Act, including recommendations for seven largely technical amendments to schedule 2 of the bill, primarily to improve ministerial control over relevant decisions made by agency heads in circumstances of emergency and to strengthen the oversight of the IGIS and the parliament over such decisions. As announced earlier today, the government has supported all of those recommendations. As I said before, I will move those amendments in the committee stage.

Of the PJCIS's two remaining recommendations on the Intelligence Services Act, one is directed to amending the explanatory memorandum of the bill to further explain the limitations on the ability of the foreign minister to authorise ASIS to undertake activities in relation to classes of Australian persons for the purpose of providing assistance to the ADF in support of a military operation. The government intends to include this detail in the revised explanatory memorandum.

I note that my department and relevant intelligence agencies gave extensive evidence to the committee on these matters, and the committee concluded that it was satisfied by the existing limitations provided for in the Intelligence Services Act and the bills introduced. Those submissions are on the public record. The committee also directed one of its recommendations to the Inspector-General of Intelligence and Security. It recommended that the IGIS pay close attention to one aspect of the amendments—that is, concerning the issuance of emergency authorisations via non-written means. While recognising that this is a matter for the IGIS, consistent with the statutory independence of that office, the government supports the principle that oral emergency ministerial authorisations should be subject to appropriate independent oversight by the IGIS. The bill has been prepared on the assumption that such rigorous oversight would, in any event, occur as a matter of practice. I note that a number of honourable senators have expressed their support for the implementation of the committee's recommendations. The government looks forward to working constructively with other senators when the amendments to the bill are considered in committee.

I conclude by once again thanking the opposition and those colleagues representing the overwhelming majority opinion of this chamber who recognise the need for these important
reforms. The government is undertaking comprehensive reform of our national security to ensure that our counter-terrorism legislative framework is as effective as it can be and is targeted to the current national security threat. The bill will have a direct impact on the ability of our law enforcement and intelligence agencies to support our defence force in particular and to protect the Australian public. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

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) (13:59): by leave—I advise the Senate that the Minister for Finance will be absent from question time today as he is on ministerial business interstate. In Senator Cormann's absence, Senator Brandis will represent the Trade and Investment portfolio and I will represent Treasury, Finance, and Environment.

QUESTIONS WITHOUT NOTICE

Australian Broadcasting Corporation

Senator LUNDFY (Australian Capital Territory) (14:00): My question is to the minister representing the Prime Minister, Senator Abetz. I refer to the minister's answer yesterday that nobody has lost their job at the ABC. Is the minister aware that at least 300 of the 400 redundancies will be given effect this Christmas? Will the minister now correct the record?

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): The situation in relation to the ABC is a matter for ABC management and its board. So to suggest that it is the government's responsibility in some form is to miss the point. Indeed, what I would say to ABC management is that it is called the Australian Broadcasting Commission true reason. It is supposed to represent all of Australia. Under current management, you could be forgiven for thinking it is called 'the UBC, the Ultimo Broadcasting Corporation'. That is the problem here.

Senator Wong: Mr President, I rise on a point of order as to relevance. I would ask you to refer the minister to the question. He was asked about his answer yesterday when he said, 'Nobody has lost their job, and was asked to correct the record.

The PRESIDENT: The minister still has one minute and 11 seconds left to answer the question. I remind the minister of the question.

Senator ABETZ: Some of the savings the ABC could make without job losses were highlighted for us yesterday in a Fairfax paper, the Sydney Morning Herald, where a former manager of Radio National said:

They didn't have a 9-5 mentality. They had a 10-3 mentality. They planned their work day around their afternoon yoga class.

That does not happen in Hobart, it does not happen in Adelaide, it does not happen in Gladstone but it does happen in Ultimo and that is where the ABC management need to come to grips with its charter and the aspirations of the Australian people.

Senator Wong interjecting—
The PRESIDENT: Order on my left!

Senator Moore: Mr President, I rise on a point of order as to direct relevance. I again ask you to draw the attention of the minister to the question which is about whether the minister is aware of the lost jobs and whether he would correct the record of yesterday.

Senator Wong: He is misleading the Senate.

The PRESIDENT: Order, Senator Wong! Thank you, Senator Moore. I remind the minister he has 26 seconds left to answer the question and I remind him of the question.

Senator ABETZ: Another problem with their workplace relations is that:
They were like free-range chickens, wandering around at will, pecking at this and that, content that laying one egg constituted a hard day's work.

At the time I gave the answer yesterday, nobody had lost their jobs, today nobody had lost their job, and I understand redundancy notices might be given out later this week.

Senator LUNDY (Australian Capital Territory) (14:03): Mr President, I ask a supplementary question. I refer to yesterday's concession by the Minister for Defence that there would be '4.5 per cent of ABC cuts over five years'. I also refer to Senator William's confirmation that the Prime Minister promised before the election 'there would not be any cuts to the ABC and it was spot on that the Prime Minister should admit it'. If Senator Johnston and Senator Williams can admit the Prime Minister has broken his promise, I ask the minister: why can't the Prime Minister?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:04): It is interesting how the Australian Labor Party are so exercised about cuts to the ABC because when the ALP are asked, when Mr Shorten is asked about what cuts he would make, his answer is, 'We haven't finalised our proposition for government.' When he was asked further, 'We don't think the cuts need to be as deep as they are. In other words, he understands that cuts need to be made to the ABC. Then he went on to say, 'We wouldn't be making the same extent of cuts to the ABC.' What mean and tricky language is that—'not to the same extent'? So tell us, to what extent, Senator Lundy, would the Australian Labor Party cut the ABC?

Senator Moore: Mr President, I rise on a point of order as to direct relevance to the question that was asked. The question was about the Prime Minister's promise and the minister has gone nowhere near any comment about the Prime Minister.

The PRESIDENT: Thank you, Senator Moore. I remind the minister of the question. He has 10 seconds left.

Senator ABETZ: Even the Australian Labor Party leader, Mr Shorten, understands cuts need to be made. He is just too gutless to tell the Australian people how much. (Time expired)

Opposition senators interjecting—

The PRESIDENT: Order!

Senator LUNDY (Australian Capital Territory) (14:05): Mr President, I ask a further supplementary question. Minister, through you Mr President, how many more Australian jobs will be lost before the Prime Minister finally admits he has broken his promises and breached faith with 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) (14:06): This is a government which seeks to preserve every possible job and that is why this government reversed the broken promise of the ALP 'no carbon tax'. The ALP made a promise that there would be no carbon tax, a tax which destroyed thousands of jobs throughout the Australian economy and especially in the manufacturing sector. That is why we got rid of that tax—to preserve jobs. Senator Lundy, I can say to you and your colleagues that that is what motivates us as a government, to get the economy back on track. In circumstances at the time the Prime Minister made his statement about the ABC, Mr Bowen said the deficit would be $18 billion. At the end of the year it was $48 billion as the failed finance minister well knows. (Time expired)

Senator Wong interjecting—

Senator Ian Macdonald: Mr President, I rise on a point of order. I am trying to listen to senator Abetz and the Leader of the Opposition continuously interjects. It is very difficult for us to hear Senator Abetz.

Senator Wong interjecting—

Senator Ian Macdonald: And she is at it again now. You would expect that from a backbencher but not from the alternative Leader of the Government in the Senate.

The PRESIDENT: Thank you, Senator Macdonald. Order! Could I remind senators from both sides of the chamber that interjections—

Senator Wong interjecting—

The PRESIDENT: Senator Wong!

Senator Cameron: Are you trying to suck up to your colleagues now?

The PRESIDENT: And Senator Cameron! I remind all senators that interjections are disorderly and that questions and answers should be heard in silence.

DISTINGUISHED VISITORS

The PRESIDENT (14:07): Order! I draw to the attention of honourable senators the presence in the chamber of the Hon. Dr Peter Phelps MP, Member of the New South Wales Legislative Council. On behalf of all senators, I wish you a warm welcome to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Domestic Violence

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:08): My question is to the Minister Assisting the Prime Minister for Women, Senator Cash. Today is White Ribbon Day. Will the minister inform the Senate on the action being taken by government in relation to violence against women and children?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:08): I thank Senator O'Sullivan for the question. It is indeed White Ribbon Day today, and it is the International
Day for the Elimination of Violence against Women. I believe all in the Senate would agree with me when I say, in Australia and internationally, violence against women is wrong, violence against women and children should not be tolerated, and violence against women and children must be stopped.

**Honourable senators:** Hear, hear!

**Senator CASH:** In terms of action that the government is taking, on 27 June this year the Prime Minister, Minister Andrews and I launched the Second Action Plan under the National Plan to Reduce Violence against Women and their Children. We are focusing this time on experiences of all women but, in particular, Indigenous women, women from culturally and linguistically diverse backgrounds and women with disability. The Second Action Plan contains 26 practical action items that all governments across Australia—Commonwealth, state and territory governments—believe are critical to improving women's safety. Over $100 million has been allocated over the next four years to support the Second Action Plan. The new initiatives that the Australian government is funding under the Second Action Plan include: $3.3 million for CrimTrac to develop and test a prototype for a national domestic violence order scheme; $1.7 million to take the next steps in developing a national data collection and reporting framework; and more than $1 million to expand 1800RESPECT—Australia's first national professional telephone and online counselling service.

There is no doubt that the Second Action Plan is a plan for everyone—for all women, for all men, for all children, for the business sector, for communities, for community leaders and for governments. Violence against women and children is unacceptable, it is a crime and it requires all of us working together to tackle the issue.

**Senator O'SULLIVAN** (Queensland—Nationals Whip in the Senate) (14:10): Mr President, I ask a supplementary question. Can the minister outline to the Senate recent developments in relation to key initiatives to counter violence against women and children?

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:10): The Abbott government has provided $1 million in funding over four years to the White Ribbon campaign—in particular, to increase engagement from culturally and linguistically diverse communities, including new and emerging communities. The Abbott government has also provided $6 million towards the Northern Territory's $18 million Domestic and Family Violence Reduction Strategy 2014-17. We have translated the Second Action Plan into 12 different languages so that culturally and linguistically diverse communities have access to information. We regularly update the community on the important work being done by all governments and civil society through the Second Action Plan newsletter. Last month, 20 new research projects, valued at approximately $3.5 million, were announced to support the reduction of violence against women and children. And, just last week, the government announced a $1 million investment to establish a sports grants bank which will be administered by Our Watch from which national sporting codes can fund violence prevention activities. *(Time expired)*

**Senator O'SULLIVAN** (Queensland—Nationals Whip in the Senate) (14:11): Mr President, I ask a further supplementary question. Can the minister outline to the Senate the importance of yesterday's function attended by all police commissioners from Australia and New Zealand?
Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:11): Like you, Mr President, and many of our colleagues in this chamber and from the other place, we had the honour yesterday of witnessing all police commissioners from Australia and New Zealand stand together, united on the issue of tackling domestic violence. This was only the second time in Australia's history that the police commissioners of Australia and New Zealand had united to make a stand on an issue of community-wide importance. As first responders in the community, the police have an unvarnished insight into the devastating effects of domestic and family violence. They have a unique comprehension of what is an exceptionally complex issue. Their stance yesterday was without a doubt a powerful addition to the tsunami of community momentum and support that has been steadily growing. It takes unanimous support from all sides of parliament, from the police, from the media, from communities and from civil society organisations to eradicate the scourge of family violence.

Australian Broadcasting Corporation

Senator PERIS (Northern Territory) (14:12): My question is to the Minister representing the Minister for Sport, Senator Nash. Can the minister confirm that local women's sport broadcasts, including the Women's National Basketball League and women's league soccer, will be axed because the Prime Minister has broken his pre-election promise that there would be 'no cuts to the ABC'?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:13): I think that, as has been very clearly outlined in this chamber over recent days, they are matters for the ABC. We have been very clear in how we are approaching this issue. We have said that we are going to make sure that this nation is run efficiently and effectively. This government is not going to apologise for doing that. It is a matter for the ABC how they deem to do their programming. How they choose to run their affairs is a matter for them.

Senator PERIS (Northern Territory) (14:14): Mr President, I ask a supplementary question. Does the minister agree with Australian basketball legend Lauren Jackson that women's sport is a 'sacrificial lamb'? Why should women's sport be sacrificed because the Prime Minister has broken his pre-election promise that there would be no cuts to the ABC?

Senator Ian Macdonald: You should talk to Mark Scott about that!

The PRESIDENT: Order on my right!

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:14): No, I do not agree with the senator's assertion; and I would suggest to those opposite that they raise these issues with the ABC. It is a matter for the ABC how they determine their programming. As the Leader of the Government in the Senate outlined earlier, there are a range of alternatives available to the ABC and to those in charge of programming. It is a matter for the ABC and this government will continue to govern appropriately for the Australian people.

Senator PERIS (Northern Territory) (14:15): Mr President, I ask a further supplementary question. Does the minister further agree with Lauren Jackson that the Liberal government does not really put sport—especially women's sport—ahead of anything else, and that what they are basically doing is short-changing it in every single sense?
Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:15): No, I do not agree, and I think that anybody out there in the community would recognise the commitment that this coalition government has to sport. You only have to look at the actions of the Minister for Health to understand that this government has a complete commitment to Australian sport and our sportsmen. So, Senator, I do not agree with your assertion. This government will continue to make the appropriate decisions needed to ensure the efficient running of the nation.

Workplace Gender Equality

Senator WATERS (Queensland) (14:16): My question is to the Minister Assisting the Prime Minister for Women, Senator Cash. Today we have seen the results of the first year of data collected by the Workplace Gender Equality Agency, and it paints a sorry picture about the representation of women in senior positions in the workforce. Only one-quarter of senior managers are women, and just 17 per cent of CEOs are women. The gender pay gap is the worst it has been in decades. So why is this government trying to water down the reporting requirements on employers, which have just given us this data? Why is the government trying to hide the gender pay gap instead of fixing it?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:16): I thank Senator Waters for her question and for giving me the opportunity to highlight the policies that the government wishes to put in place. I have to say: Senator Waters, if you were able to commit the Greens today to supporting our paid parental leave scheme and the changes that we will be making to the childcare system, it would be a significant step forward in relation to addressing the gender wage gap in Australia.

Opposition senators interjecting—

The PRESIDENT: Pause the clock. Order on my left!

Senator CASH: Senator Waters is correct. The data does show that women's representation is significantly lower at management levels and that this should be an area of continued focus in organisations. This government has always said that. The government has never shied away from the fact that there is a gender pay gap. What we have said is: it has been steadily rising now for a number of years. In fact, it was at its lowest under the former Howard government. Under the Rudd government, the Gillard government and the Rudd government, it continued to rise. Today—you are right—it is not at a level where we want to see it. But it is more than just standing in this chamber and complaining. It is saying to the Australian people: what policies can the government put forward?

Senator Waters, you have the power, in your capacity as the Greens spokesperson, to say to your senators: 'You should support—if you are dinkum about actually making a change in relation to gender participation and the gender wage gap. I put to you, Senator Waters, that one of the changes we want to make to make to paid parental leave is to include superannuation. Women currently retire with 40 per cent less superannuation than men. Thirty per cent of women in Australia have no retirement income. A PPL scheme that does not include superannuation is a failed scheme. (Time expired)

Senator WATERS (Queensland) (14:19): Mr President, I ask a supplementary question. Today's data also shows that 23 per cent of company directors are women, but in the federal
cabinet there is only one woman out of 19—a pitiful five per cent. Only 17 per cent of the front bench is women. Even corporate Australia is beating you when it comes to women in leadership positions. When will this government lead by example and appoint more women to cabinet?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:19): When we were in opposition and facing election, we were very up-front with the Australian people. We said: 'The shadow cabinet that we take to the election is the cabinet you will vote for'—

Opposition senators interjecting—

The PRESIDENT: Pause the clock. Order on my left!

Senator CASH: The Australian public voted overwhelmingly for the coalition government. That is it. Senator Waters, it is not just about one thing that you get hung up on that is going to make a difference. This government is actively working with businesses throughout Australia to ensure that we create the policy framework in which businesses can operate to ensure that more women are able to move through the pipeline and are put into leadership positions. We provided $650,000 to the Australian Institute of Company Directors to ensure that 140 women in this country are able to undertake the AICD business course. That is a good policy initiative that, quite frankly, you should be supporting. (Time expired)

Senator WATERS (Queensland) (14:21): Today is White Ribbon Day, which raises awareness of domestic violence. We know that gender inequality is an underlying cause of violence against women. So why is this government persisting with a cruel budget that will further entrench economic gender inequality with university debts, welfare cuts and tax changes that disproportionately affect women?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:21): Senator Waters, this is a very, very serious issue. Your question, unfortunately, does you no justice You are responsible for the debt and deficit this country is facing. You are responsible for taking this country, in 2007, from a fiscal situation where we had zero debt—we had money in the bank, we had a Future Fund and we were actually, as a government, making money on the money we had in the bank—to a fiscal situation six years later, Senator Waters, where we are facing every man, woman and child in Australia having '$25,000 in debt' tattooed on their head because of the policies that you supported. So, when you come into this place, at least be honest enough—Mr President, through you—to stand up and admit some responsibility for the debt and the deficit that this country finds itself in.

The PRESIDENT: I remind all senators that questions and answers should be directed to the chair and not across the chamber.

Infrastructure

Senator McKENZIE (Victoria) (14:22): My question is to the Minister for Defence, Senator Johnston, representing the Minister for Infrastructure and Regional Development. Will the minister outline to the Senate how the government's investment in vital infrastructure projects, like the East West Link in my home state of Victoria, will create jobs and boost the economy?
Senator JOHNSTON (Western Australia—Minister for Defence) (14:23): I thank Senator McKenzie for her question and her longstanding interest in Victoria's infrastructure. The Abbott government has made a record $7.6 billion investment to build the infrastructure of the 21st century for Victoria. This is an additional $1.6 billion between 2013-14 and 2018-19 compared to Labor's last budget update in government, in the Pre-Election Economic and Fiscal Outlook. The largest and most important project is the East West Link, as the senator has adverted to, which the government has committed $3 billion towards. East West Link stage 1, which will connect the Eastern Freeway with CityLink, will create 3,700 jobs. East West Link stage 2, a 12-kilometre link that will connect Appleton Dock Road at the Port of Melbourne to the Western Ring Road at Sunshine West, is expected to create 3,000 construction jobs. Together, this vital infrastructure project will create almost 7,000 jobs in Victoria.

Cesar Melhem, former secretary of the AWU Victorian branch and current Legislative Council member in Melbourne, is quoted as saying:

It is just crazy not to go ahead with the [east-west] project.

He went on to say:

The AWU will campaign heavily to make sure a future Labor government goes ahead with it.

This coalition government and the Napthine government of Victoria are the only people to agree with Mr Melhem and to guarantee the construction of the East West Link, which is a vital and important piece of infrastructure for Victoria.

Senator McKENZIE (Victoria) (14:25): Mr President, I ask a supplementary question. Thank you very much, Minister. Will the minister outline to the Senate the specific benefits the East West Link will provide to commuters in Melbourne?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:25): Thank you again, Senator, for the question. Currently it will take a maximum of 63 minutes between the Eastern Freeway and CityLink. East West Link stage 1 will cut this to just seven minutes, bypassing 23 sets of traffic lights. Single stage 1 will alleviate critical congestion at the end of the Eastern Freeway and address chronic congestion around Flemington Road, the CityLink off-ramp, Mt Alexander road, Racecourse Road and Elliott Avenue.

Opposition senators interjecting—

The PRESIDENT: On my left! Senator Conroy! Senator Lines!

Senator JOHNSTON: They are not interested in this, of course, over there. Stage 2 will provide a 15- to 20-minute time-saving for people travelling from Geelong, Werribee, Altona and Laverton into the city; provide a 10- to 15-minute time-saving for people travelling from Ballarat, Melton and Caroline Springs into the city; and cut 15 to 20 minutes off a typical trip from the freight and logistics precinct in Truganina in Melbourne's west to the Port of Melbourne.

Senator McKENZIE (Victoria) (14:27): Mr President, I ask a further supplementary question. Can the minister advise the Senate of any risks to the East West Link and the jobs that this project will create?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:27): If Daniel Andrews is elected Premier, he will tear up the already signed contracts for the East West Link.
Link and therefore lose 7,000 jobs. On top of that, it could cost the Victorian taxpayer about $1.1 billion of compensation, and the Victorian government would need to repay the Commonwealth $1.5 billion of funding already received, as reported in the Herald Sun today. Of course, shadow Treasurer Chris Bowen says that Labor does not support tearing up contracts. He says:

Bill Shorten and I are of one mind, Labor honours contracts. Labor in Government honours contracts entered into by previous governments. Even if we don't like them for issues of sovereign risk Labor honours contracts in office signed by previous governments.

When will Daniel Andrews wake up? (Time expired)

People with Disability: Abuse in Institutional Care

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:28): My question is to the Minister representing the Minister for Social Services, the Assistant Minister for Social Services, Senator Fifield. There is outrage throughout the community and the disability sector after the revelations from the joint Four Corners and Fairfax investigation into cases of abuse of people with disability in institutional care shown last night. These are not isolated incidents. We know that people with disability are at significant risk of violence and abuse, but we do not know how widespread this is. It is essential that we urgently find out the prevalence and nature of these horrific abuses so that we can protect the human rights of people with disability. Will the government launch an inquiry into the neglect, violence—including gender based violence—and abuse of people with disability in residential and institutional settings?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:29): I thank Senator Siewert for her question. Senator Siewert was referring to the ABC Four Corners and Fairfax reports into cases of serious sexual abuse concerning Yooralla, which, for my colleagues who are from outside of Victoria, is a large disability service in the state. All colleagues would be concerned to hear of allegations of abuse or mistreatment of people with disability, who, as we know, are often in very vulnerable situations. It is particularly concerning when the alleged abuse—some has been proved—has been perpetrated by people who are in the privileged position of providing support to people with significant disabilities. It is important to be serious and sober when looking to respond to these matters.

I will share with the Senate that until the full rollout of the NDIS is complete the states and territories remain responsible for disability services in their jurisdictions and this includes complaints, regulations, quality assurance and law enforcement. Allegations of this nature should be referred to the relevant disability and police authorities. I do note that both the Victorian government and Victorian opposition have agreed that there will be a Victorian parliamentary inquiry into sexual abuse in the disability sector in Victoria. I think all colleagues have seen the good work done by a Victorian parliamentary committee into institutional responses to child sexual abuse.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:31): Mr President, I ask a supplementary question. Hasn't the United Nations made recommendations urging Australia to investigate and address, as an urgent priority, violence against people with disability, in particular women with disability living in institutional situations? How can the
minister hand this issue off to the states when the United Nations has urged Australia to take action?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:31): It is important that those jurisdictions that have the regulatory and law enforcement responsibilities in these areas do give full attention to those allegations that occur in their jurisdiction. It is also extremely important that, as we look to the national rollout of the NDIS, we ensure that the NDIS has the most appropriate safeguards possible for people with disability. It is important that we learn from the experiences in the state jurisdictions. It is also important that we learn from the experiences in the NDIS launch sites. The government will be paying very careful attention to the work and the results of the Victorian parliamentary inquiry.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:32): Mr President, I ask a further supplementary question. In the past Australia has turned its back on cases where we know abuse occurred and where problems occurred—and I am thinking of forced adoptions, forgotten Australians and the allegations of child abuse that are now subject to a royal commission. Are we not washing our hands of this issue nationally? In 20 years time will there be a need for a royal commission because these issues around abuse and violence were ignored nationally?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:33): I do not think that there is anyone in public life in any parliament in Australia who would have the view that anything other than a full assessment of the serious allegations should be made. The Victorian parliament has set about responding to the allegations from Four Corners and the Fairfax investigation. The Commonwealth is committed to learning the lessons of the NDIS trial sites and also committed to learning of the experiences of the state jurisdictions as the Commonwealth looks to what would be the most appropriate safeguards to put in place nationally for a full NDIS.

Workplace Relations

Senator CANAVAN (Queensland) (14:34): My question is to the Minister for Employment, Senator Abetz. I refer the minister to secondary boycott proceedings commenced last week by the ACCC against the CFMEU in the state of Victoria. Can the minister inform the Senate of the government's response to the ACCC's decision to commence these proceedings?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:34): The government welcomes the ACCC's decision to commence legal proceedings against the CFMEU in respect of its long-running secondary boycott against Boral. According to the ACCC, the CFMEU instructed shop stewards to ban the use of Boral concrete at commercial construction sites in metropolitan Melbourne. Shop stewards then allegedly told Boral customers that on certain commercial construction sites Boral concrete was not permitted.

Last Friday the ACCC also announced it had commenced proceedings against the union's state secretary, John Setka, and his assistant Shaun Reardon for attempting to induce Boral to not supply concrete to Grocon as well, engaging in undue harassment and coercion. Mr Setka
reportedly told Boral management: 'All wars end and once peace is established the CFMEU will be at the table to divide up the spoils. The CFMEU will decide who gets what and what market share Boral will get.'

These are just some of the ugly tactics that have been outlined in the material by the ACCC. Regrettably, in the light of these revelations, we get nothing but deathly silence from the Australian Labor Party. It is simply unacceptable that such alleged threats can be made, such actions can be taken and such ugliness endorsed by those opposite and in the Victorian Labor Party by their silence. These proceedings have had to overcome a sordid culture of secrecy. The ACCC is to be congratulated. I trust that the matter will come to an expeditious resolution.

Senator CANAVAN (Queensland) (14:36): Mr President, I ask a supplementary question. Can the minister advise the Senate if there is any potential for industrial thuggery and criminality in the Victorian building industry to increase?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:36): As Senator Canavan would be aware, industrial thuggery and criminality are, regretfully, nothing new to the Victorian building industry. The CFMEU has for many years sat on the fringes of society, consorting with outlaw bikie gangs and the criminal underbelly of Melbourne—the ugliest expression of trade unionism, but embraced by the Victorian Labor Party. If Victorians elect an Andrews Labor government, they can expect the CFMEU to come out from the fringes and be ushered in to the cabinet room with the red carpet. Even former Labor Premier John Cain had the integrity to deregister the thoroughly corrupt Builders Labourers Federation, promising to remove this rogue organisation from the Victorian industrial scene. In sharp contrast, Mr Andrews would lead a government that would fully embrace the corrupt CFMEU. (Time expired)

Senator CANAVAN (Queensland) (14:38): Mr President, I ask a further supplementary question. Can the minister advise the Senate on how Victorians can protect their workplaces from the influence of corrupt construction unions?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:38): Despite the overwhelming evidence of CFMEU corruption, Victoria's Labor alternative Premier, Daniel Andrews, continues to stand shoulder-to-shoulder with the corrupt CFMEU and Mr Setka. Mr Andrews has vowed to tear up the Victorian construction code of practice simply to appease Mr Setka and his CFMEU paymaster. Earlier today esteemed jurist Terence Cole indicated that abolishing the code would signal that the Victorian government was not concerned about enforcing the rule of law in the building industry. To quote:

Only a political party in thrall to the building unions would contemplate abolishing a state's building code.

A Setka-Andrews government in the thrall of the CFMEU cannot be trusted to protect Victoria's workplaces. It cannot be trusted to form the next government of Victoria. (Time expired)
National Sex Offenders Register

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:39): I rise today to ask a question of the Attorney-General, Senator the Hon. George Brandis. In December 2003 a young 13-year-old boy by the name of Daniel Morcombe was abducted by a known convicted child sex offender. As we all know, Daniel's brave and courageous parents have pushed for a national sex offenders register to be implemented across the country. A national sex offenders register would not only act as a deterrent but also provide important information for communities in relation to understanding the whereabouts of and risks associated with sex offenders in their community. Could the Attorney-General please explain why the government has not taken up the plight of Australians in establishing a national sex offenders register?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:40): Thank you very much indeed, Senator Lazarus, for that important question. Like you, as a Queensland senator I am very, very aware of the Morcombe case and, like you, I am sure I am lost in admiration for the courage of the late Daniel Morcombe's parents in raising public awareness of the issue of threats to children from sexual predators.

Senator Lazarus, you are correct in saying that there is no Commonwealth sex offenders register that is a public register. I can inform you that there is, however, a national child offender scheme that was created by the Howard government and launched in September 2004. The national child offender scheme is a national database that contains details of persons who have been convicted of sexual offences or other serious offences against children, either domestically or while overseas. Details of convicted sex offenders are provided to the relevant state or territory police authorities and are made available to relevant federal law enforcement authorities. The national child offender scheme was set up to provide a way for law enforcement authorities to track and monitor the movements, activities and whereabouts of these convicted sex offenders once they had been released into the community. People who have been convicted of a child sex offence or a child abuse offence are legally required to be registered under the national child offender scheme in their state or territory of residence. They are also required to comply with ongoing reporting conditions under the relevant state or territory legislation, and to report their personal details to the authorities. Perhaps I can elaborate a little more fully on the scheme in answer to your supplementary question.

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:42): Mr President, I ask a supplementary question. The Northern Territory has recently passed legislation called 'Daniel's Law' to implement a register next year. This issue needs federal government support and leadership to achieve a nationally coordinated response and result. What is your government doing to support states and territories to adopt sex offender registers?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:42): As I am in the process of explaining to you, Senator, there is a national child sex offender register which was launched by the Howard government. It is not a public register, but it is a register that makes sure that relevant information is shared among state and territory authorities. I
might add that, as well, the Australian Federal Police have a significant child protection unit. Let me return though, if I may, to the way in which the national child offender scheme works. If a person who is registered under the national child offender scheme fails to comply with any of the reporting obligations to which they are subject, or if such a person provides false or misleading information to the authorities, then that itself is a crime that attracts significant penalties. That is the way in which we deal with the matter—through the exchange of information on this register.

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:43): Mr President, I as a further supplementary question of the Attorney-General. I guess what I am asking you is: is the government going to allow the sex offenders register to become public so that people will be able to find out whether they have sex offenders living next door to them?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:44): There is, I know, a very active public debate about whether the register ought to be a public register, and there are strong arguments advanced by those, including the Morcombes, why that should be so. There are also strong arguments why the register ought to be confined to the police and the policing and law enforcement authorities.

What I am sure you will agree with me is most important, Senator Lazarus, is that people who are sex offenders—and in particular those sex offenders who may have a greater propensity than others to reoffend—be under the constant scrutiny and surveillance of the police. The National Child Offenders System that has been running in this country for 10 years now under the supervision of the Commonwealth government, or with the leadership of the Commonwealth government, achieves that objective.

Australian Defence Force

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:45): My question is to the Minister for Defence. I refer the minister to his answer yesterday about Australian Defence Force personnel and the government's unfair pay deal when he said: 'They are not worse off.' Can the minister confirm that the government has cut the members with dependents food allowance for service men and women, which is worth $4,900 a year, and replaced it with a one-off payment of $385? How can an ADF member who loses more than $4,500 a year in allowances not be worse off?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:45): If the Senator understood exactly what the food or larder allowance was, he would understand that the changes we have made—in fact, that the CDF has made—are very reasonable changes. It is recognised that living away from families incurs living expenses that members would not normally be required to meet. Food allowance was paid fortnightly to members categorised as those who live off-base to assist with food expenses and setting up a new pantry. However, the normal need for an ADF member to provide for their own meals is not considered to be one of those living expenses, and the member would be required to fund their own meals if they were living with their dependents. In addition, single members who live out are required to provide their own meals. On this basis, food allowance has been ceased and replaced with a one-off larder payment. This payment recognises the expense a member faces setting up a second pantry away from their primary residence. A range of other benefits remain—
Senator Conroy: $4,500 worse off, then!

The PRESIDENT: Senator Conroy, you have asked your question.

Senator JOHNSTON: which include reunion travel, assistance with utility costs, separation allowance and the waiver of rental contributions for members who live in off-base accommodation. ADF members categorised as members with dependents who live in on-base accommodation will retain the free meal entitlement when using mess facilities.

Senator Wong: Are they worse off or not?

The PRESIDENT: Order on my left! Senator Wong, you have your deputy leader on his feet. Order on my right as well.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:47): Mr President, I ask a supplementary question. I refer the minister to the national director of the Defence Force Welfare Association who said: 'The government is using Defence personnel as a whipping boy to reduce its pay offer for other public servants.' Why is the defence minister letting the government use its unfair deal for our service men and women to implement its political agenda to cut the real pay and conditions of all Commonwealth public servants?

The PRESIDENT: The minister may answer the parts of that question which are relevant to his portfolio.

Senator JOHNSTON (Western Australia—Minister for Defence) (14:48): The one fact those sitting opposite me do not want to address is that they so badly managed the finance of this country that we are left with a fiscal situation we have decided to take responsibility for. We are taking responsibility—

Sensor Lines interjecting—

The PRESIDENT: Order on my left! Senator Lines.

Senator JOHNSTON: We are taking responsibility for the financial mess their incompetence, their negligence, their stupidity and whatever else you want to call it bequeathed to us because they could not get their numbers to add up. We shouldered that responsibility honestly and determinedly. You can try and pretend as much as you like that you did not make any fiscal mess but I can tell you: the people out there are waking up to the fact that we now pay one thousand million dollars a month in interest. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:49): Mr President, I ask a further supplementary question.

Senator Wong: Are they worse off or not?

The PRESIDENT: Order! Senator Wong. Could both leaders desist from talking across the table.

Senator CONROY: My time has still been running.

The PRESIDENT: You will be allowed to ask your question.

Senator CONROY: Has the minister been invited to attend the meeting between the Prime Minister and Senator Lambie on ADF pay? Can the minister confirm reports he has yet again been sidelined, with the Prime Minister set to back Labor's call for a better pay deal for ADF personnel?
Senator JOHNSTON (Western Australia—Minister for Defence) (14:49): I am not aware of when or what will be taking place between, as you suggest, Senator Lambie and the Prime Minister. I can tell you one thing: this Prime Minister takes a legitimate interest in this portfolio of mine. He does not send his bodyguard along to NSC—

Opposition senators interjecting—

The PRESIDENT: Order! Pause the clock. Senator Conroy, you have asked your question. Order! Senator Carr.

Senator JOHNSTON: In the last budget we took Defence spending as a share of GDP from 1.5 per cent to six per cent, and we were last there in 1938—courtesy of the Labor Party. That is 1938 spending on Defence. So this Prime Minister takes a personal interest in my portfolio and I am very thankful for that because Rudd and Gillard treated it with disdain. They ripped it off. (Time expired)

Australian Defence Force
Veterans' Affairs

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:51): My question is for the Minister for Veterans' Affairs, Senator Ronaldson. Will the minister inform the Senate how the Department of Veterans' Affairs and Defence are working together to educate current and ex-serving personnel about mental health support and the services that are available to them?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:51): I thank Senator Fawcett for his very important question and acknowledge his longstanding interest. I am pleased to inform the chamber that today I am launching a video that will remind serving members that, while they may not need help or access to services now, they may need assistance in the future, and there are many avenues available to them to pursue.

This video stresses that DVA and Defence have a shared responsibility to look after serving and ex-serving personnel and their families now and into the future. The video is just one of many activities being rolled out as part of a campaign to fully engage the Defence and veteran communities and their families by providing them with information on the support and services available to them. In particular, the video provides details of non-liability health care, whereby many ex-serving men and women can get treatment for depression, anxiety, PTSD, and substance or alcohol misuse without having to lodge a claim or link their condition to service.

This launch will take place at the second meeting of the Prime Minister's Advisory Council on Veterans' Mental Health, otherwise known as PMAC, which is taking place today. This video was one of the recommendations of the military compensation review with further engagement and awareness of what benefits are available. The aim of the video is to reinforce to current serving members that, no matter what stage of your career you are at, it is DVA and Defence's job to look after your family now and into the future, and is a reminder also that Defence looks after your health treatment when you are serving and, when you are discharged, DVA provides early access to health and support services. Both DVA and Defence have shared responsibilities, which both the assistant minister and myself take very seriously.
Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:53): Mr President, I ask a supplementary question. Will the minister advise the Senate of the work being undertaken in this area by the Veterans and Veterans Families Counselling Service?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:53): I again thank Senator Fawcett for this very important question. I am pleased to inform the chamber that the VVCS has been exploring ways to improve awareness of the services it provides to veterans and their families. The VVCS has a prominent online presence, including a modern website and Facebook page. Today, it also announced the Support When You Need It campaign, which is targeted at those who have recently separated from the ADF to encourage them to contact the VVCS in tough times and to utilise the counselling and support services available to them. VVCS counsellors have an understanding of military culture and can help to address concerns such as relationship and family issues, anxiety, depression, anger, sleep difficulties, PTSD, and alcohol or substance misuse, with the aim of finding effective solutions for improved mental health and wellbeing.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:54): Mr President, I ask a further supplementary question. Can the minister advise the Senate of the outcomes he expects to be achieved through today's meeting of the Prime Minister's Advisory Council on Veterans' Mental Health?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:55): Again, I thank Senator Fawcett for the question. I am pleased to advise the Senate that the second meeting of PMAC is taking place today here in Parliament House. The first meeting of the PMAC, which took place earlier this year, generated some important conversations in this vital area. A particular outcome of the first meeting was the development of a peer-to-peer forum designed to bring together a wide range of organisations and individuals who are able to provide support to our veterans and their families. I am pleased to advise senators that this important forum, supported by both my department and the Department of Defence, will be held at the Australian War Memorial tomorrow. I would like to take this opportunity to thank the chair, Vice Admiral Russ Crane, Ben Roberts-Smith VC and all the PMAC for their efforts and endeavours. I look forward to working with the council about future initiatives to support our veterans into the future. (Time expired)

Defence: Procurement

Senator GALLACHER (South Australia) (14:56): My question is to the Minister for Defence, Senator Johnston. I refer the minister to his mocking comments about the CEO of submarine builder ASC, Mr Stuart Wiley:

The guy's a fascinating submarine sustainer but I'm not sure he's built too many himself.

Why is the minister so intent on breaking his promise to build 12 new submarines in Adelaide that he is now personally denigrating someone who has built and maintained all six Collins class submarines at the ASC for the past 25 years?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:57): It may be that we have one submarine builder in Adelaide, because we have not built one for 20 years. I want to say that, when I was appointed to this particular ministry, I was told two key facts by
the department with respect to submarines. Firstly, that the inaction of the previous

government meant that we were facing a very serious capability gap because of the planned

withdrawal date of the Collins class submarine. Of course, Senator, you would be aware that

this is a vital piece of strategic deterrence to us, given we have most of the value of our $1.6

trillion economy using the sea. Secondly—

Senator Wong interjecting—

Senator JOHNSTON: I note that I am being interrupted by the person sitting at the table

leading the opposition. She knows the truth about the value of this program. The estimated

cost of the future submarine program was said to me to be more than $40 billion. Essentially

the same figure was handed to me from the previous government. That is the whole program

cost for 12 submarines.

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order on relevance. There was only one

question; it was asking the minister why he was denigrating Mr Wiley, and we have not come

close to that.

The PRESIDENT: Thank you, Senator Moore. I remind the minister that he has 39

seconds left to answer the question.

Senator JOHNSTON: These numbers should be known by everyone in the submarine

enterprise. The Australian Strategic Policy Institute supported the $40 billion price tag by

saying, in 2009, that they thought the value of 12 submarines built in Adelaide would be $36

billion. Taking into account the cost of inflation, the out-turned dollar value of a 20-year build

of 12 submarines is—

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order on relevance. In terms of the

process, the minister may feel that we need to know those figures, but the question was: why

is he denigrating Mr Wiley?

Senator JOHNSTON: Everybody knows, including the former finance minister, that the

out-turned cost of the program in the 2009 white paper was more than $80 billion. As finance

minister, she knows that number, and that is why they did nothing. That is why they— (Time

expired)

Senator GALLACHER (South Australia) (14:59): I have a supplementary question. I

refer to Senate estimates, where the CEO of the ASC, Mr Wiley also said he 'no idea how

anyone could come up with an estimated local build cost of $80 billion' for our new

submarines. Will the minister stop using this outrageously inflated estimate to justify breaking

his promise to build Australia's future submarines in Adelaide?

Senator JOHNSTON (Western Australia—Minister for Defence) (15:00): Senator, if you

were honest with the Senate you would show us the piece of paper that I have seen, because I

asked ASC to show me their costings. It is a one-page document based upon a piece of

computer software, where you fit in a 4,000 tonne submarine in terms of materials, and out

pops a number. They do not even know our top-end requirements. They have never designed

a submarine at ASC. They have never designed a submarine.
Let's get real here. This is not for people who are looking for a job. This is a professional program that is about national security, and we will take the advice of the service chiefs, not somebody who is looking for a job.

The PRESIDENT: Pause the clock.

Senator Conroy: I rise on a point of order. The minister is referring to a document. I was wondering if the minister would table it for the Senate. He is inviting people to know.

Here is your chance: table it.

The PRESIDENT: Minister, do you have anything on the point of order? There is no point of order, Senator Conroy.

Senator JOHNSTON: The opposition is fully aware of the problem that is confronting the government with this program. Having done nothing they are now saying, 'You should be doing something.' They did nothing because they had costed it at an out-turned dollar value of $88 billion.

Senator GALLACHER (South Australia) (15:01): I have a further supplementary question. Why has the minister resorted to trashing the hard-working men and women of the Australian ship and submarine building industry in order to justify breaking his promise? Isn't it time that government held a competitive tender process for our new submarine fleet so that the Australian people can be confident that the submarines were chosen on merit, not the personal bias of the minister?

Senator JOHNSTON (Western Australia—Minister for Defence) (15:02): ASC was delivering no submarines in 2009 for $1 billion. ASC was delivering no submarines for Australia in 2009 for $1 billion. They have no improved their output, thankfully, after two or three visits from Mr Coles to tell them how to do it properly. They are $350 million over budget on three air-warfare destroyer builds. I am being conservative. It is probably more than $600 million but because the data is so bad I cannot tell you. You wonder why I am worried about ASC and what they are delivering to the Australian taxpayer! Do you wonder why I wouldn't trust them to build a canoe? What they have done on the air-warfare destroyer I have had to—and Mathias Cormann has had to—repair. And she is the one who owned them. She owns them! She let the project just go to the four winds. It is all her fault. (Time expired)

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

Senator Wong: I would ask the President to consider, after looking at the Hansard, the standing order—I think it is 168—dealing with the tabling of documents in light of the minister's answer. I just ask that you reflect upon that.

The PRESIDENT: I can probably deal with that now. That standing order refers to document that were quoted from. I do not believe the minister was quoting from a document.

An opposition senator: He did.

The PRESIDENT: Let me investigate, and I am happy to report back to you if I need to do that.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Australian Broadcasting Corporation

Senator LUNDY (Australian Capital Territory) (15:04): I move:
That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Assistant Minister for Health (Senator Nash) to questions without notice asked by Senators Lundy and Peris today relating to funding for the Australian Broadcasting Corporation.

I move this motion with some incredulity because what is going on here is that the government is now saying that the ABC is responsible for the distribution and impact of their cuts. That is like cutting off Aunty ABC’s arms and then getting cranky at her for bleeding all over the floor. You cannot do it like that. You cannot make a cut and then blame the organisation that you are applying the cuts to for the damage that is caused. And yet that is exactly what we saw across the chamber today from senators Nash and Abetz in their answers to questions from Senator Peris and me.

The hypocrisy is quite galling. I do not think it is lost on anybody listening to today’s question time. They would be shocked and appalled by what they heard coming from the mouths of government ministers today. We know that there have been unprecedented cuts made to our national broadcaster. We know that we were promised, prior to the election, that these cuts would not be occurring. So this is, formally, a broken promise by the Abbott government. It is, formally, a betrayal of the trust placed in the Abbott government by the people of Australia when they cast their votes in the days following that statement. And what we have seen around the country in the last few days is, I believe, just the beginning of the outrage being expressed by Australians to this decision.

I want to take the ministers to task on a number of issues, but particularly one that is dear to my heart—and I know that Senator Peris will follow up on this—and that is the broadcasting of Australian women’s sport. Now, most people in this chamber, if they have not been living under a rock, would know that this is a challenging topic. We know that there is a profound inequity in the way that women’s sport is presented in the Australian media, and we know that the commercial television broadcasting statistics show that it is still in single percentage figures—despite us being half of the population.

Various interventions, including a consensus report during the Howard government era on what we needed to do to support the coverage of women’s sport, involved creating a program that allowed sports and broadcasters to work together.

Now—surprise, surprise!—many Australian sportswomen found themselves working very closely with the Australian national broadcaster, the ABC, to put women’s sport to air. What we have now, after years and years of partnership—and, frankly, a battle against some of what I think are the poorer decisions of our commercial broadcasters in choosing not to broadcast women’s sport in this country—is that women’s sports find themselves now being cut. We find the WNBA, the Women’s National Basketball League, being cut; we find the W-League, the women’s football league, being cut. We know that netball, which screened on the ABC, was able to develop an audience following—so much so that they now show their product, if you like, their national league on Foxtel. Obviously, their final is on free-to-air. We know that their success would not have happened without the relationship they have had the ABC. I like to think that the W-League and the WNBL would be able to find a place on a commercial television station, but the evidence to date is that is not occurring. So to cut them off at the knees like this, through these cuts, is a greater travesty than perhaps what first meets the eye.
These things cannot be fixed overnight. These things have been shaped in our community over a long period of time, and they have culminated with the coverage we had during campaign after campaign by many people in this place—men and women alike—over many, many years. So to undo it at this point does far more damage than the mere fact of the cut as it is being applied.

Sport in this country is part of a continuum, a circle. If we do not have our role models on our national television broadcasters, if we do not see women excelling in their sports, then we do not have that continuum that inspires the next generation of young girls and women to keep playing. You start to break what is great about Australian sport when you unpick the ABC’s ability to provide that coverage, when you break that continuum of what is great about Australian sport. And you do it in a way that targets women, because it is only the ABC that has shown a willingness to provide that coverage. How dare this government break that continuum for women and their sports in this country? As Lauren Jackson said, this is the passive disenfranchisement of women in yet another way from this government, and it is completely unacceptable. (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (15:09): I rise to speak in response to Senator Lundy’s motion to take note of answers. I want to be very categorical: our position was not that the ABC and the SBS—the public broadcasters—should be immune from savings, but that those savings should be undertaken in an informed manner. That was the reason why the minister established, back in January, the efficiency study, the Lewis review, to assist the public broadcasters to manage their businesses more efficiently and effectively, and to examine specifically back-of-house costs of operation and to identify savings through increased efficiencies and to reduce expenses without impacting on the quality of the extent of programing.

The efficiency study did find that these savings were definitely achievable if the ABC was willing to tackle the inefficiencies in its back office operations and, effectively, get more bang for their buck—or get more bang for fewer taxpayer dollars. Of course the easiest way for the ABC would be to cut costs to programing rather than tackle their outdated business and administrative practices. The efficiency study was designed to make the public broadcasters look at their back-of-office operations and to find those efficiencies, so it is totally disingenuous for those opposite to now come forward and to basically go on about cuts to programing when this efficiency was about back office operations.

It is clear that since the draft of that study was announced in May the public broadcasters, especially the ABC, have been busily looking for efficiencies. I have a copy of a document, which is dated 24 November; it is a very detailed document which is headed ‘ABC News proposal for change’. It says:

The Managing Director, Mark Scott, has announced proposals for wide-ranging changes designed to secure ABC’s future in the digital media era. As part of that process, News management has been reviewing every aspect of the news operation to find savings and to ensure that we are strongly positioned to deliver our world-class journalism to audiences when, where and how they want it. We are proposing measures aimed at improving ABC’s news and current affairs service to audiences across all platforms and enhancing our reporting from across the nation and around the world.
And then this document goes on, in quite a lot of detail, to specifically identify those areas. It says:

To ensure we have the right mix of skills to address the future needs of a multiplatform operation, in many cases we propose pooling staff with similar skill sets for selection for redundancy, not only those affected by the discontinuation.

The point that I am making is that the ABC has already gone through this process. The document talks about changes to current affairs. It talks about proposing initiatives in current affairs that would 'better showcase our agenda setting reporting'. It talks about 'investigations and analysis across 24-hour news platforms and making them more accessible to audiences'. And it goes into detailed key proposals that they have already identified. On the international front, it says:

We want our international operations to be more responsive, with greater flexibility to be on the ground when and where major news breaks in any corner of the globe.

Then it goes on to identify about 10 key proposals in relation to international operations. I move to state and territory newsrooms. It says:

We want to offer state and territory audiences more responsive approaches to coverage of local news, more on-the-spot coverage—

and, again, gives detailed key proposals as to how they are going to effect that. News operations is another area that they have looked at. It says:

We are proposing changes designed to make the news operations management and support structures more efficient, consistent and effective.

Again, they detail changes there. They have also looked at management and support teams. It says:

News management has reviewed how we can most efficiently resource structure and utilise management.

This is what the review and the efficiency review was about, and the ABC have identified the areas already.

Senator SINGH (Tasmania) (13:52): The government is going to rue the day it broke the election promise it made to the Australian people of 'no cuts to the ABC or SBS'. The Prime Minister made that election promise but is now making $252 million worth of cuts to the ABC—half a billion dollars of cuts in total when added to the cuts to SBS. The government will rue this day. Amongst the plethora of lies this government has told the Australian people, I believe this will be one of the ones the government will most regret.

The Australian people are not stupid. They can see a lie for what it is. They trust the ABC, but this government is attacking it and gutting it. It is destroying its capacity to remain the national broadcaster that Australians love and trust. It is not just an attack on the national broadcaster; it is an attack on the Australian stories, past and present, that the ABC tells in Australian homes. It is an attack on our Australian democracy.

Senator Abetz lectured the Senate about what the ABC ought to be, but it is the government that is gutting it so much that it will be prevented from being what it ought to be. It is forcing the ABC to make shocking cuts to deal with this loss of $252 million over five years. What is the result? It is resulting in the loss of 400 jobs, in the closure of the South Australian TV production unit, in the cancellation of five radio programs—and on and on it
goes. Of course the government knew it would result in staff cuts. Of course the government knew it would impact on programming. How else would the ABC deal with such a devastating cut to its bottom line? That is the dishonesty being displayed by Senator Abetz. He knew very well that the ABC would not be able to continue to be what it ought to be—because of the government's savage ideological cuts.

That is exactly what this is all about. The coalition has an ideological bent against the ABC. They do not like the ABC. They do not want Australian stories being told. They do not want regional stories being told. Not even the National Party will stand up to fight these cuts. Not even Senator Nash is speaking out against the cuts to coverage of women's sport that will result. The ABC's coverage of local events and issues is vital to community life in Australia. This $252 million cut is going to rip the heart out of local communities.

There are two levels of hypocrisy in what the government has done. Most obviously, the government has simply lied to the Australian people. Prime Minister Abbott, on the eve of the election, said very clearly—and we can all watch it over and over on YouTube—that there would be 'no cuts to the ABC or SBS'. That was a lie. Now, on top of that, he has lied about the lie! It simply will not wash with Australian voters. Backbenchers within his own government now want him to come out and admit that he has lied. Today Fairfax reported that Liberal MP Craig Laundy spoke out at a party meeting, urging the Prime Minister to call a spade a spade and to stop denying that the government had broken its election promise. Australians want the government to stop its ideological attack on the ABC—it is coming from within its own ranks, it is coming from the hundreds of people who rallied outside the front of Parliament House. Leave our ABC alone—stop these cuts to the ABC.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Before I call Senator Seselja, I remind honourable senators that it is not appropriate to reflect on another member of this parliament.

Senator SESELJA (Australian Capital Territory) (15:20): I want to touch on a few issues in the five minutes I have. One is the need to be making savings across the board. The Labor Party is now putting an argument that the ABC should be immune from savings—in contrast to all other government agencies that have to find savings. Under the former Labor government, agencies right across the board had to find savings. Yet the Labor Party's argument now is that the ABC should not have to find savings. It is not often that I quote a Canberra Times editorial, but I will. I will quote a couple of Canberra Times editorials on this.

Senator Conroy: I could read some out about you! They are not very complimentary about you.

Senator SESELJA: There are a lot of bad ones, I can tell you! But I do occasionally quote them. The Canberra Times, a few days ago, said:

However, the Coalition also promised, first and foremost, to restore the budget to surplus. Given the cuts that have been visited on other public sector institutions, it's only reasonable the ABC should be asked to bear its share of the burden, and to do so in such a way that preserves programming as much as possible.

I think that is a very reasonable point and I think it is something most people would agree with—that savings should be able to be found in the ABC.
We know in fact that there are many savings to be found. Senator Abetz quoted a little bit from a Fairfax article by Louise Evans, a former manager of Radio National, that appeared yesterday. She was talking about some of the waste at Radio National. She says that she was: … shocked by the culture, waste, duplication and lax work place practices exercised in some pockets of Radio National. I was even more shocked by the failure of the executive to want to do anything about it.

She goes on to say:

One problem … was the so-called lifers, a pocket of predominantly middle-aged, Anglo-Saxon staff who had never worked anywhere other than the ABC, who were impervious to change, unaccountable, untouchable and who harboured a deep sense of entitlement.

They didn't have a 9-5 mentality. They had a 10-3 mentality. They planned their work day around their afternoon yoga class. They wore thongs and shorts to work, occasionally had a snooze on the couch after lunch and popped out to Paddy's Market to buy fresh produce for dinner before going home.

There is waste to be found.

We saw recent examples. We have two public broadcasters getting, between them, billions of dollars over the next few years. In fact, even under the changes, the ABC will still be receiving $5.2 billion over the next five years. So let's not pretend that for $5.2 billion over the next five years they cannot fund women's sport. Let's not pretend that they cannot do that if they really want to. They are refusing to make the savings in other areas. One example is outbidding SBS for Asian Cup rights. We have SBS—publicly funded but able to actually get advertising revenue when they bid for the football—being outbid by another public broadcaster, upping the price to taxpayers. Do taxpayers really care whether it is going to be on SBS or ABC? I would argue that SBS is well-placed to deliver very good football coverage as it is something that they have been doing for a long time. So that is the kind of waste that we see.

Let's be clear on this as well. We have seen it said today—

Senator Conroy interjecting—

Senator SESELJA: Senator Conroy can interject all he likes.

The ACTING DEPUTY PRESIDENT: Ignore the interjections.

Senator SESELJA: I will ignore the interjections as I highlight this. ABC board member Dr Stanley today, on Radio National, I think, this morning defended the cuts despite being anguish about them, saying that the regional newsrooms were 'probably going to be cut anyway'. So the ABC was already planning on making these kinds of cuts, and they are now using these savings as an excuse to make the kinds of cuts that they wanted to make anyway. Instead of looking internally, instead of looking at Ultimo, they have gone out to the regions and made the cuts, because presumably they judge that somehow they will therefore be able to blame the government for the cuts that they wanted to make anyway. The room is there to cut in other areas. Mark Scott has made these decisions. I believe that many of them are unreasonable decisions, but they are for him to take responsibility for. (Time expired)

Senator PERIS (Northern Territory) (15:25): I too rise in relation to answers provided in question time today about the cuts that the Abbott government are making to the ABC. The answers provided today simply state that this government do not care about the impact of the cuts that they are making to the ABC. Senator Nash, the Deputy Leader of the Nationals in the Senate, said today that they take no responsibility for the ABC and that it should be the
responsibility of the ABC, not this government. This is a complete cop-out. It is like a government cutting funding to a school and then directing all the complaints to the principal. It is like a government cutting funding to a hospital and then blaming doctors when the cuts take effect and beds are closed. But that is the nature of this government. They do not care; they do not take responsibility for their broken promises and their funding cuts. This is a government that promised no cuts to the ABC. Their denials are ridiculous and everybody knows it.

As my colleague Senator Kate Lundy said today, we are concerned gravely about the coverage of women's sports. It would be fair to say that when the Abbott government cabinet sat down they did not realise the impact that they would have on female sport. Perhaps Minister Julie Bishop was away that day or she simply did not care. It is clear that the Prime Minister, who is the Minister for Women, did not care. Outside of the ABC and SBS, there is very little televised free-to-air coverage of women's sport in this country. This year the ABC televised the Basketball World Championships for the first time on free-to-air television. They also televised the Women's National Basketball League and the women's soccer league. Both of these have been cut as a result of this broken promise. I have been told that the women's basketball league has been covered for of 34 years—but not anymore. The Australian Opals star, Lauren Jackson, as I mentioned today in question time, said that women's sport is the 'sacrificial lamb' of the government's cuts. She described the Abbott government's cuts to women's basketball as 'a very dark day for women's sport'—and it is; she is 100 per cent correct. She also said:

The Liberal government doesn't really put sport ahead of anything else, especially women's sport, and that's why I thought it would be one of the things to go.

She is one of the greatest sporting stars in Australian history, and this is what she thinks of the Abbott government.

I know that the ABC has been a strong supporter of both men's hockey and women's hockey over the decades. In fact, the ABC is televising the Champions Trophy later this month and in early December. Perhaps this will be the last time that we have coverage of world-class hockey in this country. Maybe we will be left to watch hockey once every four years during the Olympic Games. When we look at sport in this country, we all know that there is so much coverage and saturation on television of football and cricket for young men. That is enough incentive for young boys to get out of bed every day, dare to dream and have aspirations of becoming a champion. It lets them look at role models who go out there and provide a positive influence on the youth of today. What will there be for women? What will there be for the young girls of this country who will wake up every day and not see any more women playing basketball and women playing soccer? These are world champions. Clearly some of the greatest young women who have dared to dream in this country will have their dreams now broken because of the cuts. There will be a lack of positive role models for the generation of young girls in this country.

What we are making is a clear statement that it is good enough to have men's basketball and men's soccer televised, but women's basketball and women's soccer is no longer going to be televised in this country. We cannot put it on the ABC and make them call the shots as to what we should be shown in this country. The cuts will have a profound effect on the future sporting success of this country, particularly young women.
I move:

That the Senate take note of the answer given by the Minister Assisting the Prime Minister for Women (Senator Cash) to a question without notice asked by Senator Waters today relating to the gender pay gap.

That the Senate take note of the answer given by the Minister Assisting the Prime Minister for Women.

I rise to take note of the response given by Senator Cash, which did not include women terribly much, despite the fact that that was the focus of my questions.

I firstly drew minister's attention to the fact that we have some explosive data out today: the first tranche of the yearly data that has been gathered by the new Workplace Gender Equality Agency, which shows that we have so far to go in terms of women's representation in senior positions in the workforce. Some of the alarming statistics are that only one-quarter of senior managers are women, and just 17 per cent of CEOs are women.

These are really troubling statistics but they come off the back of our existing knowledge, thanks to ABS data, that the gender pay gap is the biggest it has been in decades, at 18.2 per cent. We know from today's Workplace Gender Equality Agency data that, for larger employers, that pay gap—one you factor in perks and total remuneration—is at 25 per cent. So women are getting paid one-quarter less across the board by those larger employers. It is outrageous.

So I put to the minister: when you have such useful data about the extent of the gender pay gap and the lack of women's participation in senior echelons of the workforce, when we know now what the scope of the problem is, why do you want to shackle the government's ability to fix this, by watering down those reporting requirements? That is what they are doing. They have already put on hold the increase to the reporting requirements, which would have given us even more data in the future, and they are looking at watering down the current reporting requirements, which gave us today's data. The minister neglected to answer the question. She did not refer to gender reporting at all. From that, I can only conclude that the government is indeed about to take the wrecking ball to those reporting requirements.

I next asked the minister about why we have such poor representation of women in cabinet? The private sector is still doing quite poorly, with only 23 per cent of company directors being women, but we have only five per cent of women in cabinet. I asked her: why are you letting corporate Australia beat you as a government? Her response was—and I was quite astounded at this, so I jotted it down: 'It is not just one thing you get hung up on.' I am afraid the representation of women in senior roles in the government is something to be hung up on. How can we fix the gender pay gap when it goes to the very heart of our democracy? We have just one woman in cabinet. She is working very hard, but it is just one woman in cabinet and a mere five women on the front bench. I was very disappointed in the minister's response that somehow we should not get 'hung up' on that fact.

Lastly I drew the minister's attention to the fact that today is White Ribbon Day, and I want to commend the work of White Ribbon who had an excellent event here in Parliament House this morning, at which all parties were represented and spoke admirably. I particularly want to
thank the MC Andrew O'Keefe, who is a White Ribbon ambassador spoke very passionately and very powerfully. White Ribbon are clearly doing an excellent job.

Today is also International Day for the Elimination of Violence against Women. So I asked the minister: given that we know that gender inequality, including economic inequality, is driving and worsening violence against women, why is this government persisting in a budget that the experts are saying will have a disproportionate effect on women? Things like welfare changes, tax changes and proposed changes to tertiary education have disproportionate effects on women, as women take time out of the workforce for caring responsibilities. Unfortunately I did not get a response at all on that question. I simply got a rant about debt and deficit. It would have been really appropriate to mention women in that response, and to acknowledge the effect of this cruel budget on the whole of Australia, but particularly on women.

We have seen in the domestic violence inquiry—which I was pleased to initiate and to have support from all parties to undertake—that it is not just economic inequality that is driving violence against women; it is also the fact that the budget and other decisions of this government are cutting women's ability to escape violence. Reductions in funding to legal services, particularly women's legal services, particularly the Family Violence Prevention Legal Services for Indigenous women are making the situation worse for women. Changes to housing, with the axing of funding certainty for the homelessness partnership are also making the situation worse for women.

Unfortunately we got no engagement on that issue either and I can only hang my head in shame and hope that in future this parliament will do better for women. Certainly there are enough of us in here that we will not give up on that. (Time expired)

Question agreed to.

STATEMENTS

Solomon Islands: General Election

Senator REYNOLDS (Western Australia) (15:35): I seek leave to correct information I provided in an adjournment speech last night on the Solomon Islands election.

Leave granted.

Senator REYNOLDS: Thank you. Last night I reported to the Senate on my participation as a Commonwealth observer to the Solomon Islands at their general election last week. Then I advised that no women had been elected to the new 50 member parliament. Happily, I have been advised today that in fact one woman, Freda Tuki Soria Comua, has been elected in Temotu Vatud. On behalf of us all, I would like to congratulate her and wish her well in her new role.

The PRESIDENT: What a pleasant way to correct the record. Thank you, Senator Reynolds.

NOTICES

Presentation

Senator Fawcett to move:

That the Joint Standing Committee on Treaties be authorised to hold private meetings otherwise than in accordance with standing order 33(1), followed by public meetings, during the sittings of the Senate, as follows:
(a) Monday, 9 February 2015;
(b) Monday, 2 March 2015;
(c) Monday, 16 March 2015; and
(d) Monday, 23 March 2015.

Senator Williams to move:
That the Senate:
(a) congratulates the Moree Boomerangs Rugby League Football Club for:
(i) returning to rugby league in the New South Wales Group 19 competition after a 12-year break,
(ii) changing the culture of the club to manage alcohol use,
(iii) embracing the community and providing a safer environment at home matches,
(iv) winning the Group 19 major premiership in 2013 and 2014, and
(v) being named the Good Sports Awards National Good Sports Club of the Year; and
(b) notes:
(i) the award was presented by the Assistant Minister for Health, Senator Nash, and
(ii) in the 2014-15 budget the Abbott Government committed $19 million to extend the successful Australian Drug Foundation’s Good Sports program for a further 4 years.

Senator O’Sullivan to move:
That the Senate recognises the developing business and trade relationship between Australia and India, and its central role in raising the living standards of the Indian people.

Senator Di Natale to move:
That the Senate—
(a) notes:
(i) that uncommon or rare cancers, including neuroendocrine cancers, together account for 40 per cent of all cancers,
(ii) that little progress has been made in improving survival rates for uncommon cancers, such as neuroendocrine cancers, in contrast to many common cancers,
(iii) that despite these poor survival rates, uncommon cancers have the least money spent on treatments, research and support,
(iv) the work of the Unicorn Foundation, which is the only medical charity in Australia dedicated to neuroendocrine cancers, and
(v) the important service provided by the Unicorn Foundation neuroendocrine nurse specialist in supporting people and improving the quality of life of hundreds of patients with neuroendocrine cancers; and
(b) calls on the Government to support the Unicorn Foundation neuroendocrine nurse specialist service to ensure that neuroendocrine patients receive appropriate treatment and have improved quality of life.

Senator Leyonhjelm to move:
That the following bill be introduced: A Bill for an Act to amend the Marriage Act 1961 to reduce government intervention in marriage, and for related purposes. Freedom to Marry Bill 2014.

Senator Moore to move:
That the Senate—
(a) notes:
(i) that the Centenary of ANZAC approaches, and
(ii) two commemoration sites on ANZAC Parade in our nation’s capital remain incomplete; and

(b) recognises:
(i) the community groups which are seeking to raise funds to build the memorials that have been approved for these sites, and commends their work,
(ii) the National Boer War Memorial Association which aims to enshrine the beginnings of Australian military history when 23 000 men and women from Australian colonial and Commonwealth contingents fought in the war in South Africa, and
(iii) the Australian Peacekeeping Memorial Project which seeks to complete a national memorial to recognise the over 90 000 Australians who have been deployed on peacekeeping missions.

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

(a) notes that:
(i) on 19 November 2014 the world observed the second official World Toilet Day, the annual observance of which is intended to raise awareness about the need for all human beings to have access to adequate sanitation and to promote the use and benefits of toilets,
(ii) despite progress toward the Millennium Development Goals (MDGs), 2.5 billion people do not have a basic toilet and 1 billion people continue to defecate in the open, and almost 2 000 children die every day from preventable diarrheal diseases,
(iii) sanitation is the most off-track target of the MDGs and is unlikely to be met by the deadline of 2015,
(iv) inadequate sanitation makes poor countries even poorer, which, in turn, makes the global economy weaker—poor sanitation and water supply result in economic losses estimated at $260 billion annually in developing countries,
(v) it is unacceptable that girls and women have to risk sexual assault just to visit the bathroom, and it is also unacceptable that many girls are pushed out of school and forced to defecate in the open for lack of access to toilets,
(vi) funding for water and sanitation programs is one of the best ways to save lives and to help build stronger economies around the world—for every $1 invested in safe drinking water and sanitation, an estimated $4 is saved in work time, productivity and healthcare costs in poor countries, and
(vii) mere access to toilets will not itself result in safe drinking water and sanitation, as people must be sold on the benefits of using toilets, and the waste contained by them must not be released untreated into the environment;

(b) recognises:
(i) the United Nations Deputy Secretary-General, Mr Jan Eliasson, for launching a new campaign earlier in 2014 to break the silence on open defecation, and to spur dialogue and action on the most lacking target of the MDGs, and
(ii) the renewed commitment from the non-government organisation sector, including WaterAid and the Global Poverty Project, to see an end to open defecation; and

(c) calls on the Australian Government to support diplomatic efforts to:
(i) ensure that the proposed Sustainable Development Goals contains a separate goal on water and sanitation that encompasses a commitment to ensuring universal and sustainable access to clean water, sanitation and hygiene in every home, every school and every medical facility,
(ii) end open defecation, and
reduce the amount of untreated faecal waste that gets released into the environment.

Senator Siewert to move:
That the Senate—
(a) acknowledges that an unacceptably high number of people with disability are subjected to neglect, violence and abuse in residential, institutional and home care settings; 
(b) notes the disturbing evidence shown in the Four Corners report on 24 November 2014 in regard to abuse of people with disability in residential, institutional and home care; and 
(b) calls on the Government to take urgent action and set up a national inquiry into the violence, neglect and abuse against people with disability in residential, institutional and home care settings.

Senator Xenophon to move:
That the following bill be introduced: A Bill for an Act to amend the Charter of the Australian Broadcasting Corporation in the Australian Broadcasting Corporation Act 1983, and for related purposes. Australian Broadcasting Corporation Amendment (Local Content) Bill 2014.

COMMITTEES
Queensland Government Administration Committee
Meeting
Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (15:36): I seek leave to move a motion to enable the Queensland Government Administration Committee to meet during the sitting of the Senate today.
Leave not granted.

NOTICES
Postponement
The following items of business were postponed:
General business notices of motion nos 508 and 519 standing in the name of Senator O'Sullivan for today, relating to the Queensland coal industry and to the China-Australia Free Trade Agreement, postponed till 26 November 2014.

DOCUMENTS
Moreton Bay Rail Link Project
Order for the Production of Documents
Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:37): At the request of Senator Ludwig, I move:
That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development (Senator Johnston) and the Minister representing the Treasurer (Senator Cormann), no later than 3.30 pm on Wednesday, 26 November 2014, any documents held in relation to:
(a) the Moreton Bay rail link project (the project);
(b) funding sought by the Queensland Government for this project; and
(c) the assessment and/or priority of this project.
Question agreed to.
Ipswich Motorway
Order for the Production of Documents

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:38): At the request of Senator Ludwig, I move:
That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development (Senator Johnston) and the Minister representing the Treasurer (Senator Cormann), no later than 3.30 pm on Wednesday, 26 November 2014, any documents held in relation to:
(a) the Ipswich Motorway, Darra to Rocklea, project (the project);
(b) funding sought by the Queensland Government for this project; and
(c) the assessment and/or priority of this project.


The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: In relation to motions 520 and 521, the coalition has committed more than $10.3 billion to improving Queensland’s transport network through its Infrastructure Investment Program. The government has been transparent in providing information to the public on infrastructure priorities and details of specific projects. Schedules to the national partnership agreements recently agreed with the states and territories provide details of government commitments and conditions associated with funding of individual projects. Full details of the schedules of the national partnership agreements are available on the Department of Infrastructure and Regional Development website.

One thing that Labor and the Greens have in common, we know, is a desire to hold up infrastructure delivery, which results in economic loss. This is in play today. We have a senator essentially asking a department to put on hold their responsibility to deliver our historic infrastructure investment, to divert resources to comply with not one but two unreasonable requests. A large diversion of resources would be required to comply with these requests. It would, in fact, not be possible to comply within the specified time frame.

Question agreed to.

National Mental Health Commission
Order for the Production of Documents

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): On behalf of Senator McLucas, I move:
That there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Tuesday, 1 December 2014, copies of the following National Mental Health Commission documents in relation to its Mental Health review, as referred to during the estimates hearing of the Community Affairs Legislation Committee on Wednesday, 22 October 2014:
(a) the preliminary report completed during February 2014; and
(b) the interim report completed in June 2014.

Question agreed to.
Committees
Economics References Committee
Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:40): At the request of Senators Carr, Muir, Xenophon, Madigan and Rice, I move:

That the following matter be referred to the Economics References Committee for inquiry and report by the first sitting day of November 2015:

The future of Australia’s automotive industry, with particular reference to:

(a) maintaining the capacity for Australia to engage in advanced manufacturing, by ensuring skills and industrial capabilities that have been sustained by the automotive industry are not lost;
(b) reducing Australia’s dependency on commodity exports by diversifying the country’s economic base, noting the importance of advanced manufacturing, including the automotive industry, in this diversification;
(c) the role of all sectors of the automotive industry, including, but not limited to, motor vehicle production, component making, after market manufacturing, engineering, servicing, retail motor trades, other forms of sales support, and the training of apprentices, in supporting an advanced broad based economy;
(d) the special difficulties faced by component makers in the transition to global supply chains and to other forms of manufacturing, especially as a result of the closure announcements made by the motor vehicle producers;
(e) new technologies influencing the automotive industry, both in Australia and internationally, especially new and developing forms of propulsion, such as hydrogen, electric engines and hybrid engines;
(f) new business models for the industry, including employee share models and attracting international venture capital and private investment;
(g) the possible effects of early closure of motor vehicle producers, including risks and consequences for the industry, skills, capabilities and the broader economy, including social consequences, and what policy actions could mitigate or exacerbate these risks and consequences;
(h) the need to synthesise and consolidate the findings, recommendations and knowledge of other reviews and inquiries pertinent to the automotive industry, in order to identify key policy inconsistencies, regulatory burdens and factors for growth and investment;
(i) the importance of long term, stable employment for workers in the automotive industry, and the need for greater access to transitional training and career opportunities; and
(j) any other related matters.


Senator FIFIELD: The decisions to cease manufacturing in Australia by 2016 at Ford and by 2017 at Holden and Toyota were made entirely by the motor vehicle producers themselves. Both the Mitsubishi and the Ford decisions to close manufacturing operations in Australia were made under the previous Labor government. All three remaining producers have indicated that the level of government support was not the reason for their decision to cease manufacturing cars in Australia. The federal government has continuously worked with
industry to make the transition for workers across the sector as pain-free as possible. The Productivity Commission estimates that the automotive industry received $30 billion in government support from 1997 to 2012. There were five million vehicles manufactured in Australia; that equates to over $5,000 per vehicle of government support during this period. Despite this substantial assistance, the industry has been unable to survive in a highly competitive global environment. Australia's manufacturing industry is moving towards new opportunities in new industries.

Question agreed to.

MOTIONS

International Day for the Elimination of Violence Against Women

Senator MOORE (Queensland) (15:42): I, and also on behalf of Senator Cash and Senator Waters, move:

That the Senate—

(a) notes that:

(i) Tuesday, 25 November 2014, marks the International Day for the Elimination of Violence Against Women,

(ii) the day has been designated by the United Nations (UN) to raise public awareness of the problem of violence against women,

(iii) violence against women continues to be a global pandemic, and that UN figures show that up to 70 per cent of women experience violence in their lifetime, and

(iv) 25 November is also White Ribbon Day;

(b) recognises that:

(i) violence against women is a violation of women's human rights,

(ii) anyone committed to preventing violence against women can become a White Ribbon Australia advocate,

(iii) White Ribbon Australia is Australia's only national male led campaign to stop violence against women, and

(iv) there are a range of government and community initiatives to protect women and children who are the victims of violence;

(c) congratulates the men and women who provide support to women who face violence in their homes and communities, including to the White Ribbon Campaign; and

(d) acknowledges:

(i) the cross-party support of the National Plan to Reduce Violence Against Women and their Children 2010-2022, and

(ii) the role of successive governments in working to ensure a significant and sustained reduction in violence against women and children and the need for this support to continue.

Question agreed to.

DOCUMENTS

Abbot Point Onshore Dumping Proposal

Order for the Production of Documents

Senator WATERS (Queensland) (15:42): I move:
That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 27 November 2014, any documents, including any attachments, containing any request to the Queensland Government for further information, including any request pursuant to section 95A of the Environment Protection and Biodiversity Conservation Act 1999, in relation to the proposal for onshore disposal of dredge spoil at Abbot Point pursuant to EPBC referrals 2014/7355 and 2014/7356.

Question agreed to.

**MOTIONS**

**Reclink National Program**

**Senator DI NATALE (Victoria) (15:43):** I move:

That the Senate—

(a) notes:

(i) That the Reclink National Program has delivered over 100 000 participation opportunities to thousands of people experiencing disadvantage across Australia in partnership with over 450 community organisations,

(ii) there is no other organisation in Australia with the expertise, capacity and capability of effectively and efficiently providing over 100 000 participation opportunities every year to the most disenfranchised, disadvantaged and forgotten Australians, and

(iii) widespread community concern at the diminishing resources to support people experiencing disadvantage, many of whom have relied upon Reclink’s program for social participation and social inclusion through engagement with sport and recreation programs; and

(b) calls on the Federal Government to reinstate funding to the Reclink National Program.

**Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:43):** I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: Whilst the government recognises the work of Reclink, it is hypocritical of Labor to support this motion when it was Labor who failed to provide ongoing funding beyond the 2013-14 financial year. The government has inherited a very significant debt because of Labor’s addiction to spending, and the government has been required to make difficult decisions in the budget for the benefit of all Australians.

Question agreed to.

**Asylum Seekers**

**Senator HANSON-YOUNG (South Australia) (15:44):** I move:

That the Senate—

(a) condemns the Government's decision to no longer resettle United Nations High Commissioner for Refugees (UNHCR) approved refugees from Indonesia after 1 July 2014;

(b) recognises that there are more than 10,000 asylum seekers and refugees already registered with the UNHCR in Indonesia awaiting resettlement;

(c) calls on the Minister for Immigration and Border Protection (Mr Morrison) to heed the requests of Indonesia and urgently meet with his counterparts regarding the Australian Government's decision; and

(d) calls on the Government to reverse the decision and instead work collaboratively with our neighbours, accelerate refugee processing and increase Australia's intake from the region.
Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:44): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator CASH: The government will not be supporting this motion because it is factually incorrect. The Australian government will be resettling UNHCR approved refugees from Indonesia after 1 July this year. What the Australian government will not be doing is putting ideology ahead of people's lives, which is exactly what Senator Hanson-Young and the Australian Greens have done in pursuing their continued advocacy for policies that led to the loss of over 1,200 people who died at sea.

The PRESIDENT: The question is that notice of motion No. 527, moved by Senator Hanson-Young, be agreed to.

The Senate divided. [15:49]

(The President—Senator Parry)

Ayes ..................... 30
Noes ..................... 30
Majority ............... 0

AYES

Brown, CL
Cameron, DN
Collins, JMA
Di Natale, R
Gallacher, AM
Ketter, CR
Ludlam, S
Lundy, KA
McLucas, J
Moore, CM
Peris, N
Rice, J
Singh, LM
Urquhart, AE
Whish-Wilson, PS

Bullock, J.W.
Carr, KJ
Dastyari, S
Faulkner, J
Hanson-Young, SC
Lines, S
Ludwig, JW
McEwen, A (teller)
Milne, C
O'Neil, DM
Rhiannon, L
Siewert, R
Sterle, G
Waters, LJ
Wright, PL

NOES

Abetz, E
Bernardi, C
Bushby, DC (teller)
Cash, MC
Day, R.J.
Fawcett, DJ
Fifield, MP
Leyonhjelm, DE
McGrath, J
Nash, F
Parry, S
Reynolds, L
Ruston, A

Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Macdonald, ID
McKenzie, B
O'Sullivan, B
Payne, MA
Ronaldson, M
Ryan, SM
Tuesday, 25 November 2014

SENATE

Question negatived.

Australian Broadcasting Corporation and Special Broadcasting Service

Senator SINGH (Tasmania) (15:51): I move:
That the Senate—
(a) notes:
   (i) the promise of the Prime Minister (Mr Abbott) at the 2013 election not to cut funding to the Australian Broadcasting Corporation (ABC) or the Special Broadcasting Service (SBS),
   (ii) That the Abbott Government has announced cuts of $254 million to the ABC resulting in the loss of 400 jobs, the closure of state based 7.30 programs and the closure of Local Radio programs,
   (iii) regional Australia has borne the worst of the cuts, with the closure of five regional radio offices and the Adelaide television production studio, and remaining non-news television production in other states to be wound down,
   (iv) thousands of Australians have rallied across the country from Hobart to Darwin, Ballarat to Newcastle and Bega to Perth to defend the rural and regional services of the ABC from cuts, and
   (v) the obligations for the ABC to provide a service to rural and regional Australia under its charter and the duty of the Government to ensure that it is properly resourced to do so; and
(b) opposes the cuts to the ABC and SBS and calls on the Government to protect their services to regional Australia.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Environmental Policies

The PRESIDENT (15:53): A letter has been received from Senator Siewert:

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

"The lack of strong environmental policies to address climate change or safeguard natural resources in Victoria."

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 DI NATALE (Victoria) (15:53): It is timely that on the eve of a state election in Victoria we are having a discussion about the need for strong environmental policies to address climate change and to protect our precious biodiversity. We have a situation where in Victoria neither the Victorian Labor Party nor the coalition is prepared to commit to strong action to tackle climate change or to grasp the opportunity to save the remaining habitat of the Leadbeater's possum—through the creation of the Great Forest National Park, for example. In that context, we are reliant on our federal government for leadership.

But we have seen a federal government that, instead of demonstrating leadership, has a vendetta to decimate the clean energy industry. Tony Abbott has been on a personal crusade trying to destroy renewables and to prop up coal. As a result, a number of Victorian renewable energy projects are under threat. The Mildura solar farm has been shelved. That would have been a great boom for the city of Mildura. We have seen dozens of new wind projects being put on hold. The manufacturer Keppel Prince in Portland recently announced that it will have to shed 150 jobs as a consequence of the renewable energy laws in this country going backwards. I visited Keppel Prince only a few weeks ago. What an inspiration. Here we have an entrepreneur recognising the opportunity to create the towers that support wind turbines. We have people who were previously stacking shelves at Woolies and Coles now being trained in welding techniques and in fact becoming experts in their field, becoming very highly specialised and highly trained. Victoria has moved from being one of the leaders in the country to being a laggard on renewable energy. According to the Climate Council report, the government's anti-wind-farm agenda has cost Victoria an estimated $4 billion in lost investment, as well as 3,000 jobs. We have seen new renewable projects basically seize up. The pipeline is now dry because of the uncertainty over the future of the RET. And investment in the sector has plummeted by around 70 per cent over the past year.

We have a solution. I know my colleagues in the Victorian state parliament, as well as the Greens candidates right across the state of Victoria, are advocating forcefully for that solution. We can salvage the clean energy industry in Australia. We can make progress in tackling climate change. And how do we do it? We do it by phasing out dirty coal fired power stations. We do it by banning onshore fracking and gas drilling. We do it by reinstating the Renewable Energy Target in Victoria. And we do it by paying solar panel owners a fair share for generating clean power. That is how we do it. But to do it we have to move beyond this obsession that this government has with fossil fuels. It was only today that Todd Stern, Obama's climate change adviser, said that it is just obvious that fossil fuels have to stay in the ground; if we are to combat climate change, that is where fossil fuels belong.

If Victoria were a country, we would be the world's fifth biggest producer of brown coal. The average age of Victoria's power plants is a staggering 40 years. And that is the average age; we have plants that are older than that. In Victoria we produce the dirtiest energy in Australia. And we produce more of it than we can use. But it is not just coal that is the problem. In Gippsland and parts of the Otways and south-west Victoria we have seen an explosion in the number of exploration and development licences for onshore gas. In Gippsland there are 22 exploration licences for unconventional gas. Lakes Oil, the company
now known as Ignite Energy, conducted 23 fracking operations in Gippsland before the 2012 moratorium. In the south-west of Victoria we have 10 exploration licences for gas, mostly tight gas and shale gas. And I have to declare an interest here: some of them are not far away from where I live.

In Bacchus Marsh we see a community threatened by a huge open-cut brown-coal mine. High-impact exploration has now included a number of test drills right next to people's homes. For those who are not familiar with these areas, these are the breadbasket of Victoria. They are highly productive, fertile communities—places like Gippsland, the Otways and Bacchus Marsh—that produce some of the best food anywhere in the country, and they are now under threat from coal and from unconventional gas, including from fracking. At risk is one of the most precious resources of all, and that is water, which stands to be poisoned by coalmining, by drilling and by fracking.

So, what do we need to do about it? Well, the first thing is that we need a ban on new coalmines. We just have to stop this idea—this last-century fixation—of digging big holes in the ground as the solution to our problems. We have to stop this fixation with onshore gas, and particularly with fracking, so that we can make the transition towards a clean energy future. What the Greens are advocating is that we implement a Victorian—a state based—renewable energy target, which will bring renewable sources of power online. Importantly, if we do that we can phase out these dirty brown-coal fired power stations. Hazelwood, Anglesea and one of Yallourn's four units are to be phased out in 2015 under the Greens' policy. We would retire Loy Yang B and the other three units of Yallourn in 2023.

Anglesea is a coal fired power station on my back doorstep situated in some of the most important heathland anywhere in the world. The opportunity to turn that back to what was one of the most important biodiversity resources in the state just cannot be missed. What would it result in? It would result in 21 million tonnes of carbon dioxide from Victoria every year from 2023 being removed. It would reduce the pollution intensity of Victoria's power system by almost a third. A third of the pollution coming from Victoria's brown coal fired power resources would be gone.

Under the plan, we would see decommissioned power plants and mines replaced by solar farms and a range of other renewable energy projects. It would create hundreds of jobs. There is also huge potential in the rehabilitation of these mine sites. There are jobs that will last for decades. This economic transformation is jobs rich, is good for the economy and it can occur without one cent of taxpayer funding going to the coal generators.

Over recent years we have seen the Napthine and Baillieu governments hand out $1.8 billion in public money to our brown coal power stations. They do not need another cent. We are going to get more people employed in putting solar panels on than in the entire coal mining industry. In fact, that is the situation at the moment. Clean energy is not a threat to employment; it is an opportunity. It is a jobs-rich industry and it is ordinary trades people who are employed in the installation of solar panels on people's roofs from places like Western Victoria right across to the La Trobe Valley.

We have got one million Australian homes and businesses already generating clean power, but they are not being given a fair go from the power companies. So what else do we need to do? We need to make rooftop solar much simpler and more affordable for everyone. We have to allow people to install panels with no upfront cost. Let's get rid of the administrative
regulatory barriers that we put in front of people. This is genuine red tape reduction. If the government was serious about reducing red tape, this is exactly where it would start. The Greens would make sure they were being paid a fair share for generating clean power. That is why the Greens propose introducing a minimum one-for-one feed in tariff, so the owners will be paid at least the same amount for the electricity they put into the grid as it costs to get out of it—it is common sense. This will boost the income for many solar panel owners and will protect the over 50 per cent of solar home owners, who would otherwise be left with no guaranteed price of solar when existing schemes close in 2016. Of course nothing would change in those few households who are paid already above the minimum one-for-one feed in tariff.

This is a good story. Cutting pollution means cleaner air, it means cleaner water, it means better health, it means more jobs, it means tackling climate change and it means exporting our brains—rather than the current 'dig it up and ship it out' mentality which belongs in the last century.

We have an election in a few days' time. This is firmly on the national agenda.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (16:03): I rise to speak on this motion moved by Senator Siewert. I would like to address a couple of the things raised by Senator Di Natale in the course of my contribution. I note the motion today refers to the alleged lack of strong environmental policies to address climate change or safeguard natural resources in Victoria. I find myself in a bit of a quandary because over the last 30 years, no-one has done more to undermine the role of states in environmental management supervision and authority than the Greens, usually accompanied by the Labor Party. They will bring local issues into this chamber because they constantly claim that they are issues of national significance. But what this motion betrays, through its timing and through the hypocrisy posed by the Green's history, talking about state environmental management in this place, is that this is nothing less than an election stunt.

What I also found myself in a quandary about is that it refers to natural resources yet through my 6½ short years in this place and my time involved in state politics prior to that I saw no-one as hostile to the use of our natural resources as the Greens, whether that be our mineral resources such as coal, whether that be actually using the natural resources in farmland and exporting food and fibre or whether it be exporting protein to the world through programs like live exports—I am sure Senator McKenzie will talk about those some more—or whether, in particular, it be the Green's campaign to lock up one of our great renewable resources, forests.

The Greens have been hostile to the use of Victoria's natural resources and, indeed, hostile to their protection through their mismanagement of the national estate. Anyone on the border of a national park or a state reserve in a stroke in Victoria will tell you that the worst landlord is the government. Because the Greens, through a campaign of misleading people from schools right through the community, have done everything they can to create this false notion that we should not be trying to manage this natural resource. Tragically, we see that when we have the risk of fire as we do so often in south-eastern Australia.

I look forward to a Greens speaker commending the Victorian state government for increasing the burn-off ratios over the last four years to reduce the risk for so many people that live on the border or amongst our national forests and our state forests in Victoria.
As is usual for the Greens, this motion is phrased in a way that does not understand the limits of our own actions. When it comes to the first issue they raise, that of climate change, Victoria can no more dramatically impact the level of global emissions than can Australia. Yet what this motion does is it demands of Victorians to pay higher cost than the rest of the nation. What the states and the Commonwealth—and I might say with the agreement of the other state governments, including a signature of the then Greens environment minister from Tasmania—have agreed is that the states are responsible for adoption. But no, in an effort to increase the number of bumper stickers on bicycle helmets in Fitzroy, to turn this into a state political issue, the Greens somehow think that Victoria can lead the world.

The Greens come in here knowing that what they are saying is false, knowing that what they are saying will impose a greater burden on Victorian business and Victorian households and demand that Victorians pay higher costs than not only everybody else in the world but everybody else in Australia too.

Come Saturday at our state election, the Greens will see the results, as they saw at the last federal election, where people have started to realise the shallowness of their claims, the hypocrisy of their stance and the constant hyperbole: the Chicken Little, the Senator Henny Pennys, who come in here and say: 'The world is about to end.' When people do not believe them or the tides do not rise quite high enough, they will double down and say: 'The tides are going to rise higher' or that 'The cities are going to run out of water.' When that does not come true, they will then try and obfuscate and turn the debate to new issues, as we heard Senator Di Natale do, on so-called renewable energy targets.

I make this point: Senator Di Natale proposed that someone who has a solar panel on their roof be paid the same rate as they might pay for electricity. The one piece of credit I will give the former Premier of Victoria, Mr John Brumby, I think he was Treasurer at the time, is that in the insanity of pursuit of Green preferences that occurred right around Australia at the state level when Labor was in office, where outrageous gross feed-in tariffs were granted to a limited number of people that could get solar panels on their roofs before everyone realised what a racket it was—there is research printed in today's newspapers that point out that in South-east Queensland, they equate to a subsidy of $200 from every household that does not have them. This was to benefit a select few who got in before the gate was shut when the community demanded their power prices not be forced up so that the pensioner who could not afford solar panels was paying for the person driving the Land Cruiser next door, because they could afford the upfront cost. I do not know of any other part of this country where someone gets a legislated, regulated guaranteed market in the way that the Greens demand that every Australian subsidise their neighbours who can afford the upfront cost of solar panels.

When we go to the Greens war on coal and cheap energy, particularly in Victoria, there is an acute problem with this. Our brown coalfields that were first put to use by Sir John Monash after returning from World War I with some innovative acquiring of German technology at the request of the then Victorian Premier to develop the Latrobe Valley have been the basis of our middle-class growth for decades. They were the basis—I am sure Senator Carr will agree—of manufacturing for many years—

**Senator Kim Carr:** On the basis of public ownership, if I remember rightly!
**Senator RYAN:** Senator Carr, I will take that interjection, because I recall the public ownership principle was first breached by Premier Joan Kirner when she sold off 49 per cent of Loy Yang B. The Kennett government might have sold the rest of it, but the sales first started under Premier Joan Kirner, Senator Carr—I note the smile—

**The ACTING DEPUTY PRESIDENT:** Address your comments through the chair.

**Senator RYAN:** If brown coal is taken away from Victorians, their power prices will dramatically spike. There is no resource in Victoria that can supply baseload power at that price nor can we import the power that we need to keep Victoria going. To say that solar panels on roofs and windmills on our landscape can power the entire state of Victoria is profoundly and utterly misleading. But the Greens do this in order to try and drive their vote higher in the inner northern suburbs of Melbourne, between the CBD and the lycra belt. These facts need to be known because the policies of the Greens hidden behind a veil of alleged respectability pose a real threat to most Victorians.

Over the last few months, we have seen the largest ever decrease in power prices in the records of the ABS in this country, because the carbon tax, which the Greens say was too small, was removed. Because brown coal has higher emissions than black coal, that had a greater impact in Victoria—just as the carbon tax had a greater risk for Victoria—because it is more emissions intensive. But, also, the war of the Greens on trying to prevent the expansion of the use of natural gas goes against their stated objective, because the single-greatest decrease in the emissions intensity over the last decade has been in the American economy due to the dramatic expansion of the use of natural gas.

Victoria potentially has very rich natural gasfields, yet because their favoured suppliers, donors and campaign workers all think we can run round with solar panels on our bike helmets, the Greens refuse to consider the expansion of responsible fossil fuels. There is no alternative to the use of fossil fuels to provide the majority of power not only in Australia but around the world. The facts about increasing access to energy and making energy cheaper in the developing world are all about expanding the use, responsibly, of fossil fuels, and that will not change with the current technology mix. This motion should be treated with the contempt that the empty slogans and the hypocritical statements of the Greens constantly illustrate to this chamber.

**Senator KIM CARR** (Victoria) (16:13): I first must express some concern that the Greens would move such a misleading a motion as we have seen here today. Of course I would be concerned that the Greens who are only too happy to tell us that they have a monopoly on environmental concerns have really failed to address some basic questions about the importance not so much of state policy issues but of national policy questions.

In fact, I would take the motion much more seriously if Senator Di Natale was able to tell us why in 2009 the Greens torpedoed the establishment of an ETS in this country. When they had the chance to develop an effective ETS arrangement, they chose to side with the knuckle-draggers from the Liberal Party in opposing concrete measures that could be taken to seriously affect our carbon emissions in this country.

But let me talk about national policies in more contemporary terms. The renewable energy target under the Abbott government has been quite strongly attacked. The transition from fossil fuels to renewable energy sources we understand is very importantly associated with the
RET. The requirement that 20 per cent of Australia's electricity be generated from renewable sources by 2020 is a very worthwhile policy objective and, of course, it is an important policy instrument through the RET. The Abbott government's appointment of a review, chaired by a well-known climate change sceptic, none other than Dick Warburton, undermined the somewhat broadly accepted scientific consensus on the values and the importance of climate change and produced recommendations which would effectively render the RET policies pointless.

Labor refused to go along with that agenda. While we are open to negotiations on adjustments of the target, we do not support undermining it. We have tried to discuss these matters with the government but it has become perfectly clear that the real intent of the government is to undermine the RET and, as a consequence, Labor has had no choice but to withdraw from those discussions. We will not repudiate the target and we will not betray the renewable energy industry and all those who work in it.

Daniel Andrews, the Leader of the Opposition in Victoria, has made it clear that that is the position the Victorian Labor Party pursues as well and that any Victorian government led by the Labor Party and Daniel Andrews would promote renewable energy sources, but of course that will depend upon the national policy positions which have been adopted. In that respect, the buck stops with Mr Abbott. While Mr Warburton's committee was conducting its deliberations, I must say I visited towns in western Victoria where the fate of the RET and the renewable energy industry is a matter of deep, immediate concern to those communities.

In the Western District and in many parts of rural Victoria, the RET is all about jobs and jobs that sustain communities. It is the uncertainty about the RET, created in the first place by the Warburton review and now by the government's insistence on substantially cutting the target that is putting those jobs at risk. In Ararat, a $450 million wind farm project had been stalled by the government's announcement of the Warburton review. RES Australia, the wind farm developer, said that the project would not go ahead if the target is changed. The same doubts have also been put out about wind farms in the Pyrenees, the North Grampians and neighbouring shires of Ararat.

Uncertainty continues around Victoria where 17 wind farms are considered unlikely to proceed if the RET is cut, at the cost of 6,400 jobs. The Abbott government has never concealed its contempt for the renewable energy industry. The Treasurer notoriously described wind farms as 'a blot on the landscape'. I heard similar sentiments expressed by Senator Ryan here a few minutes ago. When the people of Ararat and other Victorian towns affected by the government's hostility to renewables look at the wind turbines on hillsides, they do not see a blot. They see a source of jobs, of construction, of drought-proofing incomes for farmers who own the land, of cash flows to small businesses and of revenue to local councils which are able to build community services. This has been done at a time of great environmental crisis. That is what we ought be discussing here.

The Prime Minister and the government apparently think there is not a lot to like about the position that has been taken by many world leaders. We saw President Obama just recently making some observations about the importance of climate change to this country and to so many others. The government do not want to argue the case because there is no credible answer to put to the people of Ararat, the Pyrenees or the Grampians, to the people who know that their jobs can depend upon the development of renewable energy, who will, of course,
understand the importance of the development of new industries. There is no credible answer to be given to people who ask why they no longer have a place in an industry that is crucial to the building of a sustainable future for the people of Victoria.

While the Abbott government goes about persisting on cutting the RET, we know that that position will be fiercely contested by Labor and will be fiercely contested by Daniel Andrews if he is elected Premier on Saturday. Strong indications suggest that the people of Victoria are tired of the fact that the coalition government has failed to stand up for their interests and has failed to defend them against the onslaught by the conservative government in Canberra. Tony Abbott knows that. That is why his Liberal colleagues have made it very clear that they do not want him anywhere near the Victorian election campaign because ordinary Victorians are onto him. They know what happened before the last election and about all the promises that were made, and the betrayals which have occurred since. We know the promises in health and we know the promises in education. We also understand that the government in Canberra does not want to see the development of new renewable energy industries in Ararat or in towns just like it.

The other great controversy which has emerged concerns the timber industry in Gippsland. I know some would like to see this as a very emotive issue. It affects the livelihoods of 600 people at the Maryvale mill, a $2 billion investment. It is the largest privately owned pulp mill facility in Australia. I know that the CFMEU and the workers in the industry have demonstrated their bona fides because of what I have seen in Tasmania. I know that the environmental groups in Tasmania were prepared to sit with workers in the industry and the environmental groups were prepared to work through serious issues with serious people about security, real environmental sustainability, real jobs and real prosperity. I know that the CFMEU actually took those industry agreements to a secret ballot of their members and that they were carried by those men and women who work in that industry. And those agreements have been stuck to; those agreements have been delivered. Even when this government—this Canberra government—wanted to remove the heritage listing of forests in Tasmania, those workers and employers stuck to those arrangements. I am equally confident that the same process will be followed in Victoria, because serious people who are serious about jobs and the future of Gippsland know that the only way to sort these issues is to actually get around a table and make binding commitments to one another about preserving jobs and the environment, and ensuring economic prosperity of the region.

Environmental groups will insist that solutions can be found. The Greens, however, have a long history of opposing such approaches. I take the view that, if you want to save the forests and if you want to be able to ensure that you save forest communities, you ensure that there are proper discussions—(Time expired)

Senator RICE (Victoria) (16:23): Our environment is under attack like never before, and we are feeling it in Victoria. We are facing climate disaster due to our reliance on polluting fossil fuels and we are seeing unprecedented species loss. Our dig-it-up and ship-it-out mentality to our natural resources prevails in the face of all evidence that this is an unsustainable way to manage our economy and our environment. Tony Abbott wants to make our environment laws even weaker—

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Senator Rice, would you refer to the Prime Minister by his appropriate title.
Senator RICE: Prime Minister Abbott wants to make our environment laws even weaker, hacking away at vital safeguards and calling it 'cutting red and green tape'. It is selling out our future. We cannot leave protecting Australia's environment up to the states. As my colleagues in this place have pointed out time and time again, if we had given state governments sole control of national environmental law in the past, the Franklin River would be dammed, there would be oil rigs on the Great Barrier Reef, we would have cattle grazing in the Alpine National Park and the Traveston dam would have gone ahead—all with outrageous environmental impacts. The Greens are standing up to the Abbott government's plan to hand off national environment law to the states.

We are also working in our own patches for a clean, green future. In my home state, Victorians have welcomed with open arms my state Greens colleagues' environmental policies and initiatives that we are taking to this weekend's state election, because we know that the health of our economy will be based on how well we shift to a clean energy economy and protect our natural heritage. We understand that a healthy economy, healthy society and healthy environment are completely interconnected; you cannot have one without the other. We need to be building our natural capital rather than destroying it. Shifting to a clean energy economy is a win-win-win—providing jobs, building wealth and creating a safe climate and healthy environment all at once.

Victoria stands to lose so much from climate change, and we do not see our federal government standing up against the threats. Our farmers are facing a bleak future, with the threat of worse and more prolonged droughts. This summer is looking like it is going to be particularly grim. Global warming threatens to reduce Australia's livestock carrying capacity by in the vicinity of 40 per cent. Crops like canola, wheat and barley will be absolutely challenged by increasing temperatures. Heat waves are going to hit Victoria like never before. People living in Melbourne and other urban centres are going to suffer health threats. Excessively hot days will take a huge toll on our community's most vulnerable. The young, the elderly and the sick suffer most on hot days, and this is worsened in the centre of our cities. Heat-related deaths will increase, and we need a plan that is going to effectively mitigate this threat.

The increase in prevalence and severity of extreme weather associated with climate change is going to place a huge strain on Victoria. No-one wants to live through bushfires like those we saw in 2009. While Prime Minister Abbott and his government insists on wrecking our land, our water and our environment, the Greens in Victoria have a set of ideas that respond to 21st-century challenges. We have a plan to retire dirty coal plants and create jobs as we shift to renewable energy. In Victoria, we have the dubious honour of producing the dirtiest energy. But we do not need so many brown coal electricity generators. Renewable energy has been doing its job, and we now have an excess of electricity in the grid. So shifting and really encouraging that transition to clean energy generation makes sense for our environment and it makes sense for jobs. More people are employed putting solar panels on roofs than in the entire coalmining industry. Clean energy is not a threat but an employment opportunity right around Victoria for places like Anglesea and the Latrobe Valley.

We can shift our energy mix to wean Victoria off coal. We support communities threatened by mining companies and want a permanent ban on fracking, onshore gas and new coalmines in Victoria, because Victorians want to see a fast shift away from fossil fuels to a clean energy
future. We plan to support the growth of wind farms, creating jobs and investment in our regional areas. And we want to establish the Great Forest National Park, just east of Melbourne, for all Victorians to enjoy, rather than leaving it shut off for all but those who drive the loggers' trucks. This important plan will protect the habitat and ecosystem of our animal emblem, the Leadbeater's possum, which we expect is going to be reclassified as critically endangered next month. We need the national park for tourism, for regional revitalisation and for opening up Victoria's forests for generations to enjoy. I must address the furphy that by establishing national parks you are increasing bushfire risk. The science shows very clearly that, if you leave forests to grow old, they are less susceptible to fire, and that younger forests, such as those created by regeneration after clear-fell logging, are much more susceptible to fire and are putting our communities at risk.

The good news is: we have enough plantation estate to serve our wood products industry. Already, over two-thirds of Victoria's wood production comes from plantations, and it is increasing every year. Only 10 per cent of forest industry jobs in Victoria are in native forests, and they are in decline. The growth for our timber industry is in plantations. We can all agree on this. The way to end the rancour and the division is to accept that we need to move industrial scale logging out of our native forests and we need to base our wood products industry on plantations. But we are going backwards. What is left of our native forests is under threat. The Prime Minister and his government are falling into lock step with their Victorian mates who want to perpetuate the destruction of our native forests and subsidise those who do this dirty work. The government's direct action policy is, sadly, set to do just this. The clean energy package which it replaced specifically did not allow the use of wood from native forests to be used as part of a carbon farming initiative or to be eligible for renewable energy certificates—for good reason.

Woodchipping has been cast as an industry that uses 'waste' wood, but, in reality it is the tail that wags the dog. Twice as many logs get sent off as chip logs as sawlogs. Over 80 per cent of the volume of wood that comes out of our forests ends up as woodchips. And now, just as the global market for Australian woodchips is in decline—as we have been outcompeted by plantation chips from elsewhere in the world—the woodchip mill in Eden is about to stop taking chips from East Gippsland, as forest furnaces to burn native forest wood are set to take over. We have already seen what is likely to be in store. Brickworks, the Liberal Party's very large donor, announced—immediately after the announcement of the direct action package—that they were very interested in the potential of using native forest wood to feed their kilns. This is not renewable energy. This is not something that should be supported under a carbon farming initiative aimed at reducing the impacts of climate change. In using native forest based wood and perpetuating industrial scale logging of our forests, it is going to increase the impact of climate change and reduce our carbon stores. It is going exactly in the wrong direction.

The carbon density of Victoria's forests is incredible, which is why they are so important as carbon stores. We have centuries-old trees that rival California's redwoods in their size and in their environmental significance. Our mountain ash is the tallest hardwood tree in the world. It grows extraordinarily quickly, reaching its maximum height in 200 years—five times faster than the redwoods—but it is as carbon stores that our mountain ash forests are the world's best. They store three times as much carbon as the forests of the American Pacific Northwest.
These forest ecosystems, just to the north-east of Melbourne, do the heavy lifting in maintaining our carbon stores.

Beyond Zero Emissions had a session here at Parliament House today and said that protecting our native forests, leaving them to recover, is the best thing we can be doing to sequester carbon in Australia. We have got only one per cent of our original forest cover left in Victoria, yet our governments federally and in Victoria are standing by while our money is being spent on subsidising the clear fell logging of these forests. Together we can protect what we love about Australia. We must protect our land, our water and our natural wonders so that we can have them to share for generations to come.

**Senator McKENZIE** (Victoria) (16:33): I rise to speak on this matter of public importance. A vote for the state coalition government on Saturday in Victoria will deliver strong environmental policies to address climate change and safeguard natural resources in Victoria. What we have before us is proof from the Greens that they struggle to understand the far-reaching implications that the imbalance of the state coalition government has upon Victoria. Far from ignoring climate change and not safeguarding our natural resources, the Victorian government has progressively worked on these issues over the past four years.

The Greens and Labor do not understand that our government, with the Victorian coalition, is committed to environmental standards that also manage to protect the small businesses and families that we are all here to protect. Since coming into office in 2010, the Victorian government has struck a balance, ensuring that we can preserve our environment and natural resources, not damage small communities and still stimulate business investment. The Greens have never managed to find a policy that strikes this balance, and their support for the carbon tax is a clear indication that they cannot safeguard our natural resources or find a pragmatic solution to climate change.

I have spoken many times about the effects that the carbon tax had on my constituents in Victoria, but I feel I must remind the Senate today, because those opposite are clearly incapable of grasping how drastic their policies were. Electricity prices soared with the implementation of the carbon tax. In the few short months since the coalition removed the carbon tax, we have seen electricity prices fall by 8.9 per cent for Victorian households and 10.7 per cent for Victorian businesses. The Treasury has also suggested that abolition of the carbon tax will reduce costs to the Australian consumer by about $550. But let’s consider the practical implications this tax had on some typical Victorians that I represent. Dairy farmers were significantly impacted by the carbon tax, as I have spoken about several times in this place. They saw a 41 per cent increase in their electricity costs. This industry was disproportionately impacted because of milking machinery, milk storage and processes. Dairy farmers, along with many other farmers, struggled to pass their costs on to consumers and so they bore the burden of the last government's poorly constructed environmental policy.

I would like to commend the Victorian government for implementing goals that focus on uniting communities, business and local government in addressing climate change and preserving natural resources. Since 2011-12, the Victorian government has invested $3.1 billion in the environment and climate change portfolio. This investment has been channelled to the management of land, forests and parks, ambitious environmental programs and fire and emergency management. The coalition has been committed to ensuring that a wide variety of environmental concerns are addressed in a multitude of ways. So do not believe the rhetoric.
Do not believe the hype. Senator Di Natale comes in, Senator Rice comes in, and they like to claim that the Victorian state government is not concerned about our national parks, is not concerned about the Leadbeater's possum, is not concerned about ensuring that Victorians have a healthy and sustainable future—which, in and of itself requires a healthy and sustainable environment. It is a no-brainer. Of course the state government is working towards that end.

Far from ignoring the threat of climate change, Victoria is indirectly supporting national emissions mitigation efforts, through the Commonwealth's Direct Action Plan. Australia's most comprehensive adaptation plan to increase resilience to fire, floods, drought, reduced snowfall and sea level rise has been released by the Victorian government. But the research has been focused on various ways to address climate change. For example, Victoria has invested in new forms of technology. The focus has been on practical action that has tangible results and delivers value for money and on continuing to invest in programs that improve sustainability outcomes.

Since 2010—you do not like to hear it, but please listen up; I have got some good news for you—over $12 million in grants have been awarded to research and development and pilot projects harnessing renewable resources, including wave, solar, geothermal and biomass. If you listened to those opposite, you would think that the Victorian state government is not doing anything in respect of these issues. The cold, hard facts are that it is more than adequately addressing them.

I also want to commend the Victorian government on the implementation of the Environmental Partnerships Program. This proves more than ever that we are a government that can find the balance. We are the side of politics that can get a triple bottom line occurring—good community outcomes, good economic outcomes based on sound economic principles, and environmental sustainability. Unless you have a healthy environment and a sound and stable fiscal position, people and communities are not going to thrive and prosper. But, if you tip that balance too far towards the environment, you are not going to ensure that communities can prosper, that families can remain healthy and safe. Senator Rice, I see you are shaking your head. You were not in this place for the Murray-Darling Basin conversation.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Address your comments to the chair, Senator McKenzie.

Senator McKenzie: Through you, Chair. But it got pretty ugly along the Murray in our state of Victoria when the previous government decided to roll out the Murray-Darling Basin Plan. Senator Hanson-Young was railing loud and proud about the amount of sustainable take that could be taken out of the system. We now know that was incredibly poor advice from Senator Hanson-Young. Our home state has managed to find environmental efficiencies to ensure a healthy river. As the water makes its way through New South Wales, along our beautiful Murray down into South Australia, the sustainable take is much less than Senator Hanson-Young claimed. That is due to the fact that we chose to invest in infrastructure throughout irrigation districts that ensured businesses could still prosper, families could stay on their farms, communities could remain economically viable and the environment could still get the water.

We hear the emotive arguments of the Greens and can get wrapped up in the hyper-rhetoric that they bring to the table. It is going on throughout my home state of Victoria right now,
particularly around regional areas. It is just based on whipping up fear in uninformed communities. The fact is, when you put your heads together, sit down with communities and businesses and think about viable alternatives, you can get a triple bottom line. That is what this government is committed to doing.

The Environmental Partnerships Program aims to work with local communities and land managers to achieve positive outcomes for the environment through initiatives like committing more than $9 million to the Coastal Environments Program, supporting on-ground coastal risk management works; a commitment to plant two million trees across regional Victoria and metropolitan Melbourne; the $20 million Communities for Nature grants program, enabling local groups to carry out important on-ground works to conserve and enhance the local environment; investing nearly $16 million to protect priority habitat and threatened species; and investing $9 million over four years to renourish key beaches in Port Phillip Bay, by reintroducing sand to beaches depleted of sustainable sand levels by storm events and coastal processes.

This goes exactly to Senator Di Natale's scare campaign on the Leadbeater's possum issue. The Victorian government is fully committed to implementing all 13 recommendations from the Leadbeater's Possum Advisory Group, with $11 million committed for implementation. For Senator Di Natale to stand up and spruik the fact that our state faunal emblem is going extinct and will have to be rediscovered for the second time in the last hundred years is absolute bollocks. The state government has committed $11 million to implement all the recommendations. This is what environmental policy should look like. This is how to safeguard natural resources—bottom-up consultation, discovering what communities and businesses and people can do and how government can assist them. It reminds me of a community that has approached me on numerous occasions, the Mountain Cattlemen's Association. It is about getting the balance right and how we sustainably and safely use our natural resources for the forest industry, to ensure the Leadbeater's possum habitat is maintained and to ensure that communities like the mountain cattlemen can access those economic resources in our national parks to continue their economic and cultural practices. We can get it right.

Look at the water policy of past Labor governments in our state. The desalination plant is an albatross around Victorians' necks. The $75 million north-south pipeline, which we are still paying for, never delivered a drop for Melbourne. That is what happens when you let the Labor Party and the Greens control environmental policy at a state level. We are getting the balance right. We are reducing red and green tape and ensuring that we can get economic growth out into the regions, into our communities, while safeguarding our natural resources. That is exactly what good governance looks like. Vote 1 coalition.

Senator SINGH (Tasmania) (16:43): I rise to note for the Senate the excellent work that the Victorian Leader of the Opposition, Daniel Andrews, and his team have been doing in their election campaign against what four leading Victorian environmental groups have described as a government with the 'worst record on the environment since the 1960s'. Let me just repeat that: the Napthine record has the worst record on the environment since the 1960s. Just like our federal Abbott government, with its Victorian based federal Minister for the Environment, Denis Napthine has presided over a wholesale attack on the state's environmental assets. These four environmental groups and their members have never
witnessed a government with such a callous indifference to the environment. For those of us observing this federal government hack its way into Australia's environmental protections and the climate change framework, increasing the clear and present danger to Australia's national environmental security, the numerous examples of the Victorian coalition's callous indifference to the environment are all too familiar. They are all too similar to what we have witnessed in the federal arena when it comes to a lack of support, let alone care for our environment. So they present the template and an alarming warning for the two years left of the Abbott government's term in office. What are they? Let us have a look.

Since 2010 Victorian coalition governments have, one, scrapped the Victorian emissions reduction target of 20 per cent by 2020 implemented by the Brumby government; two, abandoned Victoria's solar target of five per cent of Victoria's power coming from solar energy and made it almost impossible to get approvals for new wind farms; three, promoted coalmining, gas extraction and the coal export industry; four, extended the life of ageing and polluting Anglesea and Hazelwood coal mines and power stations; five, allowed loggers to operate in threatened species habitats; six, attempted to abolish energy efficiency targets; and, seven, slashed jobs at Parks Victoria. So it is no wonder that a study conducted recently by the Climate Council found that Victoria has the worst policy environment for renewable energy in Australia. In fact, its report said a comparison of each state's renewable energy sector found Victoria was the worst-performing state.

Matt Ruchel, the Executive Director of the Victorian National Parks Association, said: I've not come across a government so openly hostile to conservation. I suspect they consider it some sort of war.

Well he could have just as easily been talking about the Abbott government, a government that views the environment as an obstacle to be quickly cleared, not as an asset to be properly managed. Similarly, when Mr Wakeham, the CEO of the state's peak group Environment Victoria, said he was surprised by how aggressively anti-environment the government proved to be after it won the 2010 Victorian election without releasing an environment policy during the campaign he might have been referring again to the Abbott government, whose only environmental policies before the election were to abolish the carbon price and to revoke—and we will never forget this embarrassing step—the World Heritage listing for some of Tasmania's most amazing forests, which was something UNESCO overturned and threw out the window.

Mr Wakeham described the Napthine government as 'totally out of step with where public opinion is at'. He said: Not only have they been poor on the environment; they have actively attacked environmental protections. They're not 'do nothing'.

That is a description that rings equally and shamefully true of the Abbott government's approach to the environment, whether it is looking at the Abbott government's ripping up of the management plans of marine parks, looking at the rebuke of its bipartisan support for the renewable energy target or looking at the fact that we now no longer have any sort of legal cap on carbon pollution in this country, leaving us as the only country to go backwards on climate change. I could go on and on with the backflips and the lack of action by this Abbott government on the environment but, having said that, I am focusing today on the Napthine government.
There are so many similarities between the two governments. They have both attacked—and undermined of course in doing so—Australia's environmental security at every turn. However, an Andrews Victorian Labor government will respond to these attacks by addressing renewable energy, including the restrictive planning laws of the current government, strengthening protections and oversight for coastal and marine reserve management as well as riparian environments. Only last week we heard that an Andrews Labor government will make Newstead on the Loddon River Victoria's first solar town by transitioning it to renewable energy. Those words from Daniel Andrews certainly must be a breath of fresh air for Victorians who know that they will have a leader who will address the issues of renewable energy, which so many Victorian voters so desperately want. I attended one of the Solar Council's forums in Victoria only a couple of months ago. Over 300 people turned out. Of course the focus there was on the renewable energy target but it was very much on solar energy. So many Victorians wanted to continue to see an increase in solar power and an increase in renewable energy. I know that Victorians will be very pleased to hear from the Andrews Victorian Labor team about how it will very much invest in renewable energy.

Through solar power and energy storage Newstead residents will be able to rely on 100 per cent renewable energy to power their homes and businesses by 2017. What a formidable campaign to have. To underpin this project Labor will ensure that small renewable energy projects can have fair access to the existing grid and that distribution businesses are more responsive to distributed energy proposals. Labor will also ask the Essential Services Commission to inquire into the true value to the grid of distributed generation. I recently joined the Victorian shadow minister for energy and resources, my friend and colleague Ms Lily D'Ambrosio, at the save our solar forum in Ringwood. What she promised was:

Not only will the residents in Newstead reduce their reliance on coal fired power and cut their carbon footprint, they will be driving down household costs through cheaper energy bills.

So not only is this about a win for the environment; this is about a win for consumers. This is about a win for families. It is going to drive down the costs of energy bills. It could not get any better. She said:

… Labor will work with the community in Newstead to help them to achieve their goal of moving to renewable energy by 2017.

Newstead will be a leading example of what can be achieved when locals and government work together. It will take an Andrews Labor Government for this to happen.

I agree totally with Shadow Minister D'Ambrosio on that. Labor will also reboot the Victorian wind energy industry, which will employ thousands of Victorians and create energy for Victorian homes. Labor will also create the $20 million New Energy Jobs Fund, which will offer grants of up to $1 million to firms and companies specialising in high-growth renewable sectors like renewable energy technology. Mr Andrews and the Victorian branch of the Australian Labor Party are going into this election armed with the policies to beat back the conservative attack on Victoria's environment, and I wish him and the people of Victoria good luck. (Time expired)

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

Consideration

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (16:53): I shall now proceed to the consideration of documents under the new temporary order. The documents are listed on page 5 of today’s Order of Business.

Senator LINES (Western Australia) (16:54): I wish to take note of a document: the government response to the Education, Employment and Workplace References Committee report Teaching and learning—maximising our investment in Australian schools. This is an interesting document.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Senator Lines, I beg your pardon. Resume your seat. We will deal with that a little later, in the next item of business.

Senator Moore interjecting—

The ACTING DEPUTY PRESIDENT (Senator Bernardi): A stealth attack, as you say, Senator Moore. Does anyone wish to take note of those documents? No.

COMMITTEES

Human Rights Committee

Report

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (16:55): On behalf of the Chair of the Parliamentary Joint Committee on Human Rights, Senator Smith, I present the 16th report of the 44th Parliament of the committee on the examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011.

Ordered that the report be printed.

Education, Employment and Workplace Relations References Committee

Finance and Public Administration References Committee

Government Response to Report

Senator PAYNE (New South Wales—Minister for Human Services) (16:55): I present two government responses to committee reports as listed at item 13 on today’s order of business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Australian Government response to the Senate Education, Employment and Workplace Relations References Committee report:

Teaching and learning—maximising our investment in Australian schools

September 2014

Australian Government response to Teaching and learning - maximising our investment in Australian schools

The Australian Government welcomes the report by the Senate Education, Employment and Workplace Relations References Committee, Teaching and Learning - maximising our investment in Australian schools.
schools. The contributions made by individuals and organisations to the Inquiry through evidence and submissions are acknowledged.

The Government believes the first step to achieving a quality education, which is so critical for the future of young Australians and our nation, is to lift the quality, professionalism and status of the teaching profession.

For this reason, the Government has established a Teacher Education Ministerial Advisory Group to provide advice on how teacher education programmes could be improved to better prepare new teachers with the practical skills needed for the classroom. The Advisory Group will identify those components regarded as world's best practice in teacher education, with a particular focus on:

- pedagogical approaches—the ways teachers teach their students, and the different ways teaching and learning can occur
- subject content—how well teachers understand the content of the subjects they are teaching
- professional experience—the opportunity for pre-service teachers to put theory into practice through quality in-school learning experiences.

While the Government is committed to improving teacher quality, we also respect the role of state and territory governments and non-government school authorities in relation to the provision of school education in Australia.

It is appropriate, therefore, that many of the Committee's recommendations are for consideration by all governments via the Council of Australian Governments' Education Council (formerly the Standing Council on School Education and Early Childhood).

In support of these recommendations, the Government will refer the Committee's report to the Chair of the Education Council for consideration.

The Government thanks the Committee, and all contributors to the Inquiry, for their efforts in developing this report.

Detailed response to recommendations

The Australian Government has considered the 23 recommendations made in the Senate Committee's report and provides the following responses.

**Recommendation 1**

3.17 The committee recommends that the COAG Standing Council on School Education and Early Childhood, and the Commonwealth Government, provide teachers with training on how to use and interpret evaluative data.

The Australian Government notes the Committee's recommendation and will refer the report to its Teacher Education Ministerial Advisory Group and the COAG Education Council for consideration.

As the Australian Professional Standards for Teachers are implemented, the Government expects all teachers will have the ability to assess, provide feedback and report on student learning. Interpreting student data is one of the necessary skills identified in the standards, which require proficient teachers to be able to use student assessment data to analyse and evaluate student understanding of subject/content, identifying interventions and modifying teaching practice.

The provision of in-service professional development and training for teachers remains the responsibility of state and territory governments and non-government school employers.

The Australian Government has established a Teacher Education Ministerial Advisory Group to provide advice on how teacher education programmes could be improved to better prepare new teachers with the practical skills needed for the classroom.
Recommendation 2
3.39 The committee recommends that the COAG Standing Council on School Education and Early Childhood continue to monitor the effectiveness of the Close the Gap program and identify further measures to improve outcomes for Indigenous students, particularly for Indigenous students in very remote areas.

The Australian Government notes the Committee's recommendation and will refer the report to the COAG Education Council for consideration.

The Aboriginal and Torres Strait Islander Education Action Plan 2010–2014 (the Action Plan), endorsed by COAG in 2011, outlines how governments will work together to achieve the Closing the Gap targets in early childhood and school education.

The Australian Government and state, territory and non-government education authorities have been working closely together to progress actions under the Action Plan.

Education Ministers report annually on progress under the Action Plan and reports are published on the COAG Education Council website.

On 2 May 2014, COAG agreed the new five-year target of Closing the Gap between Indigenous and non-Indigenous school attendance. COAG agreed that a joint report on progress in improving Indigenous students' school attendance be provided to COAG in early 2015, including an assessment of the effectiveness of Commonwealth, State and Territory strategies.

Recommendation 3
3.63 The committee recommends that the COAG Standing Council on School Education and Early Childhood Development and the Catholic and Independent school sectors work to ensure continued investment in programs with proven effectiveness that assist parents and guardians to support the education of their child, beginning in early childhood.

The Australian Government notes the Committee's recommendation and will refer the report to the COAG Education Council for consideration.

The Australian Government recognises that learning starts at home, with parents being the first and most important influence on a child's learning. Strengthening and valuing parental engagement in education is the foundation of the Government's reform agenda for schooling.

The Australian Government has committed more than $100 million to support parental engagement in vulnerable communities through the Home Interaction Program for Parents and Youngsters. The Home Interaction Program for Parents and Youngsters is currently being expanded from 50 sites across Australia into 50 new Aboriginal and Torres Strait Islander focussed communities—with the first 25 communities commencing delivery in 2014 and community selection for the next 25 Indigenous focussed communities now underway.

Recommendation 4
3.74 The committee recommends that the COAG Standing Council on School Education and Early Childhood, and the Catholic and Independent school sectors, urgently work to identify measures to close the gap between educational outcomes for rural and remote students and metropolitan students. Funding measures may be required to ensure that each student is given every opportunity to thrive and reach their full potential.

The Australian Government notes the Committee's recommendation and will refer the report to the COAG Education Council for consideration.

From 1 January 2014, Australian Government funding for all schools has been determined under the Australian Education Act 2013. Under the Act funding includes a base payment for each student plus a number of loadings that address disadvantage including for students in regional and remote areas.
Recommendation 5
3.75 The committee recommends that the COAG Standing Council on School Education and Early Childhood, and the Catholic and Independent school sectors review the current incentives arrangements for hard-to-staff positions in metropolitan, regional, remote and rural schools, to ensure that these are appropriate.

The Australian Government notes the Committee’s recommendation and will refer the report to the COAG Education Council for consideration.

Recommendation 6
3.94 The committee recommends that the Australian Institute for Teaching and School Leadership ensure that university teaching programs provide appropriate practical and theoretical training to pre-service teachers in effective behavioural management.

The Australian Government notes the committee’s recommendation.

Recommendation 7
3.95 The committee recommends that the COAG Standing Council on School Education and Early Childhood, and the Catholic and Independent school sectors, consider initiatives to better support teachers and principals effectively manage behaviour in Australian schools.

The Australian Government notes the committee’s recommendation and will refer the report to the COAG Education Council for consideration.

Recommendation 8
3.103 The committee recommends that the COAG Standing Council on School Education and Early Childhood work with the Catholic and Independent School sectors to further develop programs to ensure that parents and guardians have the highest expectations for each child, regardless of socio-economic status.

The Australian Government notes the Committee’s recommendation and will refer the report to the COAG Education Council for consideration.

Recommendation 9
3.113 The committee recommends that Commonwealth Government work with state and territory governments and the Catholic and Independent school sectors to ensure that adequate funding for support is provided to all students with a disability, to ensure that each student with a disability is given every opportunity to thrive and reach their potential in a safe and appropriate environment.
The Australian Government supports the committee’s recommendation. The Australian Government is committed to better support for school students with disability and learning difficulties. This includes:

- the commencement in 2014 of a funding loading for school students with disability that applies to eligible students with disability no matter where they live or the type of school they attend;
- the $300 million More Support for Students with Disability initiative extended into 2014 to provide additional support for teachers and schools.

The Government is also committed to continuing to refine the funding loading based on levels of student need from the Nationally Consistent Collection of Data on School Students with Disability (NCCD). Work is occurring in close collaboration with states and territories and the Catholic and Independent school sectors.

**Recommendation 10**

4.69 The committee recommends that the COAG Standing Council on School Education and Early Childhood conduct research into whether public schools participating in school autonomy programs have improved student results.

The Australian Government notes the Committee’s recommendation and will refer the report to the COAG Education Council for consideration.

The Australian Government is working with states and territories to support a transition to more autonomous and independent models of schooling through its Independent Public Schools initiative.

**Recommendations 11 and 12**

4.7 The committee recommends that the COAG Standing Council on School Education and Early Childhood and the Australian Council of Deans of Education consider the research conducted by Incept Labs and the conclusion that multiple methods should be used to select entrants to teaching programs. These methods may include: academic ability; psychometric testing; behavioural based interviews; role-plays; teaching practice.

4.71 The committee recommends that the COAG Standing Council on School Education and Early Childhood and the Australian Council of Deans of Education work to ensure that adequate funding is directed to schools to provide quality mentoring and support programs for pre-service teachers during practicum.

The Australian Government notes the Committee’s recommendation and will refer the report to the COAG Education Council for consideration.

The Australian Government will work to improve admission standards for initial teacher education programmes by establishing best-practice guidelines to encourage universities to base admission standards not just on academic achievement, but also on the personal qualities that make good teachers.

The Australian Government has also established a Teacher Education Ministerial Advisory Group to provide advice on how teacher education programmes could be improved to better prepare new teachers with the practical skills needed for the classroom. Professional experience (practicum) is one of the three focus areas of the work of the group.

**Recommendation 13**

4.71 The committee recommends that the COAG Standing Council on School Education and Early Childhood work to ensure that demand for quality teachers is high and consider:

- restricting the number of places available to pre-service teachers for practical training;
- capping the number of graduates who can register as teachers (any cap imposed should be reviewed each year and reflect the expected demand for teachers in particular disciplines); and
introducing a registration exam to be used in conjunction with the current registration standards to assess graduate suitability.

The Australian Government notes the Committee's recommendation and will refer the report to the COAG Education Council for consideration.

The Australian Government will work to improve admission standards for initial teacher education programmes by establishing best-practice guidelines to encourage universities to base admission standards not just on academic achievement, but also on the personal qualities that make good teachers.

**Recommendation 14 and 15**

4.72 The committee recommends that the Tertiary Education Quality and Standards Agency conduct an audit of literacy teaching programs at education faculties in universities to establish whether graduating primary school teachers have an appropriate level of literacy and are equipped to teach the English language. This may indicate a need to moderate student assessment across faculties.

4.73 The committee recommends that the Tertiary Education Quality and Standards Agency, in consultation with the Australian Mathematic Sciences Institute, conduct an audit of mathematics teaching programs at education faculties in universities to establish whether graduating primary school teachers are equipped to teach mathematics and numeracy to students. This may indicate a need to moderate student assessment across faculties.

The Australian Government notes the committee's recommendation.

The Australian Government has established a Teacher Education Ministerial Advisory Group to provide advice on how teacher education programmes could be improved to better prepare new teachers with the practical skills needed for the classroom. This work includes a focus on pedagogical approaches and knowledge of subject content to be taught.

**Recommendation 16**

4.74 The committee recommends that the Australian Council of Deans of Education liaises with the relevant Deans of Sciences and Mathematics to ensure that students in those disciplines receive timely and accurate advice about the pre-requisites required to become secondary mathematics and/or science teachers.

The Australian Government notes the committee's recommendation.

The Australian Government's Enhancing the Training of Mathematics and Science Teachers Programme is providing $12 million, over three calendar years 2014 to 2016, for collaborative university-led projects to drive a major improvement in the quality of pre-service training for mathematics and science teachers. Five multi-institution projects supported by a formative evaluation commenced in 2013. The projects bring together faculties of mathematics and science and faculties of education to collaborate on new pre-service teacher course design and delivery.

**Recommendation 17**

5.22 The committee recommends that state and territory governments and the Catholic and Independent school sectors consider rewarding Highly Accomplished and Lead teachers with meaningful remuneration and an improved salary structure under the new national certification process (consistent with initiatives already undertaken in some jurisdictions).

The Australian Government notes the committee's recommendation.

The employment and remuneration of teachers is the responsibility of state and territory governments and non-government school employers.

**Recommendation 18**

5.65 The committee recommends that the COAG Standing Council on School Education and Early Childhood commission research into the reasons why teachers are leaving the profession.
The Australian Government notes the committee’s recommendation and will refer the report to the COAG Education Council for consideration.

The employment of teachers is the responsibility of state and territory governments and non-government school employers.

**Recommendation 19**

5.66 The committee recommends the Australian Institute for Teaching and School Leadership, in consultation with the COAG Standing Council on School Education and Early Childhood, develop guidelines on how best to support first year teachers.

The Australian Government notes the committee’s recommendation.

The Australian Government has established a Teacher Education Ministerial Advisory Group to provide advice on how teacher education programmes could be improved to better prepare new teachers with the practical skills needed for the classroom.

The provision of in-service professional development and training for teachers is the responsibility of state and territory governments and non-government school employers.

**Recommendations 20 and 21**

5.107 The committee recommends that the Commonwealth, state and territory governments, and the Catholic and Independent school sectors consider ways to support in-house professional learning and development (including mentoring), with an associated reduction in teaching loads.

5.108 The committee recommends that the Department of Education, Employment and Workplace Relations investigates the potential use of online tools for delivery of professional learning for teachers.

The Australian Government notes the committee’s recommendation.

The provision of in-service professional development and training for teachers is the responsibility of state and territory governments and non-government school employers.

**Recommendation 22**

5.109 The committee recommends that the state and territory governments consider creating pathways (for example scholarships) for teachers teaching ‘out of field’ in mathematics and science to become qualified in these disciplines. The Commonwealth Government should also consider increasing the number of postgraduate Commonwealth Supported Places in these disciplines. As an interim solution, the committee recommends that programs which assist teachers teaching ‘out of field’ be expanded.

The Australian Government notes the committee’s recommendation and notes that as part of its Terms of Reference, the Teacher Education Ministerial Advisory Group has been asked to examine world’s best practice to inform an evidence-based approach to teaching mathematics and science subjects.

The Government is committed to exploring alternative pathways into teaching to ensure high-quality entrants are attracted to the profession, and to respond to areas of workforce shortage, such as the need for specialised mathematics and science teachers or teachers in remote locations. The Government will continue to support the Teach for Australia programme which provides an employment-based pathway into teaching for high-calibre non-teaching graduates who may not otherwise have considered a career in teaching.

The Government announced landmark reforms to higher education in the 2014–15 Budget. The reforms will expand opportunities for students and provide additional financial support to over 80,000 students each year by 2018. Government subsidies will be extended to students studying at any registered Australian higher education provider and to students undertaking any accredited undergraduate course including higher education diplomas, advanced diplomas, associate degrees and bachelor level degrees.

The Government's immediate priority is to implement these reforms. The Government intends to review policy settings for funding Commonwealth supported postgraduate places in the near future.
Recommendation 23

5.110 The committee recommends that the Department of Education, Employment and Workplace Relations commission a study in 2016 to assess the effectiveness of the initiatives being undertaken by the Australian Institute for Teaching and School Leadership.

The Australian Government notes the committee's recommendation.

The Australian Professional Standards for Teachers were the first major product developed by AITSL. They were endorsed by the Ministerial Council on Education, Early Childhood Development and Youth Affairs (now the Education Council) in December 2010 for implementation from 2013.

The University of Melbourne is undertaking an evaluation of the Australian Professional Standards for Teachers, planned to conclude in December 2015. The purpose of the evaluation is to determine the usefulness and effectiveness of implementation and the impact of the Standards on improving teacher quality.

Australian Government response to the Senate Reference Finance and Public Administration Committee Report:

Senate Order for Departmental and Agency Contracts

November 2014

Senate Reference Finance and Public Administration Committee Review of the Senate Order Recommendations and Government Response

The Government is committed to ensuring that contracting undertaken by non-corporate Commonwealth entities subject to the Public Governance, Performance and Accountability Act 2013 (PGPA Act) is accountable and transparent. The Government recognises the role that the Senate Order on departmental and agency contracts has played to date in reinforcing transparency in Government contracting and welcomes the committee's report reviewing the operation of the Senate Order.

The Government strongly supports the committee's recommendation to trial AusTender as the means by which an entity would satisfy its reporting obligations under the Senate Order and revise supporting guidance accordingly. Meeting the obligations of the Senate Order through AusTender has the additional benefit of removing replication that exists across current reporting regimes and improves the quality and consistency of data reported. The Government also supports the committee's proposed name change to the procurement contracts report on AusTender.

The Government partially supports the committee's proposed changes to the Senate Order itself. The Government supports the reduced auditing of compliance with the Senate order. As the committee has acknowledged, non-corporate Commonwealth entities now enter fewer contracts containing confidentiality provisions and they are now less likely to incorrectly report contracts as containing confidentiality clauses. The Government also supports further technical amendments to the Standing Order by the committee. However, the Government does not support requiring Ministers to certify the accuracy of entity contract listings. Any potential benefits of this initiative are outweighed by the additional burden on entities of added assurance processes. Further, it does not support the extension of the application of the Senate Order to include corporate Commonwealth entities not currently required to meet the Senate Order. This is undesirable, given that corporate Commonwealth entities have differing responsibilities and compliance obligations, and in the majority of cases are not subject to the Commonwealth Procurement Rules.
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<th>Recommendation</th>
<th>Government Response</th>
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<tr>
<td>3.12 - The committee recommends the Department of Finance provide to the committee by 1 September 2014:</td>
<td>Supported. AusTender is the authoritative source of information on Australian Government procurement. Using AusTender data to meet the various reporting requirements of non-corporate Commonwealth entities will enhance the accuracy of public reporting while simplifying compliance.</td>
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<td>- a link to a prototype of the AusTender website with agencies' compiled Senate order reports for the 2013-14 financial year; and</td>
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<td>- a copy of the revised version of Financial Management Guidance No. 8 Guidance on the Listing of Contract Details on the Internet (Meeting the Senate order on Departmental and Agency Contracts) in draft form.</td>
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<td>3.24 - The committee recommends the Department of Finance amend the title of the report in AusTender to 'Agency reports complying with the Senate order on procurement contracts and use of confidentiality provisions'.</td>
<td>Supported. The Department of Finance (Finance) will reflect the Committee's preferred title of the report on AusTender.</td>
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<td>3.34 - The committee recommends that the Senate order be amended:</td>
<td>Partially Supported: Refer below. Supported: The Auditor-General has indicated his support for this recommendation.</td>
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<td>- to provide that, following the tabling of the Auditor-General's report pursuant to paragraph (5) of the Senate order in 2014, the Auditor-General conduct an audit of compliance with the Senate order biennially for the next four years with reports due no later than 30 September 2016 and 30 September 2018;</td>
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<td>- to provide that in the letter of advice tabled pursuant to paragraph (1) of the Senate order, that Ministers must certify that none of the contracts included in the list contain inappropriate confidentiality provisions as measured against the Department of Finance's guidance;</td>
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<td>Not supported. Certification may enhance entities' compliance with the Senate Order. However, additional review processes will involve costly external providers or longer internal assurance or clearance processes, and will place an additional burden on entities. Further, data from ANAO's most recent 2012-13 Senate Order audit suggests that the proportion of contracts reported as containing confidentiality provisions across Government agencies is low. Only 4 per cent of contracts were reported as containing confidentiality provisions in the 2012 calendar year Senate Order listings. Therefore, the benefits of the committee's proposed changes appear to be outweighed by the additional costs. The Government considers the committee's</td>
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Recommendation | Government Response
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| recommendations to simplify the Senate Order reporting requirement through AusTender and the revision of guidance as better initiatives for enhancing compliance. | Not supported. The *Public Governance, Performance and Accountability Act 2013* was implemented to, among other things, modernise Commonwealth resource management and to address increasing regulatory and compliance burdens on Commonwealth entities. While both corporate Commonwealth entities and non-corporate Commonwealth entities are captured under a single Act, entities retain differing responsibilities and compliance obligations including reporting requirements. This includes the majority of corporate Commonwealth entities not being bound by the Commonwealth Procurement Rules or the requirements to report procurement contracts awarded on AusTender. Consistent with advice provided to the Committee in 2007, the Government does not support the extension of the Senate Order and considers its current scope to non-corporate Commonwealth entities should be retained.

- to reflect legislative changes as a result of the *Public Governance Performance and Accountability Act 2013*, so the Senate order applies to Commonwealth entities; and

- with respect to any further technical aspects of the Senate order which are found, in consultation between the Clerk of the Senate and the committee, to require amendment. | Supported. Noting the responses to the other recommendations in relation to proposed changes to the Senate Order, the Government supports this recommendation.

**Senator LINES** (Western Australia) (16:56): In respect of the government response to the Education, Employment and Workplace Relations References Committee report *Teaching and learning—maximising our investment in Australian schools*, I move:

That the Senate take note of the document.

I thank the Senate for the indulgence a few minutes ago. I guess what we saw was an action learning in place on my behalf with some very experienced mentors, so I thank you for that. Looking back at it now, this is a document that the Liberals and Nationals reported in, I think, 2009, so now we have the government reporting on a document that it did whilst in opposition. But it does contain some really sensible sentiments and recommendations. It goes to the importance of supporting teachers and of their professional development, and I do not think anyone in this chamber would argue about the need for us to continue to support our teachers and, in particular, to develop their professional learning. As a teacher in my long-distant past, I certainly appreciated the support that I received when I taught in schools, and I valued the professional development that I was able to take advantage of that enhanced my everyday teaching and the learning opportunities that I then presented to children.

The report also looks at and makes recommendations around the need for continued school improvement and for tools and strategies to make sure that schools have plans in place to lift results. Schools and education do evolve. There are some key principles that stay in place, but when I look back at my own schooling and when I look at the schooling of my children and I
now look at the schooling my grandchildren are receiving, while some things remain the same, that constant encouragement and development and changing of the school environment is really to be applauded. That need for school development and school improvement is critical, and it is certainly critical to have plans in place to lift results. We have the NAPLAN, which I think now is well embedded in our system. We did an inquiry on that last year and we made recommendations about the sorts of improvements that could be made to NAPLAN. I am very pleased to say that the government has picked up many of the improvements that we recommended, and we are now undertaking trials of NAPLAN going live. That is a good thing. We are looking at how we develop NAPLAN further so that children from different cultural backgrounds and different language backgrounds are also able to participate in that testing, because I certainly believe it is important for us to check where our children’s learning is up to. And it is important to have a reliable test that not only teachers but also students and parents have faith in. It gives us a good picture of how our children are developing in certain areas across the curriculum. NAPLAN does not look at the whole of the child—that is one of the things critics say about it—but it nevertheless does provide a snapshot; and as long as there is bipartisan support for NAPLAN we can look to how we can continually improve it and make sure that schools are providing our children with the very best they can. That is a good thing as well.

The report also talked about the importance of early education and the need to have high expectations for every child regardless of their socioeconomic background. That is something I am very passionate about. We do not ever want to have the situation Gonski identified becoming entrenched in our system, where postcodes determine outcomes. We know there are some pretty horrific statistics in the Gonski report; one in seven 15-year-olds does not have basic literacy. As a community, and in a bipartisan way as a parliament, we really have to lift our school results to make sure that every Australian child has the very best opportunity. We have to have high expectations of all the children in our schools.

The report looked at the vital importance of encouraging more teachers to become qualified, particularly in maths, and at the need to support and mentor new teachers. I can certainly agree with that as a graduating teacher. That is how teaching development has evolved. When I left Murdoch University we did not have a mentoring scheme in place, as we do now in Western Australia, and I was left on my own. That not only did me a disservice as a young emerging teacher but it certainly was not doing the best by the children who were in my class and who I was expected to teach and reach milestones with. Mentoring new teachers is critical because it is in those first few years we can really build and develop good skills and strategies for the future. I was lucky I had some very good teachers around me who acted as natural mentors and taught me an amazing amount, giving me skills and encouragement, but that formal mentoring is critical.

These are good ideas but they are not just good ideas. They are backed up by evidence. If we get the implementation right it would have a significant impact on student achievement—there is no doubt about that. But this report must also be quite inconvenient for the Liberals and the Nationals because, since making those recommendations and coming to government, they have set out to systematically undermine the very initiatives they have themselves argued for in this report.
Labor's Gonski reforms were not just about money. They were about money driving real change in five areas: better quality teaching; higher standards; better training; support; and development. They were about better student outcomes—more individual attention for every student because, whether we like it or not, the facts are that postcodes are determining student outcomes. They do give more flexibility to principals. That was the aim of Gonski—to engage with the parents and the community. A needs based funding system is something I really hope we can achieve so every child in every school gets a great education and support through needs based funding that is applicable to them and their school. We need transparency and accountability to make sure we get results and to ensure states do not cut funding. The sorts of funding cuts we have unfortunately seen in Western Australia are going to the heart of programs that support vulnerable children and children from disadvantaged backgrounds. We have seen those sorts of cuts applied in Western Australia.

This is where the report and the reality really start to be distanced. We have seen the Abbott government break their promise to honour the Gonski agreement. We all heard those famous words—that there was a 'unity ticket' on Gonski and that it did not matter whether you voted Labor or Liberal, Gonski would be put in place. Yet we saw that those became just hollow words and broken promises. They are not commitments that have been lived up to.

The New South Wales state government was one of the early signers of Gonski. In fact, I was in the audience the night the state minister announced it. He said three short words: 'We got Gonski.' How disappointed he must be because actually they have not got Gonski. It matters for New South Wales. It is our biggest state. It has a high number of schools. But like every state it has schools that are struggling, and the Abbott government breaking that commitment on Gonski has been a bitter disappointment for New South Wales schools.

With $80 billion in cuts to schools and hospitals over the next decade, the Abbott government has driven a knife right into the heart of the kind of reforms they advocate for in the report today. We cannot fund professional development and mentoring without years 5 and 6 of the Gonski reforms. I would urge the Abbott government today to look at the report they endorsed and those fine recommendations, to realise the mistakes they have made and to live up to the commitments and the promises they gave to the Australian public.

Senator BACK (Western Australia) (17:06): I am delighted and very proud to rise to speak to the Australian government response to Teaching and Learning (maximising our investment in Australian schools). I am equally pleased to be able to record that three of the four very active members of the committee which addressed this question are here in the chamber: Senator Wright from the Greens political party and my colleagues Senator McKenzie and Senator Alex Gallacher. It was at the initiative of our group. It did not come from shadow ministerial, ministerial or any other sources; we just decided in conversation as a committee that we should look at this. This particular report was not addressed at Gonski level; it was addressed right down at the classroom level. Why can't teachers teach and what is stopping children from learning? This was developed around six pillars: the first being the reasons and causes of disadvantage for children; the second being parental involvement; the third being school autonomy; the fourth being student behaviour; the fifth being quality student-teachers; and, finally, professional learning for classroom teachers.

I am very pleased and proud to see that the government has responded in the way they have to the 23 recommendations contained within a bipartisan and unanimous report. We learned
that the government has established a Teacher Education Ministerial Advisory Group, partially to give effect to the recommendations and to ensure that they are closely examined with a view to implementation, and that many of these recommendations will be or have been passed on to the Council of Australian Governments' Educational Council so that it can be scrutinised by a council of COAG. We understand that the report in its entirety is to be referred to the chair of the Educational Council. So it is one of those situations where, as backbenchers, you often say to yourself, 'What's the point of going through all these exercises? Why do you ask for submissions? Why do you go around the country taking evidence and writing a report with many recommendations?' and you think that there has been no action as a result of it. I am sure my colleagues in the chamber will share my appreciation of the fact that the hard work we did in this particular committee will see its way through to improved outcomes for children—improved educational outcomes and improved social outcomes.

I refer to those six pillars—the first being disadvantaged students. We are well aware of and recognise low-socioeconomic students, those with disabilities or those with Aboriginal or Torres Strait Islander background. But, because so many of us on the committee have a very keen rural, regional and remote bias and bent, we were able to add in students living in rural, remote and regional areas to the group of disadvantaged students. I do not think that has been recognised, but it is now pleasing to see increasingly the inclusion of students at primary, secondary and higher education in the dialogue. Some of the recommendations go to that.

The second, as Senator Lines quite correctly has addressed, is the issue associated with parents. We came to learn that parental expectations, be they high or low, are critical to the outcome for the children. If the parents have a high expectation from a very young age, children are more likely to realise it. We also had evidence that it is the number of words that children hear as young children—not necessarily words spoken to them but words they hear in conversation. The greater the range of vocabulary with which they have contact the better their literacy will be in the very early years going through to later years. These are not costly impositions or implementations; they are just recognition that children need to hear words and that parents need to be encouraged to actually, in their turn, say to their children, 'We expect you to be the best you can.' That is not socioeconomically backgrounded. It is not rural and regional. It should not be those with disabilities or those with Aboriginal or Torres Strait Islander background.

The third related to school autonomy, and there has been much spoken about the right of the principal to direct and interact with their community, to take on board the advice of parents and other groups and to run their schools to the best effect for their community—particularly for the children.

When it comes to behaviour, the committee thought it was a shame that, when you speak to teachers or those who have left teaching, they will tell you that it is poor behaviour that often drives them out of teaching. Acting Deputy President Whish-Wilson, the only teacher who came and presented wonderful information was from your home state of Tasmania. If I can quote from that gentleman, these were the words he said to the committee:

Well-behaved children learn a great deal better and a great deal more than poorly behaved children.

He spoke of the problems associated with trying to control a classroom and with trying to teach children, particularly if there is a bully in a classroom. It is not just removal of the bully;
it is the fact that you return to a classroom of timid, scared young children who themselves are not in a position to learn. Whilst the government's response speaks to behavioural problems, I still think it is the elephant in the room that we have to address in Australian education. I look at education in Singapore, China, Finland and other places. I have spoken about this in this place before. You will notice the thing that is in common to the countries that are always put up on pedestals for being better educational outcome countries than us: the behaviour of children in the classrooms. I really do appeal to government that we make sure we address the opportunities for those who want to learn and for the teachers to teach them. Some of our recommendations go to that question.

I speak of quality teaching of graduates, and I mentioned that the government is already moving to lift the quality, professionalism and status of the teaching profession. We are training far too many young student teachers. We have a situation where too few of them know where the real opportunities lie when they graduate. We have, in many instances, less than 50 per cent of student teachers believing they are classroom ready, but, worse than that, being asked to teach away from the disciplines they undertook in their university training. Again, we directed ourselves into that area. I am very pleased to see that the government is seriously looking at this whole question with those who provide teacher training to make sure that we are identifying those best equipped, that we are making sure that they receive the best formal education and that they are receiving practica in the classrooms so that they can get a good sense of what the profession is all about, and then, having graduated, they are classroom ready. They will have the mentors that Senator Lines quite rightly suggested were not available years ago and they will be given every opportunity to teach in the field in which they are trained.

The final area to which I referred was professional learning for classroom teachers. It was mystifying to me that so many of our young teachers do not have permanency and are unlikely to get a job at the end of the teaching year because of budgets and other constraints. They are quite often put off at the end of the teaching year—about now—and will possibly be employed again at the beginning of the next year. And we also heard that when it came to professional learning, teachers—generally younger ones, who were not permanent—often did not have the opportunity to participate in professional learning or professional development programs in the schools. Surely, the group that requires that professional development is the group of younger and less experienced teachers.

We also pleaded—I am very pleased to see that, in the government's response, they have noted this—for the opportunity for mentoring by senior teachers, who can sit in the classrooms of more junior teachers. And we pleaded for the opportunity for younger, more junior teachers to sit in the classrooms of more experienced teachers so that they can genuinely interact.

There would not be a person in this place who does not agree that we have to give every opportunity to every child and every young person in this country to be the best that they can be. We all know that 'educo' the Latin root of the work 'education' means, 'I lead you out of the darkness of ignorance.' That is what the Latin term for education is. I am delighted to think the Australian government has responded to this report in such a positive way.

Senator O'NEILL (New South Wales) (17:16): I am really pleased to speak once again in this chamber to the passion that ignited my entire career until I came to this place—that is, a
love of learning, a love of teaching and a love of the power of education, because it
transforms the lives of all those who touch it: those who are delivering it and those who are
receiving it. When it is done well it is an incredibly powerful tool for advancing our entire
community.

When this report—which received a government response today—was released in May
2013, it was not a bad report. It was a report in which there was a general consensus that
things needed to change in Australia to provide equitable access to education to put money
where money should go, and to make sure that the principles that we espoused in the
Melbourne declaration—about engaging students and giving them a fair opportunity in life—
are realised in this place.

But we have to remember that the report was delivered in the context of the community
understanding that the Gonski reforms were happening. The community believed that money
was going to be allocated to five key areas to top up what was needed and make sure that
those who were way out west—away from the cities—and those in rural and remote were
considered, and Indigenous kids, kids from low socio-economic backgrounds and kids with
disabilities, and young people who were coming to school with little English were considered.
These were critical areas that the government—on the advice of Gonski—had considered
were vital areas to respond to with funding. That is where we were going.

And we were going in that direction because of some of the evidence that is in the original
report. Mr Taylor, who represented the Isolated Children's Parents Association of New South
Wales declared to the committee:

We cannot keep doing the same thing and expect the gap to narrow or for the situation to improve.
We have to concede that we have a crisis in educational opportunity and outcome in rural and remote
areas, set ourselves targets for improvement and become accountable for making that improvement
happen. That will require innovation. That will require translating successful programs for isolated
students from other schools within Australia and internationally and multiplying those programs across
our own schools. That will require collaboration rather than competition in our rural schooling sector.
Mr Taylor could not have been more right. And the Australian people generally agreed with
that principle.

This government has revealed the depths of its deception fully this week with regard to the
promise to make no cuts to the ABC and no cuts to SBS, along with no cuts to health and no
cuts to education. This government has revealed itself to the Australian people, sadly, a year
after it was elected. But as it went into the election, on the back of this report, it was looking
not so bad. By declaring that they were on a unity ticket with Labor on Gonski funding, they
effectively took schooling out of the equation when people were making the decision about
how to cast their vote at the ballot. It was an act of gross deception, because since coming into
government—barely weeks after arriving in government—this Abbott government walked
away from anything that looked like the Gonski commitments. It was certainly not a unity
ticket.

So the reality is that, while we have this amazing report, today we have finally got the
government's response. Those who are listening to the proceedings of the Senate this
afternoon will hear, in the government's response, how little the government are going to do.
They claim that the first step in achieving quality education is to lift the quality,
professionalism and status of the teaching profession. They go straight back to the old mantra.
'It's all the teachers' fault; we'll just sort out the teachers.' Do you know why they are doing that? They are doing that because they do not want to invest the money. They simply do not understand that we need to invest the money in our students, our teachers and our schools. Certainly, education of our teachers and lifting standards and professionalism is part of the answer, but it should not be the first thing that the government identifies in its response.

A couple of the critical recommendations of the report refer to exactly what I was mentioning—the funding. The report says:

The committee recommends that the COAG Standing Council on School Education and Early Childhood work with the Catholic and Independent School sectors to further develop programs to ensure that parents and guardians have the highest expectations for each child, regardless of socio-economic status.

And what do we have from this government? We do not have a commitment of money. We do not have an acknowledgement or an agreement; we have the weakest possible language that 'the government notes' the committee report. There is recommendation after recommendation in the original report—about going to COAG, about dealing with this on a national level, about the integration of the state and federal government systems—but the minute they got into government, this mob over here ran away. They tore up agreements left, right and centre in health and in education. They tore them up, ran away from their responsibilities to have an integrated education program for Australians across the entire country. We have got a national curriculum, but we certainly have not got a national funding model. And whatever chance we had of getting to it—and we were so close—the change of government gave that sad lot the opportunity to rip that possibility away from all of those who are attending school now. The disgrace that will live on in terms of the legacy of those opposite will be felt by those children from whom this government have walked away. They walked away from their so-called unity ticket on Gonski.

I find it hard to believe that in all of the recommendations we look through here that 'the committee notes', 'the committee notes', 'the committee notes', 'the committee notes' is pretty much the main response that this government have given: 'We notice that it's going on over there. Yep, it was a nice piece of paper.' There is only one area that I could find in the committee report—and I have looked through it—that the Australian government support. Only one thing, and that is the committee recommendation about schools for students with disability and learning difficulties. The reason they are supporting that is because we had that legislation back here in the chamber only a couple of weeks ago and we have been fighting to make sure they cannot walk away from their commitments to the disability sector. We came in here and we had to fix up a mess of legislation—which we see day after day from this incompetent government—just so that kids with disabilities and their schools could get their funding. And some of you might remember that we were in here debating about how Aboriginal children who are in remote communities and who are going to go to boarding school needed that funding to come through too. The Senate delivered one vital thing, and that is the only thing in this response, in the time I have had to read it, that I can see the government is doing anything about.

Those opposite have absolved themselves of any responsibility, as the national government of this country, for integration with the states. And they do it under the cover of mealy-mouthed phrases: 'We need to move away from the states. They need to have their own
autonomy to choose. We should just let the states do their own thing. You know, they have a right—we want to move away from command and control.' Well that is a load of codswallop! What they want to move away from is actually putting funding on the line, from honestly and sincerely committing to the children of this nation and making sure that those who do need the money in exactly the way that Gonski declared get the money that they need.

This government are running every which way from every commitment they have ever made. No cuts to education? We know they have taken $30 billion out—matched that and raised it by taking $50 billion out of health. 'No cuts to health, no cuts to education, no cuts to the ABC, no cuts to SBS'. This response we see here from the government is exactly the same sort of story. This is, 'We will cut to blazes anything to do with education, and we'll do it under the cover of these fancy reports and terminologies—command and control, autonomy to the states.' But it is all just a cover. If you analysed how much each person on that side of the chamber invested in their own children's education, it would tell you pretty quickly that they think money matters. And it should not have to in this country. I understand the power of a great education and I have paid for great education for my children too, but I want every Australian to get it because it is a right in this country. You should not have to have money to get a decent education in Australia any more, but this country will preside over exactly that sort of mantra. (Time expired)

Senator McKENZIE (Victoria) (17:26): I am very proud to rise to speak to the government's response to the Senate Education, Employment and Workplace Relations References Committee report Teaching and learning—maximising our investment in Australian schools. I was one of the senators, with Senator Back and others, who contributed to this report. As Senator Back's contribution noted, this was not a blue-sky report; it was a report where we spoke to principals, where we spoke to teachers and researchers and actually got to the very heart of what makes a difference to teaching and learning.

The inquiry was on the back of the committee's trip to China in the wake of the PISA results, and particularly the Shanghai school systems results. The committee wanted to understand more fully how China were getting the results they were within those international tests, and whether there were any lessons for us to learn—particularly given the prior government's fascination or fixation on ensuring we were in the top five PISA results. And Senator O'Neill, through you, Chair, as an educator I am sure you would appreciate that international tests are not a good education barometer to understanding the quality of an education that goes on within classrooms and within schools and within communities. And yet that is what the former Labor government chose to hold up as the measurement of a quality education, through their so-called Gonski reforms.

Senator O'Neill rails in some faux outrage that this report was handed down in May 2013 to the former Labor -Green's government but that it is our government who are actually responding; however, hers did not. This is despite the fact the great Gonski report was handed down in December 2010 I think, and yet, there they were, running around the country, traipsing behind premier after premier in great haste, in September 2013 in an effort to actually realise the principles that Gonski underlined. And yet we did not end up with the model that Gonski wanted. The government that actually delivered a national, needs-based school funding model that was sector blind was not the Gillard government, was not the Labor-Green's government; it was Christopher Pyne and the Abbott government that
delivered that. No matter how you want to paint it, they are the facts. The department has confirmed that fact for the committee in a hearing during recent months—that is, that a sector blind, needs-based national funding model was delivered by the coalition government and not by the former government. Indeed, there is actually an increase of investment in school funding from the Commonwealth over the forward estimates. I just want to put that on the record for all those fabulous Australians listening to the Senate this afternoon.

In looking at the government's response, I realised why the government has decided just to note so many of the recommendations. It is because underlying our recommendations was the recognition that state governments are responsible for the delivery of school education. Many of the recommendations we made went to the heart of that, so our issues have been referred to the appropriate place for the discussions to take place.

One thing we realised in talking to principals, teachers and students about what makes for excellent learning outcomes is that it is about—and all the research bears this out—the teacher in the classroom. Again, I refer to Senator O'Neill’s contribution in which she made it sound as if the teacher in the classroom does not make a difference to student outcomes. At the very least she made it sound as if it is not the most important thing in making a difference. But it is. It absolutely is. Our government is committed to putting taxpayers' dollars where they are going to make the biggest difference for our students—not for the AEU or the NTEU but for Australian students who attend state schools, Catholic schools or private independent schools.

The setting up of the Teacher Education Ministerial Advisory Group, or TEMAG, was fundamental to addressing many of the recommendations in our report. It went to the heart of the key questions. What does make a great teacher? What is the role of the deans of education across this country in ensuring our teacher training programs turn out the kinds of graduates who are not going to leave the profession after five years, who are going to understand what is required to be a great teacher and how to deliver lessons in a way that not only engages young Australians but also ensures they actually learn something? A good science lesson does not mean you get to watch MythBusters 24/7. You actually have to understand the principles of teaching science.

It is about pedagogical approaches that work and it is about ensuring that our teachers graduate with core subject knowledge—that they are experts in the classroom. Yes, they facilitate students to understand the content within a certain context, but they have to be the experts in the room. You cannot leave it to Wikipedia. It is also about professional experience—and we understand that it is about ongoing learning by teachers, including through ongoing conversations about education and through learning communities. That is something our government has very much understood. The TEMAG report is in and I am looking forward to the government's response to that and to seeing how we are going to ensure that, in the years ahead, every Australian student has quality Australian teaching in their classroom and therefore maximises their opportunity to learn.

Another great initiative of the government in teaching and learning is the appointment of Professor John Hattie to AITSL. He is widely respected within the profession and very focused on ensuring that there is evidence behind what we do in the classroom—on making sure that it is really going to make a difference for all students, not just middle-class white kids. He is about making sure that everything we do in a classroom is based on research and evidence. I think that is going to be very powerful and transformative for teaching. One of the
recommendations we made was about the development of online resources. That is one of the key components of AITSL's work—gathering those online resources that teachers can use in the classroom.

Another recommendations we made was about Closing the Gap. The Minister for Indigenous Affairs, Nigel Scullion, is in the chamber today. I congratulate him on his initiatives. Whilst the figures on closing the gap in educational attainment for Indigenous and Torres Strait Islander people are not where we want them to be, his very practical and pragmatic approach to solving this problem through his officers working in the communities with families to ensure young Aboriginal and Torres Strait Islander people are heading into the schools is going to be the first step towards ensuring that we do close that gap. You have to get them in the door.

Another focus of Senator Back and mine, because we do both have a mathematical and scientific bent, was on STEM—

Senator Jacinta Collins: Me too!

Senator McKenzie: And Senator Collins—fabulous, a unity ticket there. We are all focused on the importance of STEM subjects in the curriculum, ensuring that those teachers who are experienced and expert in the teaching of STEM are available right across the school system. That is so important. We made a variety of recommendations to that effect. That is why I am very proud not only of our government's response to the report but of the policy initiatives we are implementing right now through our competitiveness agenda—not to mention Minister Pyne's own personal commitment to ensuring that mathematics, science and technology are a key focus of our government and our education policy going forward.

I commend the report. I enjoyed working with Senator Back on this report—and, Senator Marshall, we do miss you! I appreciated the bipartisan approach the former committee had to all things education. It is a great report and I am very proud of a government that is putting students first in teaching and learning. We are investing taxpayers' money wisely to give effect to that. I look forward to the recommendations of this report bearing fruit in the decades ahead.

Question agreed to.

**Australia's Food Processing Sector Committee**

**Report**

Senator O'Sullivan (Queensland—Nationals Whip in the Senate) (17:36): I move:

That the Senate takes note of the report of Senate Select Committee on Australia's Food Processing Sector's inquiry into Australia's food processing sector and government response.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

**DOCUMENTS**

**Consideration**

The following order of the day relating to committee reports and government responses was considered:
Australia's Food Processing Sector—Select Committee—Report—Inquiry into Australia's food processing sector—Government response. Motion to take note of document moved by Senator O'Sullivan. Debate adjourned till the next day of sitting, Senator O'Sullivan in continuation.

Orders of the day nos 1, 2 and 4 relating to committee reports and government responses were called on but no motion was moved.

MINISTERIAL STATEMENTS

Trade

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:37): On behalf of the Minister for Trade and Investment, Mr Robb, I table a ministerial statement and document on the first protocol to amend the agreement establishing the ASEAN-Australia-New Zealand free trade area.

DOCUMENTS

Telecommunications

Tabling

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:38): I table a document relating to the order for the production of documents containing a data retention policy.

COMMITTEES

Parliamentary Joint Committee on Intelligence and Security

Law Enforcement Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (17:38): The President has received letters from party leaders seeking variations to the membership of committees.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:38): by leave—I move:

That—

(a) Senator Wong be discharged from the Parliamentary Joint Committee on Intelligence and Security and Senator Williams be appointed as a member of the committee, pursuant to the Intelligence Services Act 2001; and

(b) Senator Leyonhjelm be appointed as a member of the Parliamentary Joint Committee on Law Enforcement.

Question agreed to.

BILLS

Australian Citizenship and Other Legislation Amendment Bill 2014

First Reading

Bill received from the House of Representatives.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:39): I move:
That this bill may proceed without formalities and be now read a first time.
Question agreed to.

Bill read a first time.

Second Reading

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:39): I move:
That this bill be now read a second time.
I seek leave to have the second reading speech incorporated in Hansard.
Leave granted.

The speech read as follows—

AUSTRALIAN CITIZENSHIP AND OTHER LEGISLATION AMENDMENT BILL 2014

Australian citizenship is something to be treasured. It is a common bond which unites us all, whether we were born here or chose to make Australia our home. Australian citizenship involves a commitment to this country and its people. It is a privilege which should not be taken lightly.

This year, we celebrate the 65th anniversary of Australian citizenship. It is therefore appropriate to review the Australian Citizenship Act 2007 to ensure that it upholds the value of our citizenship. This Bill, the Australian Citizenship and Other Legislation Amendment Bill 2014, supports the integrity and effectiveness of the citizenship programme, providing a clear legislative framework to underpin the government's policy.

The Bill has a range of amendments grouped into three broad themes:
- strengthening programme integrity;
- underlining the importance of connection to Australia; and
- improving decision-making.

The first theme is strengthening programme integrity.
Currently under the Citizenship Act revocation may be considered in cases where a person has acquired Australian citizenship 'by application' and:
- has been convicted of making a false statement or misrepresentation in relation to a migration or citizenship application that resulted in them becoming an Australian citizen; or
- has committed a serious criminal offence prior to becoming an Australian citizen, failed to disclose it on application, and is convicted of the offence after making an application to become an Australian citizen. A serious offence is one where a person was sentenced to death or a prison sentence of 12 months or more. This provision applies to serious criminal offences committed in Australia or overseas; or
- has acquired citizenship since 1 July 2007 as a result of third party fraud where the third party who committed the offence has been convicted of the offence.

After one or more of these criteria have been met, the Minister then must be satisfied that it would be contrary to the public interest for the person to remain an Australian citizen.

The Minister can revoke Australian citizenship where a person acquires it 'by application'. This means through conferral, descent, or adoption in accordance with the Hague Convention on Intercountry Adoption.

The Bill expands the Minister's power to revoke citizenship when satisfied that the person became a citizen as a result of fraud or misrepresentation, by allowing revocation without a prior criminal
conviction for fraud. Law enforcement agencies and courts have limited capacity to prosecute all cases of fraud, or any other type of criminal behaviour, thereby reducing the ability of the government to ensure that high community expectations of behaviour are maintained in respect of those who obtain Australian citizenship. In line with other revocation provisions, I intend that the Minister must be satisfied that it would be contrary to the public interest for the person to remain a citizen.

The Citizenship Act has two mechanisms for assessing the character of an applicant.

The "good character requirement" extends to everyone who applies to become a citizen aged 18 years and over. The Bill amends these provisions to require applicants aged under 18 to also be of good character. Character concerns are not limited to adults and indeed my department has had serious concerns about the character of certain applicants aged under 18. In practice, the change will mean that my department may now seek to obtain police clearances for 16-17 year olds. We would also be able to assess the character of youths younger than 16 if the department becomes aware of particularly relevant character issues.

Secondly, the Act currently prevents the Minister from approving a person becoming a citizen by conferral in circumstances related to criminal offences. The Bill promotes consistency by providing that this bar on approval will also apply to applicants for citizenship by descent, adoption under Hague Convention on Intercountry Adoption and resumption.

In addition, the Bill amends the offence provisions to reflect modern sentencing practices, including where a person is subject to a court order for home detention or when they have not been sentenced to prison but are nonetheless under obligations to a court.

The Act currently provides that approval of citizenship by conferral for adult applicants may be cancelled, prior to the Pledge of commitment being taken, in certain limited circumstances. The Bill amends this provision to meet current challenges to programme integrity and extends the cancellation powers to cover applicants aged under 18.

The Bill provides that approval must be cancelled if the Minister is no longer satisfied of the applicant's identity or if they have become a risk to national security. The Bill further provides that the Minister may cancel approval if satisfied that the person no longer meets other eligibility requirements.

The Bill extends the maximum period of time where the Minister can delay an applicant making the Pledge of commitment from 12 months to two years, recognising that investigations into whether there are grounds for cancellation can take longer than 12 months.

The Bill introduces safeguards to the provision giving automatic citizenship to those whose adoptions are finalised in Australia, by requiring such adoptions to be commenced before the applicant turned 18. This amendment is particularly concerned with preventing clients seeking adoption as adults to avoid being removed from Australia after their visas were cancelled under the Migration Act because they were no longer of good character.

The second theme is underlining the importance of connection to Australia.

Most applicants for citizenship by conferral must have been present in Australia for four years prior to making a citizenship application. However, there has been some confusion about when this four year period commences, leading to different interpretations by the Administrative Appeals Tribunal - the AAT. Therefore, the Bill clarifies the start date for this period.

The Bill clarifies the scope of the ministerial discretion to allow overseas absences to count towards the residence requirement for spouses and de facto partners of Australian citizens. It was a guiding principle in the new Citizenship Act in 2007 that partners should qualify for citizenship in their own right, not just as the partner of a citizen. The Bill therefore entrenches the policy position that the discretion should only be considered if the applicant has spent at least 365 days in Australia in the four years immediately before application. It is important that applicants spend a sufficient amount of time here to understand what being Australian means. Indeed, they must have a connection to Australia, not
just to an Australian. The Bill also inserts definitions of spouse and de facto partner, aligning them with the definitions in the Migration Act.

People are eligible to acquire citizenship automatically if they are born in Australia to an Australian citizen or permanent resident parent, or if they are ordinarily resident in Australia until their 10th birthday. The Bill limits automatic acquisition of citizenship on the 10th birthday to those persons who have maintained lawful residence in Australia throughout the 10 years, including maintaining a right to return if they travel outside Australia during those years. These amendments will not affect access to citizenship by children born in Australia to New Zealand citizens or children who are stateless.

In addition, the Bill clarifies that a child born to a parent who was in Australia with diplomatic or consular privileges and immunities cannot automatically acquire citizenship if they are still living here on their 10th birthday. This amendment reflects the policy position that such children are not considered to be "ordinarily resident" in Australia but are here for a special or temporary purpose only. It would not apply if the child's other parent is an Australian citizen or permanent resident.

The Bill also amends the provision giving citizenship to children found abandoned in Australia so it is consistent with the original policy intent, which is to reflect Australia's international obligations under the 1961 Convention on the Reduction of Statelessness.

The Bill improves the legal position of citizens by descent who are registered as Australian citizens but are later found not to have been eligible to be so registered. Under the current law, these people are automatically taken never to have been a citizen. The Bill repeals this provision and replaces it with a discretion for the Minister to revoke citizenship where a person was registered despite not meeting the requirements for registration. This would allow the circumstances of the particular case to be taken into account when deciding if citizenship of such a person should be revoked.

The third theme is improving decision-making.

In line with the Prime Minister's commitment to facilitate adoptions, the Bill improves access to citizenship by conferral for children who are granted an adoption visa overseas and whose adoption is finalised overseas, allowing them to enter Australia as citizens. Adopted children can encounter difficulties acquiring a document to travel to Australia if not an Australian citizen.

Most applicants for citizenship have come to Australia as migrants and the department has collected personal information about them under the Migration Act. This personal information is relevant when the person applies for citizenship. Likewise, personal information collected about a person under the Citizenship Act can be relevant if the department is considering whether to cancel the person's visa after a citizenship application has been refused. To ensure that the use and disclosure of personal information within the department complies with the requirements of the Privacy Act 1988, the Bill provides that personal information collected under one Act and associated regulations may be used and disclosed for the purposes of the other Act and associated regulations.

The Bill aligns the merits review requirements for conferral applicants aged under 18 with the relevant requirements for citizenship by conferral to prevent unfounded review applications tying up the resources of the AAT.

On occasion, the Minister makes personal decisions under the Act. The Bill makes it clear that the Minister can specify that such a decision is made in the public interest. As it is not appropriate for merits review to be available in respect of decisions that have been made by the Minister personally the Bill protects them from merits review. Judicial review will remain available.

The Bill also provides the Minister with a power to personally set aside certain decisions of the AAT if it is in the public interest to do so. I am concerned that some decisions made by the AAT have led to outcomes that are outside the community standards that citizenship policy is intended to meet, including recent occasions where the AAT found that people were of good character despite having been convicted of child sexual offences, manslaughter, people smuggling or domestic violence.
These amendments to protect the Minister’s personal decisions from merits review and to allow the Minister to set aside decisions of the AAT in certain circumstances will bring the Minister’s powers under the Citizenship Act in line with similar powers under the Migration Act.

The Bill also provides the Minister with a power to make legislative instruments. Such instruments may cover issues such as the currencies and exchange rates for fee payment, eliminating the need to amend the Citizenship Regulations every six months.

**Conclusion**

In conclusion, this Bill will result in more consistent decisions on applications for citizenship, bringing fairness and clarity to clients. The amendments uphold the value of Australian citizenship by preserving the integrity of the programme. The amendments will also ensure the connection between the applicant and Australia, helping them to understand the heritage that we share as citizens, an inheritance that is ours to steward, protect and enjoy.

I commend this Bill to the Chamber.

Debate adjourned.

**Intellectual Property Laws Amendment Bill 2014**

**First Reading**

Bill received from the House of Representatives.

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:40): 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 SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:40): 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—*

**INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 2014**

The continuing success of the Australian economy depends to a large extent on our ability to innovate, adopt new technologies and capitalise on new markets.

The intellectual property system is crucial to this success because it encourages invention and investment and provides business and consumers with access to valuable new technologies, products and services.

This government is determined to reduce the regulatory burden on business that is holding back Australia’s economic prosperity and development. Therefore the intellectual property system needs to fulfil its important role in the most efficient way possible and lower red tape costs for businesses.

The intellectual property system must also enable Australia to be a good global citizen and help less fortunate countries to access vital technologies essential to their health and wellbeing.
The Intellectual Property Laws Amendment Bill 2014 contains a package of measures, many of which will reduce red tape for those wishing to obtain or enforce their intellectual property rights and will provide more support for other countries facing health emergencies.

Firstly, Schedules 1 and 2 to the Bill amend the Patents Act to implement the Protocol amending the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, also known as the TRIPS Protocol. The Howard government accepted the TRIPS Protocol in 2007 and its implementation in Australia is well overdue.

The TRIPS Protocol helps developing countries that are suffering health crises such as malaria, HIV/AIDS and tuberculosis to obtain essential medicines from other countries at affordable prices. Millions of people die from such diseases every year.

At present, elements of our patent system can make it harder for Australian businesses to provide assistance to such countries.

To address this, the Bill will enable Australian pharmaceutical manufacturers to obtain a licence from the Federal Court to make generic versions of patented medicines and to export these medicines to countries with a demonstrated need.

The scheme will ensure that patents can only be used under strict conditions and that patent owners are fairly compensated.

The scheme is also designed to be as easy to use as possible, while ensuring appropriate safeguards are in place and consistency with Australia’s broader international obligations.

Secondly, Schedule 3 to the Bill will make amendments to the Plant Breeder’s Rights Act to extend the jurisdiction of the Federal Circuit Court to include plant breeder’s rights.

Plant varieties are very important to the success of the Australian agricultural industry. Plant breeder’s rights encourage breeders – many of whom are small businesses – to invest in developing new, improved varieties.

At present, breeders can only enforce their rights against alleged infringers by commencing proceedings in the Federal Court. This can be a very expensive path.

The Bill will give plant breeders the option of using the faster, more cost-effective and more accessible Federal Circuit Court for less complex matters.

Thirdly, Schedule 4 to the Bill allows for single patent application and examination processes for Australia and New Zealand; and a single trans-Tasman patent attorney regime.

These measures build on the Australia-New Zealand Closer Economic Relations free trade agreement by further integrating trans-Tasman regulation.

At present, most patent applications filed in New Zealand are also filed in Australia, but undergo separate examination processes in each country.

In what I understand to be a world first, the Bill allows patent applications for the same invention to be examined by a single examiner in either country. The regime will take account of differences in national laws and will result in two separate patents for Australia and New Zealand.

A single, more efficient patent application process will remove duplication and make it easier for businesses to protect their intellectual property in both countries. This has the potential to save Australian business and exporters thousands of dollars in professional advice costs.

To support this change, the Bill will allow for an address for service of documents, which is required when parties wish to challenge patents in the relevant courts, to be in either Australia or New Zealand. It will also move the rules relating to addresses for service to the regulations. These amendments will not change in anyway the existing requirement of a physical address for the service of documents.
The Bill will also introduce a single trans-Tasman regulatory framework for Australian and New Zealand patent attorneys.

As the majority of Australian and New Zealand patent attorneys are registered in both countries, a single regulatory body will remove barriers, encourage competition and save time and money for the profession.

The framework will include a single register of patent attorneys, a single IP Attorneys Board and a single IP Attorneys Disciplinary Tribunal.

The Australian Government has worked closely with New Zealand to establish the framework. This is a small but significant step forward for our economic relationship with an important trading partner and the creation of a seamless trans-Tasman business environment.

I thank the New Zealand Government for its cooperation in this endeavour.

Finally, Schedule 5 makes a number of minor administrative changes to the Patents, Trade Marks and the Designs Acts.

These changes will repeal unnecessary provisions that require the government to keep intellectual property documents for longer than they are needed. This will remove unnecessary red tape and help reduce the government's warehousing costs. The Bill also makes a number of technical corrections to the legislation.

In summary, this Bill makes a number of important improvements to Australia's intellectual property system to streamline processes, and reduce barriers and regulatory costs for Australian business.

I note that, when in government, the opposition supported the progression of these measures. I therefore look forward to the opposition's support for this Bill.

Debate adjourned.

Carbon Farming Initiative Amendment Bill 2014

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee
Economics Legislation Committee

Report

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (17:41): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation as listed at item 17 on today's order of business together with the Hansard records of proceedings and documents presented to the committees.

Ordered that the reports be printed.

BILLS

Counter-Terrorism Legislation Amendment Bill (No. 1) 2014

In Committee

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

Senator WRIGHT (South Australia) (17:43): I have amendments to move in relation to this bill, so I certainly do not want it to stand as printed. I was of the understanding that the
Attorney-General would be here to speak to the bill, because I have some questions indeed for the Attorney-General and he might have some amendments to move as well. So I do not see that there is much point in me commencing until the Attorney-General is here to hear my questions.

Senator JACINTA COLLINS (Victoria) (17:44): Perhaps I could facilitate matters by pre-empting the government in moving their amendments and indicate the Labor opposition's position with respect to those amendments. It might save the committee some time later in the discussion. It has consistently been Labor's position that all national security legislation should be rigorously examined to make sure not only will it be effective in protecting our nation but also that it does not unduly infringe on important rights and freedoms. In keeping with that position, Labor insisted to the government that these three new measures be introduced in a separate bill and subject to public scrutiny and a full Parliamentary Joint Committee on Intelligence and Security inquiry. In its report the intelligence committee recommended the bill be passed and made 15 substantive recommendations. Significant recommendations include amendment to the bill to require the AFP to provide the Attorney-General with a summary of facts when seeking consent to apply to the court for each control order, including any facts why it should not be made; retention of the requirement for the AFP to explain to the issuing court each condition in a draft control order—the bill, as introduced, would only require the AFP to justify the control order as a whole; shortening of periods for notification of the relevant minister where agencies issue emergency authorisations; that the government urgently appoint a new Independent National Security Legislation Monitor and task it with reviewing whether recommendations for safeguards on the control order regime recommended by the 2013 COAG review should be implemented; and finally, it recommended a range of oversight measures.

Labor has asked the government to implement those recommendations and the government has agreed to do so. Labor will accordingly support the bill. The recommendations will improve the accountability and transparency of decision making by national security agencies. The recommendations will also ensure that control order applications are closely and appropriately scrutinised.

In the absence of the Attorney, I might move through government amendments number by number, although that possibly would not have been necessary had the Attorney been here to move them. I notice the Attorney is here, so I will let him proceed with his amendments.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (17:47): I apologise for not being here when the committee stage began. I just became aware of it. I seek leave to move all government amendments together.

Leave not granted.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (17:47): by leave—I move government amendments (1) to (6), (8) to (14), (17) and (19) to (30) on sheet ES111 together:

(1) Schedule 1, item 8, page 5 (after line 8), after paragraph 104.2(3)(a), insert:

(aa) the following:
(i) a statement of the facts relating to why the order should be made;
(ii) if the member is aware of any facts relating to why the order should not be made—a statement of those facts; and

(2) Schedule 1, page 5 (after line 22), after item 8, insert:

**8A Subsection 104.2(6) of the Criminal Code**

Omit "paragraphs (2)(a) and (b)"; substitute "subsection (2)".

(3) Schedule 1, item 9, page 5 (line 34) to page 6 (line 4), omit paragraph 104.3(c).

(4) Schedule 1, item 9, page 6 (line 6), omit "the proposed", substitute "each of the proposed".

(5) Schedule 1, item 9, page 6 (lines 9 and 10), omit "the proposed", substitute "any of those".

(6) Schedule 1, item 12, page 7 (lines 9 and 10), omit "the order", substitute "each of the obligations, prohibitions and restrictions to be imposed on the person by the order".

(8) Schedule 1, item 15, page 8 (line 3), omit "12", substitute "8".

(9) Schedule 1, item 16, page 8 (line 6), omit "104.3(1)(b) to (e)"; substitute "104.3(b) to (e)".

(10) Schedule 1, item 17, page 8 (line 9), omit "12", substitute "8".

(11) Schedule 1, item 18, page 8 (line 12), omit "104.3(1)(a) to (e)"; substitute "104.3(a) to (e)".

(12) Schedule 1, item 19, page 8 (line 16), omit "12", substitute "8".

(13) Schedule 1, item 20, page 8 (line 18), omit "12", substitute "8".

(14) Schedule 1, item 22, page 8 (line 22), omit "104.3(1)(c) and (d)"; substitute "104.2(3)(aa) and 104.3(d)".

(17) Schedule 1, item 28, page 9 (lines 28 and 29), omit "the varied control order", substitute "each of the additional obligations, prohibitions and restrictions to be imposed on the person by the order".

(19) Schedule 2, page 12 (before line 4), before item 1, insert:

**1A After section 3**

Insert:

**3A References to Ministers**

Despite section 19A of the *Acts Interpretation Act 1901*, in this Act:

(a) a reference to the responsible Minister in relation to a relevant agency is a reference only to the most senior responsible Minister in relation to that agency; and

(b) a reference to the Prime Minister or the Attorney-General is a reference only to the Minister with that title; and

(c) a reference to the Defence Minister is a reference only to the most senior Defence Minister; and

(d) a reference to the Foreign Affairs Minister is a reference only to the most senior Foreign Affairs Minister; and

(e) a reference to the Minister responsible for administering the *Australian Security Intelligence Organisation Act 1979* is a reference only to the most senior such Minister.

Note: A reference to a Minister mentioned in this section may include a reference to a person acting as that Minister (see section 19 of the *Acts Interpretation Act 1901*).

(20) Schedule 2, item 18, page 18 (after line 19), after subsection 9B(4), insert:

Notifying the responsible Minister

(4A) An agency head who gives an authorisation under this section for an activity or series of activities must notify the relevant responsible Minister of the authorisation within 8 hours after giving the authorisation.
(21) Schedule 2, item 18, page 18 (lines 21 and 22), omit "An agency head who gives an authorisation under this section for an activity or series of activities must", substitute "The agency head must also".
(22) Schedule 2, item 18, page 19 (line 5), omit "being", substitute "the responsible Minister is".
(23) Schedule 2, item 18, page 19 (after line 13), after subsection 9B(8), insert:

Oversight by Inspector-General of Intelligence and Security

(8A) Within 30 days after the Inspector-General of Intelligence and Security is given the documents, the Inspector-General must:

(a) consider whether the agency head complied with the requirements of this section in giving the authorisation; and

(b) provide the responsible Minister with a report on the Inspector-General's views of the extent of the agency head's compliance with the requirements of this section in giving the authorisation; and

(c) provide to the Committee a copy of the conclusions in the report.

(24) Schedule 2, item 18, page 19 (line 14), omit the heading to subsection 9B(9), substitute:

Status of instruments

(25) Schedule 2, item 18, page 19 (line 15), after "authorisation", insert ", report".
(26) Schedule 2, item 18, page 20 (line 11), omit "Advising", substitute "Notifying".
(27) Schedule 2, item 18, page 20 (line 12), omit "advise", substitute "notify".
(28) Schedule 2, item 18, page 20 (line 15), omit "advice", substitute "notification".
(29) Schedule 2, item 18, page 20 (lines 17 to 23), omit subsection 9C(5), substitute:

(a) for a notification given to the ASIO Minister—before the end of 8 hours after the authorisation is given under section 9A or 9B; and

(b) for a notification given to the Inspector-General of Intelligence and Security—as soon as practicable, but no later than 3 days after the authorisation is given under section 9A or 9B.

Oversight by Inspector-General of Intelligence and Security

(6) Within 30 days after the Inspector-General of Intelligence and Security is given the notification, the Inspector-General must:

(a) consider whether the agency head complied with the requirements of this section in giving the authorisation under section 9A or 9B; and

(b) provide the responsible Minister with a report on the Inspector-General's views of the extent of the agency head's compliance with the requirements of this section in giving the authorisation under that section; and

(c) provide to the Committee a copy of the conclusions in the report.

(30) Schedule 2, page 22 (after line 29), at the end of the Schedule, add:

32 Paragraph 29(1)(bb)

Repeal the paragraph, substitute:

(bb) to review, by 7 March 2018, the operation, effectiveness and implications of the following:

(i) Division 3 of Part III of the Australian Security Intelligence Organisation Act 1979 and any other provision of that Act as far as it relates to that Division;

(ii) Division 3A of Part IAA of the Crimes Act 1914 and any other provision of that Act as far as it relates to that Division;
(iii) Divisions 104 and 105 of the Criminal Code and any other provision of the Criminal Code Act 1995 as far as it relates to those Divisions;
(iv) sections 119.2 and 119.3 of the Criminal Code and any other provision of the Criminal Code Act 1995 as far as it relates to those sections; and

These amendments give effect to the recommendations of the Parliamentary Joint Committee on Intelligence and Security. The committee recommended that the bill be passed, with amendment, and these are the amendments arising from the committee's report. They include further strengthening the bill to include the safeguards, transparency and oversight mechanisms I explained in my second reading speech. I should add that there are also some recommendations by the PJCIS for amendments to the explanatory memorandum and those amendments will be made when a revised explanatory memorandum is tabled in the House of Representatives. Beyond that, that is all I have to say.

Senator WRIGHT (South Australia) (17:49): I indicate that the Australian Greens will be supporting the amendments. Indeed, they replicate some amendments that the Australian Greens were intending to move ourselves and we will not necessarily have to do that now. We are pleased that the government has introduced amendments to act many of the 15 recommendations made by the Parliamentary Joint Committee on Intelligence and Security and we consider that these changes constitute the absolute minimum necessary to begin to bring the bill closer to what is acceptable in terms of incursions on human rights and civil liberties. However, it is our view that these remain seriously inadequate to remedy the full range of human rights concerns that have been raised by many organisations and, indeed, by the Parliamentary Joint Committee on Human Rights of this parliament.

There are three of the Parliamentary Joint Committee on Intelligence and Security recommendations that are not reflected in the government's amendments and I would like to take the opportunity to ask the Attorney-General about those and why the government was not minded to take up those recommendations. The first I want to advert to is the PJCIS recommendation 1, which refers to the need to finalise the appointment of an Independent National Security Legislation Monitor 'as a matter of absolute urgency', to quote that recommendation. Attorney-General, given that the government has stated in the media that it accepts this recommendation, when can we expect to see a fully-qualified, well-resourced person in this role, given that there has never been a time when a person in that role has ever been needed as much as they are today.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (17:51): There is always a time when an Independent National Security Legislation Monitor is needed. Even more importantly though, it is important that the Independent National Security Legislation Monitor be heeded. Unfortunately, when the Independent National Security Legislation Monitor was eventually appointed by the previous government, none of his reports was responded to in a timely fashion. In fact, when the government changed 14 months ago, we inherited most of the reports of the Independent National Security Legislation Monitor which had not even been responded to by the previous government and they have been responded to by this government. Senator Wright, you or one of your colleagues asked me about this recently, and I said that the Independent National Security Legislation Monitor would be appointed soon. I think I can tell you, Senator Wright, that I have written to the Prime
Minister—who ultimately makes the appointment—recommending some names, with one preferred name of someone who, I think, would satisfy you as a man of very, very great eminence and suitability. I expect that that announcement will be made any day now.

Senator WRIGHT (South Australia) (17:53): Thank you, Attorney-General. It is interesting that you have often waxed eloquent about the importance of the role and, indeed, you have often claimed credit for being one of the people who moved to have the role introduced after the initial tranche of national security legislation was introduced during the Howard government. But, with respect, you cannot have it all ways. We have to actually look at not the talk but the walk. We have had this office vacant for seven months. Prior to that, you acknowledge that, in fact, your government was going to abolish the position. Given the importance that you put on the role, you will be very pleased to hear that I will be introducing a private senator's bill to require that the role be filled with alacrity in the future and that, indeed, the reports of the Independent National Security Legislation Monitor be responded to by governments within a timely period. I agree with you that it has been somewhat scandalous that report after report has not been heeded, as you say. With respect, I would suggest that it is now an opportunity for your government to take those previous reports seriously and to heed them now. Certainly, one of the major concerns that was consistently raised by the Independent National Security Legislation Monitor was with the control order regime—and we will come back to that in some questions that I have for you later. As much as it is nice to hear that soon we may have someone within that office, what kind of heed has the government paid to the previous discussion of the control order regime by the INSLM? And how can you point to that being reflected in the legislation that we are considering today?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (17:54): The legislation speaks for itself. The government has reviewed the whole range of Australia's counter-terrorism laws. We do not necessarily share the views of the previous INSLM. The INSLM is a person who contributes in a well-informed and intelligent way to the thinking of the government of the day and, indeed, to the thinking of the parliament. That does not mean that the INSLM is like a final authority on the policy merits of any particular proposal. The policy merits of the particular proposal is ultimately a matter for the government of the day, subject to the will of the parliament. The government respectfully disagreed with some of the views about the control order regime of the former Independent National Security Legislation Monitor, and our views were closer to the views expressed by the COAG review of these laws. The fact that you had one respected person of one mind and another respected person of another mind, neither of them political partisans, should tell you that there is a variety of views about this. But the view of the parliament, or at least the view of the overwhelming sentiment of the parliament as reflected in the unanimous report of the Parliamentary Joint Committee on Intelligence and Security, should tell you that both sides of politics—not, of course, you 'Green' people—are of the view that there is a role for control orders. That reflects the overwhelming sentiment of the elected representatives sitting in parliament. It reflects, no doubt, the overwhelming sentiment of the Australian people who want to see this government pass laws that are suitable and appropriate to deal with the issue of terrorism.

Senator JACINTA COLLINS (Victoria) (17:57): Thank you, you 'Green' Chair, Senator Whish-Wilson! No, Chair, I should be more respectful. I will take this opportunity to address
in some detail the various amendments by the government. I think it might help Senator Wright, particularly on her first question where she was asking for advice from the Attorney in relation to the position on control orders. Perhaps I will address Labor's position, as reflected in these amendments, issue by issue. If the committee will bear with me, I will probably be dealing with some matters that are in what I expect will be in the second tranche of amendments that we will deal with with the next question—that certain items of schedule 1 stand as printed. But they go across issues, if the committee can bear with that.

Government amendments (1), (3) and (14) relate to requesting interim control orders. These, as with, I think, all of the amendments, are the implementation of recommendations of the intelligence committee. Labor accepts that the purpose of this bill is to improve the operation of the control order regime. We support the bill's intention to reduce unnecessary duplication of decision making by the Attorney-General and then the issuing court. However, the Attorney-General's consent is required for an application for a control order for a reason. The Attorney-General's involvement is necessary to provide an appropriate level of oversight and accountability at the highest level of executive government for the exercise of what is an extraordinary power. The intelligence committee's recommendation that the AFP provide the Attorney-General with a statement of reasons related to why a control order should be made and, also, any facts of why the order should not be made is, therefore, a very sensible suggestion. These amendments strike the right balance between the operational effectiveness and appropriate oversight. For this reason, we are supporting them.

I will move now down to amendments (4) and (7) and (15) to (18) regarding details of limitations. Again, these follow the recommendations of the intelligence committee. The committee recommended retention of the requirement under the current law for the AFP to explain to an issuing court each condition in a draft control order. The bill as introduced would only require the AFP to justify the control order as a whole. Again, while Labor accept that the purpose of this bill is to improve the operation of the control order regime, we would not support removal of proper testing by an issuing court of the appropriateness and necessity of proposed control orders. Control orders allow for the imposition on a person of conditions, obligations and prohibitions which deprive that person of their usual rights. It is appropriate, therefore, that each and every one of those stipulations is assessed to see whether it is necessary to Australia's national security. Labor believe that extraordinary measures like control orders must always be rigorously justified, and we support these amendments which make sure that this will be the case.

Regarding amendments (8), (10), (12) and (13) around obtaining the Attorney-General's consent, this was another recommendation of the intelligence committee. The government's bill as introduced extended the time which the AFP would have to obtain the Attorney-General's consent to an urgent interim control order from four to 12 hours. As the intelligence committee noted, it is difficult to imagine circumstances where the Attorney-General would be unable to be contacted for a period of 12 hours and that eight hours should be sufficient for any reasonable contingency. Labor agrees, and we will support the government's amendments to implement this recommendation.

We understand amendment (9) to be a technical correction. Amendment (19), regarding references to ministers, implements a recommendation from the intelligence committee. It clarifies a drafting issue the committee raised and it ensures that references to ministers in the
Intelligence Services Act are taken to refer only to the most senior responsible ministers. Again, this amendment is consistent with Labor's focus on oversight and accountability. The powers granted in the act should be exercised by senior ministers with the requisite experience and departmental support. The powers granted in the act should be subject to the oversight of the most senior levels of government.

Regarding amendments (20) to (29), this is a further intelligence committee recommendation. The amendments provide that where an agency head gives an authorisation when a minister is unavailable, the minister must be notified within eight hours. Although the bill as introduced imposed an obligation for agency heads to notify ministers as soon as practicable, the bill provides for this time period to not exceed 48 hours at the outside. There can be no justification for such a long delay. Labor supports these amendments, which will ensure that ministers are promptly notified when decisions are taken by agency heads in their absence. This will ensure the oversight and accountability that Labor insists on when powers are exercised under the Intelligence Services Act.

Finally, regarding amendment (30) and the inquiry, this amendment implements the previous intelligence committee's recommendation that new provisions of national security legislation be reviewed by the intelligence committee ahead of sunset periods, now set two years after the next federal election. Labor supports this amendment. There should be proper, sober consideration of new national security measures, and we welcome the guarantee provided by a statutory and timely review.

Senator WRIGHT (South Australia) (18:03): Coming back to the response of the Attorney-General to my question regarding the INSLM, I would observe that you are quite right, Attorney-General: we 'Green people' did not have an opportunity to be part of the Liberal-Labor club on the Parliamentary Joint Committee on Intelligence and Security because, as everybody knows, it is a committee for which sole membership is available to the two old parties and none of the crossbenchers have an opportunity to be part of that—to examine the proposed legislation, to ask questions and to hear from the witnesses in person.

Coming back to the point that you made, Attorney-General, in relation to the Independent National Security Legislation Monitor's previous recommendations and reports, you were the person who used the word 'heed' in terms of how important it is to have a person in that role and how you will be moving to have someone in that role, but again you are trying to have things all ways. You are saying that it is important to have someone to heed their reports. I have just checked, because my initial reaction was that the word 'heed' is not a neutral term. It has connotations of being guided by, taken to heart, to follow, attend to, listen to, pay due regard to. I do not know what your attitude will be to the new Independent National Security Legislation Monitor that you are proposing to appoint, but it would seem to me logical and reasonable that if someone is appointed to that position—a position that is acknowledged to be an extremely important position, a position which the Parliamentary Joint Committee on Intelligence and Security indicated should be filled with absolute urgency—it would be sensible to heed their advice. In fact, it is interesting that you suggested that, because Liberal and Labor members of parliament on the Parliamentary Joint Committee on Intelligence and Security were able to come to a consensus on the recommendations for changes to this legislation, that that would somehow reflect the overwhelming view of the Australian public. I do not think you can logically conclude that,
and certainly I think it is pretty clear from the submissions in relation to this bill that the bill, as it stands—even with the amendments that are being moved by the government today—will not reflect the overwhelming views of those organisations in Australia who are in a position to understand the implications on civil liberties and human rights in Australia by dint of their longstanding work and understanding of these issues and also their experience in seeing how these sorts of issues play out overseas.

I could come back to the fact that, much as you extol the virtues of the Parliamentary Joint Committee on Intelligence and Security, the government has not seen fit to pick up all the recommendations of that committee. If I could take you to recommendation 2, which refers to ensuring clarity around the terms 'supports and 'facilitates' in the provisions in the bill that extend the control order regime, certainly this is a term whose potential and vagueness has concern among people who have made submissions on the bill. Recommendation 2 was seeking to ensure clarity around the term 'supports and facilitates'. I note that the government has apparently accepted that recommendation, so, Attorney, can you please explain how these terms have been redefined in the redrafted explanatory memorandum?

**The TEMPORARY CHAIRMAN (Senator Whish-Wilson):** Minister?

**Senator WRIGHT:** Can I clarify that I am not going to get a response to that, Attorney-General?

**The TEMPORARY CHAIRMAN:** The minister does not want the call, Senator Wright. Senator Wright.

**Senator WRIGHT** (South Australia) (18:08): Then I ask the next question. I am interested because this is a very vague, broad term that has been—

**The TEMPORARY CHAIRMAN:** Senator Wright?

**Senator WRIGHT:** I am not going to get a response to that question, I imagine, but I do have a follow-up question. I put this to everyone really, and particularly the Attorney-General. I am not playing a game here; I am seriously interested in having clarity from the government which is proposing this legislation, to help answer, reassure people about or clarify the concerns that have been legitimately raised by organisations in Australia who are concerned about the implications of this legislation. The question is: can you, as Attorney-General, give us and give the Australian public—an example of what this term 'supports and facilitates' will mean in context?

**The TEMPORARY CHAIRMAN:** Senator Brandis, I am going to get Senator Wright to repeat the very last question she asked so that you can listen to it, because you were in conversation with the Clerk.

**Senator WRIGHT:** Given that the government has accepted PJCIS recommendation No. 2, referring to ensuring the clarity around the term 'supports and facilitates' in the provisions in the bill that extend the control order regime, I am asking, Attorney, if you can give us an example of what that will mean in context.

**The TEMPORARY CHAIRMAN:** Senator Brandis, I am going to get Senator Wright to repeat the very last question she asked so that you can listen to it, because you were in conversation with the Clerk.

**Senator WRIGHT:** Given that the government has accepted PJCIS recommendation No. 2, referring to ensuring the clarity around the term 'supports and facilitates' in the provisions in the bill that extend the control order regime, I am asking, Attorney, if you can give us an example of what that will mean in context.

**The TEMPORARY CHAIRMAN:** Senator Wright, I do not have the right to call you again because you have just spoken twice.

**Senator LUDLAM** (Western Australia) (18:11): I am not sure what kind of procedural games the Attorney-General is playing here. Senator Wright asked a series of reasonable
questions about the operation of the bill and the context in which it has been drafted, and I draw the Attorney-General's attention to the reasonable questions that have been put to him. This is the stage of the bill debate where senators are able to establish how the bill is going to work in practice. Chair, I ask you to draw the minister's attention to the questions that are being put to him.

The TEMPORARY CHAIRMAN: I think the minister is aware of the questions that are being put to him. Senator Wright, do you want the call?

Senator WRIGHT (South Australia) (18:12): Yes. I am going to ask a further question. With respect, I think this is an outrageous abuse of process. Some of my questions later will go to the fact that we have a Parliamentary Joint Committee on Human Rights, established in this parliament, which has sought clarification on some of the same questions that I am asking. Some of that information that was sought was in relation to the previous national security law, which has now passed—the foreign fighters bill—and that committee is still waiting for clarification and answers, for justification on the basis of necessity, reasonableness and proportionality, which are an acknowledged human rights frame of reference in matters such as this. The committee is still waiting for responses from the Attorney-General in relation to that significant law affecting the rights of people living in Australia in 2014.

This is, in my understanding, an opportunity to clarify the way this legislation will play out if it is passed. I am not abusing the process. I am asking reasonable questions, many of which have been asked by other organisations, and I can only assume that the Attorney-General does not have answers for these questions, or presumably he would be putting those answers on the record. So I am going to go now to Parliamentary Joint Committee on Intelligence and Security recommendation No. 7, another of the recommendations which—although I understand the government has accepted them—have not been put into the form of an amendment to this bill. This concerns schedule 2 of the bill. This is from the Parliamentary Joint Committee on Intelligence and Security. This is the coalition and Labor committee. The recommendation relates to the need for clarity around what constitutes a class of Australian persons for the purposes of the expanded powers given to ASIS to conduct activities in respect of Australians overseas. My question is: given that this recommendation is accepted, how is 'class of persons' defined in the redrafted explanatory memorandum?

The TEMPORARY CHAIRMAN: Before I put the question—

Senator WRIGHT (South Australia) (18:15): I have some questions to ask. I will ask them. They will remain on the record. The Attorney-General's silence will speak for itself. I know there are many people in Australia who will be watching this with great interest. So my next question is: Attorney-General, can you give us an example of what the phrase 'class of persons' for the purposes of expanded powers given to ASIS to conduct activities in respect of Australians overseas means in context?

Senator Ludlam: Mr Temporary Chairman, I seek a ruling from you. We have all participated in these debates before and I have never seen a minister behave like this one. I would like a ruling from you, Chair. If a minister refuses to answer a legitimate question put by a senator from any part of this chamber, the senator is entitled to put a different question. We cannot compel the minister to put information into the public domain—it is his choice—
but it is the case I believe—and I am seeking your ruling, Chair—that senators are entitled to put other questions to the minister and he can choose to answer them or not.

The TEMPORARY CHAIRMAN: Senator Wright, if you or Senator Ludlam have a number of questions, you will have 15 minutes to speak. You should outline those questions in the time allocated to you rather than perhaps asking them one by one. You will not be allowed to speak twice in a row. Senator Wright, after you ask one question, Senator Ludlam can ask another question but you will not be allowed to ask two questions in a row.

Senator Wright: Mr Temporary Chairman, I have a point of order. I seek the standing orders you are referring to on those two aspects of that ruling: the first is not being able to ask two questions in a row and the second is why the time limit of 15 minutes. Where does that come from?

The TEMPORARY CHAIRMAN: My understanding is it is standing order 189(3) in relation to two questions in a row. In relation to the time allocated, 15 minutes is standard. It was my advice to you to put a number of your questions in that 15 minutes if you want to get them all on the record because under standing order 189(3) you will not be able to ask two questions in a row.

Senator Wright: Mr Temporary Chairman, I am seeking clarification again. So the 15 minutes only pertains if I try to speak twice in a row?

The TEMPORARY CHAIRMAN: Senator Wright, you have a full 15 minutes and you would be allowed to speak for another 15 minutes but after that you would have to have another senator ask a question in between. Is that clear?

Senator Wright: Yes, thank you, Chair. That is clear. That was the clarification that I was seeking.

The TEMPORARY CHAIRMAN: Senator Wright.

Senator WRIGHT (South Australia) (18:19): I want to following on the same theme in relation to the class of persons I was asking about—and I did not receive an answer so we are none the wiser as to the government's understanding of how that would be applied in context, what it means, how it is defined and then how it might actually be applied in practice. I take the Attorney to the Parliamentary Joint Committee on Human Rights' report. It is the 16th report of this parliament. It was tabled today. There were issues raised about the expansion of the ASIS powers in relation to class of persons in that report. Paragraph 1.73 of that report states the expansion of powers will:

… enable the Minister for Foreign Affairs to give an authorisation to ASIS to undertake activities for a purpose which includes producing intelligence on a … class of Australian persons or to undertake activities that will … effect … a … class of Australian persons.

This is a significant shift away from where it would be in relation to an identified individual person. This is where ASIS is providing support for the Australian Defence Force.

So my first question—and these are questions that are raised by the Parliamentary Joint Committee on Human Rights—is: why is this necessary? The statement of compatibility that accompanied the legislation we are considering today, which is a requirement from the legislation that established the Parliamentary Joint Committee on Human Rights, provided by the Attorney-General's Department does not actually identify this particular expansion of powers as engaging human rights and certainly does not explain why it is necessary. The

CHAMBER
frame through which human rights issues are considered is whether they are necessary. When human rights are engaged they may be limited on the basis that it is established that it is reasonable to do it, necessary for a legitimate objective and proportionate to achieving that objective. We have a situation where we have ASIS being able to provide support to the Australian defence forces, to obtain intelligence or to undertake activities which may affect a class of Australians in a foreign country—and the statement of compatibility did not acknowledge that that was engaging human rights, and has not explained why it is necessary. My question to the Attorney-General is: it may well be necessary, but there is not information on the public record as to why this significant step is necessary—so why is it necessary to have that expansion of powers?

Senator LUDLAM (Western Australia) (18:23): I have some questions as well, but I just want to note, for those who might be observing this debate from outside the building, that this is the most extraordinary abuse of Senate procedure that I have seen since I have been in here. This is the stage of the bill where senators from the government side or the crossbenchers or the opposition get to put reasonable questions to the minister about the operation of the bill in practice. This is not a trivial bill that we are debating. This is the third in a series of national security bills that the government has brought forward with very little explanation that has provoked, I would say, very strong consternation and opposition in people who follow human rights closely—people who care about the operation of the law in this country and the way in which our civil liberties are protected. And the Attorney-General—the first law officer of the country—is treating this chamber with profound contempt. There is nothing unreasonable, Senator Brandis, in anything that Senator Wright has put to you this afternoon. They are reasonable questions that have been asked not just by the Greens but by people who made submissions to the parliamentary joint committee—people who have been observing the way that this bill has run through parliamentary process. They are entirely reasonable questions, and I would seek at the outset an explanation from the minister—maybe just to short-circuit this debate and save us all a bit of time. Does the minister intend to answer any questions put to him from any MPs on the operation of this bill? I see he is maybe even going to dignify us with an answer, so let us start with that: does the minister intend to grace us with any answers to any questions at all this afternoon?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (18:24): I intend to answer all the questions, but I do not intend to allow the Greens, through the misuse of standing order 189(3), to filibuster this debate the way you, Senator Ludlam, tried to filibuster the debate on the first of these pieces of national security legislation. So, rather than refresh your opportunity to continue to prolong the debate by responding to each question sequentially, I will, as the chair has suggested on the advice of the Clerk, respond to all the questions asked of me in one go, and that way we will get through this a lot faster.

Senator WRIGHT (South Australia) (18:25): It is interesting. I have observed in life how people suspect other people of doing things that they are capable of themselves. Earlier on I was actually asked by a member of the opposition how long I thought this debate would go on for; they had a particular interest in other legislation not coming on. I said to them: I have absolutely no intention of filibustering. I have a series of legitimate and reasonable questions to ask, and once I have asked those I will sit down. I have absolutely no intention of
filibustering. I am interested in asking these questions, and I feel in some ways that I am performing the role of asking questions that the committee of which I am a proud member, the Parliamentary Joint Committee on Human Rights, has asked the Attorney, and is in the process of asking the Attorney, in terms of not being able to finalise their consideration of this legislation because those questions are still unanswered. As I said, questions pertaining to the previous national security legislation—which has now been passed, is on the books and will be affecting the lives of everyday Australians from now on—still remain unanswered. But this is an opportunity for me to at least ask those same questions in this chamber and to try and get some clarity for the people in Australia who actually care about these issues. So I am not filibustering, and I take exception to that suggestion. I think it will be very interesting, Attorney-General. I am quite pleased to think that you will be answering these questions—and I hope you are writing them down, because there are quite a few here and I hope that we will be able to see that we have responses to the various questions that I have asked.

As a result of you refusing to answer them as we go, if I am not clear on what you are saying or I need some further explanation, then obviously that puts me at a disadvantage because that will not necessarily be possible. When you have given your answer, maybe I will be able to come back and ask some more questions about those.

For people who may be listening to this debate and who may think: 'Maybe she is filibustering,' I will go to the Parliamentary Joint Committee on Human Rights report and go to the paragraph which I think really encapsulates why this particular issue of having powers expanded to allow ASIS in overseas countries to support the Australian defence forces in relation to a class of persons—not individual identified persons about whom there may be serious concerns because of their behaviour or their likely behaviour, but indeed a class of persons—is an issue. I will go to the Parliamentary Joint Committee on Human Rights report to explain why that might be an issue. I am referring to paragraph 1.75 of that report:

As a result of these proposed amendments, ASIS would be able to collect intelligence on an Australian person, including using surveillance techniques on that person, simply because that person belongs to a specified class. The committee is concerned that in the absence of detailed legislative criteria for the determination of a class of persons, a class of persons may include, for example, all Australian persons:

- adhering to certain religious beliefs;
- adhering to certain political or ideological beliefs; or
- who have certain ethnic backgrounds.

That sounds horribly reminiscent to me of the way, throughout history, classes of people have been categorised according to things like their religious beliefs, political or ideological beliefs, or ethnic backgrounds. We are making laws today that will have an effect into the future. We do not know who will be making these decisions in the future. We are putting these laws on the books. These are unprecedented laws, and I am asking questions to clarify why it is necessary to go this far and how this may potentially affect people who are living today and in the future—until these laws, if passed, are revoked. Section 1.76 of the Parliamentary Joint Committee on Human Rights report says:

While the committee acknowledges that there are a number of safeguards in the ISA, the committee considers that a class authorisation power has the potential to apply intrusive interrogation powers to a group, which do not apply to the broader community and as such could be indirectly discriminatory
because, although neutral on its face, it disproportionately affects people with a particular personal attribute such as religious or political belief, or ethnic background.

It is on that basis that the committee has sought the advice of the Attorney-General:

… as to whether the amendments in Schedule 2 are compatible with the right to equality and non-discrimination, and in particular whether the limits imposed on human rights by the amendments are in pursuit of a legitimate objective, and are proportionate to achieving that objective.

That is why I am asking this question and that is the question I am asking the Attorney-General now.

**Senator LUDLAM** (Western Australia) (18:31): What the Attorney-General is doing in deciding to behave like a child in the course of this debate is preventing us from having the kind of dialogue you normally get in the committee stage of the bill. Some of these questions, I suspect—those of Senator Wright or myself or others—could be resolved on the spot and we could just move on. The problem with Senator Brandis just sitting there mute, instead of providing us with answers, is that we do not know for which of the issues we are chasing the government has a measured and considered response, and for which it does not. I would like to record the profound contempt with which this chamber is being treated. This is not the way in which committee debates are meant to proceed. I suspect, also, that as a result this debate is going to take a lot longer than if we were getting sensible answers to questions as they were being put. I have never come across a minister who treated the rest of us with this kind of contempt.

The questions I am interested in are those that relate to collaboration between ASIS and the ADF. I know Senator Wright has concentrated largely on the control order regime and other elements in the Attorney-General's portfolio, but one of the things Senator Wright indicated in her second reading contribution is the possibility that increased cooperation between ASIS and the ADF may in fact lead to the targeted killings of Australian citizens fighting in Iraq and Syria. It may be that is not remotely the government's intention. Even calling it an allegation is pretty strong, because we simply do not know if that is what the Australian government intends to enable with this bill. Our intelligence services are prevented from this by law at the moment—as section 6.4 of the Intelligence Services Act states quite explicitly:

In performing its functions, ASIS must not plan for, or undertake, activities that involve:

(a) paramilitary activities; or
(b) violence against the person; or
(c) the use of weapons.

If it is the case that this amendment is a backdoor allowing ASIS to directly contravene section 6(4) of the Intelligence Services Act, or to be complicit in the targeted killing of Australian citizens who have not been charged or convicted of any criminal offence, that takes us into uncharted territory.

Senator Brandis, you may thoroughly repudiate that. I am not even putting it to you as an allegation; it is genuinely a question. I am interested to know: is it the intention, in allowing this closer collaboration between ASIS and the ADF—which is sensible on its face—to allow either ASIS or the ADF to specifically seek out Australian nationals fighting in overseas theatres of war and target them for killing or capture? Is that the Australian government's intention? If it is not, Senator Brandis, and you are able to set our minds at rest, I will not...
continue with the rest of this line of questioning. If you are intending on sitting there for the rest of the afternoon and not providing us with answers, then I am going to continue this line of questioning. You could choose to set this to rest if it is simply not Australian government policy to proceed that way.

I will put the question directly; I think you know where this is heading. Is it the intention of these amendments to allow the targeting of Australian nationals fighting in overseas theatres of war or is that not the case?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (18:35): Senator Wright, if you want to ask your questions, go ahead and ask them and I will respond to them. That is the most efficient way to conduct this debate. But do not deny that you are filibustering and then spend the next five minutes avoiding putting questions.

Senator Ludlam, you should know that the proposition you put is preposterous. Section 6(4) of the Intelligence Services Act contains an absolute prohibition against those agencies engaging in acts of violence. There is no way at all that these amendments can limit or confine or otherwise qualify the operation of the absolute terms of section 6(4), which is not the subject of amendment at all. I explained that, by the way, Senator, in winding up the second reading debate, but you were not in the chamber. So the issue has already been addressed in this debate; but since you raise it again, the answer to your question, 'Is it the Australian government's intention to use this legislation to target people?' is that it is a preposterous suggestion which I dismiss with complete contempt. Section 6(4) of the Intelligence Services Act, which is absolute in its terms, is absolutely unaffected by this legislation.

In relation to the further progress of this debate: Senator Wright, if you are the principal spokesman for the Greens, I am making a note of each of your questions as we progress through. I suggest that rather than comment on your questions you just put the questions and sit down and I will then answer the questions.

Senator MILNE (Tasmania—Leader of the Australian Greens) (18:37): Senator Brandis, you have said that we should put the questions and you will answer them, so I would like to follow up on the question that Senator Wright asked with regard to what constitutes a class of Australian persons for the purpose of the expanded powers, given that ASIS can conduct activities in respect of Australians overseas. I note the Parliamentary Joint Committee on Human Rights report, on page 19, points out that, as a result of these proposed amendments, ASIS would be able to collect intelligence on an Australian person, using surveillance techniques on that person simply because that person belongs to a specified class. The committee is concerned that, in the absence of detailed legislative criteria for the determination of a class of persons, that class of persons may include all Australian persons adhering to certain religious beliefs, adhering to certain political or ideological beliefs or who have certain ethnic backgrounds. It goes on to say that the committee considers that a class authorisation power has the potential to apply intrusive interrogation powers to a group which do not apply to the broader community and, as such, could be indirectly discriminatory because—although neutral on its face—it disproportionately affects people with a particular personal attribute such as religious or political belief or ethnic background. So it is not unreasonable to ask you to point out, as Senator Wright has done, how 'class of persons' is
defined in the redrafted explanatory memorandum. What does it mean in context? What do you mean by a 'class of persons' that will now be subjected, if this legislation were to pass, to these surveillance powers being unleashed upon them?

Senator JACINTA COLLINS (Victoria) (18:39): There is one issue that Senator Wright raised earlier that I would like to go back to for a moment, because she was asking questions in relation to revisions to the explanatory memorandum, which arises also from some of the recommendations of the intelligence committee. For the committee's benefit, I should indicate that my understanding is that a revised explanatory memorandum or supplementary additions to the explanatory memorandum will be dealt with when this bill is dealt with in the House. It concerns me that questions relating to such matters be dealt with in the Senate consideration. I can understand the Greens' frustration that—at least in the earlier stages—some of their questions did not appear to be progressed in the committee consideration. I take Senator Brandis's point now that he is dealing with some questions as they are being presented and I would encourage him to consider to do so, because, whilst the Parliamentary Joint Committee on Intelligence and Security has considered some of these things in detail and satisfied the Labor Party's concern, we do not think that that is a substitute for the role of the Senate committee stage consideration of a bill. We would encourage that consideration to continue in a substantive manner.

I earlier provided the Labor Party's position on all of the government amendments and what we understood them to be doing and why we were supporting them. Any other substantive matters that need to be raised should be addressed at this stage.

Senator WRIGHT (South Australia) (18:41): Thank you, Senator Collins. As I indicated at the outset of this, the questions that I was asking at this stage were actually about the recommendations of the Parliamentary Joint Committee on Intelligence and Security which have not been reflected in the government's amendments. That is why I am asking the questions—to get more clarification. They were issues that were fairly and squarely raised by that committee, and that is why I have been asking the questions. It is not helpful to not have the answers as we go. It might be, as Senator Ludlam indicated, that we have dealt with those, that I have the best answer that I can have, that I am as clear as possible on it and that we can move on. Hopefully, a lot of information will come from the Attorney-General later, and then there may be further questions that need to come out of that. So I think it is not a very efficient way to do this.

I am going to go to a question. The government amendments include changes to the Intelligence Services Act, relating to what matters the Parliamentary Joint Committee on Intelligence and Security must review. The date set for this review is 7 March 2018. This was the date set by the Foreign Fighters Bill, which, among many of its significant changes, pushed out the date set for the Parliamentary Joint Committee on Intelligence and Security to review ASIO's questioning and attention powers from January 2016 to March 2018. My first question is: on what basis was 7 March 2018 set as the date for review of these very serious provisions relating to the Intelligence Services Act and the matters that the PJCIS must review? What was the basis of that date being set?

Senator JACINTA COLLINS (Victoria) (18:43): Just briefly in response to Senator Wright, I should indicate that the Labor Party is completely satisfied that the full recommendations of the intelligence committee have been addressed by the government.
Some of those matters are dealt with by amendment; some of them are dealt with by what will be a revised explanatory memorandum; and some of them are dealt with by other means. But I should not let the committee have the view, at least from our point of view, that all of those recommendations have been satisfactorily met.

**Senator WRIGHT** (South Australia) (18:44): I am genuinely interested in seeing where these clarifications are reflected, and that is why my questions included: ‘Where in the explanatory memorandum?’ If the Attorney-General or, indeed, you, Senator Collins, or anyone, could point us to where these recommendations are reflected such that there is clarity about the issues raised legitimately by the PJCIS, then that may answer the question. I do not know if you are in a position to do that.

**Senator JACINTA COLLINS** (Victoria) (18:44): Senator Wright, I think my earlier comments made the point, which is that I would encourage the Attorney-General to do so.

**Senator LUDLAM** (Western Australia) (18:45): I thank the Attorney-General for actually providing an answer. As I suspected, it does allow us to move the committee stage debate forward on the areas that I am interested in. I should acknowledge, in response to the Attorney-General's helpful advice about who he wants to take questions from and who he thinks should be running the debate, that I am here in my capacity as a shadow spokesperson for defence. The area of questioning that I want to put to the Attorney-General mainly revolves around the operation or interoperation of ASIS and the ADF. This may be a question that goes outside the Attorney-General's portfolio so if you want to take this on notice I will understand.

I thank the minister for clarifying that nothing in this act impinges on section 6(4) of the Intelligence Services Act, so it is not that ASIS's role has profoundly changed and this is about intelligence-sharing between ASIS and the ADF. The question really goes to back to a statement that was reported in the *Sydney Morning Herald* in a piece by Heath Aston on 12 November 2014—not that long ago:

Chief of Joint Operations Vice Admiral David Johnston said Defence is prepared to deliver strikes against Australian citizens fighting for Islamic State, also known as ISIL, provided they are a legitimate target.

The piece noted:
An estimated 71 Australians have fought in Iraq and Syria.

It said that roughly 15 were known to have been killed. I am interested, I guess, Attorney, to know whether it is a change in defence posture that the Australian Defence Force is seeking out and targeting Australian citizens who are fighting Islamic State—or, I guess, on any side of that conflict.

You have, I think, confirmed for us that this will continue not to be ASIS's role, which is something of a relief. Nonetheless, my reading of the way that this bill has been drafted is that it will effectively streamline intelligence-sharing between ASIS and the ADF. If it is an ADF policy to seek out and target Australian nationals fighting for Islamic State then I think that is an area of concern.

Recognising that you would be outside your portfolio in terms of the positioning of the ADF in these matters, I wonder nonetheless whether you can enlighten us as to whether it is the policy of Australian Defence personnel fighting in Iraq—or potentially in Syria if we end
up there—to seek out and target Australian citizens. Is that the purpose behind allowing ASIS these more streamlined intelligence-sharing powers with the ADF?

Senator WRIGHT (South Australia) (18:48): I was going to seek clarification from the Attorney-General. In the interests of genuinely debating and discussing this legislation, I would like clarification about when the Attorney-General is proposing to answer this bulk lot of questions. Is he going to answer them at the end of the debate, in the last speech, so that there is no opportunity for any further discussion or clarification of the answers and when there is no opportunity to point out that he may have missed one of the questions that I asked because he has taken so many at once? I put that question to the Attorney-General.

Senator LUDLAM (Western Australia) (18:49): I am not sure whether this is the point of order. With great respect I request from the Attorney-General an answer for that last question, which I think is reasonable. At what stage in this debate does he propose to answer the dozen or more questions that have been put to him already?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (18:49): I will respond to Senator Ludlam. As I said, my only interest here is to make this debate proceed in an appropriate and prompt manner and not allow it to be filibustered by the very cynical exploitation of the provisions of standing order 189(3) which we saw from you, Senator Ludlam, during the last debate.

I regard you as an honest person, Senator Wright. If you tell me that you are not filibustering I will accept that. I would not accept it from Senator Ludlam but I will accept it from you. What I urge you to do, Senator Wright, is to ask all of your questions and I will answer all your questions. This is a little bizarre, frankly, because you announced in your first contribution that the Greens support these government amendments. So we are debating government amendments that you have announced you support. You then asked a series of questions which have nothing to do with the amendments. You have asked a series of questions which relate to aspects of the PJCIS report which do not bear on the amendments which are the question before the chair.

But, be that as it may, I understand that a degree of latitude is allowed in these debates to range over matters that are not precisely on the point of the question before the chair, which is why am not saying that you are out of order here. In order to deal with your questions and progress this debate in the most efficient manner—and to avoid the cynical abuse of standing order 189(3), which we saw from your colleague Senator Ludlam not long ago—I am proposing to listen to your questions carefully, as I have been doing, make a note of each of them and, when you have finished asking all your questions, respond to all of them. You may have subsequent questions of clarification arising out of that. That is a matter for you.

Perhaps you are being made the play thing of a more Machiavellian colleague to your immediate right. Senator Wright, I do not want this debate filibustered. These are important matters. You have announced that you are supporting these amendments and yet, between you, Senator Ludlam and Senator Milne, somehow we do not seem able to get to a vote. Nor, indeed, do we seem able to get to a position where you have asked all your questions so that I can answer all your questions.
Senator WRIGHT (South Australia) (18:52): There is quite a lot there, Chair. Firstly, I am a big girl—I am a very big girl—and I am big enough and ugly enough to determine my own questions. I do not need to be patronised in any way by anyone. Secondly, yes, I am halfway through my first term in this parliament, but I have sat through enough committee stages of debate to be very, very clear that the purpose of this process in the Senate is to enable questioning, debating and understanding about the implications of any legislation that is being proposed either by the government or whoever has introduced the bill. It is by no means unusual to ask broad-ranging questions. I am also a lawyer, and I know that to some extent even comments that are made in the course of parliamentary debates can provide information and assistance in limited circumstances when interpretation of the legislation is ambiguous and needs to be clarified. It is very useful to have an opportunity to ask questions where there are provisions that are begging explanation and which are not clear. As I have said consistently throughout this debate: this is not something I thought up in the shower this morning; these are questions that have been legitimately put by a range of organisations, and to parliamentary committees in some cases, and I am seeking clarification. This is the national Parliament of Australia, these are significant laws and people in Australia have a right to understand how they may work once they are passed. That is the basis on which I am asking these questions.

I am reassured to think that if you give answers to the questions I have asked, Attorney-General, then there will not be some game played whereby it will be the last speech and then we will have to go to a vote, but that I will have an opportunity to clarify, in good faith, those aspects that I am not clear about. That being the case, I am happy to hear now the responses to my questions. They were all the general questions that I had, and in relation to the amendments. As I said when I was asking my first question: while these amendments go to some of the recommendations of the PJCIS, they do not go to all of them. They certainly do not allay all of the concerns that the Australian Greens have, but given that they do improve the bill we will be supporting them. I am happy to hear answers to those questions now, if the Attorney-General is minded to provide those.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (18:55): Thank you, Senator Wright. I must say, I thought you had more questions, but if those are all your questions then let me give you the answers. Senator Wright, I thought you had more questions, I must say, but if those are all your questions then let me give you the answers. In fact, Senator Wright, there are really only three issues you have raised.

First of all, you addressed recommendation 2 of the PJCIS report. I am asked why it is that the legislation does not define the expressions 'supports' and 'facilitates'. What recommendation 2 in fact does, and what the government has accepted because the government accepted all of the PJCIS recommendations, is to provide guidance in a revised explanatory memorandum of those terms. There is a particular reason why both the PJCIS and the government, in responding to its recommendations, have decided to approach the matter in that way. Those terms are borrowed from the Criminal Code. They are not defined in the Criminal Code either, but they are the subject of a body of judicial interpretation. The word 'supports', as you would know, Senator, as a lawyer, is not a lawyer's term of art; it has its common speech meaning. The word 'facilitates' is not a lawyer's term of art; it has its common
speech meaning. Those terms used in a number of sections of the Criminal Code have been interpreted by the courts.

So you will readily understand, I am sure, Senator Wright, that if we were now to introduce a statutory definition of 'supports' and 'facilitates' here, then we would have the logical problem of having the terms undefined in other provisions of the Criminal Code, except by judicial interpretation, but defined in this section in a way which may not precisely mirror the judicial interpretation of the words elsewhere, so there would be the risk of inconsistent sets of definitions. You know the way courts approach these issues, Senator Wright: they would say, 'Well, the legislature, in its wisdom, defined these terms here, but it left them undefined there and there must be a reason for that, so the terms here must have a different meaning to the terms elsewhere in the legislation'. Purely from a legislative drafting point of view, the decision was made by both the PJCIS and by the government, in responding, to maintain consistency throughout the Criminal Code in the use of these terms but, as is commonly done, to give a fuller explanation in the explanatory memorandum. That is what the PJCIS asked us to do, and that is what we are doing.

The second issue you raise is an issue raised by recommendation 7 of the PJCIS report, and it is also an issue raised by paragraphs 1.73 through to 1.76 of the human rights committee report. I should say that the human rights committee report was only tabled during the course of the afternoon. I have not had an opportunity to study it carefully, but I accept what you say: that the paragraphs from which you have quoted—paragraphs 1.73 through to 1.76—raise essentially the same issue—that is, the definition of a class of persons. Recommendation 7 of the PJCIS report also was to the effect that that term should be explained in the EM, not in the bill, and that recommendation has also been adopted by the government.

What the amended EM which deals with this matter will explain is that a class of persons is identified solely by reference to the involvement or likely involvement of all of its members in activities of the type specified in paragraph 9(1A)(a) and not the personal or situational characteristics of individual persons, such as religion, political or ideological orientation, ethnicity or mere presence in a particular location. The activities specified in paragraph 9(1A)(a) are activities which involve a threat to security. The common feature of the class members is their involvement in hostile or prejudicial acts—not whether or not, for example, they happen to belong to a religious group or a political or ideological group or a particular ethnicity. So the meaning of 'class' is both narrow and specific to engagement in unlawful conduct. I should add that the Attorney-General's agreement to a class of persons can only be provided where the entire class of persons is involved or is likely to be involved in an activity or activities that are or are likely to be a threat to security as defined in section 4 of the ASIO Act.

In particular I want to make it clear to you, Senator Wright, that the class of persons is defined solely by reference to the involvement or likely involvement of all of its members in an activity that is or is likely to be a threat to security—and not the personal or situational characteristics of individual persons. That is why, by the way, the identification of a group by reference to a class of persons, as opposed to a nominated individual or individuals, is adopted—because, to be a class member, every member of that group has to be involved in the activity prejudicial to security. This is a compendious way of dealing with one or more activities inimical to security in which a multiplicity of persons are jointly embarked. That is
the reason for the adoption of that language. It will be clarified in the amended explanatory memorandum which will be circulated tomorrow. That equally explains the question posed by the Human Rights Committee.

Thirdly, Senator Wright, you asked on what basis 7 March 2018 was set as the date of review of this legislation by the PJCIS. The PJCIS report on the foreign fighters bill, of which this is, in a sense, a further elaboration, recommended that certain powers be reviewed and sunset 18 months and two years, respectively, after the next federal election—18 months for review and two years, potentially, for sunset. Rather than have uncertainty about the dates in the legislation, dates 18 months and two years after the third anniversary of the last federal election were used. Those dates are, respectively, 7 March 2018 and 17 September 2018. The judgement that was made, purely for the sake of convenience and clarity, was to take the date three years after the 2013 federal election and identify dates, respectively, 18 months and two years after that. Those were the three issues you raised, Senator Wright, and those are the answers.

Senator Ludlam, you referred to a report by a journalist called Heath Aston quoting Vice Admiral David Johnston. I of course adopt the prudent practice of never taking anything that you say at face value and I will check the report of Vice Admiral David Johnston's remarks. Nevertheless, your question was, according to my notes: is it the policy of the Australian government to seek out and target Australian citizens and is this the purpose of these amendments? The answer to both of those questions is no.

Senator WRIGHT (South Australia) (19:05): Thank you, Attorney. I do have some questions that flow from that. Although you did take good notes of some of the questions I was asking, there were some you did not respond to. I do not know if that was because you did not want to respond to them or because you did not note them. They were questions about the necessity of the measures and about how these things will actually look on the ground— the context.

First, however, there was an issue about which I wanted to seek clarification. You said, I think, that the two phrases that I had asked about—the 'support and facilitate' phrase and the 'classes of Australians' phrase—are in the explanatory memorandum. Is it right that that has not yet been circulated?

Senator Brandis: That is right.

Senator WRIGHT: That makes it a little difficult to understand what the implications—

Senator Brandis: Senator Wright, I have asked for that explanatory memorandum to be circulated—

The TEMPORARY CHAIRMAN (Senator O'Neill): Senator Brandis! In your urgency, you did not wait for the call. Senator Wright has not finished her speech.

Senator Brandis: I was trying to respond to Senator Wright's questions.

The TEMPORARY CHAIRMAN: You have to ask me for the call. You might sit down for the moment, because Senator Wright was on her feet and continuing to speak.

Senator Brandis: I am not going to ask you, Madame Chair. I am going to reply to Senator Wright.
The TEMPORARY CHAIRMAN: Please take your seat, Senator Brandis. Senator Wright has the call.

Senator WRIGHT: I am sorry—I automatically sit down. I am a bit too polite, I think.

The TEMPORARY CHAIRMAN: I appreciate that, Senator Wright. Please continue your remarks.

Senator WRIGHT: I just automatically did. The point that I make is that this is genuinely frustrating because, if that explanatory memorandum had been circulated before we were debating this issue, some of those questions that I asked may not have needed to be asked or, indeed, I may have other questions that arise from that when I see it. I was listening carefully to the reading that the Attorney-General gave, but I was trying to understand quickly what the implications of that kind of definition might be.

I will come back to the question—and, Attorney-General, you may want to now respond to that—but I will ask another question in the meantime so that you can respond to that too. I did ask not only how the term 'supports and facilitates' has been defined in the redrafted explanatory memorandum—because I understand now that we will see that tomorrow and, presumably, before we vote on the bill; I am hoping for obvious reasons—but also what that will mean in context. That is because the potential breadth of that phrase has caused concern, and some submission makers have even suggested that it could be used to prevent a person from, for instance, using social media or accessing online banking, if it were thought that it might be useful for a terrorist investigation. So what are the outer limits, in a sense, of that regime that is being proposed in the bill and the definition of that phrase?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (19:08): I am very perplexed, Senator. You were criticising me a few moments ago for not responding properly enough to your questions and now, Senator Wright, you are criticising me for being too eager to respond to your questions. All I was trying to tell you, Senator Wright, is that I have asked for the explanatory memorandum to be available as early and as quickly as possible. I did ask not only how the term 'supports and facilitates' has been defined in the redrafted explanatory memorandum—because I understand now that we will see that tomorrow and, presumably, before we vote on the bill; I am hoping for obvious reasons—but also what that will mean in context. That is because the potential breadth of that phrase has caused concern, and some submission makers have even suggested that it could be used to prevent a person from, for instance, using social media or accessing online banking, if it were thought that it might be useful for a terrorist investigation. So what are the outer limits, in a sense, of that regime that is being proposed in the bill and the definition of that phrase?

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speculate about what a court might do on a hypothetical case in applying general words to particular hypothetical facts. I am just not going to do it. You said yourself, Senator Wright—and you were quite right in saying so—that on occasions courts, in construing an act, will have regard to what ministers say in the course of parliamentary debates. How wrong would it be of me, as the responsible minister here, to, as it were, dictate to the guidance of a court how it ought to apply these general words in particular hypothetical cases?

**Senator WRIGHT** (South Australia) (19:12): I agree with you: it is the role of courts to determine the meaning of legislation in a particular case when that case goes to the court. However, my view is that it is the responsibility and accountability of parliament to take responsibility for the language that it chooses to enact in legislation which will potentially affect people's lives significantly. It is certainly an accepted principle of law that it is desirable to have clarity in legislation so that a person who is going about their business within the community has some understanding about what behaviour may or may not be caught by what, in this case, are significant provisions which have the effect of potentially destroying someone's livelihood, in the sense that they may not be able to work, there may be an order that they are not able to attend their place of work, and so on. Always, as much certainty as possible is desirable so that people do not have to 'suck it and see'—they do not have to wait and see if they are caught up by behaviour. When there is broad, ordinary language that is encompassed in ordinary meaning—which could be extremely broad; 'support' is a very broad word—I put it to you, Attorney, that it is reasonable to ask about hypothetical examples. I think the requirement for certainty would be directly proportional to the consequences of the legislation or the provisions that are being enacted—and these are significant provisions with a significant effect on the human rights of Australian citizens. That is why I have been asking the question, but I accept that you are not going to give any further answers on that.

I come to the response that you gave to my request for more clarity on the definition of the class of Australian persons. I do not have the explanatory memorandum in front of me, so I do not have the wording here, but I noted that paragraph 9(1A)(a) has defined or indicated that this will not be a class by reference to ethnicity, religious or political belief but will be a class of persons that has to be involved in activity that is prejudicial to security. If I have that wrong, I would appreciate you correcting me on that.

In that case, I am still interested in asking the question: how would that provision operate in context? How would it be possible to identify a class of persons in a foreign country that is involved in a way that is prejudicial to security? How will they be identified? I can envisage various scenarios where—even if people are in a particular geographical area, perhaps dressed in certain clothing, perhaps holding certain flags that might suggest that they are associated with a terrorist organisation—it may still be possible that some of those people are there subject to coercion or for some other reason. I am interested in the parameters again, in how that will operate contextually.

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (19:16): They are going to be defined by reference to their conduct. It is that simple. If it is the kind of conduct to which section 9(1A)(a) applies, then they can be deemed a constituted class. For that to occur, every such person has to partake of the proscribed conduct. If not, then not.
If I may say so—with all due respect, Senator Wright—this is a very good example of why it is not a useful or a fruitful exercise, in a debate of this kind, to continually propose hypothetical situations. This is for investigators, and prosecutors, and ultimately it is for the courts to determine. It is for the legislature to give clear guidance, which in the nature of statutory language is of necessity at a level of generality. It is for investigators—perhaps prosecutors, perhaps courts ultimately—to apply those general words to a particular case. But, to answer your question about the conceptual level, the way in which membership of a class will be judged is by reference to conduct.

Senator WRIGHT (South Australia) (19:17): I indicate that, for the sake of progressing this matter, I do not have any further questions.

The TEMPORARY CHAIRMAN: The question is that government amendments (1) to (6), (8) to (14), (17), and (19) to (30) on sheet ES111 be agreed to.

Question agreed to.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (19:18): by leave—I move government amendments (7), (15), (16) and (18) on sheet ES111 together:

(7) Schedule 1, item 13, page 7 (lines 18 to 28), to be opposed.
(15) Schedule 1, items 23 and 24, page 8 (line 23) to page 9 (line 10), to be opposed.
(16) Schedule 1, items 26 and 27, page 9 (lines 20 to 25), to be opposed.
(18) Schedule 1, item 29, page 10 (lines 4 to 14), to be opposed.

Senator BRANDIS: I think, in view of the time, I am going to have to make my remarks about these amendments tomorrow when debate resumes.

The TEMPORARY CHAIRMAN: Indeed, I think that may be the case.

Debate adjourned. Progress reported.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (19:20): It being 7.20, I propose the question:

That the Senate do now adjourn.

Centenary of Anzac

Senator SMITH (Western Australia) (19:20): The recent commemorations marking the centenary of the departure of the first Anzac convoy from Albany were especially meaningful for two residents of Albany. On the afternoon of Saturday, 1st of November, brothers Murray and Eric Maxton were presented with the Legion of Honour by France's Minister for Defence, who was in Albany to attend the Anzac commemorative events. Both now aged in their 90s, Murray and Eric Maxton flew 30 bombing missions over Germany aboard a Lancaster aircraft with the RAAF Bomber Command in 1944, in the process helping to liberate France from Nazi occupation.

Elements of the Maxton's story are not atypical from the wartime experience of so many Australian families in the 1930s and 1940s. Wartime service was a family tradition. Their uncle had been killed at Gallipoli, and their own father, Eric Sr had served in the First World War, was gassed by the Germans and was subsequently repatriated to Western Australia.
Their father's horrific experiences meant he urged his sons not to enlist when the Second World War commenced, but both Eric and Murray felt the call to service strongly.

Murray was the first to enlist in the RAAF, and he was joined by his brother a year later. Both eventually found themselves in the United Kingdom, though training in different places. By pure chance, they were reunited when they ran into each other in a London cafe one afternoon, and from that point remained together. At the time, the RAAF had a strict rule in place that no two members of the same family were to fly in combat missions aboard the same aircraft. However, the war had already extracted a heavy toll. Bomber Command had lost thousands of men, and a shortage of qualified RAAF personnel by this stage of the war meant that the rules were increasingly being sidestepped.

So it was that Murray and Eric Maxton came to fly combat missions together over Europe, believed to be the only brothers to do so. Yet, their heroic service went unrecognised for too long. Indeed, the brothers recently spoke of feeling 'shunned' when they returned to Australia and a seeming atmosphere of resentment towards RAAF airmen with Bomber Command because they had fought in Europe rather than fighting the Japanese, closer to home. This parochial attitude was most unfortunate. The threat to freedom at that time in world affairs was not confined to the Pacific region, and Australians were right to participate in the war in Europe. The Maxtons received their Legion of Honour awards almost 70 years to the day after their tour of duty. Others are still waiting.

Some senators may be familiar with the circumstance of 93-year-old Mr. Doug Groome, also of Albany, which has received some media attention this week. Mr. Groome also served in Bomber Command but as a British citizen with the RAF. He later emigrated to WA following the war in 1957. Like the Maxtons, Mr. Groome put his life in grave danger flying bombing missions over Germany. Like them, he is entitled to appropriate recognition for his service, and I am pleased that, as soon as his case came to light, the government moved quickly to work with Mr Groome's family to establish how this could best be achieved. However, I suspect there are many others like Mr. Groome, not just in Western Australia but around our country, whose service has gone unrecognised, or under-recognised, for too long.

Of course, not every war veteran seeks recognition. For some, it simply serves to bring painful memories to the fore, and we should respect their wish for privacy. However, for those who do wish to be identified and more fully recognised, the Centenary of Anzac offers an appropriate opportunity. Last week, I wrote to the Minister for Veterans' Affairs, Senator Ronaldson, and said I would be happy to work closely with him and other parliamentary colleagues in making certain that veterans and their families better understand the process for obtaining honours, particularly from foreign governments.

The Centenary of Anzac program, which will continue until 2018, is giving many Australians a fuller appreciation of our nation's military heritage, making certain that the service and sacrifice of those who fought on our behalf is a crucial aspect of that history. Now is the time to make sure we get it right.
Anne Zahalka, a professional photographer. The contracts were for photographic works for the 25th anniversary of Parliament House last year, and then the supply of two photographs about the Parliamentary Library. All up, the contracts were worth $40,000. Twelve photos were supplied. The first 10 photos were for $3,000 each, and the last two photos were for $5,000 each. Of course, we also now know that many of the DPS records regarding these contracts are missing—lost. Three months of notes, records, documentation and minutes are missing—all gone!

But tonight I want to address another issue, first raised by the Chair of the Finance and Public Administration Legislation Committee, Senator Bernardi, at that committee’s November hearing into DPS. Despite the lack of documentation and the shambolic process, the committee was assured that Anne Zahalka was first contacted by DPS on 14 June 2013 in relation to the photographic works for the 25th anniversary. The secretary and other DPS officers assured the F&PA committee there was no contact with Anne Zahalka before 14 June 2013. However, in the Lake Macquarie City Art Gallery's Education Resource Kit, published in May 2013, there is a case study on Ms Zahalka. Ms Zahalka was asked in this May 2013 publication, 'What is next for Anne Zahalka?', to which she replied:

... I have been invited to do a commission about the public and private areas of Parliament House for their forthcoming anniversary.

This is not an offhand comment. It would appear she knew about the specific contract well before decisions were made at DPS. And not only did Ms Zahalka know about the contract; she said she had been 'invited' to do the work. How could this be? Who made this invitation? I hope that we soon get some answers to these questions.

I am also concerned by what appears to be inconsistency over DPS's approach to the longstanding project to develop a central reference document for this building. In its submission to the current inquiry by the Senate F&PA committee, DPS stated at page 1:

DPS does not intend to complete the CRD at this stage.

And yet, when the DPS Secretary, Ms Mills, appeared at the committee hearing this month, in November, she stated:

... we have made allowances to complete the CRD in the second portion of this financial year and into the beginning of the next financial year.

Ms Mills reiterated that three times, assuring the Senate committee that DPS has had the funds set aside. Once again, with the Department of Parliamentary Services, we are left wondering if the right hand knows what the left hand is doing. These are just another two of the very many serious issues that need to be pursued about the administration of the Department of Parliamentary Services.

Tasmanian Economy

Shipbuilding Industry

Senator LAMBIE (Tasmania) (19:29): I rise to share with this Senate the grave concerns I have for the security of tens of thousands of direct and indirect jobs tied to Tasmania’s heavy manufacturing industry. I will repeat that figure again just in case senators here missed it. Tens of thousands of direct and indirect jobs in Tasmania are today under threat.

Since being elected to this place, in meeting after meeting with Tasmania's biggest businesses—its biggest employers—I have had general manager after general manager
pleading with me to help them keep their manufacturing operations and businesses from closing. These managers care deeply for their workers' welfare and want to protect their workers' jobs. Their message to me is very simple, and I repeat it in this Senate in the hope that the Prime Minister and his government listen and act quickly: ten thousand Tasmanian jobs are under threat because our largest employers—our biggest manufacturers—are forced to pay too much for the total cost of their electricity.

One of the main reasons why the total cost of our energy in Tasmania is so high is that our heavy manufacturers, in addition to paying for their normal electricity charges, have been forced by government laws under the RET scheme to buy renewable energy certificates. I like renewable energy. It is good for the environment. Solar panels are one of the best ways of harvesting renewable energy in small-scale energy systems for homes.

However, businesses like Bell Bay Aluminium in Launceston, which uses large amounts of energy, employs hundreds of Tasmanians and produces wealth and jobs for thousands more, after they have paid all their normal taxes—payroll, company tax, stamp duties et cetera—every year have to find an additional $8 million to $10 million to purchase renewable energy certificates. This is despite the fact that Bell Bay Aluminium effectively uses 100 per cent renewable electricity produced by clean, green Tasmanian hydropower.

Why should a Tasmanian business which does not pollute the environment with carbon dioxide because the electricity it uses is created by water power and not coal power have to pay extra for their electricity? It is a crazy state of affairs when a government forces businesses which do not pollute pay a penalty which is designed to target polluters. It does not make any sense at all. It is as if successive federal governments have deliberately tried to undermine those businesses doing the right thing and using renewable energy and tried to kill off tens of thousands of jobs in Tasmania’s heavy manufacturing sector.

The current RET scheme has been in place since 2001. Both Labor and Liberal governments are to blame for the mainland RET rip-off in my Tasmania. They have made laws that force Tasmanian big employers and big energy users to pay more for their total energy bills. Since 2001, Tasmanian heavy manufacturers have been forced to buy billions of dollars of RET certificates. Indeed, parliamentary library research I commissioned confirmed that, aside from the large-scale energy users, every Tasmanian energy user pays at least an extra 3.6 per cent because of the mainland RET scheme. Why?

The whole purpose of the RET scheme is to establish a fund which increases the percentage of renewable energy generators in mainland states. Any income or job boost that Hydro Tasmania claims it receives from RET income is cancelled out by the added cost burden placed on our large manufacturing industry, the possibility of their collapse and the subsequent threat to ten thousand direct and indirect jobs.

Tasmania uses 100 per cent renewable hydropower to produce our goods and products. Why should any Tasmanian business be forced to pay more for their electricity? The federal government and other mainland states still have not worked out we do not have coal-fired power stations in my Tasmania. They have taken away our single best economic advantage: cheap electricity. Labor’s and Liberal’s RET policies have placed a boot on the throat of Tasmanian industry and workers, and I want it removed immediately.
Today I met with the boys from the AMWU, and I strongly support their campaign to protect Australian jobs in the Defence Force shipbuilding. There is no reason why Australia cannot have a sustainable, world-class shipbuilding and repair industry.

Israel: Terrorist Attack

Senator BULLOCK (Western Australia) (19:34): Last Tuesday, two Palestinian terrorists entered a Jerusalem synagogue armed with a pistol and meat cleavers, killing four Jewish worshippers and critically injuring several others. The victims were Moshe Twersky, Aryeh Kupinsky, Kalman Levine and Avraham Goldberg. All of them committed no greater sin than going to pray at their house of worship and, of course, being Jewish. My thoughts are with the families of the victims and, in particular, with their 24 fatherless children. But they are also with all citizens of Israel and with the entire Jewish community.

We have seen repeated attacks on Israel from all sides. We have seen the continued and unrelenting campaign of terror and of rocket attacks by groups like Hamas. Beyond Israel itself there is a rising tide of anti-Semitism in Europe and across the world. There is increasing belligerence by groups and individuals promoting ideas such as boycott, divestment and sanctions. Media bias, whether by omission or commission, influences the reporting of events in the Middle East, including the military action in Gaza. There are the double standards of many in our community who claim to be interested only in human rights but whose real agenda is to attack Israel. Too many public voices, even here in Australia, rush to condemn Israel but are nowhere to be heard when attacks like these are committed.

This climate creates an unbalanced and fertile ground for anti-Semitism. The entire Jewish community, quite understandably, feels under attack, unsafe and on edge. Jewish leaders in my state of Western Australia, as well as national figures and organisations, have expressed to me their concern with events here, abroad and, of course, in Israel. They are right to be concerned. But they are by no means without friends. Let me put on the record my strong support for the state of Israel and my condemnation of these attacks. Let me also put on the record my strong support for the Jewish community in Australia.

There is a grave danger in false moral equivalence, in assuming all sides of a conflict are equally at fault. Israel is a modern, secular, tolerant, liberal democracy, hardly immune from error but nevertheless a shining beacon of democracy in a region with precious little of it. Its enemies are thuggish, brutal and committed to the destruction of that nation, its citizens and in many cases Jews everywhere. The BBC World News report of the attacks stated:

In the Gaza Strip, some people distributed sweets to celebrate. Hamas, which controls Gaza, and another militant group, Islamic Jihad, praised the attack.

Those who would praise murder and terrorism are not worthy of a single groat of support, in this country or any other. Australia must stand firm against any temptation, however nicely phrased or emotionally delivered, to take the side of such people against Israel or to allow any hint that anti-Semitism is acceptable or somehow justified by one's opinions on the Middle East.

The Jewish community is experiencing increased incidents of anti-Semitic behaviour. In my state of Western Australia, anti-Jewish graffiti was recently found scrawled across the fences and gate of the local Jewish primary school. Jewish people report increasing numbers of physical and verbal attacks on them, even here in our supposedly enlightened and tolerant
country. These acts and words are legitimised by those leaders in our community who publicly denigrate Israel and who make no secret of their support for Israel's enemies. This cannot be allowed to stand. Those who know what is right must be willing to speak up and say so. I am not Jewish, but even an old Protestant like me knows that terror is never excusable, murder is never justified, any movement committed to violence must be opposed, anti-Semitism is wrong, and delegitimising Israel's very existence is unacceptable. On the occasion of these horrific crimes in Israel, it would do us all good to examine what we can do to show solidarity and support for the Jewish community both in the Middle East and here in Australia.

I would like to end on a note that is both tragic and heroic. This most recent attack did not claim four victims but five. A young police officer responding to the scene was critically injured and later died of his wounds in hospital. This police officer was not Jewish. Rather, he was a young man of the Druze community, an Israeli citizen serving his fellow countrymen regardless of race or creed and making, ultimately, the supreme sacrifice for them. In the midst of violence, division and attempts by far too many people to cause us to hate others on the basis of race, this young police officer stands as a symbol not just of Israel's multicultural society but of the better angels of humanity. May he be an example to all of us.

Central Coast Performing Arts Centre

Senator O'NEILL (New South Wales) (19:39): I recently received a petition signed by more than 2,000 Central Coast residents calling on the federal coalition government to honour a Labor Party commitment to fund a Central Coast performing arts centre at Gosford. This is because there was a significant implication in all the material leading up to the election that they were indeed going to commit to this project. As we have learned, there are the words that we hear from the opposition, and then there is the truth—and sometimes there is an enormous distance between those two things.

Before the 2013 federal election I announced a fully costed promise by the Labor government of $15 million for a performing arts centre for Gosford—a major centre for the whole of the Central Coast, where indeed we have no town hall and no major gathering spot for our community. Since that time, despite the implication that they were going to provide funding, there has been a stony silence from the Liberals. What is the member for Robertson actually doing? What is she doing about this issue? Silence is all we hear. Where is the state Liberal member for Gosford on this issue? Why the silence? They position themselves as champions of the community, they make fluffy comments about loving music, but when it comes to the crunch there is a long distance between those words and delivery.

Under Labor, the commitment for this centre, along with $55 million for health, was a massive win for our community, and I am proud to say that Labor was prepared to deliver yet again for the Central Coast. We are the party that understands infrastructure. We understand what it means to build communities. We believe fundamentally in education, in science, in the arts and culture. Unfortunately, the coalition government has failed Coasties yet again with its prolonged silence on the funding and development of this iconic concert hall, which would transform the waterfront and bring incredibly increased business to our area and, through that, jobs for our young population. We need infrastructure. We need more, not less. But that is exactly what we have been getting since the election of this shameful government.
The performing arts centre would become a centrepiece for the Gosford waterfront, helping revitalise the whole area. Just to recap what we were set to receive if Labor had been elected: a performing arts centre including a multipurpose auditorium seating up to 1,000 people, a studio with retractable seating for 200 people and a foyer space suitable for exhibitions, individual teaching spaces, ensemble rehearsal rooms, a 150-seat performance and teaching centre, and storage and library facilities—and this integrated with our local conservatory of music as a wonderful place for the development of young talent. I also want to put on the record that the Central Coast is rapidly becoming the country music capital of Australia, with so many industry participants living on the coast, performing on the coast and growing talent on the coast.

People on the Central Coast deserve the same top-class facilities as Sydneysiders, and this petition sends a clear message to the member for Robertson, Lucy Wicks, and other Central Coast Liberals that our community is demanding action. This project not only would give a home to the Central Coast Symphony Orchestra but also would be a shot in the arm for our local businesses and a huge boost for construction jobs. Of course, Australians everywhere view with complete dismay the savage cuts to health, education and welfare support announced by Mr Abbott in the 2014 budget, and Australians understand the dire consequences these changes will have for our most vulnerable citizens: the young, the elderly, the disadvantaged and Indigenous Australians.

The lack of action on the Central Coast performing arts centre is reflective of the massive cuts in arts funding across the board since this government came into power. The Australia Council lost $28.2 million and Screen Australia lost $30 million, not to mention the incalculable loss to our community with Fairfax Media reporting that the ABC and SBS are facing swingeing cuts of $250 million over five years in the midyear budget update. When Mark Dreyfus visited the coast earlier this year we were lucky to meet with a large contingent of local artists. The group pointed out to the shadow minister for the arts that their sector is one of the largest employers in the country. Cultural industries directly employ over half a million Australians and indirectly employ a further 3.7 million. But the Liberals, in their silence, refuse to respond to the challenge of providing infrastructure to grow the industry.

(Time expired)

Queensland Government

Senator McGrath (Queensland) (19:44): I love being a Queenslander. I love our state. We have great beaches; we have great farmland and landscapes.

Senator O’Sullivan interjecting—

Senator McGrath: Thank you, Senator O’Sullivan, for your warm support. We have people who are never backwards in coming forwards in telling us politicians to get back in our box. We have glorious weather: we have Bundaberg rum; we have everything going for us.

I was up in Townsville on the weekend with the state council of the Liberal National Party. It was a very good meeting. We had lots of motions debated and passed. It came to me when Campbell Newman was speaking that we have one of the best governments in Australia, if not the best government in Australia with this fantastic Liberal National Party government.

Senator Polley interjecting—
Senator McGrath: You knew it was coming. You knew where I was going to go. I am disappointed that you waited so long. There are so many of the Newman government's positive achievements since their election in March 2012. I could talk all night on the wonderful achievements of the Newman government. Please bear with me while I give you some highlights of the achievements of this great government. I know that Labor senators want me to do this.

Before I get to Campbell and his government, let's talk about the Labor Party; let's talk about their little box of secrets, their esky of badness, their chilli bin of truth. What is the truth about the Labor Party in Queensland? Labor have squandered the last 2½ years. Instead of coming up with policies and ideas, do you know what Labor in Queensland have done? They have stood to the sidelines carping. They are experts in naysaying, whingeing and scaremongering. No-one likes a whiner. But I tell you what, the Labor Party in Queensland are good at whining because that is all they do. They have opposed the reform of the Liberal National Party. They do not stand for paying off the debt. It is like the Blinky Bill of Queensland politics—someone will come along with a magic pudding and pay it all off. The Labor Party in Queensland will not make the tough decisions with their mix of voodoo hoodoo economics.

You are led by the leader of no, the captain of negativity. Annastacia Palaszczuk and the Australian Labor Party's state representatives have given Queenslanders nothing to vote for. Queenslanders should not be fooled.

Senator Polley interjecting—

Senator O'Sullivan: Madam chair, I cannot hear the speaker. I am very interested in this subject.

The Acting Deputy President (Senator O'Neill): I am not quite sure that is the truth, the whole truth and nothing but the truth but, nonetheless, order senators. Senator McGrath has the call.

Senator McGrath: I would love some good interjections but we have just got lots and lots of noise at the moment. Please put some good interjections. Please tell me some reasons why the Labor Party in Queensland should be defended. Queenslanders should not be fooled: a vote for the ALP's is a vote for no new ideas, no new plans and a number of recycled MPs who were turfed out at the last election, and who in 2009 lied and fibbed their way back into office. They promised not to sell assets. Anna Bligh and the Labor Party said they would not sell any assets. Guess what they did? On the Sunday after the election there was an ad in the Sunday Mail selling the assets of Queensland. People in Queensland should not trust the Labor Party.

Let us talk about the election campaign in 2012. I do have a conflict of interest here: I was involved with the campaign where Labor MPs and Labor headquarters ran one of the most despicable dirty campaigns in Australian history, where they targeted the wife of the leader of the Liberal National Party. So instead talking about policies or talking about the issues, they targeted Lisa Newman. Shame on the Queensland Labor Party. What is disappointing is that Labor have not learnt. They will do anything and they will say anything to get into power. They will get into bed with the Greens, they will get into bed with the Palmer United Party,
they will get into bed with Katter and they will get into bed with anyone to get back into power because this is the modern Labor Party in Queensland.

Uncertain times like this are when Queensland needs a strong team with a strong plan for a stronger Queensland. One of the things that Campbell and the government in Queensland have done is have a 30-year plan for the future. Name me one government in Australia that has sat down with the people of their state or territory and said: let's have a long-term plan of where we see this state going. The government of Queensland undertook a massive consultation exercise with community representatives where they sat down and asked: where do we see this state in 30-years' time because if you fail to plan, you plan to fail.

Campbell Newman and the government in Queensland have a plan to make sure that the state of Queensland has a strong direction in looking after public services, making sure the economy is looked after and that Queensland knows where it is going.

We could talk about job creation. There have been 44,000 new jobs created since 2012 election. In Queensland we have created over half the new jobs that have been created in Australia since 2012. This has not happened by chance. There is a strong team in Queensland. I think Australia's this Treasurer is Tim Nicholls, a fantastic Treasurer. We have Australia's best Premier and Jeff Seeney as Deputy Premier driving infrastructure, making sure that we have got the roads and bridges of the 21st century in Queensland.

Where Labor goes very quiet is when we come to debt because Labor do not like to talk about debt. It is sort of like the elephant in the room for them. I challenge any Labor senators who are in the chamber tonight to tell me how much, after 20 years of Labor government, debt was left in Queensland? What is the interest bill? Lots. There is $85 billion worth of debt.

Senator Polley interjecting—

The ACTING DEPUTY PRESIDENT: Order! We could do with a little more calm in the chamber for this speech and a bit more respect for the senator speaking. Senator McGrath has the call.

Senator McGrath: Thank you, Madam Acting Deputy President. I hear the phrase 'comedy hour'. The debt of Queensland is not a laughing matter. Do you know what it is? It is an annual interest bill of $4 billion. People listening at home and fellow Queenslanders, Labor thinks that your $4 billion annual interest bill on a debt is going to hit $85 billion—would have hit $85 billion under Labor—is a laughing matter. The issue with debt is it means that when you are paying off the interest bill, you are not putting the money into public services, you are not putting money into schools and education. What we have got to do in Queensland like what we have got to do federally is make sure that we get the economy and the debt under control so we can put more money into the health system, so we can put more money into the education system. We can stop wasting money on government expenditure that is not needed.

In the final 10 years of Labor's reign—and it was a reign in Queensland—the Labor Party set themselves up as an almost one-party state, because sometimes my side of politics was not particularly flash at winning elections. Labor ran this one party state in Queensland where for the last 10 years government expenditure increased by an average of 8.9 per cent a year—8.9
per cent a year is how much it went up each year. From 2012 to 2013 and 2014, it increased by just 1.2 per cent a year.

We normally hear Labor talking about the impact on services. Let's talk about the dental waiting list. Let's talk about the money we put into services. How many people were on the dental waiting list when Labor were turfed out in 2012? I will tell you—here it is: 61,405 according to my notes. Do you know how many people are on the dental waiting list now? None; zero—there are no people on the dental waiting list.

Ambulance response times—down; things like that. Another hundred front-line staff—

**Senator O'Sullivan:** Violent crime on the Gold Coast.

**Senator McGrath:** Let's talk about violent crime on the Gold Coast. Let's talk about the war on bikies. Let's talk about the war on those outlaw motorbike gangs. Let's talk about the crime on the Gold Coast. Since Campbell Newman, the government and Jarrod Bleijie, the Attorney-General, put the VLAD laws, these anticriminal gang bike laws, through parliament—opposed by Labor, opposed by the Independents and all the other sooks around this place—do you know what has happened on the Gold Coast? Crime has plummeted. Crime has gone down by—

**Senator O'Sullivan:** Through the floor.

**Senator McGrath:** It has gone massively through the floor. It is almost a crime scene—it is fantastic what has happened to crime on the Gold Coast. People love it. Schoolies on the Gold Coast can feel safe because: do you know what? They are not being preyed upon by drug-pushing bikies. That is a good thing for mums and dads listening: send your kids to Queensland—

**Senator O'Sullivan:** Who done that?

**Senator McGrath:** Campbell Newman did it, Senator O'Sullivan. This is a good thing. This government is a government that has delivered. It has delivered a greater budget to health. It has delivered a greater budget towards fighting crime—800 extra police on the beat. This is police in uniform out there arresting criminals. But if you want to listen to the Labor Party and the Greens and their friends in the hippy movement, it is all about protecting the bikies. We are about protecting families. We are about protecting the economy in Queensland, making sure there are jobs for Queenslanders and that Queenslanders get the training and the education, because guess what? Queensland is the best state in the country. *(Time expired)*

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**Australian Broadcasting Corporation**

**Special Broadcasting Service**

**Senator McEwen** (South Australia—Opposition Whip in the Senate) (19:55): Today in the Senate, together with my Labor colleague, Senator Lisa Singh, I moved a motion that called on the Senate to oppose the cuts to the ABC and SBS and called on the government to protect the services the ABC and SBS provide to regional Australia. I was pleased to see the Senate support our motion, despite opposition from the government Senators.

The motion starts off noting Mr Tony Abbott's promise at the 2013 election not to cut funding to the ABC or SBS. If you would like to see that promise, you can google it on YouTube and watch it endlessly as some of us have been doing.
We know of course that promise to the people of Australia was a lie and, since Mr Turnbull's confirmation last week of the Prime Ministerial about-face, we have been watching in awe as Mr Abbott and his loyal minions desperately try to spin the truth. They are not very good at it; the Prime Minister is certainly not very good at it.

His attempt to recover from his blatant lie yesterday was laughable. Although he clearly stated on election eve that there would be no cuts to the ABC and SBS, he stood in the other place and denied that he said that. In fact, his exact words were:

I never said there would be special treatment for the ABC.

... ...

Everybody knew there would be an efficiency dividend.

Nobody knew there would be an efficiency dividend? Everybody in cabinet, perhaps—but my constituents and the voting public knew of no such thing. There was no forewarning whatsoever to these cuts. Indeed if there had been, there would not be such outrage and backlash against the government as we are seeing in the media today. We saw rallies today, including the one in Canberra.

We have, of course, had the Pyne on Line petition, which continues to provoke hilarity, ridicule and disbelief amongst South Australians in particular. Here in the Senate—both yesterday and today—we had the Leader of the Government in Senate being exceedingly disingenuous when he said no-one at the ABC had lost their job. Everyone knows that 400 jobs—10 per cent of the national broadcaster’s workforce—will be lost, and ABC employees are waiting to hear if they will be one of those who will lose their job before Christmas.

We have had Liberal South Australian senators in this place performing verbal contortions as they try to defend the budget cuts that will cause job losses in South Australia and loss of regional services in my state. What they are really doing of course is indulging in more ABC bashing, an activity they specialise in and have done for years, as they try to paint the ABC as some kind of left-wing plot and at the same time they suck up to conservative cheerleader press for whom nothing is too much trouble—even a taxpayer funded royal commission into unions, which is turning out to be a waste of taxpayers' money and a witch-hunt intended only to provide fodder for News Limited papers as we always knew it would be.

In typical fashion, coalition senators in this place blame the ABC for the cuts to services that their government's budget cuts have forced the ABC to make. At least Mr Rowan Ramsey, the Liberal Member for Grey—a regional seat in South Australia—understands the impact of his government's action and has spoken out about the loss of the radio post in Port Augusta. That closure is a devastating blow to regional South Australia, Mr Ramsey admitted the words of the Prime Minister were 'unfortunate and that it 'puts us in a difficult position'. Difficult position alright—that is for sure.

At least Mr Craig Laundy, a Liberal member in the other place, apparently had the guts to call it as it is in the Liberal Party room today and asked the Prime Minister to stop the verbal acrobatics. National Senator Fiona Nash, representing the Minister for Sport in this place and purportedly representing rural and regional Australians—I have yet to see any evidence of successful representation—made a complete hash of her answer today to an excellent question from my Labor colleague Senator Nova Peris about the impact of cuts on broadcasting of women's sport. On this day, White Ribbon Day, a day dedicated to recognising that we all
need to do more to support women, Minister Nash was unable to defend the cuts to the ABC that will mean cuts to broadcasting of women's sport. Senator Peris later explained to the Senate just how important broadcasting of women's sport is to young women who need opportunity, motivation and a chance to excel. I urge you to read Senator Peris' speech on that matter.

Minister Malcolm Turnbull does not bother with spin any more. He tried for a while but he knows the Prime Minister lied and today Mr Turnbull gave up the ridiculous attempts at verbal subterfuge and just came out and admitted the cuts are cuts—no doubt about it. And, of course we had the increasingly hapless Minister for Defence, Senator Johnston, who departed from the Liberal loyalist script a few times at question time yesterday when he came right out and said the cuts to the ABC budget were just that—cuts, no nonsense about efficiency dividends, no ifs or buts or verbal manoeuvres from him. You have to wonder whether Senator Johnston's departure from the Liberal script and path of spin is because he is about to depart his ministry.

The Prime Minister has no-one but himself to blame for the difficult position he finds himself in, but the difficult position I am more concerned about is the plight of ABC workers in South Australia and elsewhere in Australia. At the hands of the Prime Minister, ABC staff left the Collinswood studios in Adelaide yesterday knowing that some 37 of them faced redundancy before Christmas. After 55 years, Adelaide's three ABC studios will be completely closed as a result of this government's antipathy to the ABC—the national broadcaster that is trusted and wanted by the majority of Australians, Australians who want more than News Limited press to deliver their news and information.

On top of the closure of the television studios in Adelaide and the Port Augusta radio post, South Australia will also lose our state-based 7.30 edition, as well as the recorded broadcasts of the popular ABC Classic FM radio. South Australians are, rightly, outraged by these cuts to jobs and services. Unfortunately South Australians are getting used to being the target of the Liberal governments' attacks on jobs in my state—the job losses at Holden, the closure of Medicare Locals, the disbandment of 150 jobs at South Australian based Health Workforce Australia and even more sad news today with the CSIRO Staff Association report stating another 41 jobs will be lost at the CSIRO in Adelaide by next June. This government is absolutely decimating South Australia.

And then of course, we have the failure of this government to honour its commitment to build the 12 future submarines in Adelaide. Today we heard the aforementioned hapless Minister for Defence stick the boot into South Australian jobs when he said in reference to the Australian Submarine Corps, 'I wouldn't trust them to build a canoe.' It was a disgraceful comment and another clear indication that this government is out to get South Australia and South Australian workers. The government will not stand up for South Australian workers and South Australian jobs but unions and the Labor Party will. I would like to acknowledge the hard work of both the CPSU and the MEAA in fighting against the cuts at the ABC. The two unions have joined forces to attack the government for its assault on the public broadcaster. Unfortunately, there will be more hard work to come in the near future for both unions as the ABC meets with staff to negotiate the forthcoming 400 redundancies. I would like to thank the union reps and delegates for representing their members for standing up for ABC services and ABC jobs.
No amount of spin and verbal acrobatics can disguise the facts that this government and this Prime Minister lied to the Australian people before the election about funding for the ABC and the SBS. There are cuts to the budgets which will have devastating effects around Australia and in particular in my home state of South Australia and South Australians will not forget.

**Same-Sex Relationships**

**Senator LEYONHJELM** (New South Wales) (20:04): I rise to speak about the issue of same-sex marriage, on which I will introduce a bill in this place tomorrow. There have been several attempts to pass marriage equality into law and all of them have failed. I hope, as did the sponsors of those bills, that my bill succeeds, but I do so for different reasons. I feel it is important to outline my reasons, if only so those who doubt the value of marriage equality may see that there are a number of arguments in its favour, many of which they may not have previously heard. Those arguments fall under three heads: liberty, conscience and state power.

I turn first to liberty. To most people, marriage equality means the right to get married irrespective of gender or sexual preference. But it is much more than that; it is the right to live your life as you choose and not have the government impose a particular view on you. Many heterosexual people choose not to marry. My wife of 30 years and I are among them. Fairly obviously, we do not believe we need a marriage certificate issued by the government to confirm that we are married. It is our choice.

No doubt many gay, lesbian, bisexual, trans and intersex people—known as LGBTI for short—will choose likewise. However, when the law says that LGBTI people cannot marry, in an important sense it is diminishing their liberty; a major choice is closed off. The state is interfering, intervening, telling certain people that they can do what they want, except when they cannot, while everyone else, of course, can. Indeed, it is worth noting that under current Australian law, intersex people cannot marry anyone at all.

My political tradition, classical liberalism, has always drawn a strong distinction between the public and the private spheres. Indeed, that distinction can be traced back to the Ancient Greeks. Unfortunately, many people are aware of classical liberals only when they talk about economics. It is not well known, for example, that Milton Friedman—probably the 20th century's most influential economist—supported marriage equality. But a great libertarian economist's support for marriage equality should come as no surprise. It was economists like Friedman, Hayek and Mises who produced groundbreaking research showing that private individuals tend to make better choices for themselves than do experts engaged to decide on their behalf. Why then do we confine marriage choice to some people and deny it to others?

Support for marriage equality does not require or, indeed, imply approval of any particular marriage or marriage outcome. Nor does it open the door to bigamy, polyamory or any of the other dire consequences that some people predict will be the eventual outcome. It is not as if they will sneak up on us, either. For these to be legal, further changes in the law would be required, which would involve widespread public debate.

I support marriage equality because I think people ought to have the freedom to choose their own life path—that is, to have liberty. As John Stuart Mill said: 'Over his own body and mind, the individual is sovereign.' All my bill does is prevent the government from stopping
two people from getting married on the grounds that they are not a man and a woman. It does nothing more, and requires nothing more than tolerance.

To my libertarian constituency, it barely qualifies as progress. To them, a better option would be to remove the government from marriage entirely by repealing the Marriage Act and leaving it to the law of contract—as in civilian countries. I do not disagree, and my own situation reflects that. But that is not as simple to achieve as it sounds. The fact is: the community places a certain significance on the institution of marriage. It accepts that individuals can live together in all kinds of relationships, irrespective of gender and numbers, but marriage is different. We need to respect that. I turn next to conscience.

One of the most difficult public conversations across the developed world over the past 250 years has concerned the role of religion in both law and public life. This arose at the same time as the Enlightenment idea that laws ought to be secular. To that end, I have built into my bill protection for claims of conscience. As does the existing law, the bill ensures that ministers of religion do not have to solemnise marriages of which they disapprove. For the avoidance of doubt, I should make it clear that I consider the views of many religions that there is something wrong not only with marriage equality but also with LGBTI people to be in error.

I also maintain, it is fair to say, that religions have become accustomed over many years to creating and then manoeuvring the levers of power. When a secular state rules that a given lever no longer matters, as occurred with blasphemy, for example, the anguish for many sincere religious people is real. So it is, also, when the power to grasp a lever—in this case, that of marriage definition—is lost. That is why my bill protects conscience. I believe that those who seek rights—in this case, LGBTI folk—must not remake the world so that error has no rights. Think where that has led in the past. To that end, I have also ensured that the bill protects claims of conscience for civil celebrants in the private sector. I realise that the number of private sector authorised celebrants opposed to marriage equality is likely to be small. Nonetheless, a prudent lawyer drafts prospectively—in this case, with awareness that there may come a time when non-religious people make moral claims that ought to be taken as seriously as the moral claims made by religious people.

I should note that, during the drafting of this bill, constituents tried to persuade me that authorised celebrants in the private sector are state actors by virtue of being licensed. If that were true, then, by the same logic, any professional or tradesman who needs a licence to practise from the state is in the state's employ—lawyers, builders, dentists. Present this argument to your solicitor or orthodontist and see how far you get. However, that there are officers of the state in all of this is a truism. So I turn, at last, to state power.

As I pointed out in my first speech in this place, the state is a wonderful servant but a terrible master. In an important sense, the state stands for all of us. And that quality of representativeness means that, if it undertakes to provide a service, it must do so in a neutral fashion. The state must not discriminate; if it does so, that is an abuse of power. This is brought home when one realises that some authorised celebrants are not only officers of a state or territory but also employees of the courts. Their functions, of whatever sort, are therefore linked to the core liberal principle of equality before the law. My approach is to ensure that all those who come before such celebrants can be married. Indeed, my approach to the question of marriage equality enhances liberty, protects conscience and restrains state
power. I hope it succeeds, because there are also many other important issues that warrant the same approach.

**Domestic Violence**

**Senator O’SULLIVAN** (Queensland—Nationals Whip in the Senate) (20:13): Tonight, I intend to speak briefly in relation to today's event of White Ribbon Day. It is well known that I spent a large part of my formative adult years in the Queensland Police Service as a detective, until my mid-30s. During that time, I had much exposure to events that involved direct and sometimes fatal violence to women and children—indeed, to young infants. I can say for every police officer in the country, without even having to ask them, that these are the events that cause the most stress and angst amongst the police officers, in the sense that they feel completely helpless in some situations to be able to assist the victims.

Homicides amongst women are predominantly as a result of domestic violence. Unlike general homicides—if there is such a thing—many of these events are foreseeable and, in some instances, predictable. Yet, in my adult lifetime, it would seem that we as a society in Australia have not found a way to protect these women and children, to take them out of harm's way or, indeed, to remove the cowardly grubs who inflict these assaults and intimidation on women and put them where they cannot bring harm to them or anybody else. We spend a lot of time in this place arguing about this and that. We have spent weeks now dealing with the very important issue of security and terrorism. We have devoted hundreds and hundreds of millions of dollars to solutions, and I understand that. I support those decisions. They are important decisions for the security of our communities. Yet when we compare the number of victims of terrorism in our country with the number of women and children who are victims, there is a significant disparity. A woman is killed in our country each week, and we ought to be ashamed of that. This is a national shame. Children are killed in their dozens each year, and we all know of the tragic incident where a father, returning to his 12-year-old son, killed him with a cricket bat. I have difficulty removing images of my own 12-year-old grandson as I think about those issues.

If we want to talk about things that are important to this nation, then each day in this place and the other place we ought to talk about this before we talk about anything else. This government, my government, our government, and all the state governments have put their best foot forward in the last couple of days, but glossy brochures, good speeches and the best intentions will not save the women who have this constant infliction in their lives. I have spoken to children who have grown up in these households and they talk about the constant nature of it. They do not know whether they can turn their radio on or not or whether or not their pillow is facing the right way on their bed.

We need a serious unity ticket on this right across Australia. This has troubled me and many of my colleagues who work to provide health services and social services—police, the courts, everybody who is involved in this area cannot help but be affected by the sense of hopelessness that seems to exist because of our failure to protect these people from those who purport to love them and care for them. I say that husbands and partners have a special duty, a higher duty, to their wives, their partners, their children and their grandchildren than they have to almost anything else in their lives. Yet we see almost 100,000 women a year in our nation seeking protection, seeking orders from our courts. But those pieces of paper cannot help them. They need to be relocated, their children put into new educational facilities. We
need to strike them off the roll so that the perpetrator cannot search and find them. We need a special task force in every state. For every dollar that we want to spend on dealing with terrorism—that infection that is coming into our nation from elsewhere—this nation ought to dedicate a dollar to the protection of women and children. After prayers every morning in this place and the other place we should ask ourselves: what did we do yesterday, and what can we do today?

I almost lost my grandson two years ago to an accident. I sat with a grandmother whose 15-year-old granddaughter was on life support, having been assaulted by the de facto partner of her mother—who could not even be there because she had to work the night shift to continue to give her even a remote sense of economic independence.

So I say this: if we cannot fix this—and it is going to take a lot of time, a lot of energy and a lot of will—we do not deserve to be in the positions we are in. Starting tomorrow, I intend to try to weave into every conversation that I have initiatives that might help here, because we simply cannot make one day a year the day to think about it. We have to think about it and do something about it every day.

Reclink Australia

Senator LINES (Western Australia) (20:22): Today our Senate Select Committee into the Abbott Government's Budgets Cuts heard from an organisation called Reclink Australia. Reclink Australia was one of the organisations behind the Choir of Hard Knocks, a choir made up of people in our community who are homeless and have complex needs, including mental health issues. The ABC filmed this choir as it got together, rehearsed and began to sing, ultimately doing public performances and producing a CD. There are some beautiful songs on that CD. It is one of the prides of my collection. The documentary was riveting and the choir's singing was truly beautiful. What we learnt today is a tragedy. The committee heard that the Abbott government wrecking ball has hit this vital community support program and cut its funding from 1 July this year. Reclink Australia receives very little funding from the federal government. In fact, you could say it is small change in a federal budget context, just $560,000—half a million dollars—per year. But, without any warning—no reviews, no analysis, no inquiry—Reclink Australia lost its funding on 1 July 2014, and the shame of it is that I doubt the Abbott government really know what they have lost.

Reclink Australia—from their annual report—aims to enhance the lives of people experiencing disadvantage or facing significant barriers to participation, through providing new and unique sports and arts opportunities and specialist recreation programs. Reclink Australia targets some of the country's most vulnerable and isolated people: at-risk youth, those experiencing mental illness, people with disability, the homeless, people tackling alcohol and other drug issues and social and economic hardship. Reclink works in partnership with over 380 community, government and private organisations. Reclink's mission is to 'Respond, rebuild, reconnect'. It seeks to give all participants the power of purpose. In the last financial year, Reclink delivered over 115,000 sport, recreation and arts participation opportunities. Its benefit to individuals is immeasurable, and I urge senators to read its annual report, which is full of stories about recovery—personal stories about reconnecting and, ultimately, wellbeing.

Today at our Senate select committee we heard evidence from Brian, who bravely told his story. Brian had drug and alcohol issues and said that, at 35, his life was washed up—he had
wrecked his life. Brian was attending the 12 steps program when he was invited to attend a football game where the Salvo Hawks were playing. Brian told the committee that recovery is tough, particularly when you are doing it on your own. He ended up umpiring the first time he went to footy. He liked that because he earned some money, and he liked that because he was broke. But Brian said the Salvo Hawks had players who were just like him, who had had or were working on demons in their lives. There was no pretence. Brian told the committee that there was too much of a gap for him to join any other club, as his self-esteem was low. Brian went back partly because he got paid to umpire but also because it gave him a purpose, one day a week, doing a good job. As Brian said: 'I was one of them. I knew it was possible, and I was feeling better. Reclink provided me with a purpose. Failure was not an option anymore. I had many people supporting me.' And Brian proved to himself he could do the tough stuff. Brian went on to compete in the Hawaii marathon, one of the toughest things he has ever done. And he continues today to train and participate in marathons. He has worked and continues to work with the disadvantaged in our community and now works for Reclink.

Reclink Australia is modelled on the very successful, long-running Victorian program. This program has been running for 24 years. Peter Cullen, the founder and former president, told the committee that there is a lot in welfare that stops people drowning but does not teach them to swim. Reclink Australia bridges that gap. Mr Cullen said that Reclink stopped people falling deeper and deeper into isolation. He said that Reclink can reach people that others cannot. Brian told the committee of a participant who told him he had been contemplating suicide early one morning but knew that the bus was coming to pick him up at around 11 am and that the game he was going to play was something to look forward to. And, of course, after training and being with others, this gentleman was on a high and safe again.

Reclink is one of a number of organisations which have been cut by the Abbott government. There are other programs which will not have the funds to continue—good programs, life-saving programs, programs that connect to the most disadvantaged in our community. You would think that a caring government would not cut these organisations, but we have seen, time and time again in this place, that the Abbott government does not care. It cuts and cuts and cuts, simply for the sake of it. As I said earlier, I doubt the Abbott government really understands what it cut when it cut the funding to Reclink. Youth Connections is one organisation, like Reclink, which, without warning, has had its funding chopped. Come December, the Youth Connections programs right across Australia will cease to exist. This is a travesty. These are inexpensive programs to run and they have a massive success rate—over 80 per cent successful participation by young people back into education or employment. This is not an organisation to cut. Like Reclink, it bridges the gap. There is a gap out there, and these programs are meeting a need.

When we heard Brian's heartfelt story today it was truly amazing. You could see the opportunity that Reclink gave him to restart his life. Yet we have just seen the Abbott government slash this program. There was some consultation with them. They were told: 'We are not sure where you fit: whether you fit in mental health, or here or there.' But that is not a reason to cut a program. There was no review, analysis or consultation. They were simply advised that come 1 July they would not be getting their funding of just over $½ million any more.
Why would you cut a program like that that is working and providing opportunity and purpose? We hear from the Abbott government day in and day out about purpose. Clearly Reclink is a program that provides purpose. Nevertheless, it has been on the chopping block and lost its funding. It is time for the Abbott government to start to see sense about it is harsh, cruel budget. In fact, it is long overdue for the Abbott government to reconsider its harsh, cruel measures. We have seen many of these measures fail to get through the Senate. It is time for the Abbott government to reflect on the sorts of budget cuts it has put in place. It is time for the Abbott government to realise and own up that it made a mistake with Youth Connections and that it made a mistake with Reclink. These are not expensive programs. They fill a real need in our communities. They give real purpose to those who have lost their way. Nothing will replace them once they go. That is the crime. When December comes and Youth Connections loses its funding there will be nothing there. It is simply not true that Job Services Australia can fulfil this need. It cannot.

These programs are worthy of funding. It is time for the Abbott government to face up to the fact that its harsh, cruel budget has gone too far. It should immediately reconsider funding Reclink—it is $½ million a year—and to re-fund Youth Connections.

National Apology to the Forgotten Australians and Former Child Migrants

Senator SIEWERT (Western Australia—Australian Greens Whip) (20:32): Today I rise to mark the anniversary—and I admit I am late—of the apology to the forgotten Australians and former child migrants. The anniversary was on 16 November. This year was the fifth anniversary, so it was particularly special. 16 November 2009 was a special event in Australian politics. It was the apology to over 500,000 forgotten Australians and former child migrants. The significance and the impact of the national apology was huge. Like the apology to the stolen generations it cannot be underestimated; however, it needs to be acknowledged that it is only part of the journey for healing for former child migrants and forgotten Australians. It is important to recognise that it was a very big step. It was particularly important for people who had suffered so much physical, mental and sexual abuse by institutions when they were in out-of-home care in this country.

It was my privilege to chair the last of the Senate Community Affairs References Committee's inquiries into this issue. There had been two previous inquiries and still governments had failed to act. Fortunately, after the third Senate inquiry—the lost innocents and forgotten Australians revisited inquiry—the government did recognise the importance of an apology to the forgotten Australians and former child migrants. The first recommendation in the report was to have a national apology—saying sorry and recognising others' pain, as we witnessed in the Senate committee inquiries that had been held.

The accounts people told, and some retold, to the third inquiry were harrowing—the years of neglect and abuse that children in institutional care suffered and former child migrants suffered coming to this country—and make horror reading. I acknowledge that not everybody who was in out-of-home care suffered like that, but so many people did. So many people told accounts of the abuse that they suffered—the lack of love and attention, not being held, being restrained, being sexually abused and being forced to work for their keep. Those experiences have marked many people for life. There have been lifelong consequences for people. The impact has been not just on the persons themselves but on their families. There have been repercussions because when they were in institutional care they did not receive love, attention...
and guidance. People told about not knowing how to cuddle a child and about not knowing how to look after their own children. Unfortunately, there have been the tragic consequences of family break-ups as a result of this. So this has ripples and ramifications across generations.

Many of the recommendations made in those Senate committee reports I acknowledge have been implemented or are being implemented. As part of the apology some money was allocated to establish Find & Connect and some other services. One issue that has not been taken up adequately is redress. Some states have made some part reparation and have some redress schemes. Some states are better than others. In my home state of Western Australia there has been some redress, particularly for those who suffered abuse in care, but that redress was inadequate and unfortunately the state government cut it back. That to many people added insult to injury in terms of the impact it has had on people's wellbeing and sense of justice and sense of care from our state government. Other states have not implemented redress schemes, and that is a cause of great distress to many people. As forgotten Australians and former child migrants age, they are also finding that they need some additional support.

I was at a celebration in Perth of the apology on 16 November—it was held on the actual day. It was a day of great celebration, and in fact they set aside virtually the whole day so that people could come and share that day with other people who had had the experience of institutional out-of-home care. They brought their families, and it was a day to celebrate the apology, but people also spoke of the need for redress. They also—and this is where I wanted to mention the gold card—talked of maybe providing a gold card so that people could access support services, particularly as they age, because there are some significant issues. They talked about the need for ongoing counselling. They talked about the very positive experience that they have through Relationships Australia and the services that they are providing.

I also want to note Tuart Place, which is another organisation—it has some beautiful rooms down in Fremantle—that also supports forgotten Australians and former child migrants. I try and go down there as often as I can, which, unfortunately—people in this place know our heavy schedule—is not as often as I would like. I am going to go down there for the Christmas party—I try never to miss it. Tuart Place also offers a drop-in centre so people can come in and just talk, seek counselling, or just spend time with other former child migrants or forgotten Australians.

These sorts of experiences and these sorts of supports are absolutely essential for forgotten Australians and former child migrants, which is why I think it is so important that we continue to provide these supports and that the funding is renewed for these services, because people are going to need support—many of them for the rest of their lives, in some form. It may just be to enable someone to go to one of the centres that provides support, to be able to chat to people, to be able to spend some time with people who have shared their experiences or to find out where to access support services. It is why redress is still so important. People, I believe, deserve compensation for the grief, the trauma and the abuse that they suffered. There really does need to be a coordinated approach, and here I will also mention the fact that former providers of supposed care also need to be involved in this. Some of the accounts that we heard during the last inquiry were in fact from forgotten Australians and former child migrants about the response that they had had from some of the providers, most of which were churches. From most of them, the evidence that we heard was very negative in terms of
their response. I am very pleased to say that that has changed—that many of the providers have in fact come to the party and are supporting or helping to support people.

However, many, many forgotten Australians and former child migrants do not want to have anything to do with the providers that caused their trauma and neglect and abuse. And I can absolutely and totally understand that. I do not think I would; I really do not think I would. Some do, but many, many do not. But those providers still need to make sure that redress and compensation is provided to the people whose lives they so damaged. Many of the people who suffered under these policies thought that their parents were dead, and in fact they were not. And many of the parents thought their child was dead. They were told their child was dead. That is unforgivable. And people should never, ever forget what happened—because if we forget, it will be repeated. And it should never, ever be repeated.

**Australian Broadcasting Corporation**

Senator BACK (Western Australia) (20:42): It gives me absolutely no pleasure at all this evening to reflect on the ABC and the way it has lost its way. My family, since we are a rural-regional family, has grown up with the ABC. I often laugh at the fact that we wake up every morning with Eoin Cameron in Perth on the early morning breakfast show—in fact, he has the highest-rating breakfast program of anyone in Australia—and at the fact that my wife goes to sleep every night with Tony Delroy, and has done so for donkey's years. We cannot wait for Sundays when Ian McNamara, with *Australia All Over*, presents such a wonderful program. There are the likes of John Barnett in his time in ABC rural radio in WA; Paul Thompson; Owen Grieve, and now Tara de Landgraaf; in her time, Geraldine Mellet, and now Gillian O'Shaughnessy; Verity James—a friend from years ago—and Russell Woolf.

But it is deeply disappointing to me that the ABC now has got itself to the stage where it is so city-centric that it has lost its original brief, and that was its relationship with rural Australia. And that is what I unfortunately want to reflect on this evening: the value of the ABC, for example, in terms of the provision of information, particularly with emergency services and other information—but with the current management and the current so-called leadership of the ABC, I wonder indeed whether they are even going to stick to that.

I am terribly sorry to have to say it to you, but the crocodile tears that I have heard from the Labor Party, including Senator Anne McEwen tonight, are an absolute disgrace. When the Labor government cut 10 per cent out of the Defence budget, apparently we were not allowed to complain about it. When there has been a five per cent efficiency dividend over five years—merely $200 million in a $5½ billion budget—we are all supposed to throw our hands in the air and we are all supposed to feel sorry for the senior management of the ABC. As a person who has run businesses all my life, I say to you, Mr Acting Deputy President: if Mr Mark Scott and his senior executive team cannot achieve an efficiency dividend of five per cent, they should submit their resignations and get out. There has been much said about the leadership of Mr Tony Abbott in this regard. Let me tell you that Mr Tony Abbott has simply responded to the litany of sad Labor lies associated with the budget we were presented with when we came into government in September 2013. As a person who has run businesses all my life, let me tell you: if you are confronted with a situation in which you are borrowing a thousand million dollars a month—$33 million a day—you had better make some changes. You do not sit around for three years; you use good leadership and you make changes at the time. I say again: if the management of the ABC today is so impoverished they...
cannot accept a five per cent efficiency dividend, they should not be in the game in the face of competition from commercial sources which themselves have suffered vastly more than that.

I look at the history of the ABC in our state—6WF, as it was; now 720. Where does the 'WF' come from? It comes from 6 Wesfarmers, in its hundredth year. Why was it established as a commercial radio station? To provide information to farmers on markets and the various activities associated with agriculture—a proud history based in rural Australia. In 1972, one of my colleagues joined the ABC. He said to me they used to receive messages and the messages from the ABC read: 'Sydney, Melbourne and BAPH states'—that is, Sydney, Melbourne, Brisbane, Adelaide, Perth and Hobart states. That goes back to 1972. We are not talking about something recent—that goes back over 40 years, during which we have seen the attitude of the ABC.

The simple fact of the matter is the ABC is an essential service in rural and regional Australia. Yet what have we seen in recent times? Only this morning, in fact, I heard an interchange between Ross Solly in Thailand and Eoin Cameron, who I mentioned earlier runs the best breakfast radio program in Australia. Eoin made reference to the Wagin ABC. It has not operated for donkey's years. Eoin made the point they built a new studio there in 2003. All the bigwigs flew in from the east, he said; there was a gala opening and they spent millions, but no-one wanted to work there. There has been no staff. He said they bought equipment for the AM stereo for over $1 million at that time. Do you know what happened to it? It remained in crates and was then sent to the dump. So do not talk to me for one minute about the capacity of ABC management going back a long time. Eoin Cameron made the point: 'I have been in the ABC studios in Perth as indeed, I am sure, you have. The top floor in East Perth is vacant. If it was our own business, would we have the top floor of a building in East Perth vacant? No, we wouldn't. We would be commercial; we would be renting it out.' It is, as Eoin Cameron said this morning, empty. I could carry on. I wish he had carried on.

In Morwell in Victoria they pay $220 a month rent for a shopfront. We are being invited, around Australia, to believe there have to be massive cutbacks in rural and regional services—that there have to be cutbacks, as Senator Nova Peris said today, in the provision of services for women's sport. Why should there be? If there is any competence or capacity in ABC management, let them get into Sydney and make some changes to Sydney radio.

I had the vast misfortune recently to be watching the Australia Network in Singapore. In the face of the BBC, CNN and everyone else, do you know what was on the Australian network? Bananas in Pyjamas, endlessly—and there has been a complaint as to why that should stop!

We have heard commentary in the last couple of days about the ABC board. We heard a statement, apparently attributable to an eminent Western Australian who is on the board, that the role of the ABC board is to support management. It is not to support management. They should go and do an Australian Institute of Company Directors course or an Australian Institute of Management course and learn, as Senator Fierravanti-Wells knows very well, what the role of a board is. The role of a board is to set policy. The role of the board is to direct management. The role of a statutory board is to ensure that the statutes—the requirements under which that organisation runs—are being met, and then to judge management. No board is there to support management; it is there to direct management and, in the case of the ABC, to judge management—to assess compliance and ensure there is
editorial balance and equity. Heavens above, doesn't the ABC need a board capable of doing that?

In terms of the ABC and SBS: why aren't they using shared facilities? Why aren't they using shared IT services? We learnt only recently that SBS bid $750,000 to cover the Asian soccer games—all sponsored, with no cost to the taxpayer. But no, that other Australian taxpayer owned entity, the ABC, gazumped them—not for three-quarters of a million dollars but for one and a half million dollars, taxpayer funded. There are some questions that have to be asked by the ABC board of its management.

In the few minutes left available to me I want to speak about the area that concerns me the most: that is, the very much widening gap between urban and rural Australia. It is being driven by the Sydney-centric ABC itself. I refer to the 2011 ban on the live export trade to Indonesia. What the community does not understand is that footage by animal activists—and I will not comment this evening on the validity or otherwise of that footage—was hawked around the commercial television stations in Australia, none of which wanted it. It eventually got to the ABC, which picked it up. Between February and May-June of 2011 that case was built and, as we all know, the industry was nearly destroyed. At the Senate inquiry the journalist Sarah Ferguson lied to me at least five times, possibly six times, when she denied that she had named a cattle station whose livestock were shown in that program. She went on to win a Walkley Award as a result of lying to me, under oath, in a Senate inquiry. There are some very serious questions that need to be asked of the ABC—its board, its management and its administration.

White Ribbon Day

Senator MOORE (Queensland) (20:52): I would like to associate myself with the comments made by Senator Siewert earlier about the importance of the five-year anniversary of the apology to the people who were in institutions in our country. It is important that we remember that, and I know that Senator Siewert has been deeply involved in that process, as have many people.

Tonight, it being White Ribbon Day, I want to support the men in our community who have committed themselves to the White Ribbon campaign. This is a men-led campaign, and I think we should acknowledge that men have decided themselves that they are going to stand up and make the pledge that they will not accept or tolerate violence against women. This simple pledge is something that inspires and aims to ensure that we have real attitudinal change in our community. As Senator O'Sullivan said earlier, it is not enough just to make pledges and it is not enough to have a day—though I know that this is the first day of a 16-day program—which draws attention to violence in our communities so that we ensure that there is real action. It is clear from all the information that we have in front of us that there must be change. We will not beat the horrors of violence in our community by just saying how bad it is. We need to have a look at what is happening in our communities realistically, breaking down the mythology and breaking down the reluctance we have to challenge things that are uncomfortable.

Today, at the breakfast we had in this place to acknowledge White Ribbon Day, where there were so many people—parliamentarians, people from our military forces, men and women—who came together to say, 'The violence must stop,' we were challenged by one of our prominent White Ribbon ambassadors, Andrew O'Keefe. We have seen him often over
the last 10 years standing up in the community and talking about why as a community we can
do better and why we must do better. He challenged us openly about our own attitudes. He
said that, as a father, he was speaking to people about what our expectations for children are
and whether we have different expectations for boys and girls. I think we automatically pull
back from that to say, 'No, we're different. We're better than that. That's other people.' But, as
he continued in his statement to us, you could feel the movement—that Andrew was saying
that we must consider our own thoughts and actions first. Only then, when we have
acknowledged that, can we expect to move on and act for change across the community. It
must be done.

Today we had the first national snapshot of what is happening in gender equity across
workplaces in Australia published. We have been waiting for this. This is the first major
report from the Workplace Gender Equality Agency based on their year of surveys, which
looked at over 4,000 workplaces. Over three million employees were a part of this survey
process. It told us that there is not equity in Australian workplaces. Still more women are
clustered in part-time and casual work. Still there are way too few women who are rising
through the career process to become leaders in businesses and members of boards. We hear
this data and it is all there. It is so important that people look at what the real evidence is from
our communities and see that, in Australian workplaces, there is not equity. That is the core.
Consistently, the issue of violence against women is linked to the core issue that there is
inequity and that women are not treated with full respect in our community, and that leads to
the acceptance and acknowledgement that violence happens.

The data from an attitudinal survey across our community that also came out this year,
which is a regular production of the Victorian health department, reveals that there have been
changes. This survey has been done over a number of years. There are positive elements in
this area that say that attitudes towards violence have changed. People accept that violence is
a reality, but the terrifying concept is that there are still at least one in four people who think
that sometimes violence is justified and accept that there are times that women may 'bring it
on themselves'. When we have attitudes like that in our community, we have no option but to
challenge it and say that it is not right. That is also a part of the White Ribbon campaign, in
terms of making a personal commitment that, when we hear things that are offensive, when
we hear statements that actually denigrate or treat with disrespect women, children or men in
our community, it is our job to say that is not right. We cannot just let these things continue
without challenge. The purpose of the personal commitment is not only personal action but, in
terms of committing a violent act, it is also identifying and objecting to acts that could in
some way continue violence in our communities.

The concept must be that we work towards having genuine equity. It is encouraging to see
that part of the attitudinal processes in our community is working with young people.
Through elements of respect for community and respect for relationship changes in our
schools, we can intervene and talk with young people at a very early age to indicate that there
are different ways to look at living and working together. We can indicate that there is no
requirement to have any element of violence and that you can work through differences
without resorting to, or supporting, violence. That is also part of the White Ribbon challenge.

We can see that change can happen. But the only way that change can happen is for people
to work together, looking at their own behaviours and looking at the wider community. There
are clear indications that this issue is now on the agenda. Ten years ago, when the White Ribbon campaign was first being developed, there were pockets of response. People who had already been involved in activities around safety and ensuring that people are not damaged by violence were able to take on the program that was initiated in Australia through UN Women and now works through the White Ribbon Foundation.

In the contributions at our breakfast this morning we heard that there were over 1,000 community activities across our nation, which were focused on the purposes of White Ribbon. That is an enormous response from the Australian community. They range from very small neighbourhood events to quite large events, such as that which is happening in Sydney—the large public march, which got very strong media coverage this evening.

There is a public statement to which people can respond, which speaks about the fact that we, in our own communities, are saying no to violence. That will mean that women and children who, at this very moment, are feeling isolated and fearful because they are in violent situations, can understand that the society in which they live will support them, and that they need not suffer in silence.

The most important element of this program is to break down that silence and to ensure that we can, together, say no to violence. These things do not happen without a widespread commitment, and I do want to acknowledge so many people in the community who have worked tirelessly to ensure that we have the White Ribbon campaign and various other activities which identify and respond to the issues of violence. I want to acknowledge their work and commitment.

We have not reached a stage yet where we can be proud, consistently, across our community. As I said, we still have attitudes in our country that do not reflect the importance of the issue or identify that we must change. We have to change if we are going to ensure that there is a safe and secure place for all people. When Andrew O'Keefe talked about what we wanted for our children in the future, it was a place where they would be safe and would have opportunities to grow and work together into the future, and make their own decisions openly.

Next year there will be another White Ribbon campaign, and many people will get involved. We heard this evening from Senator O'Sullivan that it is important for all us to make our own commitments. If we can do that we can ensure that the young people of today will not have to suffer the way that so many people have done in the past. We understand that violence in families is not a new phenomenon. It has been going on for generations. In 2014, we can identify it and ensure that we are going to be part of a pledge that we will not accept, in any way, a violent community.

Senate adjourned at 21:02

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Australian Bureau of Statistics Act 1975—

Update of Business Structure—Proposal No. 18 of 2014.

*Australian Film, Television and Radio School Act 1973*—Determination of Degrees, Diplomas and Certificates No. 2014/3 [F2014L01572].

*Australian National University Act 1991*—

Academic Board and Committees Statute 2014—

Academic Board (Election of Members) Order (No. 2) 2014 [F2014L01569].

Academic Board and Committees Rules 2014 [F2014L01566].

Programs and Awards Statute 2013—Higher Doctorates Rules (No. 2) 2014 [F2014L01568].


*Commonwealth Electoral Act 1918*—Certificate of the Electoral Commissioner as to the number of the people of the Commonwealth and of the several States and Territories and the number of members of the House of Representatives to be chosen in the several States and Territories, dated 13 November 2014.


*Environment Protection and Biodiversity Conservation Act 1999*—Amendment – List of Specimens taken to be Suitable for Live Import (10 November 2014) [F2014L01565].


*National Health Act 1953*—National Health (Concession or entitlement card fee) Amendment Determination 2014 (No. 1)—PB 98 of 2014 [F2014L01570].

*Private Health Insurance Act 2007*—Private Health Insurance (Prostheses) Amendment Rules 2014 (No. 3) [F2014L01573].

### Tabling

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

**Environment—Queensland**—

Great Barrier Reef Marine Park—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 19 November 2014, responding to the resolution of the Senate of 27 August 2014, and attachment.

Mineral and Energy Resources (Common Provisions) Bill 2014—Letter to the President of the Senate from the Premier of Queensland (Mr Newman), dated 18 November 2014, responding to the resolution of the Senate of 23 September 2014.


Snowy Hydro Limited—Financial report for the period 30 June 2013 to 28 June 2014.

### Order for the Production of Documents

The Minister for Indigenous Affairs (Senator Scullion) tabled the following document:

Law and justice—Data retention—Investigation of costs—Letter to the President of the Senate from the Attorney-General (Senator Brandis), dated 25 November 2014, responding to the order of the Senate of 24 November 2014 and raising public interest immunity claims.