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SITTING DAYS—2015

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- PERTH     585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIFTH 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 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

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<td>Back, Christopher John</td>
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**Casual vacancy

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

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<td>CLP</td>
<td>Peris, N.M.</td>
<td>ALP</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.

** Casual vacancy to be filled (vice J Faulkner, resigned 6.2.15), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS

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

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<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><strong>Minister Assisting the Prime Minister for the Public Service</strong></td>
<td>Senator the Hon. Eric Abetz</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for Women</strong></td>
<td>Senator the Hon. Michaelia Cash</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon. Charles Porter MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
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<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon. Warren Truss MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon. Jamie Briggs MP</td>
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<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon. Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon. Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Foreign Affairs</strong></td>
<td>The Hon. Steven Ciobo MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Trade and Investment</strong></td>
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<td><strong>Minister for Employment</strong></td>
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<td><strong>Attorney-General</strong></td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
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<tr>
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<tr>
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<tr>
<td><strong>Treasurer</strong></td>
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<td><strong>Minister for Small Business</strong></td>
<td>The Hon. Bruce Billson MP</td>
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<td><strong>Assistant Treasurer</strong></td>
<td>The Hon. Joshua Frydenberg MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon. Kelly O'Dwyer</td>
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<tr>
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<td>The Hon. Barnaby Joyce MP</td>
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<tr>
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<td>Senator the Hon. Richard Colbeck</td>
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<td>Senator the Hon. Marise Payne</td>
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<tr>
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<tr>
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<td>The Hon. Michael McCormack MP</td>
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<tr>
<td>Minister for Health</td>
<td>The Hon. Sussan Ley MP</td>
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<tr>
<td>Minister for Sport</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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Thursday, 12 February 2015

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 09:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute in accordance with the list circulated in the chamber. 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

Legal and Constitutional Affairs References Committee

Meeting

The Clerk: A proposal has been lodged by the Legal and Constitutional Affairs References Committee for a private meeting today from 3.40 pm.

The PRESIDENT (09:31): I remind senators that the question may be put on this proposal at the request of any senator. There being none, we shall proceed to business.

BILLS

Trade and Foreign Investment (Protecting the Public Interest) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator LUDLAM (Western Australia) (09:31): It does not give me a great deal of pleasure to rise to speak to the Trade and Foreign Investment (Protecting the Public Interest) Bill 2014, but I want to congratulate my colleague Senator Whish-Wilson for bringing this bill forward. It still leaves me somewhat speechless that behind the scenes the Australian executive—through our trade minister and senior trade bureaucrats—are negotiating a treaty that would see Australia effectively subordinate state and national law to global corporate trade law. What this bill seeks to do is take on one element of the Trans-Pacific Partnership, which is being negotiated in secret as we speak and which, depending on which rumours you believe, may be as close as two or three weeks away from being signed and then presented to this parliament. This is as a trade agreement being signed under cover of total darkness. Isn't it interesting that when the global community gets together to negotiate difficult and complex environmental agreements that happens out in the open? The negotiators from various parties trying to hammer out climate change agreements have to do that in open forum. Sure, there are deals done in back rooms and all the usual things that go on, but everybody knows what it is that Australia would be potentially signing up to. When it comes to global trade agreements, not even the minister necessarily knows.

I think that the first thing that we need to get very clear about when we consider the Trans-Pacific Partnership is that this is not a free trade agreement in the sense that we are used to. It
is not even being negotiated between sovereign governments. It is actually being negotiated between large corporate entities in various sectors, and those corporations—whether big pharma, rights holders, the biotechnology industry or agriculture; take your pick—are then handing negotiating positions to trade negotiators in various countries and having those positions hammered into a text. This is an agreement being hammered out by global corporations in their benefit. It is an investors' rights agreement; it is not a free trade agreement.

We only know the little that we know about the actual text of the Trans-Pacific Partnership because whistleblowers have leaked draft chapters of the text—two iterations of the IP chapter and one iteration of the chapter relating to environmental protection—to the WikiLeaks website. While that organisation has been hammered from all quarters, it has never been proven to be more important than now as the place where we can go to find out exactly what is being done in our name.

So I congratulate Senator Whish-Wilson for bringing forward this very targeted bill. It obviously does not go to the entire scope of the Trans-Pacific Partnership, because nobody will tell us exactly what that is, but it does go to the very specific notion of investor-state dispute mechanisms—one of those acronyms that might make your eyes glaze over, until you realise that what it allows to happen would be for multinational corporations to sue sovereign governments. This parliament considers itself sovereign, and I know from personal experience that the mob at the Tent Embassy and around the country—traditional owners—would take very strong issue with that. The business of sovereignty in this country is probably the most important piece of unfinished business for us to confront. But the fact is that, from the prayers that were just read in, you would assume that those from all sides of this parliament come in here charged with making and amending laws and providing good governance in the interests of everyone across this continent. But what happens if the laws that we pass in here are found to be offensive to the profit-generating activities of corporations on the other side of the world? The Australian government—as is actually occurring, although I am not sure many people are aware of it—could be dragged into a tribunal of unelected foreign trade bureaucrats, sued and forced to amend the affecting regulation if it impinges on the profits of a company on the other side of the world.

It sounds insane, but that is in fact precisely what is being negotiated behind closed doors by the Australian government and, when they were in government, by the Australian Labor Party. One of the things that I hope that Senator Carr or whoever speaks on behalf of the Labor Party will do when they are given the opportunity is put some cards on the table and make it very clear where the ALP stand. My understanding is that they would be in support of Senator Whish-Wilson's bill. When they were in government, I think they did have form in opposing investor-state dispute mechanisms that would allow state or federal governments to be sued by corporations who found themselves offended, but it is not at all clear where they stand now. So that is another reason why I would like to thank Senator Whish-Wilson for bringing this debate forward today.

Professor Joseph Stiglitz, who is a Nobel laureate in economics and somebody who spends a fair bit of time thinking about these things, said the following:
The TPP proposes to freeze into a binding trade agreement many of the worst features of the worst laws in the TPP countries, making needed reforms extremely difficult if not impossible.
The investor state dispute resolution mechanisms should not be shrouded in mystery to the general public, while the same provisions are routinely discussed with advisors to big corporations. None of this is being done in the national interest. This is an agreement being hammered out in the corporate interest. If somebody as esteemed in his field as Professor Stiglitz is of that view, we should take that very, very seriously.

We are fortunate, as I said to those staff, campaigners and journalists in the publishing organisation WikiLeaks, that they have had the bravery to have stayed in business despite the extraordinary persecution that has been meted out to them so that we do have some sense of what is in the IP chapters. There are some very specific concerns. I want to concentrate today mostly on an area that is very dear to me: areas around freedom of information, freedom of speech and digital rights, which are placed explicitly under threat by what we find contained in the IP chapter of the Trans-Pacific Partnership and also by what happens when you bring investor-state dispute mechanisms to bear on some of these issues. A lot of damage was done when Australia signed the Australia-US Free Trade Agreement, and I think it has been government policy to try to avoid, if possible, forcing any amendments into domestic law as a result of the IP chapter. It is not at all clear whether that is actually the case. We may be faced with a bill which we will be told, on a 'take it or leave it' basis, that this parliament has to pass.

I would also say, for those who may be following this debate from outside and may be a bit confused by the government's rhetoric of due process, that we have the treaties committee, which is designed to evaluate mechanisms like the TPP. I served on the treaties committee for 5½ years—nearly six years. That committee will not get a copy of the Trans-Pacific Partnership until after the government signs it. And while the committee, in my experience, does apply a very critical eye to these things, the government is not bound to accept any of its recommendations. The treaties committee will do the best that it can, but the agreement will already have been signed—trade ministers' and prime ministers' signatures will already be on the document—by the time Australia's accountability and oversight mechanisms get the chance to take a look at it. And then it will be a case of this parliament being told—effectively with a gun to its head—that it has to pass the enabling legislation to bring some of these provisions into force. What an utterly backwards and antiquated process for dealing with such an important issue.

So, we have already done a certain amount of damage in Australian law. We effectively imported some of the worst aspects of US IP law, without their protections. The US has fair-use clauses, which mean that you cannot be prosecuted under US intellectual property law for doing stuff that is quite clearly not impinging on profits—commercial-scale piracy and that kind of stuff. In Australia the situation is very much unclear, and it appears that the Trans-Pacific Partnership, from what we know of the IP chapters, will make that situation much worse. And that is my principal question of what the rush is in bringing in mandatory data retention legislation—not necessarily so that the Federal Police can go and prosecute people who are found to be file sharing but so that rights holders from the US and elsewhere can go and trawl the metadata records of your teenage kids and send them threatening legal letters and the threat of gargantuan fines unless they pay up, or lengthy court cases unless they pay enormous fines. That is the kind of world that we are potentially stepping into here.
The document as it stands contains disproportionate and inappropriate enforcement provisions. It is all about enforcing the rights of rights holders, most of them from overseas, and there is nothing at all about public interest protections. Just to give you one example, a couple of years ago the Australian Law Reform Commission, partly in response to some of the damaging provisions that we embedded in Australian law after the Australia-US Free Trade Agreement was brought about, conducted quite a detailed inquiry into the copyright regime that prevails here in Australia. One of the recommendations they made at the time was to bring fair-use provisions—to effectively import some of the protective measures that exist in US law. We have the punitive stuff; we do not have the protective provisions.

And the fact is that if we were to now do so—if we sign up to the Trans-Pacific Partnership, which then embeds all kinds of property rights that did not exist before, for the rights holders—if this parliament then decided to do as the Australian Law Reform Commission recommended and institute a fair-use regime, that could be struck down by unelected trade bureaucrats in a tribunal, and the Australian government might choose to not even contest what would likely be a very expensive and extensive arbitral process. So, it may be that Attorney-General George Brandis, who is quite clearly listening only to the rights holders, does not even decide to contest it. It is that chilling effect on domestic legislation that is such an important and terrifying part of what this government is negotiating behind the scenes. And it looks like extension of copyright terms is in the agreement as well. That effectively just takes material out of the public domain for decades. It makes the work of cultural institutions and collection agencies that much harder, and it robs us of our own culture. ‘Copyright term extensions’ sounds arcane, but basically it just means all this rich cultural material simply going dark, archival institutions not even being able to digitise or make copies of material that in analogue form is degrading or being lost.

So, we have a very significant problem, and it is one that this parliament will not be able to address until it is far too late. I think one of the simplest things we could do is bring forward this bill for a vote today and pass into Australian domestic law protections against any Australian government signing us up to investor-state dispute mechanisms. That is the thing to do if you are concerned about fracking, if you are concerned about advertising tobacco products in places where kids can see it, if you are concerned about a ban on uranium mining, for example, or any of those issues where communities come into collision with powerful corporate interests, whether it be tobacco, big pharma, genetically modified organisms in our food, or the fracking industry—take your pick. Anywhere that these major collisions between the corporate interest and the public interest are underway, these very same corporations are seeking that power to sue us, to sue this parliament, to sue state parliaments.

Nobody on the government side of this chamber will make eye contact this morning because they have not read the agreement either. They have no idea what is in it. They just hear from our trade bureaucrats: 'It's fine; we're looking after the national interest. It's a free trade agreement like nothing you've ever seen before.' Well, at least that part is true.

But we owe it to ourselves and to our constituents, and to the future flexibility of this legislature to be able to do its job, to protect ourselves from predator capitalism and from these corporate interests, unelected, on the other side of the world, who would like nothing more than to subordinate the law-making power of this chamber and the other place to their own interests. All you would need to prove—and not even really prove; all you would need to
be able to show—is your future potential profits in fracking underneath a residential subdivision or farmland, your future potential profits in opening up a carcinogenic uranium mine or your future profits in being able to track down and prosecute teenagers BitTorrenting stuff that they cannot get any other way, to be able to sue a government, to sue this parliament.

So I hope that we will see a measured, intelligent, evidence based debate on this this morning. I hope that the Labor Party will come clean with the Australian population about what its policy actually is. We will be listening beyond words, and we will be looking for a voting intention. And I hope the government might want to stand up and maybe even table a draft of the Trans-Pacific Partnership Agreement. That is not a serious expectation, but how about it? If this document is so benign, if it is in the public interest, if it is going to lead to a massive increase in GDP, if it is going to be a huge benefit to our agricultural sector or whoever else you think you are out there negotiating on behalf of, then put it into the daylight. Let us see the document. Let us see what is being negotiated in our names behind closed doors.

This bill should pass into law. It will not solve many of the issues contained in the Trans-Pacific Partnership, if this government is so reckless as to sign on. We will have to fight that through this parliament and in the community. But, once these agreements are signed, they are perilously difficult to unravel. They are impossible to wind back—because we will have granted property rights effectively across all of our collective futures to these corporations that only care about property rights and the profit motive.

It is our job, I think, to protect the public interest, not the commercial interest and the corporate interest. Our job in here today is to protect the public interest. So I look forward to a resolution of this matter so that we can send this bill to the other place for assent and protect ourselves from making potentially one of the most reckless and dangerous mistakes any parliament could make, which is to handcuff itself from its future legislative obligations to the people of this country.

Senator CANAVAN (Queensland) (09:47): I must be guilty! Apparently we are all beholden to corporate interests and corporations. I do not know if the strings are visible to people today, but I am just a puppet, apparently, for corporate interests. It is all based on conspiracies. It reminds me—there was a great movie, Team America, and one of the characters in that movie was asked to explain their claims about corporations. They said, 'Oh, yeah, well, corporations are out there, and they do corporationy things, and they go and make money.'

There is no evidence here at all. There is no evidence. And I have not just sat through and listened to Senator Ludlam's speech. I have read Senator Whish-Wilson's first contribution, his second reading speech, and also flicked through Senator Di Natale's speech, and there is no evidence. They have provided no evidence at all. They have only relied on base conspiracy theorists. That is where the Greens are ending up right now. They are relying on conspiracy theories rather than evidence. If these things were so bad, we would have some evidence of their ill effect. We would have some ill effect, because—

Senator Siewert interjecting—
Senator CANAVAN: Well, you are putting this bill up. And the requirement is on people bringing a bill to this chamber to provide evidence of why we should put it in place. We should not put legislation in place where there is not an identifiable problem that needs to be fixed. I think we can all agree on that. That is why we should pass laws in this place: to fix a problem that exists. Now, where is the problem?

We have already four FTAs with ISDS provisions in them. We have 21 bilateral trade agreements, bilateral investment agreements, with ISDS provisions in them. Some of those agreements go back 25 years. If there were problems with these provisions they would have manifested themselves. We have agreements with Singapore, Thailand, ASEAN and New Zealand, all with these provisions, but there are no problems. I will not name the 21 countries. Over those 25 years—and this is something none of the Greens senators have mentioned—how many cases do you think the Australian government has been subject to, under these provisions? Senator Whish-Wilson, you probably know. How many cases?

Senator Whish-Wilson: Why don't you ask the Productivity Commission?

Senator CANAVAN: One case. I will get to the Productivity Commission. And that case has not even been resolved yet. This is a well-known case brought by Philip Morris on plain-packaging regulations. I will get to the international evidence, too, Senator Whish-Wilson.

Senator CANAVAN: The Productivity Commission has been verballed a little. I note that some of the Greens senators have taken to quoting the Productivity Commission, saying that we should not include these provisions in ICS agreements. Let us read the whole quote of the Productivity Commission.

Senator Colbeck: Selective quotes!

Senator CANAVAN: I would not expect the Greens to do selective quoting, but there is a first time for everything. This is exactly what the Productivity Commission said:

Australian Governments should seek to avoid the inclusion of investor-state dispute settlement provisions in BITs that grant foreign investors in Australia substantive or procedural rights greater than those enjoyed by Australian investors.

I do not dispute that view. But the Greens always leave out that little bit—it is only those bits that provide substantively greater procedural rights. That has not happened in any of these agreements. If it had, we would have seen that evidence.

I listened to Senator Ludlam earnestly worrying about how this provision could stop us dealing with fracking, and I think uranium mining, and all these other things. If you read the Korean FTA that we have only just signed, chapter 18 deals with the environment and these issues that Senator Ludlam raised. The very first article, 18.1, in that chapter says:

Recognizing the right of each Party to establish its own levels of environmental protection and environmental development priorities, and to adopt or modify accordingly its environmental laws and policies, each Party shall ensure that its laws provide for and encourage high levels of environmental protection and shall strive to continue to improve their respective levels of environmental protection, including through such environmental laws and policies.

There are no restrictions against a country acting to protect its environment under the Korean FTA or under any of our other bilateral investment agreements. The Greens have quoted from none of these ISDS agreements to prove otherwise.
Senator Whish-Wilson also raised the point about international evidence. It is true, internationally there is much more experience associated with ISDS clauses. There are, across the world, 2,400 bilateral investment treaties in place. Of those bilateral investment treaties, 90 per cent have not had a single investor claim under them for a treaty breach. Fewer than 10 per cent of these 2,400 agreements have ever been triggered, even once. I did not hear Senator Ludlam say this, but sometimes people claim that there has been a surge in ICS claims.

There has been an increase. I do not have the numbers of the increase in claims here, but the key point to make is that these increases are proportional to the amount of outward foreign capital investment in the world. I am not sure if I am allowed to use props, but there is a graph from a report I read this morning that shows, very clearly, that the number of claims—sorry, I do have the figures here—have risen to about 600 a year now we are averaging in ISDS claims. But that is directly proportional to the increase in foreign direct investment across the world. It is a very good thing that we have more foreign direct investment. It has allowed economies, particularly developing economies, to increase their growth considerably over the past 50 years. When you think about—

**Senator Whish-Wilson:** Why did you leave out the US free trade agreement?

**Senator CANAVAN:** Why did we leave out the US free trade agreement? Because we did not need it with the US. We on this side believe we should evaluate these things on a case-by-case basis. Oils aren't oils, Senator Whish-Wilson; through you Mr Deputy President. We should evaluate these things as we see fit. We do not need it with the US because both Australia and the United States have very strong protections against property rights. There was no need for it. So let us look at it on a case-by-case basis. Before I was interrupted, I was talking about foreign direct investment. In 1959, the global stock of FDI was just US$60 billion—not a lot of money at all in the context of the world economy. But today it exceeds $25 trillion. That is a massive growth, and it is a very important growth because it has allowed, particularly, countries which are poorer and which lack capital to access capital from overseas countries. And one of the reasons it has been allowed to grow is thanks to these investment treaties, because they give investors—largely in developed countries, because that is where the capital is—the protection and the rights to make sure that it is—

**Senator Fawcett:** Mr Deputy President, I rise on a point of order under standing order 197.

**The DEPUTY PRESIDENT:** I can say that interjections which are not actually disrupting the debate are sometimes tolerated by the chair, particularly if they facilitate the exchange of views and arguments in a debate. However, if Senator Canavan does seek the protection of the chair, I will certainly provide him with that protection.

**Senator CANAVAN:** I am new to this, so perhaps I should. But look, I am quite enjoying it and I think that the Greens senators are enjoying it, so let us continue. I will let you know, Mr Deputy President, if my position changes in that regard.

As I was saying, these protections have been very important to facilitate that growth in investment. Prior to these protections coming into place, it was quite common for governments, particularly in developing countries, to expropriate property or to nationalise property, and to thereby take away the investments that foreign countries had made. Indeed, according to some evidence presented by the United Nations in a paper that I read this
morning, in the 14 years prior to the entry into force of the first bilateral investment treaty, there were 875 government takings of foreign-investor property in 62 countries, for which there was no effective remedy. International law at the time provided very few protections for investors in those cases. It meant, of course, that there was a chilling effect on that foreign investment, and that many people would not invest.

I support foreign investment, particularly on the global scale. It is very important. And I do not understand why the Greens are, seemingly, so anti this—because, in other instances, the Greens are very cosmopolitan and very multicultural, and that is a fantastic thing. We should seek to have a world that shrinks, and becomes smaller, and in which we tighten our relationships with each other. Investment certainly does that. Trade helps to build relations; trade helps to make sure countries stay friendly with each other. But investment does it even more; when you buy something at the shop, you have a relationship with the shopkeeper, but when you invest in his business, you have a permanent relationship. We should seek to encourage that between countries. These treaties and agreements have also allowed us to move away from what was sometimes called gunboat diplomacy. That was a regrettable period in American history but, many times, the US government—in the 19th century in particular, and into the 20th century—used its military force to ensure that its investors were protected and that its trade rights were maintained. But I think we would all agree that that was not the right way to go about things. These new treaties have allowed investors—from the US, but actually more from Europe; the evidence is that European investors have been the biggest users of these clauses—protections, without the need to resort to governments offering military threats or, in the worst cases, military interventions. It is much better that we should jaw-jaw rather than war-war. Of course we are going to have disagreements through these agreements, and sometimes we might not get the best results we would like—although, as I said earlier, that has not happened to Australia yet. But it is much better that we resolve these disputes through a legal process rather than a more direct and violent one.

I also just want to go to some of the evidence in the international jurisprudence, and it goes to some of the points Senator Ludlam was making that somehow these provisions undermine the ability of governments to put in place environmental or health protections. In fact, that is not true at all when you actually look at the jurisprudence. Under the NAFTA—the North American Free Trade Agreement between Canada, the United States and Mexico, which includes an ISDS clause—there was a case brought by Chemtura, a chemical company. It brought the Canadian government to court. The investor challenged Canadian pesticide regulations, but the tribunal in this case ruled against Chemtura on all claims, and the panel expressly recognised Canada's right to make scientific and environmental regulatory decisions. There was another NAFTA case, called Methanex v United States. Again, the tribunal dismissed all of Methanex's claims of discriminatory treatment and expropriation, noting:

... as a matter of general international law, a non-discriminatory regulation for a public purpose, which is enacted in accordance with due process and, which affects ... a foreign investor or investment is not deemed expropriatory and compensable unless specific commitments had been given by the regulating government to the then putative foreign investor contemplating investment that the government would refrain from such regulation.

Again, there are well-known protections both in ISDS agreements and in general trade law that allow governments to regulate for the public good.
But that is not to say that these agreements have been without effect. They are not completely timid. These agreements do offer protection, and they have in fact offered protection to Australian investors, because what is often lost here is that it is a two-way street. While these agreements do, of course, protect overseas investors in Australia, they also protect Australian investors overseas. Recently there have been two cases of Australian companies making use of ISDS clauses. In November 2011, a tribunal awarded White Industries Australia Limited, which is an Australian mining company, compensation from the Indian government for violating the India-Australia agreements. There was another case in 2011 where an Australian copper company, Tethyan Copper Company, formally commenced ISDS provisions against the government of Pakistan. In December 2012 Planet Mining, another Australian company, requested that the government of Indonesia consider a claim under a clause in that international agreement. So it is important that our investors and our companies have the protection of these agreements.

I think that property rights should be something that we try to uphold and protect. I am not necessarily surprised that the Greens do not put as high a price on the protection of property rights as other members in this chamber, but we do have international agreements that cover human rights, providing protection against torture and covering other internationally recognised rights issues. Property rights are extremely important as well, and the protection of property rights goes back right to the start of the Enlightenment and the Declaration of Independence in the United States. It is enshrined in our Constitution as well: the government must give just compensation where it acquires property. But we should make sure it is enshrined in these agreements as well, because sometimes courts can look more fondly on domestic investors than they do on foreign investors. We should seek that the same kinds of protections that we think are right and proper in our Constitution and that exist in other constitutions, such as the American government's, be similarly recognised in this agreement.

One reason I think the Greens are promoting something like this is that they do not really believe in that. They do not really believe that property rights should always and everywhere be protected, that property rights are on a par with other types of rights and that governments should not be given licence to simply take property from people without due compensation.

There is a particular issue in Queensland that has been longstanding Greens policy, and it will be detrimental to regional areas and the farming community. If the new Labor government in Queensland seeks to reintroduce tree-clearing laws into that state—as they have promised to do—I bet you they will not offer a cent of compensation to farmers. Farmers previously had the right to clear property on their land to develop it, to make it have value, and that value was embodied in the price they paid for the property. The price they paid for a property included a right to clear the trees on their land, to develop the land, to put irrigation in, to put better pastures in, to put more head of cattle on it and to make more money.

That was changed almost 15 years ago in Queensland by the former Labor government. It introduced these laws that stripped all of those rights away from farmers. Perhaps some greater protection did need to be put in place, but compensation should have been given. Compensation should be given, in this place, with the powers that we have, because sometimes these debates are presented as though governments are weak, timid and vulnerable institutions that are beholden to corporations, when that is not the truth. We are very
powerful. When we use those powers to take things from people, particularly from small businesses and farmers, we should have the guts to stump up with the cash to compensate for that taking of rights.

If we in this chamber had tried to pass the kinds of laws that Queensland had, there possibly would have been a claim under section 51 of the Constitution for farmers. But the Queensland government is not bound by those provisions in our Constitution, unfortunately. In the United States they are. It is the fifth amendment, I think, where due process must be followed for the taking of property. That does bind American state governments, but it does not here in this country, unfortunately. These provisions are something that go to the heart of what we on this side of the chamber believe. Property rights should be protected; we as governments should not abuse our powers by taking from those who are weaker and more vulnerable than us.

As I said to an interjection earlier, we on this side of the chamber do not insist that all trade agreements have an ISDS clause. As was noted by Senator Whish-Wilson, in the US free trade agreement we did not put that in place. In the Korean free trade agreement we put many more additional protections than have previously existed in ISDS clauses, to ensure that governments do have the power to regulate for the general public good and for order.

There is some limitation or shortcoming in the way this bill has been drafted. As it has been drafted, it will stop us from entering into all agreements that have an ISDS clause, even if that agreement exempted us from those clauses. There could clearly be a case—even in the TPP—where we would be exempted from some obligations. That would fall foul of this particular bill, if it were passed. So I do not think it is drafted in a way that we should pass it in this chamber. It would unreasonably restrict the role of the executive government in negotiating and signing agreements that promote trade for Australians and protect their investment rights.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:08): I rise today to say that this Australian parliament should ban investor-state dispute resolution clauses in any agreement that Australia signs. It is as pure and simple as that.

I find it extraordinary that a government that has made an art form out of talking about Operation Sovereign Borders—suggesting to the Australian community that it is somehow protecting Australia's sovereignty from refugees—would, in fact, be prepared to negotiate away our own national sovereignty. This is the agenda to say that democratically elected parliaments are subject to the demands of corporations; not only multinational corporations but also corporations based in any of the member states of any agreement which is signed. In the case of the Trans-Pacific Partnership that is Australia, the United States, Japan, New Zealand, Canada, Mexico, Peru, Chile, Singapore, Brunei, Malaysia and Vietnam.

The big point here is this: we have a parliament to make the laws that govern this country in the public interest. That is fundamentally what parliament is about. That is why we are elected to this place. And what is going on at the moment is a negotiation—in secret—of a text of a trade agreement that the Australian community cannot see. We have a government saying: 'Oh, this is normal. We do not share this with people. And actually, the parliament will get to look at it'—yes; after it has been signed off by cabinet, and the parliament then only has the right to either reject the entire treaty or not. The fact of the matter is, this government—Prime Minister Abbott, and the minister, Mr Robb—are negotiating away
Australia's sovereignty, and placing it in the hands—particularly in this case—of corporations based in the United States. The shocking thing here is that the United States congress has access to the text. But we do not—we in this parliament do not. But if you are a member of congress in the United States, you can get access to the text—yes, you might have to sign a confidentiality agreement, but you get to see what it is that the American government is signing up to. But we do not. We have no idea. Nobody in Australia— nobody on the street, none of the stakeholders, none of us—knows exactly what is being signed up to. Secrecy, and a lack of transparency really matter in cases like the Trans-Pacific Partnership, and in investor-state dispute resolution.

Why am I saying that it is an assault on Australia's sovereignty, and an assault on decisions of the parliament and the judiciary? It is not just parliamentarians like the Greens who are objecting to this; the judiciary is worried as well—because the chilling effect of this is that corporations can sue a government if a government moves to take legislative action which undermines their profits. The classic case that Australians may be familiar with is the Phillip Morris case with the cigarette companies. It is already happening. Phillip Morris is suing Australia under an ISDS provision in a Hong Kong-Australia investment agreement. They have also sued Uruguay for increasing the size of health warnings on cigarette packets. A legal adviser to Uruguay said:

They are bullying us because we are small. This is like David and Goliath. But we will fight because it is our right and duty as a government to protect our citizens' health.

The New Zealand health minister has delayed the introduction of plain packaging in New Zealand because of the fear of being targeted with similar litigation. This is what is known as 'regulatory chill', where governments are afraid to legislate because it may lead to them being sued by a corporation. There are plenty of examples you can think of in Australia where that might happen. You might have it with companies who are wanting to engage in fracking, for example. If Australia brings in a ban, you can see where the companies—if they had already started their operations—would be suing the government—that is, suing the government for bringing in a regulation that protects public health. It is the same in terms of GMOs. We know Monsanto would love to be able to sue Australia because Tasmania has a GMO moratorium. We make sure we do not have GMOs in Tasmania. It is part of our commitment to the environment, but it is also part of our commitment to the clean, green and clever brand of Tasmania. Monsanto would love to sue on that occasion, and it has happened in other jurisdictions.

In the wake of the Fukushima disaster there was a groundswell of opposition to nuclear power in Germany. The government responded to this powerful movement by announcing a shutdown of the nuclear power industry. Soon after, Vattenfall—a Swedish utility that operates two nuclear plants in Germany—demanded compensation of 3.7 billion euros under the ISDS clause of a treaty on energy investments. In responding to the will of the people after what they saw after Fukushima, the government tried to act in the best interests of the health of the German people. And in came the corporation to say, 'You are undermining our profits out of nuclear power and therefore we want compensation.'

Oil and gas giant Lone Pine is suing the Canadian government for $250 million over Quebec's moratorium on fracking. That is enabled by the ISDS clauses in the North American Free Trade Agreement. Lone Pine alleges that the fracking moratorium reduces 'the
expectation of a stable business and political environment'. Never mind the instability that will arise from fracking, including water insecurity, loss of farmland and—ultimately—global warming.

We are also seeing the NGOs coming out. The Sierra Club, in relation to this issue with Canada and Lone Pine, has said:

If a government is not even allowed to take a time out to study the impact—
of fracking—
without having to compensate a corporation, it puts a tremendous chill on a governments' ability to regulate in the public interest,

You also have a situation with Australian company OceanaGold in El Salvador. The Australian mining company is currently suing El Salvador for $301 million—the equivalent of half the education budget of a poor country, like El Salvador—because it refused to issue them with a gold-mining licence.

The situation goes back to 2004 when the company applied for a mining permit and assured the government that its work would be environmentally friendly and would provide jobs for local people. In the interim, the damages of mining proliferated in El Salvador. Ninety per cent of the country's surface water became contaminated. There was acid mine drainage, which has killed aquatic life and destroyed water quality in the region, and high rates of disease linked to arsenic poisoning. Currently, just two per cent of El Salvador's water is determined by the government to be of good quality. The El Salvador government said:

... the original application to mine did not meet environmental safety standards and that the proposed mine poses risks to the country's already limited water supplies. OceanaGold denies the risks, even though—

everybody knows—
gold mining is notorious for polluting waterways with arsenic mercury and other toxic metals.
As a result, the government failed to approve the proposal and instituted a moratorium on mining permits, as you would expect they would do in the public interest.

We are now seeing, under the ISDS clauses of the North American Free Trade Agreement, the company go after the El Salvador government. If the company succeeds, this will significantly reduce the funds available for health care and education. Even if Pacific Rim's claims fail—as many expect—this lawsuit has cost El Salvador almost $13,000,000 to date, which amounts to nearly its entire environment and natural resources spending in 2013.

That is going on already around the world and that is precisely what Australia is lining up for. I wonder how much it will cost the Australian government to defend the case against Philip Morris? It would be very interesting for the government to tell us how many precious taxpayer dollars have gone into taking it up to Philip Morris in the courts. Philip Morris is suing us for daring to legislate in the public interest about plain packaging. It would be good to hear from the government, in the course of this debate, the cost to the public purse.

I also want to point out that the Labor Party when it was in government wanted to sign up to the free trade agreement with Korea. But I am pleased to say, the minister of the day, Craig Emerson, came out and said:
We considered it long and hard, and we had to stare into the abyss of having to say, ‘We can't conclude the agreement with Korea.’ As a matter of principle and in keeping with the commitments that we made, we said to Korea, ‘No, we cannot do it.’

He went on to say that they opposed it in the Korea FTA because:

… if we had agreed with it with Korea, it would be inevitable that we would have to agree with it within the Trans Pacific Partnership and other trade agreements. It was obvious to us, if we’d said yes to Korea, how do you say no to the United States?

The Labor government knew at the time that if they signed up to the trade deal with Korea with the ISDS in place it would be rolled over into the Trans-Pacific Partnership Agreement and that is precisely what is happening. It is disgraceful that now that Labor is in opposition they go along with the government’s signing up to the free trade agreement with Korea with that investor-state dispute resolution clause in place.

That means Labor and the government in Australia are selling out Australia's sovereignty. They are doing it in secret; there is no text for anyone to see. What is even worse than the U.S. Congress having access to the text while we do not, is that they are asking us to sign off on the text here in Australia. They are asking us to sign it off in this parliament before it is concluded in the US; and the US reserves the right to change it if it does not suit US companies, the US Congress or their consultation process. So, if ever Australia were selling out our sovereignty to US and to corporations, it is under this agreement.

This is the agenda of the corporate world. This is the agenda about getting rid of regulation on a global scale to maximise their absolute destruction of the planet at the lowest possible price and at the expense of local people, jobs, wages, conditions—the whole lot. That is exactly what you are going to see in investor-state dispute resolution and it is why the Europeans are backing off this at a great rate. The European parliament has had a letter from 100 legal and other experts in the field saying, ‘Back off this in Europe. It is a bad idea.’ They have had to put it on hold and they have had to start looking at what it actually means in the European context to sign up to agreements with investor-state dispute resolution clauses in them.

But think about it: if you have a multinational corporation that is threatening a country, why would a parliament then move to legislate for a ban on fracking or to stop environmental destruction if they knew they were going to incur the wrath of the corporation suing them and the legal costs associated with defending it? The whole point of a parliament and sovereignty is for the parliament to be able to be the ultimate decision makers and for the courts to be the ultimate decision makers in terms of the legal framework, the laws of the country and how the laws of the country are implemented. Once you devolve that decision making power to corporations you might as well give up as a parliament and as a government—and that is precisely what the Abbott government is doing.

The Labor Party knows it. They had this experience with the Korean free trade deal and that is why, to their credit, they did not sign up. They knew what investor-state dispute resolution meant. Tragically, they have now gone onto the same bandwagon as the government. But the people of Australia do not like it. The people of Australia do not like the idea that once again we have a Liberal government that pretends to protect the sovereignty of Australia selling out to the United States and, in particular, selling out to multinational corporations because that is the consequence of what is going on. I have cited the examples—
the Philip Morris case, the Canadian case of Lone Pine, the German antinuclear case and the 
El Salvadorian case of environmental regulation. The trouble with some senators on the other 
side is that they prefer ignorance and ideology to get in the way of evidence. The evidence I 
have presented stands alone.

Senator Ian Macdonald: Talk about ignorance and ideology!

The ACTING DEPUTY PRESIDENT: Senator Macdonald, in four minutes and six 
seconds you will get your turn. Please allow Senator Milne to speak.

Senator MILNE: I can tell you that the Chief Justice of the High Court of Australia, 
Justice Robert French, has raised his concerns that ISDS is effectively establishing a parallel 
legal system where Australian judges have no voice. Senator Macdonald thinks, obviously, 
that he knows better than the Chief Justice of the High Court of Australia, Justice Robert 
French. But I think, Mr Acting Deputy President, that when you have the Chief Justice saying 
that what you are doing is selling out the sovereignty of the Australian parliament and the 
Australian legal system, you should start thinking about that. When the Chief Justice is saying 
that the ISDS is setting up a parallel legal system where Australian judges have no voice, that 
should be of major concern to Australians. People are already worried that this government is 
governing for the big end of town. We are seeing it—absolutely—all about tax avoidance; in the huff and puff of the Treasurer before the 
G20—all about tax avoidance—until we had to ask for a delay in Australia actually engaging 
in the exchange of information around the world that would lead to a crackdown of tax 
avoidance. We saw it in MYEFO before Christmas: the tax avoidance measures that were in 
that document were removed. We are seeing it left, right and centre.

The two greatest threats to humanity and to the planet are the growing inequality around 
the world in the accumulation of wealth, and global warming. Those two things together are 
driving massive social unrest and ecological destruction. And the people driving it are the 
corporate world—the one per cent who own the vast majority of the Earth's resources now, 
and their wealth, want to secure a regulatory environment which is lowest common 
denominator, and they want to use these investor-state dispute resolution clauses to do it. This 
is a dangerous assault on the integrity and capacity of the Australian parliament to govern in 
the best interests of the Australian people, for our wellbeing and our health. It is being done in secret, handing over to the United States the right to actually change the text—after the 
Australian parliament has signed off on it. And we will be subject to it after that. What sort of government acts as a doormat to that kind of agreement? I can tell you which sort of government: it is the Abbott government. It is the very people who pretend they are interested in Operation Sovereign Borders, while actually undermining the sovereignty of our nation in a 
very frightening way.

We only have to look at what is going on with the power of the corporates. We have to take 
our democracy back, and one way of taking our democracy back is banning investor-state 
dispute resolution clauses in any agreement that Australia signs. That is the way we take our democracy back, that is the way we restore the sovereignty of our parliament and our legal system, and that is the way we prevent the multinational corporations of the planet from overseeing the best interests of Australian and the environment. And if we do not, we are going to see billions of taxpayers' dollars over the years being set aside in legal cases. And the
culprits responsible are sitting in this parliament, pretending to be a responsible government as we speak.

**Senator IAN MACDONALD** (Queensland) (10:28): Anyone who is seriously following this debate, and who heard Senator Canavan a little while ago, would appreciate that nothing the Greens have said—nothing that Senator Milne or Senator Ludlam have said—stands up to a factual assessment. A lot of people who I know follow Senator Ludlam's technical savvy in these areas; you know, he gets on Twitter and Facebook and YouTube, with all the buzzwords—

**Senator Ludlam:** I am on it now!

**Senator IAN MACDONALD:** He is on it right now! But can I just say to you people, please carefully look at anything Senator Ludlam or Senator Milne will tell you, because history shows most everything of what they say is not supported by fact; and it is, in fact, simply lies. It is easy to pick the buzzwords. It is easy to pick the prejudices—these big US corporate giants—

**The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson):** Senator Ludlam on a point of order.

**Senator Ludlam:** Mr Acting Deputy President, I rise on a point of order. Senator Macdonald, you have been here for decades, if not hundreds of years. You know very well that it is unparliamentary to accuse other senators in this place or the other of lying. So I ask you to withdraw that and then carry on with your strange rant.

**The ACTING DEPUTY PRESIDENT:** I will let that one go. It was part of a wide-ranging debate, but I would urge caution, Senator Macdonald.

**Senator IAN MACDONALD:** 'Strange rant'—that is okay. This is the thing with the Greens political party, hypocrisy knows no bounds. Here is a party talking about 'surrendering Australia's sovereignty.' Which party would have the one-world government, to have Australia sign up and be bound by every single international treaty brought on by anyone around the globe?

You only have to look at the facts of these issues to realise that most everything you hear from people like Senator Ludlam and Senator Milne simply are not supported by truth and accuracy. Sure, pick all the prejudices: fracking, big end of town, nuclear—and the US corporate predators. Never mind any other corporate predators. US corporate predators are the real ones.

Senator Cameron made a very measured address. He clearly indicated the facts. It is obvious that no-one from the Greens political party has read the agreements that have been entered into so far. Senator Canavan quite rightly assisted those Greens members who were interested in truth and accuracy—and I am not sure there are many—on what section 18(1) of the Korean free trade agreement said. He read it out. I could repeat it, but I will not take the time of the Senate.

Australian governments, not just this government but previous governments as well, have entered into a number of interstate dispute-settlement arrangements over a number of years. In free trade and bilateral agreements we already have interstate dispute-settlement provisions in Investment Protection and Promotion Agreements. These include countries such as Singapore, Thailand, Chile, 10 ASEAN countries and New Zealand. We also have agreements with
Argentina, China and the Czech Republic. I have not got to the 'big predator' US government yet that the Greens like to talk about. I am sure that is here.

We have entered into these sorts of agreements with all these countries: Argentina, China, the Czech Republic, Egypt, Hong Kong, Hungary, India, Indonesia, Laos, Lithuania, Mexico, Pakistan, Papua New Guinea, Peru, the Philippines, Poland, Romania, Sri Lanka, Turkey, Uruguay and Vietnam, just to name some of them.

I will try to put a little truth and accuracy into this debate. I will indicate to the Senate the types of obligations covered by ISDS. One of them is that foreigners and locals should be given a similar treatment. How bad is that? It applies to Australians. Do we have different rules for people from other countries? Talk about xenophobia in the Greens political party! It seems to know no bounds. These agreements say that foreigners from one country should be given similar treatment to foreigners from another country—so the Chinese and their trade agreements with Australia will be treated the same as the Americans; they will be treated the same as the Hungarians; they will be treated the same as the South Africans. What sort of a problem does anyone see in that? These agreements also limit the circumstances under which expropriation can take place, and they require provision of adequate compensation. Under the Australian Constitution, if the Australian government expropriates property for good reason, it is required to pay compensation. But the Greens do not think the same should apply to other countries who have property rights in Australia which are expropriated by the federal government. It is okay to pay Australians compensation, because the government is required to under our constitution, but forget the foreigners! We will just take their property and we will not allow for any compensation. These obligations also provide for non-discriminatory treatment and for compensation in the case of armed conflict or civil strife, in any country which Australia has these arrangements with.

While the Greens political party think that this is not appropriate, a company from one country that invests in a different country should be able to freely deal with profits they make as a result of their investment. Otherwise they would not be making the investment. Most countries around the world are seeking investment in their own countries—to help their countries—but are expecting that those who invest will make profits, and will be able to take those profits home as they intended. In fact, the Foreign Affairs, Defence and Trade Committee yesterday had a very interesting roundtable meeting with all of the ambassadors from the Arab countries in the world. It was a great get-together, talking about two-way trade between our countries. I asked all the ambassadors to quickly run through and indicate which of their commodities or services they would like to sell more of to Australia. Some of the ambassadors responded as you would expect—more clothing, more chemicals, more olive oil—but a lot of them said, 'we want Australia to invest in our countries, and to bring Australian expertise into our countries. We know that is good for Australia; they will make profits and help employ some Australians, but we also want that because it will help our countries to develop.' And yet the Greens, by not allowing these ISDS provisions, would seek to make it difficult for Australians to take action against these countries if these countries introduced laws that expropriated Australian investments in their country without compensation. That is what this is all about.

To anyone who is following this debate: do not take anything the Greens say as accurate, but please look into it and please look at history. You will find that almost everything the
Greens political party will stir you up about turns out to be absolutely incorrect, but time does not permit me to go through all of those issues.

It is hypocrisy—sheer hypocrisy—for the Greens political party to say that we are surrendering Australia's sovereignty to international corporate giants, when everything the Greens do in this parliament is all about international treaties, and about how Australia should subject itself to the dictates of all of these international bodies; the United Nations and other bodies. They do not want Australia to have a view on uranium, or climate change. They do not want Australians who, by majority, have a different view to some of the members of the international community views on climate change. They want Australia just to accept, willy-nilly, the views of these international bodies without allowing the Australian people to have their say.

The Australian people clearly share my view on the irrational accusations of the Greens about climate change. We all accept the climate is changing. I often say that once upon a time the world was covered in ice and snow, and clearly over the aeons that has changed. Once upon a time the centre of Australia was a rainforest. Clearly that has changed. Clearly climate changes. But there is no accepted evidence at the moment that man's emissions of carbon have been responsible for it. There is no evidence that there has been global warming for 20 years. In fact, the actual scientific evidence suggests otherwise. But the Greens would have Australia's sovereignty—

Senator Siewert interjecting—

Senator IAN MACDONALD: That is true. I am sorry. I can give you 50 scientists who say that.

Senator Siewert: What scientists?

Senator IAN MACDONALD: See, because they are not—

The ACTING DEPUTY PRESIDENT: Senator Macdonald, please address your comments through the chair.

Senator IAN MACDONALD: Thank you for that unbiased ruling, Mr Acting Deputy President. I am being attacked by members of the Greens political party. You do not pull them up.

The ACTING DEPUTY PRESIDENT: Senator Macdonald, take your seat. Take your seat, Senator Macdonald. All I asked you was to address your comments through the chair, which you know is accepted protocol.

Senator IAN MACDONALD: If you look at the record, you will find that all of my comments are through the chair, and even my response to interjections was through the chair. Please, Mr Acting Deputy President, do your job.

The ACTING DEPUTY PRESIDENT: Senator Macdonald, all I asked you was that you address your comments through the chair, which you know is accepted protocol. You were pointing and yelling at Senator Siewert. You can point and yell at me, but please address your comments through the chair.

Senator IAN MACDONALD: I would never point or yell at the chair.

Senator Singh: I am on my feet, Mr Acting Deputy President.

Senator Singh: I was on my feet before you.

Senator IAN MACDONALD: I was on my feet.

Senator Singh: No, I was on my feet before you.

The ACTING DEPUTY PRESIDENT: Senator Macdonald, please take your seat. Senator Singh.

Senator Singh: Mr Acting Deputy President, on a point of order, Senator Macdonald is reflecting on the chair, and I ask you to rule accordingly.

The ACTING DEPUTY PRESIDENT: As I was just saying, Senator Macdonald, please just address your comments through the chair. You understand the protocols. Let us continue the debate.

Senator IAN MACDONALD: Mr Acting Deputy President, I do not need your protection against the interjections of the likes of Senator Siewert, but if you are making those rulings please be consistent. I will continue on the line that Senator Siewert does not like. Because they are not scientists that she and her group of funny people think are good scientists, they are all to be ignored. You only listen to those who repeat your mantra, Senator Siewert. There are credible scientists around the world—

Senator Siewert interjecting—

Senator IAN MACDONALD: You laugh, but then I laugh at your ridiculous comments, and so I accept that. But, Mr Acting Deputy President, perhaps you could help me—by stopping the consistent interjections I get from the Greens political party.

The ACTING DEPUTY PRESIDENT: Senator Macdonald, I will ask Senator Siewert to cease the interjections and remind everyone in the chamber that interjections are disorderly.

Senator IAN MACDONALD: Thank you, Mr Acting Deputy President.

Senator Siewert: Mr Acting Deputy President, on a point of order, I do accept your ruling; however, Senator Macdonald was speaking across the chamber directly to me, so I responded. I apologise to the chamber, but, if you could ask him therefore not to address his comments directly to me across the chamber, that means I will not interject and respond.

The ACTING DEPUTY PRESIDENT: Thank you, Senator Siewert. I will remind Senator Macdonald: please address your comments through the chair.

 Senator IAN MACDONALD: The Australian government has done an absolutely fantastic job in relation to trade. It is a bit like debt, you know: people talk about trade, and they think, 'Trade's something governments do; it doesn't really impact upon us.' It is a bit like that with debt: 'Debt's just something the government will fix up; it doesn't really affect us.' Of course, what we really need is for Australians to understand that debt—and the $7 billion of debt that the Labor Party ran up—does in fact impact upon them very, very seriously. As with people's own household budget, when you borrow from a lender, some day you have to pay it back. And until you pay it back, you have to pay interest on it. But people say, 'That's the government.' Well, sorry, but the government does not have any money. The government only uses the money of taxpayers. So, it is the taxpayers who will have to pay off Labor's
debts, which will approach $700 billion. And it is the taxpayers who will have to pay the $30 million a day that we are paying in interest on the Labor Party's debt—the Labor Party supported by the Greens political party. Imagine how many schools, imagine how many hospitals we could build every day with the amount we are now paying to foreign lenders on the debt run up by the Labor-Greens government.

And it is the same with trade. People think, 'Oh, trade—that something governments do; that's good, but it doesn't really impact upon us.' Sorry: trade is very important to Australia. We are a country that is blessed with natural resources. We are blessed with fine educational institutions. We are blessed with a very energetic and innovative population. But we need to trade to be able to use those assets we have, and that means more jobs for Australians. And these free trade agreements that Andrew Robb has brilliantly concluded, in a very short period of time, mean jobs and wealth for all Australians.

I know Senator Milne is talking about how the corporate giants are ripping off all the poor people in the world. I would just remind Senator Milne that she is part of the one per cent of the world population earning a very, very high income. Yet that never seems to worry Senator Milne. It is okay for her to blame the US corporate giants and the wealthy people everywhere around the world, but I would just remind people that Senator Milne is one of those who is in the one per cent of highest-income earners in the world. And we never seem to get that recognition when we hear Senator Milne viciously attacking corporate investors into our country and indeed other countries.

Trade is important. The free trade agreements have considerably assisted Australians in their lifestyle, in their way of living and, more importantly, in their ability to be fully employed. Those free trade agreements and other trade agreements we have made with people in many instances do have these investor-state dispute settlement arrangements. They have been in place for ages. The Labor Party has entered into agreements where those conditions do apply. They apply for a reason, and that is that they are fair and they treat people equally. It does mean to say that if Australian companies invest somewhere else then those other countries will not confiscate Australian assets without the sort of compensation they would apply to their own nationals.

The Greens political party would have you believe that this means that corporations from around the world—not just America, although they are the only ones you hear about from the Greens—can dictate to Australia how Australia should legislate internally. The agreements we enter into do actually provide that matters relating to health and the environment—and Senator Canavan went into this in some detail—are not impacted by these investor-state dispute settlement arrangements. So, Australia is free to provide whatever it believes is the right legislation in relation to many issues that are clearly set out in these agreements. What they do say, though, is that if the Australian government, for all the right reasons, does confiscate property then the people whose property is confiscated, no matter which country they come from, will be treated the same way as Australian companies and Australian individuals. That is, if, for the right reasons, the government of the day confiscates property, people will be properly compensated for that confiscation. Now, what is wrong with that? I ask the Greens political party: what is wrong with that? Countries that invest in Australia and whose property is confiscated would be treated the same as Australians.
Unfortunately time has escaped me. I was going to raise the stupidity of the ban by the Labor Party and the Greens political on live cattle exports to Indonesia. That is a very good case in point, and, unfortunately, as I said, time is not going to allow me to elaborate on that. But Indonesian companies who had invested in Australia on the basis of a trade arrangement in live cattle that had been in place for decades and whose property was made worthless by a stupid decision of an Australian government should have been in some way compensated for that. But unfortunately time is not going to allow me to continue in that vein—perhaps some other time—but I would urge the Senate to reject this bill. *(Time expired)*

**Senator WRIGHT** (South Australia) *(10:51)*: I rise to speak in support of this Greens legislation: the *Trade and Foreign Investment (Protecting the Public Interest) Bill 2014*. The purpose of this bill is to prevent the Commonwealth from entering into an agreement with one or more foreign countries that includes particular mechanisms called investor-state dispute settlement clauses, or ISDS clauses. The inclusion of these mechanisms is one of the most insidious trends that we are seeing in modern trade deals.

I applaud Senator Whish-Wilson’s great work in bringing this bill forward and encouraging debate on what has the potential not only to shape the kind of world that we bequeath to our kids and our grandkids into the future but to fundamentally undermine the rule of law and democracy itself. They are high claims to make. I am sorry that Senator Macdonald is leaving the chamber, because he invited me to answer some questions that he posed, and he obviously is not particularly interested in hearing those answers. At one point, he scoffed at the idea that Chief Justice Robert French of the High Court of Australia commented with great interest on the issues that are posed by these ISDS clauses and free trade agreements. Indeed, Chief Justice French and many others have raised significant concerns, and I will come to those in the course of my contribution today.

But let's start by asking why these ISDS clauses are so troubling. It is because these are mechanisms by which private investors—corporations who are based outside a sovereign nation with no loyalty to, interest in or concern for the citizens of that nation—can take their own action against the sovereign government of the nation and use the clauses to sue governments for huge amounts of compensation if they can show that a government policy or a change in policy has directly affected their profitability or their investment. In so doing, they can exert a huge influence and control on the laws and policies of nations irrespective of the will of the democratically elected parliaments in those nations.

This Greens bill is designed to prevent the Australian government from entering into agreements that include these ISDS clauses, to prevent corporations outside Australia from being able to dictate to Australian governments, effectively, the kinds of laws they can and cannot make and—by extension, given that the laws and policies and governments shape the world that we live in—the kind of Australian society that we have. It is interesting, and Senator Milne made this point as well, that we hear a lot about border protection from this government but when it comes to protecting our legal borders—our legal sovereignty: the right of democratically elected governments in Australia to make laws on behalf of all of us and have those upheld by our courts—this government is a bit silent. In fact, they are highly secretive. Right now we have 12 governments, including those of Australia, the US, Japan, Canada and New Zealand, negotiating this far-reaching trade deal, the Trans-Pacific Partnership Agreement. Aspects of the Trans-Pacific Partnership Agreement, the TPPA,
pushed by global corporate interests are seeking to radically dispose of government regulation in the name of enhanced global competition.

We have been invited by Senator Canavan to give evidence of our concerns, but the problem is that these negotiations are conducted totally in secret. So my invitation to Senator Canavan would be that if we have nothing to fear—if, in fact, these concerns that are being raised not only by the Australian Greens but throughout Australian society and internationally are not founded—then reassure us: show us the terms of the negotiations that are happening and we can all go home. In fact, this is a situation where these negotiations are in secret and, for the first time ever in trade deals, they will include discussions to get broad agreement to remove what are called unfair advantages from government state-owned enterprises and their impacts on commercial business.

One hallmark of the way these deals are negotiated is that the Australian public has no right to know what is being negotiated away in our name until the deal is done and dusted, and then it is presented to the sovereign Parliament of Australia with the only option being to vote in favour or against; there is no possibility of changing it; the deal has already been done. We see in the current negotiations for the TPPA, on the back of global corporate interests and pressure, the US government wanting to include a proposal which would allow foreign companies to sue our government and the governments under the agreement for damages if they were to adopt laws or policies that could harm the investment of these global interests. So even if they are laws and policies made in good faith on behalf of the national public interest—laws which may protect public health or the environment—there would be the capacity for outside corporations to challenge those laws and seek large amounts of compensation. That has a chilling effect on the capacity and the willingness of sovereign governments to actually govern in good faith in the interests of the national public. As my colleague Senator Whish-Wilson has already said clearly, what we have set up in these kinds of modern trade deals is a parallel system of governance which gives corporations the right and ability to impinge directly upon our ability as parliamentarians to enact legislation in the public interest—and, in the end, isn't that what we are elected to do?

These ISDS clauses have excited huge concern both nationally and internationally. Indeed, the issue has received serious consideration from many, including High Court Chief Justice Robert French, who is the most eminent judge in Australia. Chief Justice French addressed the Supreme and Federal Courts Judges' Conference in Darwin last year. He provided a very thoughtful paper, and I commend it to those who are interested in learning more about the nature and implications of these ISDS clauses. Senator Macdonald expressed disbelief that Chief Justice French may have been commenting on these issues, so I will pay him the courtesy of forwarding a copy of the paper to him, and I hope that Senator Macdonald will read that.

Chief Justice French focuses on the tensions that can exist between these ISDS mechanisms and the legitimate functions of the legislative, executive and judicial branches of governments. With respect, who would be in a better position to consider these issues in a scholarly way? He sets out the current landscape and, importantly, the implications for the rule of law in Australia. Where there is dispute about the effect of government policy or lawmakers on corporate interests under these agreements, there is a mechanism for that dispute to then go to a system of arbitration, and there have been a great number of concerns
about the conduct of the arbitration bodies as they have operated previously when considering disputes under these clauses. So, effectively, if there is government policy or lawmaking and even, indeed, decisions of courts within a sovereign jurisdiction, if a third party outside that sovereign nation wants to dispute the decision, law or policy, they can then take these to an arbitration body.

Chief Justice French in his paper refers to a briefing paper prepared by the European Parliamentary Research Service in January 2014 which describes the concerns raised about the vague formulation of major treaty provisions which leave a wide range of interpretations open to the arbitrators. There is a vagueness and uncertainty in scope and application, which is always a problem in relation to the law. There are also loopholes in these agreements, which can lead to abuses such as nationality shopping by companies, which then create subsidiaries abroad specifically to take advantage of the agreements. Indeed, that is what we have seen in the Philip Morris tobacco case that has been referred to by many of the people making a contribution to this debate.

As for the conduct of the arbitration panels themselves, particular and worrying concerns have been raised. As Chief Justice French states in his paper,

Arbitral tribunals set up under ISDS provisions are not courts. Nor are they required to act like courts. Yet their decisions may include awards which significantly impact on national economies and on regulatory systems within nation states. Questions have been raised about the consistency, openness and impartiality of decisions made in ISDS arbitrations.

The briefing paper from the EPRS sets out some specific issues that have been raised:

- lack of transparency with varying degrees of secrecy attaching to arbitral processes depending upon the institutions or rules which are applied;
- a relatively small pool of arbitrators — arbitrators appointed to ISDS arbitrations are said to be mostly male—
- the high cost of ISDS arbitrations — estimated by OECD as averaging about $8 million each;
- associated with the high cost and potentially high awards, a growing phenomenon of third party funding of claims by banks, hedge funds and insurance companies in exchange for a share of the proceeds ranging from 20% to 50%;

So there is a little bit of a variation on the no win, no fee or, 'We'll fund it and we'll get a cut of the win,' which is always a real concern in terms of corrupting processes. There is also:

- absence of effective review or appeal processes;
- inconsistency in decisions on similar provisions.

It is important to understand that this is not just a vague, theoretical concern that we are dealing with here. This is a live issue. There have already been many cases on foot. Last year the UN Conference on Trade and Development published its annual review of ISDS cases. Fifty-even new cases—these are cases brought by outside parties, by corporations, against governments—were commenced in 2013. That was just below the number in 2012, which
was a record year with 62 cases. Most of the claims were brought against nation-states by investors from developed countries—again, no surprises there—and mainly by investors from the European Union and the United States.

And what sort of cases were being brought by these corporate interests? They involved challenges to a range of governmental measures, including measures relating to renewable energy. Why doesn’t that surprise me? And who would be bringing those kinds of cases? There were measures allegedly affecting expropriation of assets, revocation of licences and permits, regulation of energy tariffs—energy into the future and the profits that are to be made there is a big one, isn’t it—wrongful criminal prosecutions, land zoning decisions, invalidation of patents and sovereign bonds legislations.

As I said, many would be aware of the Philip Morris case where the Australian High Court upheld the validity of legislation made by the Australian parliament to introduce plain packaging for tobacco products. The challenge was brought by a company supported by Philip Morris Ltd to the Australian High Court, but the legislation was upheld. Four months before commencing the action in the High Court, Philip Morris Asia Ltd moved to acquire an interest in Philip Morris Australia so that it then had an interest in this subsidiary. I quote from the Chief Justice French’s paper:

That acquisition is said to have reflected a tactic used by private investors seeking to take advantage of bilateral investment treaties and is known as either ‘nationality planning’ or ‘treaty shopping’. It appears to have been related to the existence of a bilateral investment treaty between Hong Kong and Australia. That was a treaty from 1993 which included an ISDS clause. On the basis of that clause Philip Morris is challenging the Australian government for compensation on the basis of the plain packaging laws. We will be interested in seeing what occurs there.

The Australian Greens are significantly concerned that these sorts of clauses and the actions they allow corporations to take against the Australian government and state governments have the potential to shape the kind of world we are going to be leaving to our kids and grandkids. To bring that home and illustrate why I am concerned I am going to tell you about a visit I had last Sunday when I travelled to an area near Mount Gambier in the south-east of South Australia. I attended a celebration there which was a declaration by a small land area near the little town of Mil-Lel. There was a declaration by the residents of that area of their roads and their region being gas field free. Currently there are two exploratory drilling wells from Beach Energy in that area looking for the viability of shale and conventional gas mining, and there is increasing concern among the residents in that area about the risks associated with unconventional gas mining and fracking. There are real issues in that area, which is a rich area of agriculture, wine-growing, cropping and tourism. Also there is a very limited water supply in that area. There is a great deal of concern by the residents that unconventional gas mining will actually destroy the viability of the population, not just the economic viability, but in fact their ability to live there in a healthy way.

I went there and I was absolutely delighted to see proud citizens walking up and handing to the mayor of the District Council of Grant their scrolls—street by street, road by road—and saying, 'We do not accept that there will be unconventional gas mining in our area. We are saying that we are putting faith in the water and food supplies that we need to protect our kids and our grandkids.' When I saw that I felt that there was a strong vote of confidence in what is a real democracy, which is requiring decision-makers to make decisions that are in the
interests of all people, not just in the interests of those who have power and influence and who are only interested in making short-term profits.

It is very clear that the ISDS clauses in these free trade agreements, and which will potentially be in the Pacific trade agreement, have the potential to stop our governments from legislating democratically in response to community concerns about environmental issues like mining for conventional gas. There are clear precedents for this kind of action by foreign corporations against governments when they are making law and policy that affects, for instance, energy—and that is what we are talking about here. We are talking about moving away from reliance on fossil fuels to having other sources of clean green energy like renewable energy, like solar and wind and so on.

There is an example in Quebec at the moment where, under the 1994 North American Free Trade Agreement between the US, Canada and Mexico, there was an ISDS clause. On the basis of that clause Lone Pine Resources, an energy company, is currently suing the government of Quebec for $250 million because it had the temerity to suspend shale gas mining while awaiting the outcome of an environmental study into the dangers of that mining. The suspension was brought about because of pressure from the community to examine the health and environmental impacts of that mining. The government response to the community pressure was democracy in action, and we have a large corporation currently suing the Quebec government to chill that decision in the sum of $250 million.

So in the south-east we have, at the moment, an inquiry from the South Australian state parliament into fracking in that area which was initiated by my Greens colleague, the leader of the Australian Greens in the South Australian parliament Mark Parnell MLC. What happens if there is a decision by the state government in responding to the findings of that inquiry, hypothetically speaking, that they were to decide that there should be a moratorium on fracking in the south-east? If we are subject to these sort of ISDS clauses in agreements, which the Australian government has entered into, there is every possibility that an organisation could then take action against the state government for compensation to prevent that sort of decision being made.

We are at a point in history where it is absolutely vital that people's perception that governments are only governing for the rich, the influential and the powerful is changed. There is increasing disillusionment, and I know that everybody in this chamber will be aware of it. When you go and talk to voters, people do not have faith that we are actually fulfilling the trust for which we have been elected, and that is to govern in the interests of all. This is a point in history where we must defend our democracy, and that has to start from the grassroots up. It has to start with respect for the people and for the national interest. Australian governments voluntarily surrendering sovereignty over the policy and the law that we make in this parliament is not only foolish and irresponsible but highly dangerous for the future health and welfare of this nation. But, fundamentally, I believe it is highly dangerous to this nation in being able to remain a viable democracy where our populace has faith in the decisions that we are making. If we lose that I do not know what we will have left. I urge the Senate to support the bill. (Time expired)

 Senator BACK (Western Australia) (11:11): I rise to explain to the chamber and to the wider community why I oppose the Trade and Foreign Investment (Protecting the Public
Interest) Bill of 2014. I read from the explanatory memorandum as supplied by our colleague Senator Whish-Wilson:

The purpose of this Bill is to prevent the Commonwealth from entering into an agreement with one or one more foreign countries that includes investor-state dispute settlement provisions.

Now, I have to say at the outset that I have a lot of respect for Senator Whish-Wilson. He was well educated at Guildford Grammar School, as I understand, in Western Australia. He studied at university in Western Australia, and he has a good, sound understanding of economics and commerce. He has worked in the stock exchanges, as I understand, in Western Australia, in Hong Kong, in New York and in Sydney. So, Senator Whish-Wilson has a very, very good understanding of the world of commerce and particularly the world of international trade.

Senator Whish-Wilson also understands that, in a country that has the land mass of continental USA and the population of New York City, the high level of per capita income, wealth and socioeconomics in this country, indeed, is due to our exporting capacity. We are not like America; we cannot consume the majority of what we produce. We are not like China, which, of course, also can consume. We must rely on exports, we must rely on the inflow of capital, we must rely on the rule of law, and we must, of course, rely on being important players on the world stage. I say again, that section 3 of the explanatory memorandum sets out that the intention of the bill is to prevent the Commonwealth from entering into agreements with foreign countries that include investor-state dispute settlement clauses. How harsh would this be for our little country of 23 million people if we were denied access to the export markets of the world upon which we have relied for so long, which we will need to rely on in the future to sustain the economic wealth and wellbeing of all of our citizens and, indeed, to improve the wellbeing and the socioeconomic conditions of those in our neighbouring and trading regions—Asia, Africa, India and, of course, Central America and Latin American?

It is interesting that in his second reading speech Senator Whish-Wilson draws attention to the fact that the Australian government is currently being sued under the ISDS clauses as a result of a legislative decision the previous government took to require cigarettes to be sold in plain packaging. That is a 1993 agreement; it is 22 years old. Surely everybody in this place realises that we have moved on from the quality of legislation that is 22 years old. I also remind the chamber that this is not yet a settled matter. It is not yet a matter that has had any sort of resolution or judgment. I share concerns. We sat in the committee together. I share the concerns of academics and others. I also share the concerns expressed by the Chief Justice, a fine Western Australian jurist, Robert French. But, at the same time, the role of government is to balance these inputs and to arrive at decisions that are in the best interests of our country, and I want to spell some of those out.

I want to point out, if I may in the time that is available to me, where some of the pitfalls would come if, indeed, we were to pass legislation that prevents the Commonwealth—it does not caution the Commonwealth or give the Commonwealth any leeway in this; it prevents the Commonwealth—entering into an agreement with ISDS provisions. Of course, this blanket prohibition would completely and utterly limit our opportunity to negotiate into the future with foreign countries, be it for inputs or for exports. We could not conclude negotiations which would benefit Australian producers, consumers and investors, the broader community
or, indeed, those communities in the countries with which we have such valuable trading relations, and it would impose on the Commonwealth a significant limitation on the ability to pursue our broader trade and investment objectives.

We have spent a lot of time in the last few days, as we have in the last couple of years, in this place debating how we are going to sustain and improve the socioeconomic wellbeing of our country—how we are going to be able to meet the social demands that are so eloquently debated in this place. But, Mr Acting Deputy President, you know that, as Senator Fifield said so well the other day, if the economic agenda and the social agenda are not in alignment, it will be to the demise of each of them. Unfortunately, what this bill, if passed, would do would be to totally limit the opportunity for our economic expansion, particularly at this time.

I feel remiss with the finance minister, Senator Cormann, here, because he is so much better versed than I am in being able to comment on the black clouds that are confronting the world at the moment as we look at what might happen with Greece defaulting or, indeed, jumping into bed with Russia—whose economic circumstances at the moment would be such that you would wonder how Russia would be able to bail Greece out of its current debt crisis. We look at other countries in Europe and the circumstances they are faced with. We have a look at the United States of America, the interest on whose debt—not the debt but the interest on their debt—is a billion dollars per working day at the moment—$250 billion they are borrowing. Senator Whish-Wilson understands this much better than I and as well as the finance minister does. To me, it all points to the fact that we must remember that we are an exporting country.

But, of course, this blanket prohibition that is proposed in the bill is inconsistent with the government’s policy, which is to consider the inclusion of ISDS provisions in any free trade or other agreements on a case-by-case basis. It denies the government the opportunity to actually negotiate case by case. It says: ‘No, sorry. We can't deal with China. We can't deal with Japan. We can't deal with Korea. We couldn't have dealt with Singapore. We're not allowed to deal with the Trans-Pacific Partnership, because we are prevented from even participating.’ Nobody in Australia wants to see that—indeed, I do not think Senator Whish-Wilson does. What we do want to see is a very cultured discussion about those elements which are sacrosanct to Australia.

I go back to the point that the 1993 provision is 22 years old. This was not being considered 22 years ago. Possibly it could have been predicted 22 years ago, but nobody is suggesting today that the sorts of agreements that we are negotiating and contemplating have not moved on and are not taking into account those environmental, health and other concerns on which we are, of course, so focused.

The bill proceeds from the view that ISDS invariably represents an unacceptable risk to the public interest and that all provisions are equally severe. We are conscious of potential risks, and I would rely on the excellence of the trade minister—leading and directing the bureaucrats in the department, who are now so well versed in the processes of international trade negotiations—and on being able to govern and to regulate in the public interest in areas such as health and the environment.

On this topic, I would be amazed if in his previous work Senator Whish-Wilson has not come across similar clients. As a businessman myself, and having in the last decade engaged in business activities in Asia, in the Middle East and on the Indian subcontinent, I know that
ISDS does not just apply to ogres wanting to come into Australia. ISDS gives a level of protection to Australian industry operating overseas. This is vitally important, because we have the opportunity and indeed, in my view—particularly in the field of agribusiness, in which I spend a lot of my professional time—the compulsion to increase our business activities overseas. I for one would be saying that, in any sorts of agreements that Australia is negotiating, I would want to see our government and our trade negotiators making sure that the interests of Australian business are being protected. Indeed, if we were to prevent the Commonwealth from entering into agreements, we would be cutting off the opportunity for Australian businesses operating overseas to enjoy the protection of ISDS clauses. It is a two-way exercise; it is not just a one-way exercise.

The bill in its current form fails to recognise that agreements containing ISDS can incorporate safeguards to protect the rights of governments and the communities they represent to take decisions in the public interest. The bill suggests that this is not possible; I say that it is. In fact the recent agreement negotiated, again, by trade minister Robb leading the delegation of people who undertook it with the Republic of Korea, contained many more safeguards indeed than earlier agreements. This is how policy works. This is how democracy works. This is how government works. We should always be moving to improve what has gone before us. In the case of Korea these safeguards have been developed in response to concerns about challenges to legitimate public welfare regulation. I, for one, enjoyed the opportunity to participate in the committee and to hear the legitimate concerns of people who not only have the expertise but defend the time. Two instances in the case of Korea where we were not freezing existing policy settings were to do with intellectual property and the environment chapter; exactly the concern that Senator Whish-Wilson and Senator Wright have expressed saw itself played out. Indeed, we have ISDS clauses in four existing free trade agreements and 21 bilateral investment treaties—binding obligations that have been ongoing over 25 years—and I remind those listening that we have only ever faced one claim; we are facing that now and that has not yet been tested or resolved. Not bad for a country of 23 million people that exports more than 65 per cent of its produce around the world.

Who, in fact, are the players? Of the bilateral investment treaties that we are considering, more than 90 per cent of the 2,500 in force have operated without a single investor claim. We know that the inflow of capital is vital to this country, and of course the inflow of capital reflects the claims—for Europe, it is about 50 per cent and about 47 per cent of the claims. For the United States, the next biggest player in this game from Australia’s point of view, it is 24 per cent of FDI stock outflow from them and 22 per cent of the claims. It is in the resources sector—mining, oil and gas resources—where most of the claims have been made, because they are the sectors in which there is the greatest degree of state involvement, and I hope to come to Mexico in a few moments by way of illustration. The disputes have been mainly around countries with weak legal institutions—Argentina with 53 claims and Venezuela with 36 claims are the two leading respondent states. About a third of all ISDS cases are settled in advance of a ruling, and it is the case that people come to realise it is as expensive to run an ISDS claim as it is to go through the commercial legal process. We see that treaty-based investment protection represents a major advance in the fair treatment of aliens and the peaceful resolution of disputes. When you consider the alternative—withdrawal from these treaties, which is the logical conclusion should the good senator’s bill be
accepted—then the negative consequences for economic growth in this country and the rule of law are there for all to see.

I want to continue now in terms of what those opportunities are. We are an economy of some $1.6 trillion. The services sector contributes about 70 per cent—about $1.12 trillion—of that economic activity, but at the moment the services sector only contributes 17 per cent—$57 billion of $330 billion—towards export income. Therein lies the opportunity for this country to radically increase the contribution of the services sector to export earnings as resources earnings go down because of the decline in oil and gas prices and of course the price of iron ore and other resources. You turn and say, 'That is all well and good, Senator Back. Where are these opportunities for increasing the services sector from 17 per cent?'

Imagine, Finance Minister, if the services sector expanded its export activity from 17 to 34 per cent. Do you know where the answer lies? It lies in those countries with which we have just concluded free trade agreements. When Minister Robb briefed us on the value of the Chinese free trade agreement to our country, as a person involved in agriculture and resources I was thinking, 'This is wonderful.' We already export a lot of iron ore. In fact, for your interest, we actually export 19 tonnes of iron ore per person to our overseas markets—we did that in 2014.

But Minister Robb told us that what the Chinese actually want is access to our services. They want further access, for example, to our education services. Last year our education services to China were valued at in the order of $4 billion. The value of tourism from China to this country is in excess of $1 billion. That is just those two services alone—higher education and tourism—but add in to that the opportunity for services exported for governance, for prudential regulation, for insurance purposes, and the fact that that particular free trade agreement has now guaranteed that Australian service providers will be able to construct, renovate and wholly operate Australian-owned hotels and restaurants in China. How often have we heard, 'Of course, it is all well and good—they can come here to our country, but we cannot do the same.' Under this agreement we can; but if the provisions of Senator Whish-Wilson's bill had prevailed, we could not have. Australian travel agencies and tour operators, for example, are now able to establish wholly Australian-owned subsidiaries in China for tours within China for domestic and foreign travellers. And remember: in 2014, 100 million Chinese travelled outside their country, and it is predicted that, by 2016, that will double. Another area of services that they desperately want and need from us has led to the decision under the free trade agreement that China will permit wholly-owned Australian hospitals and aged-care institutions to be established in China and run and managed by Australians. Those are just three examples, in hospitality, in tourism and in the health and hospital and aged care sectors. And, as I say, there is the value of higher education. That is for just one country. If we expand that to Japan, which also has an ageing population, there is an opportunity for expansion of our services sector.

Mention was made by previous speakers about the Trans-Pacific Partnership. I was in Mexico only some three weeks ago, discussing with government officials and industry people—for example from the oil and gas sectors, the hard-rock mining area and the energy sector—the value of NAFTA, the North American Free Trade Agreement, to Mexico; it has been massive. But the Mexicans said, 'We cannot wait for the inclusion of more Australian investment.' At their geological survey institution they showed me proudly the geological map
of Mexico at the one in 250,000 level and noted the fact that, in those mineral-rich areas of Mexico, they have actually now mapped it at one in 50,000. They then turned to me—through you, Mr Deputy President Marshall, to Senator Whish-Wilson—and said: 'Do you know where we got that expertise from, Senator Back? We got it from Geoscience Australia, and we got it from the CSIRO.' How proud do you think I was? And when they said, 'We are now sending 50,000 of our university students away every year to learn more about energy, oil and gas,' I thought, 'What opportunities are there for Australians to get in there, in hard-rock mining, in their services sector, in their corporate governance, in their insurances and in their health sector?' Those opportunities will be open to us, but, indeed, if we were to accept the provisions of this particular bill, we would be denied them because they will have ISDS provisions.

Senator RHIANNON (New South Wales) (11:32): The Greens' Trade and Foreign Investment (Protecting the Public Interest) Bill 2014 should be passed. Such legislation would play a critical role in protecting and enhancing our democracy, and I very warmly and strongly congratulate Senator Peter Whish-Wilson for initiating this bill before us. I speak about democracy because this really is about protecting democracy—protecting Australia as a sovereign nation, and making it harder to run down the all-important gains that society has managed over a number of decades with regard to labour standards, environmental protection and human rights—because the protection this bill would put in place would bring some balance back to the very damaging aspects of free trade and specifically the Trans-Pacific Partnership. So this bill is urgently needed.

There has been a long history in Australia of opposing some of the very damaging aspects of the push for free trade, and I would like to go into some of that history. I also want to congratulate, as well as Senator Whish-Wilson, many members of the Greens, the union movement, AFTINET, church groups, environment and human rights organisations and aid groups, because they are out there informing the public of how serious it is in terms of the secret negotiations. If the partnership—particularly with regard to the investor-state dispute settlement clauses—is put in place, that would do damage to the very fabric of our society, from our important basis of democratic institutions to so many aspects of our society that, often, we take for granted. So it is incredibly important that we deal with this.

I think it is worth reminding ourselves that a previous government, the Howard government, in 2004 did not include ISDS in that free trade agreement. I mention that because, when former Prime Minister John Howard came in, in the 1990s, his government really got their fingers burnt with what they were trying to do when they were meddling in a very similar scheme—actually, a much more extensive scheme—which large corporations were attempting to impose across the planet.

I am referring here to the Multilateral Agreement on Investment. You could really say that the grandparents of the Trans-Pacific Partnership and investor-state dispute settlement were the OECD and the MAI—or that the OECD gave birth to the MAI. This was a huge part of the 1990s when various very under-resourced organisations and some key hardworking activists—and, fortunately, emails were just coming into their own at that period—found out what was going on and alerted the world, and so many people rose up in opposition. That opposition was extensive and, ultimately, successful, and the Multilateral Agreement on Investment was put to bed. But now we are seeing it come back in different forms. So I think
it is worth looking at what happened in the 1990s, because it is important for us to understand that this has been well debated and has been rejected, en masse, not just by Australians but by people around the world. So I did want to go into some of those aspects.

One important point was made in that debate—and I was very much part of it in the 1990s, since I was at that time the director of AID/WATCH, a non-government organisation monitoring Australia's overseas aid program, and this became a large part of our work—by Noam Chomsky. One of his arguments was that the OECD, as an organisation of rich countries, was more susceptible to direct influence by corporations; that is who they would be representing. He advocated that, when we are considering changes to trade agreements, that should come under a body such as the United Nations Conference on Trade and Development. And there was a real in-depth analysis of how these agreements should occur.

On the side of those backing the MAI, there was a period where the Liberals and Nationals were right out in front, arguing along with the corporate world that the MAI would bring secure and stable investment conditions and regulate investment in a more uniform way. They rejected the idea that it would be a race to the bottom by saying there would be uniform conditions for corporations around the world. But, when people started get to get a hold of the documents and look at the detail, what they could see and what the world was alerted to was that it was in fact a race to the bottom because it was about developing means to erode labour conditions, erode environmental standards and erode human rights—because the power would be there to penalise governments if there were any measures that restricted the profits of the corporations.

Here is a little bit of history, because it is important that we remember that this was all done in secret. How did the world find out about it? There were some lucky breaks, there were some leaks and there were some incredibly hardworking people, mainly from organisations in low-income countries: the Third World Network, the NGO Public Citizen, Global Watch, Friends of the Earth, and Susan George, a very progressive economist at the time who was onto this. The documents were released and the analysis was done. I remember people at the time saying, 'What will kill off the multilateral agreement on investment is people knowing what it really does,' and that is what happened. The documents were analysed, the information was out there and emails started going around. Maybe it was even one of the first examples of an email campaign killing off really bad plans by the corporate world with a few backers—in Australia's case, the Liberal and National parties. I very much congratulate those people, and it was a fantastic campaign to be a part of.

I will go through how it played out in Australia. We had a Stop MAI coalition. It was huge and brought together unions, a whole number of church groups that were incredibly active, aid organisations, environment groups and human rights groups. It culminated on—and I like the date this occurred—11 November 1998 in a newspaper advertisement in The Australian signed by more than 500 organisations, setting out the concerns that we had with this whole legislation. It was important that that was put on the record because again it helped to inform more people, obviously.

Interestingly, as the movement was growing around the world, the pressure from France was particularly significant because France was the first country to pull the plug on these negotiations and, while I cannot fully explain how the OECD works, that really did cripple the negotiations. Shortly afterwards, the Howard government pulled out of the negotiations as
well. But it shows the strength of civil society here and around the world that there were so many people active in a very, very collaborative and constructive way.

Some of the points that we made in the advertisement in The Australian included—these are the words from the advertisement at the time:

The Multilateral Agreement on Investment is a treaty which would give multinational corporations the standing previously only granted to nations, and a freer hand to challenge labour standards, environment protection, social justice and democratic control over all levels of government, worldwide.

It went on to say that Australia must withdraw now and not resume the negotiations in any other form. I emphasise 'not resume the negotiations in any other form', because in the 1990s we were aware of what this was all about. You could feel the momentum building around the movement of opposition. You could feel, as you can sometimes with progressive movements, that a win was in the air. The corporate world is all-powerful. They want to increase their profits; that is what they are on the planet to do. That is why the MAI could well arise in another form. And that is what we are seeing now with the Trans-Pacific Partnership and with the many other so-called free trade agreements. That is why I wanted to give emphasis to why we included that all-important phrase in the advertisement: Australia must withdraw now and not resume the negotiations in any other form. For the record, former Greens Senator Dee Margetts was one of the people who signed that ad, as well as the New South Wales Greens, a whole number of activists and heaps of organisations around the country. As I mentioned, there were about 500 in all.

That brings us to the current problems we are facing, and they are considerable. I urge senators from the other parties to look at this bill closely. There is nothing in it that serves the interests of any group, including corporations, because this form of so-called free trade with its ISDS clauses is a robber-baron form of capitalism, and, in the end, that is not good for the corporate world. Maybe they will increase their profits in the short term, but it will become destructive not just to workers, not just to the environment, not just to people's humans rights; it will bring a breakdown in how our society works. I say that most strongly because over time, over decades and, I believe, over centuries, the different protections, the different regulations and the different standards that we have passed and brought into practice—what some people try and dismiss as green tape and red tape—have come about to improve our society, a society where it is about being collective, about supporting each other. Again, yes, in the short term the corporate world might be really rapt that we have ISDS clauses and they can do all this behind closed doors and hammer governments around the world if their profits are limited. But in the long run it is not going to benefit people. Workers need to get a wage and they should be safe and able to go home at the end of the day—not maimed in some way or killed. We need an environment that is protective and that is there for future generations, not one where we have a huge burden because of the levels of pollution. All these things are interconnected, including how companies operate. So again I would urge all to look closely at this bill.

International debate around these issues is growing enormously because there is increasing recognition that corporations have too much power over our democracies. This goes back to the starting point, and it is one of the aspects that have impressed me so much about how Senator Peter Whish-Wilson has taken forward the debate around this issue. He has made all the connections and really pinpointed how damaging this legislation would be if it were
passed. It is particularly damaging because including ISDS clauses in international trade agreements tips the balance of power further in favour of the corporate world.

The working of our society is already out of balance to a great degree. We need to get back to recognising the broader public interest in terms of public health, public education, public housing—all the issues around our commons. We need to recognise how the public interest works and what we need to look after for a healthy society and for future generations. All these issues are interlinked. They are a reminder of why ISDS clauses have no place in international trade agreements.

ISDS clauses introduce potential risks to the public interest and the sovereignty of any nation. We have seen that in many recent studies. Going back to some of the experience that I gained when we were opposing the Multilateral Agreement on Investment, I remember that some of the Latin American countries had in place rules that said that if a foreign corporation was going to operate in their country the company would be required to employ so many local workers. It was realised that it would be impossible to maintain such a position under the Multilateral Agreement on Investment and that it would limit the rights of countries in improving their conditions. That is how we know of the risks associated with ISDS.

I have mentioned the growing opposition to this form of trade agreement. I would urge senators to look closely at that opposition. Over 100 academic experts to the European Commission inquiry into ISDS found that the many risks that ISDS clauses impose on the public interest cannot be managed simply by having certain safeguards for certain sections of these trade agreements. You cannot put the ISDS clauses and then establish safeguards. That is just a con job to try to make out that something is being done. It cannot be effective. It cannot remove the extraordinary extent of the damage. We must not even go there in the first place. We know that the government proposed safeguards in its deals, such as the Korean free trade agreement. That is not satisfactory. We cannot solve the problem in that way.

Returning to the study by the academic experts to the European Commission, the so-called extensive safeguards were rejected most decisively by those academics as being inadequate. We think that is where considerable attention needs to be paid.

I would like to pay tribute to the many groups who are working on this campaign. One of the leading organisations in Australia is AFTINET, the Australian Fair Trade and Investment Network, which has taken up this issue for well over a decade, examining the free trade agreements that have come forward, coming down to parliament, briefing people and putting material out there. Pat Ranald, who is the convenor of AFTINET, in talking about ISDS clauses, stated that they give:

... additional rights to foreign investors to challenge domestic laws which may be made as part of protecting or advancing human rights or environmental sustainability. Those are the kinds of examples that we cite in our submission. So our worry is that ISDS has the potential to undermine or challenge domestic law which seeks to protect those broad principles of human rights and environmental sustainability.

That has very much been a theme of the comments that I have shared with senators today, that the degree of destruction that ISDS would bring to the very fabric of our legal protections, the fabric of so many standards that have been established, goes to the heart of the democratic process. If you have a corporate power that is structured in such a way as to be higher, greater, than parliaments or governments then clearly it is a challenge to democracy. That is
why we Greens are giving so much emphasis to this and why so much of civil society in Australia has examined this and is alerting people to these problems.

I do believe that this is a time when we need to take the strongest stand. It is informative that Justice French has written a very substantial paper about this in which he goes into this issue in detail. I understand that some of the senators from other parties may not be willing to take on board what the Greens are saying, but I want to emphasise that this is much wider than ourselves. I would very much urge that you read the very detailed paper that Justice French wrote, because he raises the very critical aspects of the lack of transparency involved. As I mentioned in relation to the Multilateral Agreement on Investment, it was because of some incredibly hard work, some good breaks, some leaks, that word was able to spread about the damage it would do. The Trans-Pacific Partnership Agreement also is highly secretive, but some excellent work has been done by Civil Society and by Senator Peter Whish-Wilson to get the word out. Justice French adds to this all-important work, particularly in identifying issues around the lack of transparency. You see that this is a recurring theme when you start to examine what is going on. When something is as secretive as this, one has to ask why that is. The answer is because those who are involved know that it will be deeply unpopular, that if people understand the detail the opposition to it will start growing and will apply more pressure. My guess is that they probably remember what happened in the 1990s, probably many of them were around then. They learnt from their side of politics wanting to serve the corporate interests how to manage the debate around this. Again, they have tried to keep it secret. Senator Peter Whish-Wilson is to be congratulated. This bill is excellent and it should be passed.

The DEPUTY PRESIDENT: Order! A remarkable convergence of the clocks means that time for this debate has now expired.

NOTICES

Presentation

Senator O'Sullivan to move:

That the Senate acknowledges the significant importance of the continued development within the natural resource sector to both the national and regional economies, and the positive impact of this sector on employment opportunities and the wellbeing of entire rural and regional communities.

Senator Hanson-Young to move:

That there be laid on the table by the Productivity Commission, no later than 3 pm on 3 March 2015, a copy of the final report of the Productivity Commission’s inquiry into child care and early childhood learning.

Senator Waters to move:

That the Senate—

(a) notes recent media reporting which shows that Adani’s ownership arrangements in relation to the Abbot Point coal terminal and proposed Carmichael coal mine lack transparency; and

(b) calls on the Federal Government to urgently establish which individuals or corporate entities control the Abbot Point coal terminal and the Carmichael mine, whether all relevant disclosures have been made to the Minister for the Environment, and whether the environmental history of all persons or corporate entities involved has been appropriately considered.

Senator Fifield to move:
That consideration of the business before the Senate on Thursday, 5 March 2015, be interrupted at approximately 4 pm, but not so as to interrupt a senator speaking, to enable Senator Muir to make his first speech without any question before the chair.

COMMITTEES

Selection of Bills Committee

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (11:52): I present report No. 1 of 2015 of the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2015

1. The committee met in private session on Wednesday, 11 February 2015 at 7.18 pm.

2. The committee resolved to recommend:

That—

(a) the provisions of the Australian Securities and Investments Commission Amendment (Corporations and Markets Advisory Committee Abolition) Bill 2014 be referred immediately to the Economics Legislation Committee for inquiry and report by 16 March 2015 (see appendix 1 for a statement of reasons for referral);

(b) the Criminal Code Amendment (Animal Protection) Bill 2015 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 13 May 2015 (see appendices 2 and 3 for a statement of reasons for referral);

(c) the provisions of the Higher Education and Research Reform Bill 2014 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 12 March 2015 (see appendix 4 for a statement of reasons for referral);

(d) the Regulator of Medicinal Cannabis Bill 2014 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 21 April 2015 (see appendices 5 and 6 for a statement of reasons for referral);

(e) the Tribunals Amalgamation Bill 2014 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 March 2015 (see appendix 7 for a statement of reasons for referral).

3. The committee resolved to recommend:

That the following bills not be referred to committees:

- Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014
- Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Bill 2014

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

- Australian Centre for Social Cohesion Bill 2015
- Corporations Amendment (Publish What You Pay) Bill 2014
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- Defence Amendment (Fair Pay for Members of the ADF) Bill 2014
- Motor Vehicle Standards (Cheaper Transport) Bill 2014
- Public Governance and Resources Legislation Amendment Bill (No. 1) 2014
- Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
  (David Bushby) Chair
  12 February 2015

APPENDIX 2

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:

Australian Securities and Investments Commission Amendment (Corporations and Markets Advisory Committee Abolition) Bill 2014

Reasons for referral/principal issues for consideration:

Explore the impact of the bill on the development of corporate law reform

Possible submissions or evidence from:

Treasury; Financial Services Council; CAMAC; Law Council of Australia; Australian Institute of Company Directors; Governance Institute of Australia; Australian Restructuring Insolvency & Turnaround Association

Committee to which bill is to be referred:

Senate Economics Legislation Committee

Possible hearing date(s):

To be determined by the Committee

Possible reporting date:

16 March 2015

(signed)

Senator Catryna Bilyk

APPENDIX 2

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:

Criminal Code Amendment (Animal Protection) Bill 2015 (to be originated in the Senate on Wednesday, 11 February 2015)

Reasons for referral/principal issues for consideration:

This is an Ag-Gag bill, designed to silence whistleblowers and investigators/activists exposing animal cruelty and neglect - particularly in factory farming operations.
• It removes the ability for whistleblowers to build evidence of systemic industry-wide cruelty by forcing them to report incidents in isolation only.
• It will punish and disincentivise whistleblowers from within the industry by forcing their identification to authorities and risking their jobs.
• It will effectively guarantee legislated silence around factory farming cruelty and ensure positive reforms will never be possible. It also is a worrying precedent for any form of whistleblowing.

Possible submissions or evidence from:

Committee to which bill is to be referred:
  RRAT

Possible hearing date(s):
  June 15

Possible reporting date:
  June 25

(signed)
Senator Rachel Siewert

APPENDIX 3

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:
  Criminal Code Amendment (Animal Protection) Bill 2015

Reasons for referral/principal issues for consideration:
  To fully investigate the impact of the Bill and any unintended consequences.

Possible submissions or evidence from:
  Department of Agriculture
  Attorney General's Department
  RSPCA
  Animals Australia
  PETA
  National Farmers' Federation

Committee to which bill is to be referred:
  Senate Rural and Regional Affairs and Transport Legislation Committee

Possible hearing date(s):
  To be determined by the committee

Possible reporting date:
  26 March 2015
APPENDIX 4

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill: Higher Education and Research Reform Bill 2014

Reasons for referral/principal issues for consideration:

- To examine changes from the Higher Education and Research Reform Amendment Bill (2014) to the Higher Education and Research Reform Bill (2014) and to consider any further options
- To examine proposals to protect universities and students from declining standards and keep students and institutions competitive with rising standards internationally
- To examine measures to increase opportunity for up to 80,000 more Australians to access subsidized higher education, without having to pay upfront
- To examine proposals for choice for regional students by allowing universities to specialize in what they do best and offer pathway programs and new scholarships
- To consider the implications of not proceeding with the Bill.

Possible submissions or evidence from:

- Professor Sandra Harding and Ms Belinda Robinson, Universities Australia
- Professor John Dewar and Mr Conor King, Innovative Research Universities
- Professor David Lloyd and Ms Renee Hindmarsh, Australian Technology Network
- Professor Peter Lee and Dr Caroline Perkins, Regional Universities Network
- Professor Ian Young and Ms Vicki Thomson, Group of Eight
- Mr Malcolm White, TAFE Directors Australia
- Mr Rod Camm, Australian Council of Private Education and Training
- Dr Don Owers and Mr Adrian McComb, Council of Private Higher Education
- Other experts in the field and students and staff of higher education institutions.

Committee to which bill is to be referred:

Education and Employment Legislation Committee

Possible hearing date(s):

To be determined by the Committee

Possible reporting date:

12 March 2015

(signed)

Senator the Hon Mitch Fifield
APPENDIX 5  
SELECTION OF BILLS COMMITTEE  
Proposal to refer a bill to a committee:  
Name of bill:  
Regulator of Medicinal Cannabis Bill 2014  
Reasons for referral/principal issues for consideration:  
Explore Impact and feasibility of a regulating body for the medicinal use of cannabis  
Possible submissions or evidence from:  
Department of Health  
Attorney Generals Department Therapeutic Goods Administration  
Committee to which bill is to be referred:  
Senate Legal and Constitutional Legislation Committee  
Possible hearing date(s):  
To be determined by the committee  
Possible reporting date:  
16 June 2015  
(signed)  
Senator Catryna Bilyk

APPENDIX 6  
SELECTION OF BILLS COMMITTEE  
Proposal to refer a bill to a committee:  
Name of bill:  
Regulator of Medicinal Cannabis  
Reasons for referral/principal issues for consideration:  
To hear evidence from national and international experts and those involved in the production and manufacture of medicinal cannabis as well as state and territory governments considering similar legislation.  
Possible submissions or evidence from:  
Medical community, including pharmacologists and researchers; international suppliers, manufacturers and regulatory agencies; State and Territory Governments, consumers of medicinal cannabis  
Committee to which bill is to be referred:  
Legal and Constitutional  
Possible hearing date(s):  
March-April 2015  
Possible reporting date:  
March-April 2015  
(signed)  
Senator Rachel Siewert
APPENDIX 6
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
Tribunals Amalgamation Bill 2014
Reasons for referral/principal issues for consideration:
Impact of amalgamation on:
- Access to justice
- Effectiveness of specialist jurisdictions currently exercised by SST, RRT
Possible submissions or evidence from:
Legal profession, social security and migration sectors
Committee to which bill is to be referred:
Senate Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s):
To be determined by the committee
Possible reporting date:
24 March 2015
(signed)
Senator Catryna Bilyk

Senator BUSHBY: I move:
That the report be adopted.

Senator MOORE (Queensland) (11:52): I move:
That at the end of the motion, add, "but, in respect of:
(a) the Higher Education and Research Reform Bill 2014, the Education and Employment Legislation Committee report by 17 March 2015."

This amendment has been circulated to the chamber. It asks for a change of date to the Higher Education and Research Reform Bill 2014 report to 17 March 2015. In moving that amendment we just seek to have consistency in gathering all the information before this place. As we all know, yesterday this place endorsed a references committee inquiry into the impact of this legislation and the reporting date of that is 17 March. So we believe that all the available information about the background, the impact and the engagement of this very important legislation—significant legislation as we know—should be made known to the Senate at around the same time so that we then have an informed debate in this place.

Under the selection of bills process, we would have an earlier date of report for the legislation committee, which would then open up the opportunity for debate in this place on legislation before the references committee, which has terms of reference which are clearly into a range of issues around the legislation and its impact, has completed. So, on that basis, we ask for consistency of reporting date—again, so the Senate has access to all information available.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (11:54): I speak to Senator Moore's amendment. It is the government's position that
the recommendation in the Selection of Bills Committee report should stand as adopted by the Selection of Bills Committee. Of course, as all members would appreciate, the Selection of Bills Committee operates on a consensus basis. It is my understanding that when that committee met last night there was consensus between all the parties and party whips participating in that process to accept this proposal.

This, of course, is the normal type of handling of legislation before this place. We need to appreciate that the higher education bills have been before the Senate previously and that they have been subject to Senate inquiry previously, but that the government has adopted some amendments to them. We have brought them back in an amended form and therefore we welcome scrutiny. We are open to scrutiny and we are open to having appropriate inquiries into this legislation.

We are so open to scrutiny that the government yesterday was quite happy to support and see passed through the very broad terms of reference for a references inquiry that were put forward by the opposition and other senators. We are quite happy to see those inquiries take place, but the Senate needs to recognise that that is a broad references inquiry with quite wide terms of reference. This is, as proposed in the Selection of Bills Committee, the normal process for handling legislation before this Senate: the legislation is referred to a legislation committee and it is considered in a timely manner through that legislation committee.

Of course, this is a timely approach; 12 March gives ample opportunity for the exploration of evidence and reporting. We are simply talking about five days difference at the end reporting date between what Senator Moore is proposing and what the Selection of Bills Committee has adopted. But, notably, that means that of the remaining sitting days through this session there are only six sitting days after Senator Moore's date left for the carriage or dealing with of this legislation, whereas if the government's date of 12 March is adopted there are eight sitting days through which debate can happen.

And we all know that higher education debate in this place attracts an awful lot of speakers! It attracts an awful lot of participants. The second readers list tends to be extraordinarily long, and so the government, in wanting to manage properly its legislative agenda through this place, thinks that having eight days available to it is appropriate and is a sensible way to make sure that everybody who wants to give a second reading speech will have ample opportunity to do so and that everybody who then wants to participate in a committee stage should, hopefully, have ample opportunity to do so.

Of course, during the course of debate—whenever it might be instigated in those eight days, if that occurs—the references committee is due to report back, assuming it reports back on time and on the terms agreed to by the Senate yesterday. But we think it is proper that there is certainty and that the legislation itself—as against and distinct from the broader issues encompassed in the terms of reference that were adopted yesterday—is properly examined, goes through the normal processes and comes back to the Senate before that final sitting fortnight so that it can be considered through that. My understanding is that Senator McKenzie, as chair of that legislation committee, is quite happy to cooperate with the references committee to minimise any difficulties for witnesses in the lodging of submissions and appearance at hearings, to ensure that it is as seamless and smooth for participants and senators as possible. All the government is seeking to do is manage its program and its
legislation in a sensible way whilst ensuring that we can have the scrutiny that all senators want for this important reform.

So I would urge the Senate to accept the Selection of Bills Committee report as presented, as agreed to at its meeting last night.

**The DEPUTY PRESIDENT:** The question is that the amendment moved by Senator Moore be agreed to.

The Senate divided. [12:02]

(The Deputy President—Senator Marshall)

Ayes ......................30
Noes ......................29
Majority .............1

AYES

Brown, CL
Cameron, DN
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Lines, S
Ludwig, JW
McLucas, J
Moore, CM
O'Neill, DM
Rice, J
Singh, LM
Urquhart, AE (teller)
Whish-Wilson, PS

Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lambie, J
Ludlam, S
Lundy, KA
Milne, C
Muir, R
Rhiannon, L
Siewert, R
Sterle, G
Waters, LJ
Wright, PL

NOES

Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Lazarus, GP
Mason, B
McKenzie, B
O'Sullivan, B
Ruston, A
Sinodinos, A
Wang, Z
Xenophon, N

Bernardi, C
Bushby, DC (teller)
Cash, MC
Cormann, M
Fawcett, DJ
Fiifield, MP
Johnston, D
Macdonald, ID
McGrath, J
Nash, F
Payne, MA
Ryan, SM
Smith, D
Williams, JR

Question agreed to.
Original question, as amended, agreed to.

**BUSINESS**

**Rearrangement**

*Senator FIFIELD* (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:05): I move:

That—

(a) government business orders of the day as shown in the list circulated in the chamber be considered from 12.45 pm today; and

(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question agreed to.

*Senator FIFIELD* (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:06): I move:

That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 582 standing in the name of Senator Moore relating to the Abbott Government; and

(b) orders of the day relating to documents.

Question agreed to.

**NOTICES**

**Postponement**

Postponement notifications have been lodged in respect of business of the Senate notice of motion No. 1 to 3 March 2015.

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing the disallowance of the Part 145 Manual of Standards Amendment Instrument 2014 (No. 1), postponed till 3 March 2015.

**COMMITTEES**

**Reporting Date**

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

**Legal and Constitutional Affairs Legislation Committee**—

Criminal Code Amendment (Harming Australians) Bill 2013, extended to 24 June 2015.

Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013, extended to 24 June 2015.

**Legal and Constitutional Affairs References Committee**—Comprehensive revision of the Telecommunications (Interception and Access) Act 1979, extended to 18 March 2015.

**Rural and Regional Affairs and Transport References Committee**—Australia's transport energy resilience, extended to 25 June 2015.

*The PRESIDENT* (12:07): I remind senators that the question may be put on any of those proposals at the request of any senator. There being none, we will move on.
Community Affairs References Committee

Reference

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:07): I seek leave to amend business of the Senate notice of motion No. 2 standing in my name for today proposing a reference to the Community Affairs References Committee relating to a tender process.

Leave granted.

Senator SIEWERT: I move the motion as amended:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 26 March 2015:

The impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services, with particular regard to:

(a) the extent of consultation with service providers concerning the size, scope and nature of services tendered, determination of outcomes and other elements of service and contract design;
(b) the effect of the tendering timeframe and lack of notice on service collaboration, consortia and the opportunity for innovative service design and delivery;
(c) the evidence base and analysis underlying program design;
(d) the clarity of information provided to prospective tenderers concerning service scope and outcomes;
(e) the opportunities created for innovative service design and delivery, including greater service integration or improved service wrap-around, and the extent to which this was reflected in the outcomes of the tender process;
(f) the extent to which tenders were restricted to not-for-profit services, the clarity of these terms, and whether they changed during the notification and tender process;
(g) analysis of the types, size and structures of organisations which were successful and unsuccessful under this process;
(h) the implementation and extent of compliance with Commonwealth Grant Guidelines;
(i) the potential and likely impacts on service users concerning service delivery, continuity, quality and reliability;
(j) the framework and measures in place (if any) to assess the impacts of these reforms on service user outcomes and service sustainability and effectiveness;
(k) the information provided to tenderers about how decisions are made, feedback mechanisms for unsuccessful tender applicants, and the participation of independent experts in tender review processes to ensure fairness and transparency;
(l) the impact on advocacy services across the sector;
(m) factors relating to the efficient and effective collection and sharing of data on outcomes within and across program streams to allow actuarial analysis of program, cohort and population outcomes to be measured and evaluated;
(n) the extent of contracts offered, and the associated conditions, to successful applicants; and
(o) any other related matters.

Question agreed to.
MOTIONS

Ibrahim, Mr Anwar

Senator XENOPHON (South Australia) (12:08): I, and also on behalf of Senators Milne, Leyonhjelm, Mason and Marshall, move:

That the Senate—

(a) notes that:

(i) on 10 February 2015, the Federal Court in Malaysia upheld a charge of sodomy against Malaysian Opposition Leader Mr Anwar Ibrahim,

(ii) Mr Ibrahim has been sentenced to 5 years in jail, and in addition will be prohibited from running for public office for a further 5 years, and

(iii) Human Rights Watch, Amnesty International, the Inter Parliamentary Union, and the International Commission of Jurists have expressed grave concerns about the conviction and sentence, with Human Rights Watch labelling it a ‘travesty of justice’;

(b) encourages the Malaysian Government to consider the impact of the verdict on its international standing and its commitment to human rights; and

(c) requests That the President of the Senate convey this motion to the Malaysian High Commissioner to Australia.

Question agreed to.

BUSINESS

Leave of Absence

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (12:09): by leave—

I move:

That Senator Peris be granted leave of absence for today, 12 February 2015, for personal reasons.

Question agreed to.

MOTIONS

Nuclear Energy

Senator WRIGHT (South Australia) (12:10): I move:

That the Senate—

(a) opposes the establishment of nuclear power plants in Australia, based on the best available expert advice;

(b) recognises that the production of uranium and its use in the nuclear fuel cycle presents unique and unprecedented hazards and risks, including:

(i) threats to human health and the local environment in the mining and milling of uranium,

(ii) the generation of products that are usable as the raw materials for nuclear weapons manufacture, and

(iii) the generation of highly toxic radioactive waste by-products; and

(c) rejects any efforts to move toward establishing nuclear power plants in South Australia.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.
Senator WRIGHT: Thank you. I take the opportunity to make it very clear to my Labor colleagues in the chamber that the wording of this motion is taken directly from the ALP’s national policy platform.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 609 be agreed to.

The Senate divided. [12:15]

(The Deputy President—Senator Marshall)

Ayes ......................10
Noes ......................30
Majority ...............20

AYES

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

Hanson-Young, SC
Milne, C
Rice, J
Waters, LJ
Wright, PL

NOES

Birmingham, SJ
Bullock, J.W.
Bushby, DC
Canavan, M.J.
Cash, MC
Colbeck, R
Collins, JMA
Dastyari, S
Edwards, S
Fawcett, DJ
Fifield, MP
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Ludwig, JW
Lundy, KA
Mason, B
McGrath, J
McKenzie, B
Moore, CM
O’Neill, DM
O’Sullivan, B
Payne, MA
Ruston, A
Singh, LM
Sinodinos, A
Smith, D
Sterle, G
Urquhart, AE (teller)
Williams, JR

Question negatived.

DOCUMENTS
Mental Health

Order for the Production of Documents

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (12:17): At the request of Senator McLucas, I move:

That—

(a) there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Thursday, 12 February 2015, copies of the following National Mental Health Commission documents in relation to its Mental Health review:

__________________________

CHAMBER
(i) the preliminary report which was completed during February 2014,
(ii) the interim report which was completed in June 2014, and
(iii) the final report which was completed by the end of November 2014; and
(b) the Senate not accept a public interest immunity claim by the Minister that tabling these documents would impact the Government's ability to properly respond to the Mental Health review because:

(i) the production of these documents is necessary to allow people living with mental illness, their representative organisations and service providers to have an open and honest conversation about the future of the mental health system in Australia,

(ii) the Mental Health review must be transparent for the community to have faith in the review outcomes,

(iii) there has been significant demand from the mental health sector for the reports to be made available to allow for an informed debate in the lead up to Government decision making around the 2015 16 Budget, and

(iv) the more than 1,800 organisations and individuals that made submissions to the review have the right to see these reports.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 608 be agreed to.

The Senate divided. [12:22]

(The Deputy President—Senator Marshall)

Ayes ......................32
Noes ......................24
Majority ...............8

AYES

Brown, CL
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Lazarus, GP
Lines, S
Ludwig, JW
Milne, C
Muir, R
Polley, H
Rice, J
Singh, LM
Urquhart, AE (teller)
Waters, LJ
Wright, PL

Bullock, J.W.
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludlam, S
Lundy, KA
Moore, CM
O’Neill, DM
Rhiannon, L
Siewert, R
Sterle, G
Wang, Z
Whish-Wilson, PS
Xenophon, N

NOES

Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Fawcett, DJ
Fifield, MP

Bernardi, C
Bushby, DC (teller)
Cash, MC
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Senator Seselja did not vote, to compensate for the vacancy caused by the resignation of Senator Faulkner.

Question agreed to.

BILLS

Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015

First Reading

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:24): I and also on behalf of Senator Xenophon move:

That the following bill be introduced: A Bill for an Act to amend the law relating to country of origin labelling of food, and for related purposes.

Question agreed to.

Senator MILNE: I present the bill and 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 MILNE (Tasmania—Leader of the Australian Greens) (12:25): I move:

That this bill be now read a second time.

Senator MILNE: I seek leave to table an explanatory memorandum relating to the bill. Leave granted.

I table the explanatory memorandum and seek leave to have the second reading speech incorporated in Hansard. Leave granted.
The speech read as follows—

As a Parliament, we should be striving to ensure Australians have access to the information they need to make informed consumer choices, particularly in relation to food. We should also be seeking to support Australian producers, by ensuring that consumers can clearly identify Australian made products.

This Bill seeks to achieve these aims by amending the Competition and Consumer Act by creating specific provisions for country of origin labelling requirements for food.

Public Views

This is an issue that has gained considerable public momentum since we first reviewed this legislation in the Parliament. It is a topic on which there is a clear and united public view. Whenever the question is asked, overwhelmingly Australians tell us that they want to be able to easily identify and buy Australian-grown food, and overwhelmingly they are frustrated in that desire by current country of origin labelling.

As surveys conducted by consumer group CHOICE illustrate, Australians care about knowing if their food was grown and/or manufactured in Australia. This is also reflected in Roy Morgan polling, which found that 89% of respondents indicated that it was important the food they buy is Australian, and 82% indicating that it is important that the food is packaged in Australia.

The legislation currently in place does not reflect the importance placed on accurate country of origin labelling by consumers. We should be striving to improve current practices, which is what this Bill seeks to achieve.

Current Practices are Misleading

Unfortunately for consumers, the majority of whom do see buying Australian-made as important, identifying local products can be very difficult, with current regulations lax and sometimes misleading. Though the Food Standard Code requires the country of origin to be stated on the label, there are many loopholes easily exploited by manufacturers that ultimately confuse consumers.

For example, a product can state it is 'Made in Australia', so long as 51% of the value of the product has been 'substantially transformed' in Australia – including not just the consumable product itself, but also the packaging. In theory, a product can be completely imported, but simply mixed or packaged locally and still be labelled 'Australian Made'. Research by CHOICE highlighted that "only 12% [of consumers] were able to accurately identify the meaning of 'Made in Australia'".

As the Blewett Food Labelling Review highlighted, "Consumer knowledge of and trust in the food system is conveyed and reinforced via the food label…Labels are a key communication link between food growers, manufacturers, health professionals, governments and communities." As a Parliament, we need to ensure that this communication link is trustworthy and straightforward for consumers; that is what this legislation seeks to achieve.

What the Bill does

This Bill acts to allay concerns surrounding food labelling by making it easier for consumers to access clear, accurate information about their purchases through the creation of a simple three-tier standard of labelling for food with any form of Australian origin or processing.

In the first instance, it retains the well-established premium label of 'Product of Australia'; all the significant ingredients and processing must have occurred in Australia in order to make this claim.

For fresh unpackaged food, it also allows the use of 'Grown in Australia' as this is a clear and now well-established and understood claim.

Secondly, for food that has been manufactured in Australia, that is substantially transformed, it requires such packaged food to be labelled 'Manufactured in Australia'. This term is specified to replace
'Made in Australia' because consumer research has shown that people confuse the term 'Made in', thinking it denotes the origin of the food, not just where it was processed.

This amendment will achieve two important improvements:

- it will clarify for consumers that the label is about where the food has been processed, not where the ingredients are from, and so provide a strong label identifying local manufacture to help Australians support local jobs in food processing; and

- it will help prevent imported food from masquerading as Australian content by making it clear that this label only speaks to the processing, not the ingredients.

A further reform in this Bill is that it provides for the creation of regulations to provide clear guidance on the meaning of 'substantial transformation' in relation to food processing. It is clear from the evidence that understanding what qualifies as food manufacturing—that is substantial transformation—is a grey area, and some companies push the envelope in their claims.

It must be remembered that the purpose of the substantial transformation test is to reward significant investment and jobs in local food manufacturing. The system breaks down if manufacturing claims are made for much lesser and often more transient investments.

Therefore this Bill provides for a regulation to list processes that do not qualify as substantial transformation. This would significantly increase the clarity and transparency of 'Manufactured in Australia' claims, and support local food processing jobs.

It is worth noting too, that historically the companies investing in genuine food manufacturing in Australia are the most likely to also be sourcing local food for their products. To further encourage clear labelling of Australian ingredients, this Bill allows for the voluntary highlighting of local content that comprise significant ingredients—for example a chocolate might therefore be labelled "Manufactured in Australia from Australian milk".

This allows for the fact that there are some foods manufactured in Australia that don't use all local ingredients for the simple reason that Australia does not produce them in sufficient quantity for it to be possible—cocoa beans for making chocolate being a good example. But it does allow for local significant ingredients to be differentiated, which in turn means that consumers can reward local content and greater transparency at the cash register.

Finally the Bill establishes a third tier of labelling to deal with packaged food that does not have sufficient Australian content or processing to qualify for the other claims. At the moment these products use the least understood—by as little as 3% of Australians in fact—and most frustrating current country of origin claims, those known as 'qualified claims'—terms such as 'Made from imported and local ingredients'.

These vague catch-all statements at best confuse and frustrate consumers, and they certainly don't support informed decisions. This Bill prohibits them, and instead requires any packaged food that has some level of Australian processing or content, but that does not meet 'Product of' or 'Manufactured in' claims, to simply say "Packaged in Australia".

By providing three tiers of country of origin claims, this Bill offers an opportunity to greatly simplify a complex and frustrating area of food labelling. It responds specifically to years of consumer research, showing that Australians equally want to know where their food is from, and where it was processed.

Conclusion

Consumers want to make informed purchases, and they want to support Australian producers, and they want clear country of origin labelling that allows them to easily identify and choose to purchase food grown and processed in Australia. As Parliamentarians, we need to be facilitators of this process. In order for consumers to fulfil this desire, we need to make sure they have access to accurate information, and that means ensuring our food labelling laws are robust.
I believe this Bill offers a tangible step forward to improving country of origin labelling for food, one that has support from organisations representing Australian growers, local jobs in food manufacturing and information transparency for consumers.

There are no doubt further reforms we could and should consider over time. It is still difficult, for example, for some forms of local processing that support local jobs to get recognition under these proposed labelling claims—and the existing system. However, the ability to pursue further improvements should not be used as a reason to oppose the reforms this Bill offers.

For Australian farmers and food manufacturers, this Bill is urgent. As the news continues to be filled with stories of Australian food manufactures going into administration or slashing their intake of local content, and as Australian farmers struggle to keep market share at home against a rising tide of cheap imports, it has never been more timely to help Australians identify and buy local food. It is time to act.

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

Leave granted; debate adjourned.

MOTIONS

Mining

Senator WATERS (Queensland) (12:25): I move:

That the Senate—
(a) notes recent media reporting which shows that Adani's ownership and taxation arrangements in relation to the Abbot Point coal terminal and proposed Carmichael coal mine lack transparency; and
(b) calls on the Federal Government to urgently establish which individuals or corporate entities control the Abbot Point coal terminal and the Carmichael mine and whether all relevant disclosures have been made to Australian regulators.

Senator MOORE (Queensland) (12:26): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: We have considered this motion proposed by Senator Waters very carefully because of the importance of the issue. Any questions regarding the transparency of the ownership and taxation arrangements for the Abbot Point coal terminal and the proposed Carmichael coalmine should be directed to the appropriate regulators. I recommend that Senator Waters write to the relevant regulators and oversight bodies and, if necessary, request that these agencies appear before the Senate estimates process. It is the role of regulators to ensure that arrangements for private business entities are in order. It is not the role of the Senate to investigate individual corporate entities and individual projects that these companies might be involved in.

Senator WATERS (Queensland) (12:26): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WATERS: The environment minister is clearly the appropriate regulator given that he is required to know who the proponent is for a project. So I have submitted an amended motion which confines the scope of the request to that point. I expect to receive Labor's support for it and, failing that, will only draw the conclusion that they are in bed with the coal industry.
The DEPUTY PRESIDENT: I remind senators of a Procedure Committee report which discourages members from using leave to engage in debate and suggests that it should be used simply to make statements. I draw the Senate's attention to that recommendation. The question is that general business notice of motion No. 596 be agreed to.

The Senate divided. [12:32]

(The Deputy President—Senator Marshall)

Ayes ...................... 12
Noes ...................... 35
Majority ............... 23

AYES

Di Natale, R
Lazarus, GP
Milne, C
Rice, J
Wang, Z
Whish-Wilson, PS

NOES

Bernardi, C
Brandis, GH
Bushby, DC
Colbeck, R
Dastyari, S
Fierravanti-Wells, C
Gallacher, AM
Leyonhjelm, DE
Ludwig, JW
Mason, B
McKenzie, B
O’Neill, DM
Payne, MA
Ruston, A
Singh, LM
Smith, D
Urquhart, AE (teller)
Xenophon, N

Hanson-Young, SC
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Wright, PL

Senator Seselja did not vote, to compensate for the vacancy caused by the resignation of Senator Faulkner

Question negatived.

Domestic Violence

Senator WATERS (Queensland) (12:35): I seek leave to amend general business notice of motion No. 611 standing in my name.

Leave granted.

Senator WATERS: I move the motion as amended:
That the Senate—

(a) notes:

(i) That the Federal Government appointed Ms Rosie Batty Australian of the Year for 2015,

(ii) Ms Batty's call for investment into preventing violence against women and for long term secure funding for specialist women's domestic violence services,

(iii) the Inaugural Asia Pacific conference on Gendered Violence and Violations currently taking place in Sydney,

(iv) the Federal Government's $43 million cuts to the legal assistance sector, including to community legal centres, legal aid, and Aboriginal and Torres Strait Islander Legal Services announced in December 2013,

(v) the Federal Government's $44 million cut to capital expenditure on new shelters and emergency accommodation under the National Partnership Agreement on Homelessness announced in the May Budget,

(vi) that funding for domestic violence services under the National Partnership Agreement on Homelessness is set to expire on 1 July 2015,

(vii) the Federal Government's $21 million cut to housing and homelessness peak bodies announced 3 days before Christmas, in December 2014, and

(viii) ongoing funding uncertainty for Family Violence Prevention Legal Services; and

(b) calls on the Federal Government to reverse funding cuts to domestic violence services and guarantee funding certainty.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:35): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CASH: Violence against women and children is a scourge on our society. It will not be tolerated and we must all work together to eliminate it. The government is showing tremendous leadership in this area, most recently demonstrated by the Prime Minister's announcement that the 2015 Council of Australian Governments agenda will address the issue of violence against women at a national level. In terms of the alleged funding cuts, there have been no funding cuts to the national plan. The federal government is committed to the implementation of the National Plan to Reduce Violence against Women and their Children.

Funding for services under the National Partnership Agreement on Homelessness and Family Violence Prevention Legal Services will be determined shortly. Through our legal assistance programs we are focused on making sure the $1.3 billion we have invested over the next four years for legal assistance is targeted to front-line legal services.

The Greens attempt to propagate a campaign of misinformation and fear is disappointing, particularly given their flagrant disregard for fiscal restraint and their pivotal role in ensuring all Australians have been saddled with chronic debt.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 611, as amended, be agreed to.

Question agreed to.
Vocational Education and Training

Senator RHIANNON (New South Wales) (12:37): I move:

That the Senate—

(a) notes the report published by the University of Sydney on 6 February 2015 which found that private education companies had made hundreds of millions of dollars in profit as a result of public subsidies at the same time that public funding for technical and further education was being slashed; and

(b) calls on the Federal Government to immediately review the contestability funding model for vocational education and training and prioritise funding for public higher education.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (12:37): Mr Deputy President, I seek leave to make a brief statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator BIRMINGHAM: Contrary to the impression given by this motion, the Australian government's support for vocational education and training is at record levels through funding to the states, running our programs and the provision of student loans. Support will soon surpass $6 billion per annum in total funding. Our government's focus on the VET sector is on quality jobs and status. Our aim is to deliver a high-quality training system that is focused on jobs and increasing productivity to create economic prosperity for Australia.

That is why our government has already introduced tougher standards, has established national complaints hotline, has properly funded the national regulator to fix Labor's poor system and is consulting with the sector on further measures to stamp out inappropriate practices and unscrupulous providers. Labor failed to introduce a dedicated compliance regime and failed to implement tougher standards for RTOs to ensure that people were not ripped off as students and taxpayers alike. Labor started contestability when they were in government. They did not put the right frameworks around it. We are determined to make sure that the open market works by having the right frameworks in place.

A division having been called and the bells being rung—

Senator Birmingham: Mr Deputy President, I am seeking leave to withdraw the request for a division.

Leave granted.

Question agreed to.

Dairy Industry

Senator McKENZIE (Victoria) (12:39): At the request of Senator O'Sullivan, I move:

That the Senate—

(a) recognises the Victorian dairy industry's continued efforts to capitalise on opportunities in China; and

(b) notes that:

(i) a total of 54,301 dairy cattle were exported from Victoria to China during the 2014 calendar year, and

(ii) this has continued to provide a valuable alternative revenue stream for farmers in our southern states.
Illegal Fishing

Senator WHISH-WILSON (Tasmania) (12:40): I move:

That the Senate—

(a) acknowledges the efforts of the Sea Shepherd in tracking, locating and reporting to authorities the presence of illegal fishing vessels in the Southern Ocean; and

(b) calls on the Australian Government to meet its election commitment and immediately deploy a customs patrol vessel to the Southern Ocean to deter illegal fishing.

Mr Deputy President, I seek leave to make a very short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: In the Southern Ocean at the moment, dozens of brave souls on board Sea Shepherd boats are pursuing two illegal fishing vessels that have been operating down in Australia's area of economic interest. These vessels are taking Patagonian toothfish, which are very high-value fish. These activities impact on the Australian fisheries in the area and the gillnets in place, some of them up to 25 kilometres long, do extraordinary damage to the marine environment. They are banned by international law.

This government had very clear promises both in Senator Colbeck's portfolio and in Senator Hunt's portfolio that they would send a Customs vessel to the Southern Ocean. We had tripartisan support from a Senate inquiry that we would also send a Customs vessel to patrol for illegal fishing vessels in the Southern Ocean. The Royal New Zealand Navy has apprehended these vessels, but they are still there. Where is our Australian boat? I ask the Senate to support this motion. I ask the government to live up to its election promises and send the vessel that they promised to send. (Time expired)

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:41): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CASH: The Australian Customs and Border Protection Service is committed to the protection of Australia's sovereign territories and interests in the Southern Ocean. Customs and Border Protection vessels, under the coordination of Border Protection Command, conduct patrols across Australia's various maritime zones—including the Southern Ocean—based on assessments of operational priorities across all maritime security threats. Customs deploy assets against a range of maritime threats. The Australians Customs and Border Protection Service does not comment on vessel positioning or deployment for operational security reasons. The government will not be supporting this motion.

Question negatived.

COMMITTEES

Membership

Message received from the House of Representatives notifying the Senate that Ms Henderson has been appointed a member of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples in place of Mr Porter; and Ms
Sudmalis has been appointed a member of the Parliamentary Joint Committee on Corporations and Financial Services in place of Mr Sukkar; and Mr Griffin has been appointed a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade in place of Ms Parke; and Mr Wyatt has been appointed a member of the Joint Committee on Public Accounts and Audit in place of Mr Sukkar.

**BILLS**

**Building Energy Efficiency Disclosure Amendment Bill 2014**

Second Reading

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

**Senator CAMERON** (New South Wales) (12:43): I rise in support of this legislation. Efforts to improve energy efficiency continue to be the fastest and cheapest way to reduce greenhouse gas emissions and mitigate the effects of climate change. Australians have embraced their responsibility to reduce energy consumption at home; however, there are further efficiencies to be realised in our workplaces. The Commercial Building Disclosure—CBD—scheme was initiated by the Labor government in 2010. It requires owners and operators of large commercial office buildings to audit the energy efficiency of their buildings and disclose this information to potential purchasers and leasers.

This information empowers the business community to make concerted decisions about their energy consumption, as well as better understand their associated ongoing costs. Accounts show that the commercial building sector's contribution to greenhouse gas emissions is at 10 per cent of Australia's total emissions, and this figure is rising. This source of emissions must be addressed as part of our broader strategy to reduce Australia's contribution to global climate change.

I note that this amendment bill addresses issues that have been raised by key stakeholders in an attempt to reduce red tape in regard to complying with the existing legislation. However, I also know that stakeholders harbour concerns regarding this government's commitment to energy efficiency measures into the future. I call on the government to show leadership in supporting Australians to improve energy efficiency so that our community and our economy can take advantage of the opportunities that these efforts create. But Labor supports this bill.

**Senator RYAN** (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:45): I thank senators for their contributions.

Question agreed to.

Bill read a second time.

**Third Reading**

**The ACTING DEPUTY PRESIDENT (Senator Gallacher)** (12:46): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

**Senator RYAN** (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:46): I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Civil Law and Justice Legislation Amendment Bill 2014
Second Reading

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

Senator CAMERON (New South Wales) (12:46): The Civil Law and Justice Legislation Amendment Bill implements a variety of minor technical amendments to a range of Commonwealth acts within the Attorney-General's remit. The bill amends the Bankruptcy Act, the Copyright Act, the Court Security Act, the Family Law Act, the Evidence Act, the International Arbitration Act and the Protection of Movable Cultural Heritage Act. For the most part this bill is concerned with worthy but minor and technical issues. Some measures are directed simply at the at the readability and comprehensibility of Commonwealth legislation by, for instance, inserting notes into the Court Security Act or including in the EM to the Evidence Act a table comparing provisions in different jurisdictions.

Other measures in the bill are consequential to be good, substantive work of the Labor government. The Bankruptcy Act is amended to clarify that payments under the NDIS are not available to creditors in the event of a bankruptcy. The International Arbitration Act is amended to clarify the UN Commission on International Trade Laws Model Law on International Commercial Arbitration, which the Labor government implemented into Australian law in 2010, applies retrospectively to arbitration agreements entered into before 2010. The Court Security Act introduced by Labor to ensure the security and safety of the federal courts for all who use them is given technical improvements.

There is one measure of particular importance in the bill, and that is the amendment of the Copyright Act to introduce an electronic deposit scheme for the National Library of Australia. The introduction of this scheme follows two consultations undertaken by the Labor government. Labor welcomes the introduction of the scheme, which will bring the National Library's operations up to date with modern technology and make the deposit scheme both more expansive and more efficient. It is of obvious importance that the large amount of Australian cultural output now produced in digital form be preserved by the National Library.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:49): The Civil Law and Justice Legislation Amendment Bill will amend the Copyright Act to reduce the impact of the legal deposit scheme on publishers. At present, publishers of certain literary, dramatic, musical or artistic works must deliver copies of their works in print format. The amendments will provide for publishers to submit their works electronically, which will reduce the time and cost burden on the industry.

The Court Security Act will be amended to clarify the process by which court security orders can be varied and revoked. Minimising confusion creates a fairer and more accessible justice system. The Court Security Act amendments will also address court management issues by extending the authority to hold and dispose of unclaimed dangerous items. Amendments to the Evidence Act will increase consistency with the Uniform Evidence Bill for greater cross-jurisdictional compliance. The bill will also amend the International
Arbitration Act to clarify its application, providing certainty for private parties who entered into arbitration agreements before the International Arbitration Act was last amended in 2010.

Minor technical amendments contained in the bill will improve the operation of the Family Law Act by correcting errors and ensuring the use of consistent language. The bill will also amend the Family Law Act to explicitly permit the provision of certain information relating to family law proceedings to child welfare authorities. This amendment will ensure that child welfare authorities have access to any relevant material to enable them to better protect children. The amendments to the Bankruptcy Act will ensure that assistance received under the National Disability Insurance Scheme is not distributed to a bankrupt's creditors. The amendments also modernise the drafting of offences under the act and ensure that they have kept up with modern technology.

Additionally the amendments will enhance the Australian Financial Security Authority's capacity to act as a special trustee for other government agencies. In its special trustee role the Australian Financial Security Authority seizes and sells property pursuant to a court order in relation to a debt owed to the Commonwealth or a Commonwealth agency.

Significantly, the bill will facilitate the removal of obsolete and redundant clauses. For example, the bill will amend the Family Law Act to remove obsolete requirements for annual publication of certain information, as well as to repeal an obsolete definition. The bill will also amend the Evidence Act to remove obsolete provisions and references to the operation of the Evidence Act in relation to the Australian Capital Territory. The bill also reflects the government's commitment to better equip Australia to meet the needs of industry and consumers in the digital age. For example, the amendments to the Copyright Act will allow the National Library of Australia to collect not only our print history but also our digital history.

In conclusion, this bill will make minor and technical amendments to provide more clarity to legislation administered by the Attorney-General's portfolio. The combined effect of these amendments will improve the efficiency and operation of the civil justice system and provide individuals with greater access to justice. I thank senators for their contributions.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (12:52): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:52): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Federal Courts Legislation Amendment Bill 2014
Second Reading

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

Senator CAMERON (New South Wales) (12:52): The Federal Courts Legislation Amendment Bill 2014 implements several minor changes to the Federal Court of Australia Act and the Federal Circuit Court of Australia Act. The bill will give the Federal Circuit Court jurisdiction over certain tenancy disputes involving the Commonwealth. The bill will clarify the ability to use reasonable force in entering a premises to execute an arrest warrant, which is unclear under the legislation as it presently stands. The bill tightens provisions intended to limit appeals from minor interlocutory decisions in the federal courts. A range of minor technical amendments are also made to each act to improve clarity and drafting.

Labor supports this bill, which will make a number of minor but worthy improvements to our federal court system.

Senator WRIGHT (South Australia) (12:53): I rise to speak to the Federal Courts Legislation Amendment Bill 2014, a bill that makes changes to the procedure and jurisdiction of the Federal Court and the Federal Circuit Court.

As the spokesperson on legal affairs for the Australian Greens, and as a person who is extremely concerned that all Australians be able to understand and resolve legal disputes and achieve fair outcomes, I take a keen interest in bills that change how some of our busiest courts work in practice. If the term 'access to justice' is to have any true meaning, it must translate into concrete laws and policies that ensure that every Australian can seek fair outcomes and that ensure that legal issues can be resolved on the merits of the claim and not just the size of someone's wallet.

Sadly, this government has a track record of slashing funding to the community organisations and legal aid commissions that provide vital legal information, advice and representation to those who need it most. For this reason, it is always important to carefully examine any government-proposed changes to the existing legislative framework relating to the federal courts.

In many respects, the Federal Courts Legislation Amendment Bill 2014, which we are discussing today, is uncontroversial. It makes changes to procedures relating to appeals for minor procedural decisions, such as decisions to change a hearing date. It also clarifies the powers that can be exercised when the Federal Court issues a warrant for an arrest. These changes have not been met with any resistance from community legal organisations or professional bodies. In many respects they add clarity and consistency to already complex procedural rules, and to that end the Australian Greens do not oppose these changes.

However, the bill also seeks to make important changes to the jurisdiction of the Federal Circuit Court to enable that court to hear tenancy disputes where the Commonwealth is a party to the dispute. Perhaps more significantly, the bill also authorises further changes to the jurisdiction of the Federal Circuit Court to occur via regulation. This arrogant approach to law making, where the government seeks to give itself the power to make potentially very significant changes to the federal justice system while bypassing the full legislative process, has become a signature move by the Abbott government. It is an approach that offends rule-
of-law principles that demand that executive powers be carefully defined by law and that reject the notion that it is up to the executive to determine for itself what powers it has and when and how they may be used. This principle is particularly poignant when the powers in question relate to the jurisdiction of the judicial arm of government.

These concerns have led the Senate Standing Committee for the Scrutiny of Bills to observe:
The conferral of jurisdiction on federal courts and the modification of such jurisdiction are matters of considerable importance and thus may be more appropriately dealt with in primary legislation. In addition, these matters may raise complex legal issues.

The Australian Greens share these concerns. The requirement that any substantive changes to the jurisdiction or procedures of the Federal Circuit Court be made via the full legislative process is an entirely reasonable expectation to have of a government that says it is committed to the rule of law. As currently drafted, this aspect of the bill reflects what has become a typical legislative overreach by this arrogant and out-of-touch government.

The bill also provides the opportunity for parliament to reflect on the devastating impact this government's policies and funding decisions have had on Australians' right to access quality legal information and advice. Across Australia, courts and legal assistance services are under increasing pressure to meet demand, and hundreds of thousands of Australians are being failed by a complex and costly legal system. This sad situation has been exacerbated by the Abbott government's crash-and-burn approach to ripping funding out of the legal assistance sector.

The people being failed by this system are not just those suspected of, or charged with, wrongdoing. They include some of the most vulnerable and innocent among us, such as children experiencing poverty and family violence or women experiencing domestic or sexual violence in remote communities. They also include the most ordinary among us: families seeking to clarify the guardianship arrangements for elderly parents, divorcing couples seeking to finalise property settlements or neighbourhoods seeking to protect their local environment from harm or degradation—these are Australians across the board.

The Australian Greens believe that the current failure to ensure access to justice for everyone in our community, and not just those who have deep pockets, has deep and long-lasting impacts on social cohesion in Australia, community safety and taxpayers' dollars. Just like a sick person who is denied ready access to health care, an unresolved and critical legal need can infect and devastate families and communities and lead to expensive, complex problems for the taxpayer to resolve down the line.

It is not just the Australian Greens who feel this way; these concerns have been voiced by judges, court administrators, the legal profession and social service organisations. There are more and more voices being raised to express these concerns. They have also been substantiated by evidence presented by PricewaterhouseCoopers and, most recently, by the Productivity Commission's own detailed inquiry into access to justice.

While the other parties, the old parties, turn the other way, the Australian Greens remain a strong, caring, progressive voice for improved access to justice. I encourage all senators to consider how the changes in this bill will work in practice, given the devastated legal assistance sector and the many unsurpassable barriers for ordinary Australians today to access quality legal advice.
Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:00): The purpose of the Federal Courts Legislation Amendment Bill 2014 is, firstly, to make minor technical and uncontroversial amendments to improve the operation and clarity of the Federal Court of Australia Act 1976 and the Federal Circuit Court of Australia Act 1999. Secondly, the bill will confer jurisdiction on the Federal Circuit Court of Australia to hear certain Commonwealth tenancy disputes because this is the most consistent and cost-effective forum for hearing these disputes.

The amendments to the Federal Court of Australia Act will clarify that appeals cannot be made from minor procedural decisions, such as decisions to change or not to change hearing dates. This will reduce unnecessary delays in the court system and ensure a more efficient administration of justice.

The amendments will also clarify that police officers and court sheriffs can use reasonable force to enter premises to execute an arrest warrant for persons who are the subject of proceedings for contempt of court or for summary offences. This resolves current uncertainty about whether officers can use reasonable force, as there have been occasions when arrest warrants have not been executed because of this uncertainty.

The amendments to the Federal Circuit Court of Australia Act will confer jurisdiction on the Federal Circuit Court of Australia to hear certain Commonwealth tenancy disputes. These amendments are vital in order to provide a consistent and cost-effective forum to hear these disputes. At present, in most jurisdictions, the applicable law provides for Commonwealth tenancy disputes to be resolved in state or territory tribunals, which can lead to inconsistency of approach. While superior courts may also be able to hear these matters, it is not considered an appropriate use of these courts' resources as it may lengthen the dispute resolution process and increase costs. This means that there is currently no suitable or affordable forum in which to hear these disputes. Conferring jurisdiction on the Federal Circuit Court to hear Commonwealth tenancy disputes will provide a more efficient option for parties involved in these disputes.

Other minor amendments to the Federal Circuit Court of Australia Act will clarify specific limitations on the award of costs prescribed in other legislation, such as public interest disclosure legislation. This will clarify the limits on the Federal Circuit Court’s jurisdiction to award costs, and will assist readers to locate related provisions.

I thank senators for their contributions.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (13:02): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:02): I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

Acts and Instruments (Framework Reform) Bill 2014

Second Reading

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

Senator CAMERON (New South Wales) (13:03): The Acts and Instruments (Framework Reform) Bill 2014 updates and consolidates the arrangements for the registration, tabling, scrutiny and repeal of a range of Commonwealth instruments. The bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee, which reported on 2 December last year. The committee recommended that the bill be passed.

The bill implements the recommendations of a statutory review of the Legislative Instruments Act 2003 in 2008 led by a committee comprising Mr Anthony Blunn AO, Mr Ian Govey and Professor John McMillan AO. The bill makes a number of reforms to the arrangements for delegated legislation under the Legislative Instruments Act 2003, which sets out a comprehensive regime for the registration, tabling, scrutiny and repeal of legislative instruments. It consolidates the Acts Publication Act 1905, which deals with statutes, and the Legislative Instruments Act 2003 into a new legislation act. It integrates the database of Commonwealth acts and the federal register of legislative instruments into a single federal register of legislation. It provides that Commonwealth instruments which are not legislative in character, and therefore not captured by the present Legislative Instruments Act, be registered on the federal register of legislation as a new category of notifiable instrument. Finally, the bill makes various other technical changes to consolidate the handling of Commonwealth instruments.

The bill also makes changes to the powers of the First Parliamentary Counsel, enabling the First Parliamentary Counsel to make corrections and minor editorial changes, in preparing a registered compilation of acts and instruments, that do not change the effect of the legislation, and to make rules relating to the register.

The power given to the First Parliamentary Counsel to make editorial changes to acts or instruments as they appear on the register is appropriately closely constrained. The bill is clear that the First Parliamentary Counsel may not change the effect of an act or instrument.

'Editorial change' is defined in the bill to make it clear that only technical drafting changes are intended. The definition includes, for example, spelling and punctuation matters, correcting numbering, and changes to known operative parts of statutes such as tables of content or summaries. The bill provides that where this power is exercised a statement must be included in the instrument outlining the editorial change or changes which have been made.

Speaking in the other place, the shadow Attorney-General, Mark Dreyfus QC MP, noted that he would expect that, as is usual practice in other areas of its responsibilities, the Parliamentary Counsel would issue clear guidance about how the power is to be exercised. I note that the committee shared this view and recommended that there should be clearly articulated principles for the use of the FPC’s correction and editorial powers. Happily, the Attorney-General advised the committee that the federal Parliamentary Counsel will issue
guidance on the use of the editorial powers proposed in the bill. I would like to reiterate the committee's view that this guidance should be released at the earliest opportunity.

Mr Dreyfus also said he expected that, alongside the requirement under this bill to give notice in particular instruments of when the power has been exercised, the First Parliamentary Counsel would report to the parliament about use of the power across the whole statute book. Labor welcome the commitment by the Attorney-General that the OPC will include a section in its annual report summarising the use of the correction power and the editorial change power in each financial year. As the committee noted in its report:

This reporting will facilitate scrutiny and oversight of these powers by the Parliament, including through the Senate estimates process.

Labor support this bill. It is important that delegated legislation and other Commonwealth instruments are dealt with as clearly and transparently as possible. We support any measure which makes Commonwealth instruments easier to locate and easier to understand.

I understand there will be a government amendment to the bill. The amendment will be supported. It arises from a recommendation by the Senate Legal and Constitutional Affairs Legislation Committee's report on the bill:

The committee recommends that item 83 of Schedule 1 of the bill be amended to require a review of the operation of the proposed Legislation Act 2003, in similar terms to existing section 59 of the Legislative Instruments Act 2003, to be conducted five years after commencement.

The opposition have raised this matter with the shadow Attorney-General; we are pleased that the shadow Attorney-General has agreed to this amendment. So Labor will commend to the house not only the bill but also the amendment.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:09): I thank Senator Cameron for his contribution. I imagine he is also glad that the Attorney-General, as well as the shadow Attorney-General, agreed!

Senator Cameron: Yes!


Question agreed to.

Bill—by leave—taken as a whole.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:10): I table a supplementary explanatory memorandum relating to the government amendment to this bill, and I move the government amendment:

(1) Schedule 1, item 83, page 60 (lines 30 and 31), omit the item, substitute:

83 Section 59

Repeal the section, substitute:

59 Review of operation of this Act

(1) During the 3 months starting on the fifth anniversary of the commencement (the framework reform commencement) of Schedule 1 to the Acts and Instruments (Framework Reform) Act 2015, the Attorney-General must appoint persons to a body to review the operation of this Act.
(2) A person appointed to the body may resign from it by giving the Attorney-General a signed notice of resignation.

(3) The body must review all aspects of the operation of this Act and any related matters that the Attorney-General specifies.

(4) The body must give the Attorney-General a written report on the review within 15 months after the fifth anniversary of the framework reform commencement.

(5) The Attorney-General must cause the report to be laid before each House of the Parliament within 6 sitting days of the House after the Attorney-General receives the report.

This amendment inserts a new section 59 into the act. New section 59 requires that the operation of the act be reviewed five years after changes made by this bill commence. The amendment implements a recommendation of the Senate Legal and Constitutional Affairs Legislation Committee. The committee recommended that this house pass the bill subject to a recommendation that a review requirement be inserted, as is outlined in this amendment.

Senator CAMERON (New South Wales) (13:11): I indicate once again that Labor support the amendment—and we are also happy that the Attorney-General and shadow Attorney-General support this proposition!

Senator WRIGHT (South Australia) (13:11): I indicate that the Australian Greens also support this amendment; it is certainly a positive move.

The TEMPORARY CHAIRMAN (Senator Gallacher): The question is that the amendment be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with an amendment; report adopted.

Third Reading

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:12): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Environment Legislation Amendment Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator XENOPHON (South Australia) (13:13): I indicate that I have concerns in relation to the Environment Legislation Amendment Bill 2013 about the retrospectivity of the measures in schedule 1, although I note that the government introduced amendments in the House to limit its applications. While these amendments improve the schedule to some extent, they do not fully address my concerns in this regard. I note the Australian Greens have circulated an amendment in this regard and I indicate that I will support that amendment. However, I do believe it is incredibly important to acknowledge the increased protections this bill will introduce for sea turtles and dugongs. I also indicate that I will be supporting the
Greens' amendments in respect of these provisions. I believe they are worthy measures relating to the protection of Australia's wildlife and the Great Barrier Reef. I am also proposing amendments to this legislation in relation to fracking, because fracking is covered by environment legislation, and I do not believe that we have done enough to address these concerns.

My proposed amendments alter the provisions of the Environment Protection and Biodiversity Conservation Act relating to the protection of water resources to include fracking activities. The amendments will introduce fracking activities into the purview of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development and the associated advice and reporting requirements. I do not believe that these requirements are unreasonable. I do not believe that these requirements are overly onus when one considers the impact that fracking can have on water tables and on prime agricultural land in this country. If the amendment does not pass I will be pushing for an inquiry by the Environment and Communications References Committee into fracking activities and the protection of water resources and agricultural activities. I hope my colleagues in this place will acknowledge the need for significant policy development in this area. I believe that a committee inquiry will play a key role in this. I believe that these issues are vitally important and they must be addressed.

I hope that a Senate inquiry will lead to a bipartisan position that will give us a path to move forward and to ensure that fracking activities are appropriately overseen from an environmental point of view. Linked very closely to that is the impact that fracking can have on water tables and on prime agricultural land. The very serious concern that I have is not done enough on this. The current legislative framework, as it deals with coal seam gas, does not include fracking, and that is of particular concern in my home state in respect of the Limestone Coast. The Limestone Coast Protection Alliance—Dennis Vice is one of the leaders of that group—and the many other people I have met extensively in relation to this have legitimate concerns. They are not against development. They are not against appropriate mining activities, but they do have a concern that there does not appear to be an appropriate risk based approach to this. We ought to use precaution if we are going down the path of fracking, which could affect the water table and prime agricultural land. Mr Acting Deputy President Gallacher you as a South Australian may or may not be familiar with the fine wines of the Coonawarra region. I hope I will not be pulled up by you on this, but your smile indicates that you are. I am very proud of the South Australian wine industry, indeed of the Australian wine industry. They have genuine concerns—for instance, what benchmarks are there to ensure the fracking activities do not impact on the environment and do not impact on future agricultural production and the quality of that agricultural production?

We need to have a comprehensive national approach at the Commonwealth level to ensure that fracking activities are appropriately vetted and overseen. I understand that companies seeking to undertake fracking activities are concerned about what they feel could be an unnecessary additional burden of compliance, when they are already subject to state based approval processes, but, as we have seen with the Murray Darling basin, environmental resources and agricultural resources do not end at state borders, and the states do not have a track record of putting the national interest above their own—indeed, they are not obliged to. The changes I have put forward in my proposed amendment are vitally important in ensuring
that we do not end up with the same infighting and neglect we have seen in previous years regarding the Murray-Darling Basin.

I look forward to debating these measures in the committee stage, but I think it is important that we acknowledge that a risk based precautionary principle approach in respect of fracking needs to be undertaken. All I am seeking to do, effectively, is extend the whole issue of an independent scientific panel going beyond coal seam gas to fracking activities more broadly. I note that I am in good company, the company of people such as Alan Jones, who has been outstandingly outspoken in respect of fracking. It might bemuse some in the coalition that Alan Jones is not on side with them on this issue, but I do not think they can afford to ignore Mr Jones and his views, which I think reflect widespread community concerns.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (13:19): I thank all senators for their contribution to this debate on the Environment Legislation Amendment Bill 2013. My recollection is that when this was being debated late last year there were some quite long contributions made at this stage and that they were numerous. I am pleased to see that today we are making much swifter progress. Senator Xenophon touched on some issues that I know will be covered with amendments, as I know Senator Waters did during her contribution to the debate. I will address the amendments as the Senate considers them.

In general, the bill provides additional protection for turtles and dugongs under the EPBC Act and the Great Barrier Reef Marine Park Act 1975 by increasing criminal and civil financial penalties for the killing, injuring, taking, trading, keeping or moving of a turtle or a dugong in a Commonwealth marine area and the taking or injuring of turtles and dugongs within the Great Barrier Reef Marine Park.

Our government is responding to the need for stronger protections for our threatened turtles and dugongs. Increasing concern, particularly in Far North Queensland, regarding illegal poaching and trading of turtles and dugongs requires this serious response. These turtle and dugong amendments implement our election commitment to triple the financial penalties for poaching and illegal transportation of turtle and dugong meat announced in our Dugong and Turtle Protection Plan during the election campaign.

Alongside the active Australian Crime Commission investigation, these penalties will serve as a greater deterrent to illegal activities threatening turtles and dugongs. The government's $2 million Indigenous specialised ranger program will also improve traditional management and compliance around turtles and dugongs in Queensland. Importantly, this bill does not impact on native title holders and their rights to exercise their native title right to harvest turtles and dugongs for cultural use. The Australian government's $700,000 Marine Debris Initiative will relieve turtles and dugongs as well as other species of the impacts of rubbish in the marine environment. An Australian government injection of $300,000 to the Cairns and Fitzroy turtle hospital will support continued care for injured turtles.

Overall, this bill is part of the government's comprehensive and strong commitment to protect endangered species, in particular, in this case, turtles and dugongs, which are so iconic to parts of Northern Australia. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.
In Committee

Senator WATERS (Queensland) (13:22): I wish to speak to a series of amendments that the Greens will move, firstly amendment (2) on revised sheet 7442. The reason we will move that amendment is that this bill has two parts that passed the House of Representatives. The first part of the bill would seek to allow the environment minister to ignore conservation advice. In other words, this bill was originally drafted to allow the environment minister to ignore scientific advice about the impacts on threatened species of the very project that the environment minister was being asked to approve or refuse. The sheer nonsense of that amendment and the embarrassment that the environment minister should have felt to move that amendment to our laws unfortunately did not stop him from doing so.

In the House, the bill was amended and the ability of the environment minister to ignore science was time-limited. They said, 'Well, we won't let you ignore science forevermore. But from 31 December 2013 and prior it was fine if you ignored science then.' The Greens hold the strong view that you should never ignore science, and the audacity of the environment minister himself, being the person to move this amendment to the act to allow him to ignore science and to allow him to take decisions that fly in the face of advice about threatened species conservation, unfortunately speaks to the true attitude of this government to the environment.

So that is exactly why the Greens are moving today to delete that whole part of the amending bill. We do not think that the environment minister should be able to ignore science. We have conservation advisers for a reason, and that reason is to ensure that threatened species are indeed protected by our federal environmental laws from impacts that are likely to have a significant impact upon them. I am really pleased that in the course of discussions with the folk in this room that I believe the Greens will have the support of the entire chamber to say that, 'Actually, science is kind of important and threatened species actually do deserve to have our proper consideration when the minister is making a decision about whether to approve development that might damage them.'

With that said, I oppose schedule 1 in the following terms:

Schedule 1, page 3 (lines 1 to 26), to be opposed.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (13:25): The government accepts the amendment proposed by the Greens that Senator Waters just spoke to. We do not necessarily accept all the arguments that Senator Waters has made in that regard. We do believe that it would be preferable were those amendments to have been made, but the government is determined—and Mr Hunt in particular is determined—to ensure that the turtle and dugong protection that the government has pursued and was committed to at the election is delivered upon. We understand that arrangements have been struck with the Australian Greens that will enable those protections to be delivered upon, and we do not want to jeopardise our policy commitment and the serious intention the government has to deliver up on that promise in relation to turtles and dugongs by having it complicated by other matters within this bill.
I thank Senator Waters for her cooperation in working through issues with the government in terms of some of the amendments that were there, and indicate, as I said, the government's acceptance of this amendment from the Greens.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): The question is that schedule 1 stand as printed.

Question negatived.

Senator WATERS (Queensland) (13:26): I now want to move to a substantive amendment which relates to increasing the penalties and increasing the protection for threatened species across the board.

This government has sought to introduce increased protection just for turtles and dugongs. We will have some more to say about that, but if the argument is that the penalties for turtles and dugongs are inadequate then surely that argument would logically extend to all of the penalties for the take of threatened species being indeed inadequate. And so we will move this amendment, the purpose of which is to say, 'Well, clearly, protection for threatened species is inadequate and does need to be increased.' This amendment would increase the penalties for the unlawful take of threatened species across the board, so that we are not just cherry picking and saying that turtles and dugongs deserve additional protection but no other threatened species do. I think that is a nonsensical approach and so we will move to say that all species deserve increased protection.

But I want to take the opportunity to mention a few other points in this regard. Unfortunately, there have been massive staff cuts by this government to the environment department. I am concerned that the existing penalties for threatened species, including turtles and dugongs, do not have the personnel to be able to be enforced. The environment department has lost hundreds of staff. Already its budget is shrinking, and shrinking and shrinking. Unfortunately, our environmental laws are simply not being enforced. So we will move an amendment to say, 'Let's increase the penalties, but you have to enforce the laws that you have or they simply do not do anything on the ground.' So I make the point that if the government is actually serious about increasing the penalties for some species but, sadly, not serious about increasing them for all species then you have to increase the enforcement staff and you actually have to get serious about not slashing the people who are responsible for implementing these laws.

I want to speak to the impact of the focus on turtles and dugongs, because it has been quite a controversial issue. A lot of Indigenous communities in the Great Barrier Reef have been really laudable in taking voluntarily measures to stop hunting turtles and dugongs in a cruel manner—and we commend those communities for that approach. Indeed, the best approach to this management issue is to work with communities and make sure that the take of turtle and dugong that occurs in accordance with native title rights and customs does so in a manner that is at a sustainable level, that is in accordance with traditional custom and is not for commercial trade, and that, most importantly, is done humanely.

Like anyone else who saw the footage of some of the spears of turtles, which were not conducted in a humane manner, I found it abhorrent. That is the reason why the Greens are supporting the increase in penalties for turtles and dugongs, but we still are of the firm view that you need to work with communities, and this kind of punitive approach, particularly
when there are limited enforcement staff to actually make sure the rules are complied with, will not be the most effective way of stopping the cruel treatment of turtles and dugongs. We appreciate the need to address this issue. We think that the chosen way of going about it is not the most effective one, but it is important that we take steps to address the problem.

If the government is so concerned about turtles and dugongs, why on earth is it letting the biggest ever dredging and offshore dumping program that the Great Barrier Reef has ever seen roll out in this beautiful world heritage area? We know that the water quality impacts of dredging of the seabed and the dumping of that seabed, either in the water or closely onshore—as Minister Hunt is now saying he will require, though we are yet to see any change of law in that regard—are devastating to seagrass, and we know that seagrass is both the food source and the habitat for turtles and dugongs.

If the government is genuinely concerned about the health of turtle and dugong populations in the Great Barrier Reef, why on earth are you letting this massive dredging and dumping program roll out? It is because of your support for the fossil fuel sector. We know that. It is because you do not think that climate change is real, you want to send more coal ships through the Great Barrier Reef, you want to make the climate worse. We get that. But if you have at least got a concern about turtles and dugongs, think about the impact on seagrass from all of that sediment smothering the seagrass and stopping it growing, stopping that food source, stopping that breeding ground.

Senator Waters: by leave—I move amendments (1) to (19) and (21) to (26) on sheet 7473 together:
(1) Schedule 2, heading, page 4 (lines 1 and 2), omit "turtles and dugong", substitute "listed species and communities".
(2) Schedule 2, item 1, page 4 (lines 6 to 13), omit the item, substitute:

1 Subsection 196(1) (notes 1 and 2)
Repeal the notes, substitute:
Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.
Note: This section does not apply in the circumstances described in section 197. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.
(3) Schedule 2, item 3, page 4 (lines 16 to 21), omit the item, substitute:

3 Subsection 196A(1) (notes 1 and 2)
Repeal the notes, substitute:
Penalty: 1,500 penalty units.
Note: This section does not apply in the circumstances described in section 197. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.
(4) Schedule 2, item 5, page 4 (line 24) to page 5 (line 3), omit the item, substitute:

5 Subsection 196B(1) (notes 1 and 2)
Repeal the notes, substitute:
Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.
Note: This section does not apply in the circumstances described in section 197. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.
(5) Schedule 2, item 7, page 5 (lines 6 to 11), omit the item, substitute:
7 Subsection 196C(1) (notes 1 and 2)
  Repeal the notes, substitute:
  Penalty: 1,500 penalty units.
Note: This section does not apply in the circumstances described in section 197. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(6) Schedule 2, item 9, page 5 (lines 14 to 21), omit the item, substitute:

9 Subsection 196D(1) (notes 1 and 2)
  Repeal the notes, substitute:
  Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.
Note: This section does not apply in the circumstances described in section 197. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(7) Schedule 2, item 11, page 5 (lines 24 to 29), omit the item, substitute:

11 Subsection 196E(1) (notes 1 and 2)
  Repeal the notes, substitute:
  Penalty: 1,500 penalty units.
Note: This section does not apply in the circumstances described in section 197. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(8) Schedule 2, items 13 to 15, page 6 (line 3) to page 7 (line 3), omit the items, substitute:

15 Subsection 211(1) (notes 1 and 2)
  Repeal the notes, substitute:
  Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.
Note: This section does not apply in the circumstances described in section 212. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(9) Schedule 2, item 17, page 7 (lines 6 to 11), omit the item, substitute:

17 Subsection 211A(1) (notes 1 and 2)
  Repeal the notes, substitute:
  Penalty: 1,500 penalty units.
Note: This section does not apply in the circumstances described in section 212. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(10) Schedule 2, item 19, page 7 (lines 14 to 21), omit the item, substitute:

19 Subsection 211B(1) (notes 1 and 2)
  Repeal the notes, substitute:
  Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.
Note: This section does not apply in the circumstances described in section 212. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(11) Schedule 2, item 21, page 7 (lines 24 to 29), omit the item, substitute:

21 Subsection 211C(1) (notes 1 and 2)
  Repeal the notes, substitute:
  Penalty: 1,500 penalty units.
Note: This section does not apply in the circumstances described in section 212. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.
(12) Schedule 2, item 23, page 8 (lines 3 to 10), omit the item, substitute:

**23 Subsection 211D(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.

Note: This section does not apply in the circumstances described in section 212. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(13) Schedule 2, item 25, page 8 (lines 13 to 18), omit the item, substitute:

**25 Subsection 211E(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: 1,500 penalty units.

Note: This section does not apply in the circumstances described in section 212. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(14) Schedule 2, items 27 to 29, page 8 (line 21) to page 9 (line 19), omit the items, substitute:

**29 Subsection 254(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.

Note: This section does not apply in the circumstances described in section 255. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(15) Schedule 2, item 31, page 9 (lines 22 to 27), omit the item, substitute:

**31 Subsection 254A(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: 1,500 penalty units.

Note: This section does not apply in the circumstances described in section 255. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(16) Schedule 2, item 33, page 10 (lines 1 to 8), omit the item, substitute:

**33 Subsection 254B(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.

Note: This section does not apply in the circumstances described in section 255. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(17) Schedule 2, item 35, page 10 (lines 11 to 16), omit the item, substitute:

**35 Subsection 254C(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: 1,500 penalty units.

Note: This section does not apply in the circumstances described in section 255. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the Criminal Code.

(18) Schedule 2, item 37, page 10 (lines 19 to 26), omit the item, substitute:

**37 Subsection 254D(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: Imprisonment for 2 years or 3,000 penalty units, or both.
Note: This section does not apply in the circumstances described in section 255. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the *Criminal Code*.

(19) Schedule 2, item 39, page 11 (lines 1 to 6), omit the item, substitute:

**39 Subsection 254E(1) (notes 1 and 2)**

Repeal the notes, substitute:

Penalty: 1,500 penalty units.

Note: This section does not apply in the circumstances described in section 255. A defendant bears an evidential burden in relation to those circumstances. See subsection 13.3(3) of the *Criminal Code*.

(21) Schedule 2, item 45, page 12 (line 13), omit “turtle or dugong”, substitute “listed species”.

(22) Schedule 2, item 45, page 12 (lines 18 to 22), omit paragraphs 38BA(3A)(c) and (d), substitute:

(d) the animal is a member of:

(i) a listed marine species; or
(ii) a listed migratory species; or
(iii) a listed threatened ecological community; or
(iv) a listed threatened species;

(23) Schedule 2, item 46, page 12 (line 30), omit, "(c)".

(24) Schedule 2, item 51, page 13 (lines 19 to 22), omit paragraph 38GA(9)(b), substitute:

(b) the animal is a member of:

(i) a listed marine species; or
(ii) a listed migratory species; or
(iii) a listed threatened ecological community; or
(iv) a listed threatened species;

(25) Schedule 2, item 51, page 13 (line 30), before "species", insert "protected".

(26) Schedule 2, item 53, page 14 (lines 12 to 15), omit paragraph 38GB(6)(c), substitute:

(c) the animal is a member of:

(i) a listed marine species; or
(ii) a listed migratory species; or
(iii) a listed threatened ecological community; or
(iv) a listed threatened species;

**Senator BIRMINGHAM** (South Australia—Assistant Minister for Education and Training) (13:32): Very briefly, the government will not be supporting these amendments. This policy about tripling penalties in relation to turtles and dugongs is one we took to the election. We have been very transparent about that. It is our belief that that is appropriate. It has followed extensive community consultation by Mr Hunt, by the member for Leichhardt, Mr Entsch, and by other members of the government and, indeed, through other quarters such as the Department of the Environment's Indigenous Consultative Committee.

We have made sure that we have worked hard to get broad support for this. To do so to other species would necessitate further public consultation, and that is why we do not believe that the amendments proposed by Senator Waters at this time are appropriate. We do believe that what is on the table will provide and boost a strong deterrent for the poaching or harming of turtles and dugongs. In relation to compliance, I would at least highlight the government's
$2 million commitment to the Specialised Indigenous Ranger program which will improve traditional management and compliance. We will be launching it shortly as a program that sits alongside the work of the Australian Crime Commission in investigating penalties and ensuring that we have appropriate activities in place to stop the illegal harvesting of turtles or dugongs.

Finally, in relation to the points that Senator Waters made about the dredge disposal ban, I can tell her that drafting of that legislation is occurring at present, that its completion is expected very soon and that consultation on that draft legislation is imminent. This will be a step that the previous government certainly did not take and will enshrine in Australian law a dredge disposal ban in relation to those activities around the Great Barrier Reef.

**The TEMPORARY CHAIRMAN (Senator Dastyari):** The question is that the amendments moved by Senator Waters be agreed to.

The committee divided. [13:38]

(Temporary Chairman—Senator Dastyari)

Ayes .......................... 15  
Noes .......................... 23  
Majority .................... 8

**AYES**

Di Natale, R  
Lambie, J  
Ludlam, S  
Muir, R  
Rice, J  
Wang, Z  
Whish-Wilson, PS  
Xenophon, N  
Hanson-Young, SC  
Lazarus, GP  
Milne, C  
Rhiannon, L  
Siewert, R (teller)  
Waters, R (teller)  
Wright, PL  

**NOES**

Bilyk, CL (teller)  
Bullock, J.W.  
Colbeck, R  
Edwards, S  
Heffernan, W  
Ludwig, JW  
McGrath, J  
McLucas, J  
Reynolds, L  
Ryan, SM  
Smith, D  
Williams, JR  
Birmingham, SJ  
Canavan, M.J.  
Dastyari, S  
Gallacher, AM  
Ketter, CR  
Lundy, KA  
McKenzie, B  
O'Neill, DM  
Ruston, A  
Singh, LM  
Sterle, G  

Question negatived.

**Senator WATERS** (Queensland) (13:41): I take the opportunity to indicate to the chamber that I will not be seeking to move amendment (20) on sheet 7473; nor I will be seeking to move amendments (1), (3) and (4) on sheet 7442 revised.
Senator XENOPHON (South Australia) (13:41): by leave—I move amendments (1) and (2) on sheet 7458 together:

(1) Clause 2, page 1 (lines 18 to 20), omit the clause, substitute:

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision(s)</td>
<td>Commencement</td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
</tr>
<tr>
<td>2. Schedules 1 and 2</td>
<td>The day after this Act receives the Royal Assent.</td>
</tr>
<tr>
<td>3. Schedule 3</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

(2) Page 14 (after line 23), at the end of the Bill, add:

Schedule 3—Hydraulic fracturing

Environment Protection and Biodiversity Conservation Act 1999

1 Subdivision FB of Division 1 of Part 3 (heading)

After "coal seam gas development", insert ", hydraulic fracturing development".

2 After subparagraphs 24D(1)(a)(i), (2)(a)(i) and (3)(a)(i) and 24E(1)(a)(i), (2)(a)(i) and (3)(a)(i)

Insert:

(iia) hydraulic fracturing development; or

3 Subsection 130(4A)

After "Coal Seam Gas", insert ", Hydraulic Fracturing".

4 Section 131AB (heading)

After "Coal Seam Gas", insert ", Hydraulic Fracturing".

5 After subparagraph 131AB(1)(a)(i)

Insert:

(iia) hydraulic fracturing development; or

6 Subsection 131AB(2)

After "Coal Seam Gas", insert ", Hydraulic Fracturing".
7 Paragraph 136(2)(fa)
After "Coal Seam Gas", insert ", Hydraulic Fracturing".

8 Subparagraph 304(1)(a)(viia)
After "coal seam gas development", insert ", , hydraulic fracturing development".

9 Paragraph 305(1)(ga)
After "coal seam gas development", insert ", , hydraulic fracturing development".

10 Subparagraphs 305(1A)(b)(viia) and (c)(viia)
After "coal seam gas development", insert ", , hydraulic fracturing development".

11 Paragraph 305(2)(ea)
After "coal seam gas development", insert ", , hydraulic fracturing development".

12 Subparagraphs 306(1)(a)(viia) and (b)(viia) and (2)(a)(viia) and (b)(viia)
After "coal seam gas development", insert ", , hydraulic fracturing development".

13 Division 2B of Part 19 (heading)
After "Coal Seam Gas", insert ", Hydraulic Fracturing".

14 Subsection 505C(1)
After "Coal Seam Gas", insert ", Hydraulic Fracturing".

15 Paragraphs 505D(1)(a) and (b)
After "coal seam gas developments", insert ", , hydraulic fracturing developments".

16 Subparagraph 505D(1)(c)(i)
After "coal seam gas development", insert ", , hydraulic fracturing development".

17 Subparagraphs 505D(1)(d)(i) and (ii)
After "coal seam gas developments", insert ", , hydraulic fracturing developments".

18 Paragraph 505D(1)(e)
After "coal seam gas developments", insert ", , hydraulic fracturing developments".

19 Paragraphs 505D(1)(f) and (g)
After "coal seam gas development", insert ", , hydraulic fracturing development".

20 Paragraph 506(d)
After "Coal Seam Gas", insert ", Hydraulic Fracturing".

21 Section 528 (definition of "bioregional assessment")
After "coal seam gas development", insert ", , hydraulic fracturing development".

22 Section 528
Insert:

*hydraulic fracturing development* means any activity involving hydraulic fracturing that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

(a) in its own right; or

(b) when considered with other developments, whether past, present or reasonably foreseeable developments.

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*hydraulic fracturing development* means any activity involving hydraulic fracturing that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

(a) in its own right; or

(b) when considered with other developments, whether past, present or reasonably foreseeable developments.
Section 528 (definition of Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development)

Repeal the definition.

I indicated in broad terms what this amendment was about in my brief second reading contribution. Effectively, it is to ensure that the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development, passed by the previous parliament, and the associated advice and reporting requirements also apply to hydraulic fracking. These are views expressed to me by my South Australian constituents from the Limestone Coast Protection Alliance committee, including people such as Dr Catherine Pye, who is a medical doctor; Dr Clive Carlyle, who is an adviser and a member of the committee; Dennis Vice, who is a winegrower from the Coonawarra; and Tony Beck, from the committee as well, who is a farmer involved in livestock and who has been involved in Landcare for many years. These are people who have a genuine concern about the impact of hydraulic fracking.

It is important that what I see as an anomaly, as an undue restriction in the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development, be extended to hydraulic fracking, because the impact on a watertable and the impact on prime agricultural land could very well be the same. This is not 'stop development'; this is not 'stop fracking'. But it provides for the rigour and for independent scientific advice to be applied and exercised in such cases. Not to do so, I think, would be anomalous in the context of what the CSG legislation—for want of a better word, that independent committee—was about.

If this particular amendment is not passed—and I would be grateful, in order to avoid a division, to hear the views of the government and the opposition in respect of this—the issue will not go away. If you damage a watertable, and if there is not adequate benchmarking and adequate assessment and scientific evaluation, the potential impact on prime agricultural land can be very significant. So I would like to get an indication from the government and the opposition of whether they support this, and, if not, whether they would support a robust Senate inquiry into this issue as to whether the independent scientific panel should look hydraulic fracking.

I am very grateful for the support of the Australian Greens. Senator Waters has had a pre-eminent leadership role on this issue of fracking and its impact on prime agricultural land. I am very grateful for her leadership on this.

Senator WATERS (Queensland) (13:45): I will just make a very brief contribution to indicate that the Australian Greens will be supporting the amendments moved by Senator Xenophon. Significant impacts on a water resource from coal seam gas or large coal mining currently trigger the need for federal environmental approval. The effect of this amendment would be to expand the water trigger such that any hydraulic fracturing activity which was going to have a significant impact on a water resource would also require the environment minister to consider whether an approval was required under the EPBC Act. In plain English, this amendment would ensure that any shale fracking meets federal approval if it is going to damage a groundwater or a surface water system.

I am really pleased to have Senator Xenophon's support on this issue. We Greens have been raising concerns about unconventional gas, including shale gas and coal seam gas, for as long as I have been in this parliament. We have moved countless bills which have sadly not received support from any of the big parties. I am grateful for the support of the Independents.
and the small parties on this issue. I can assure the government and the opposition, if I may speak for the crossbench on this issue, that we will not give up on protecting farmland, the climate and our groundwater given that those things are absolutely crucial in this driest inhabited continent on the planet. Food security is only going to become a bigger issue as climate change rolls out. So I indicate our support for these amendments.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (13:46): Just briefly, the government does not support the proposed amendments from Senator Xenophon. Firstly, I would highlight that these amendments are bringing a whole different aspect of environmental regulation and legislation before the Senate than what is at the heart of this bill, which is the protection of turtles and dugongs.

More generally, I would acknowledge that this amendment would broaden the scope of the water trigger, as Senator Xenophon and Senator Waters have acknowledged. However, the National Partnership Agreement on Coal Seam Gas and Large Coalmining Development was reached and agreed between the Commonwealth, Queensland, New South Wales, Victoria and South Australia in March 2012. It is an agreement that achieved support across a number of jurisdictions and sets in place a cooperative arrangement for regulation of coal seam gas and large coalmining. It was notably limited to these kinds of mining activities as part of striking that agreement.

The inclusion of the water trigger and the establishment of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coalmining Development under the EPBC Act is based upon that agreement between the states and the Commonwealth. This means the water trigger is limited to CSG and large coalmining activities, as I said before. The Commonwealth does not believe that there has been a demonstrated need—nor has there been consultation with or agreement from the states party to that agreement—to expand the legislation and the water trigger to other kinds of fracking.

Senator XENOPHON (South Australia) (13:48): I said that I would not proceed with a division if I could get some indication from the opposition as to their position on these amendments.

Senator SINGH (Tasmania) (13:48): The opposition will not be supporting these amendments.

Senator XENOPHON (South Australia) (13:48): Given that the opposition in government set up an independent expert panel, which I think was a very good move—and I note that people now on the government side such as Senator Heffernan had a very important role in that—can the opposition indicate why it would not support this amendment, because I think the principles are effectively the same. Hydraulic fracking can have an impact on the water table and can have an impact on prime agricultural land. My supplementary question is whether the opposition would at least be inclined to support an inquiry into hydraulic fracking so that the concerns of the Limestone Coast Protection Alliance in South Australia and of many other communities around the country can be heeded.

Senator SINGH (Tasmania) (13:49): Labor recognises the contribution of natural gas from coal, shale and tight formations to the Australian economy and the importance of robust environmental regulation to ensure that these resources are extracted and exported in a sustainable way. But Labor does not support the amendments of Senator Xenophon to include
all hydraulic fracturing in this field. That is because in 2012 the then Labor government signed the National Partnership Agreement on Coal Seam Gas and Large Coalmining Development with Queensland, New South Wales, South Australia and Victoria.

Following that, Labor established the Independent Expert Scientific Committee on Coal Seam Gas and Large Coalmining Development to provide scientific advice to decision makers on the impact that these developments may have on Australia's water resources. That initiative was supported with $150 million of Commonwealth funding. The IESC advice and the water trigger amendment to the EPBC Act were in in keeping with the scope of that national partnership agreement. We did this to establish best practice in regulation of sensitive fracking activities and fracking activities that were near water resources, such as aquifers, which are much closer to the surface than many forms of shale and tight gas that require fracking. While Labor do not support these amendments, we do believe that there is room to review the existing national partnership agreement in partnership with the states to consider other tight gas developments.

Senator WANG (Western Australia—Palmer United Party Whip in the Senate) (13:51): I visited the Liverpool Plains last week in the company of the former member for New England, Mr Tony Windsor. As everyone in this chamber probably knows, when he was in the parliament Mr Tony Windsor played a very crucial role in making sure the water trigger was built into the EPBC Act. I think, when it comes to water resources, we have to be really, really careful. We cannot really hand it over to a state, because underground water flows. The Queensland government, for example, may approve a project which may or may not have an impact on underground water, but, when the water flows to New South Wales, it could be a different issue. If the water is actually contaminated, some of the farmers will cop it in New South Wales. So I think a federal level approval is a crucial safeguard to make sure that our precious water resources are well looked after.

Question negated to.
Bill, as amended, agreed to.
Bill reported with an amendment; report adopted.

Third Reading

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (13:54): I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Fair Work (Registered Organisations) Amendment Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RHIANNON (New South Wales) (13:55): I am continuing my speech on the Fair Work (Registered Organisations) Amendment Bill 2014. Yesterday, when I began my speech, I detailed General Abetz's military style operation with attacks on three fronts and how this would be welcome news for the coalition's constituency, the big end of town. The loss of
Work Choices and the ABCC would still cause the coalition pain. The coalition know it would still cause the big end of town pain and they know their coalition government has a lot of ground to make up.

Let us remember a bit about the ABCC. It was one of the most biased of the so-called independent agencies any Australian government has ever established. We knew it was bad under the Howard government, but the Abbott government wants it to be even more extreme. During the reign of the previous ABCC, deaths of construction workers increased. Now the current government wants the new ABCC to have wider powers and for there to be reduced union representation and fewer safety measures on the job. Under Abbott's ABCC, a union could be fined more for stopping over a workplace death than an employer would be if they—

Senator Ronaldson: Mr Acting Deputy President, I rise on a point of order. That was the second time in a minute. First there was a reference to Minister Abetz, and now to the Prime Minister. The senator should know what the protocols of this place are. I ask that she observe them.

The ACTING DEPUTY PRESIDENT (Senator Dastyari): Senator Rhiannon, I remind you of the protocols of this place, to address people by their proper titles and to speak through the chair.

Senator RHIANNON: Under the current government's ABCC, a union could be fined more for stopping over a workplace death than an employer would be if they were ever convicted. It is interesting that it was at that point that the interjection came. So a unionist could be jailed but not the employer—and the Prime Minister tells us that he leads a good government and Senator Abetz makes out that he cares for people.

Interrogations under the ABCC would be conducted in secret. If you are interrogated, you cannot tell anyone about it, not even your partner or family, your fellow workers or your union representatives. If you will not attend the interrogation, you can be jailed for six months. There is nothing equal, in any aspect of the industrial relations work of this government, between unions and corporations.

Senator Abetz, in prosecuting his war, adopts his take-no-prisoners approach, even to the natural allies of the conservatives: many businesses. It was in January last year that the senator let fly in his Sydney Institute address, complaining about what he called 'weak-kneed employers' caving in to unreasonable union demands. Talk about arrogant and revealing!—arrogant as here is a senior Abbott government minister telling companies he knows their business better than they do with regard to what should be paid to their workers; and revealing as the minister highlights the government's intent to drive down wages and conditions that workers have a right to. What Minister Abetz and so many of his conservative colleagues cannot handle is that many employers recognise that their workforce has the right to join a union and that this is part of running a productive business.

MATES in Construction, now a nationwide organisation backed by the CFMEU and some key construction companies, is a suicide prevention program aimed at the Australian construction industry. A report on suicide in the Queensland commercial construction industry found that suicide rates in the industry were higher than the Australian average for men; alarmingly, youth suicide rates within the industry could be nearly 2.4 times higher compared with other young Australian men. In Western Australia, Multiplex, Mirvac and
John Holland projects are at MATES accredited sites. That is a positive program—again, the sort of thing that Senator Abetz just ignores all the time—where unions and construction companies are working together.

When I was in state parliament, MPs were invited to work with a small business, and I found it enjoyable and informative. Something similar at a federal level would be useful, where MPs and senators could join a business workforce for a day. I think Senator Abetz would learn a lot from a day at a construction site like Barangaroo.

Senator Abetz: I've been there!

Senator RHIANNON: But did you work? But, as I guess that would not be his first choice, what about a day's work at a chicken factory? This would provide an opportunity for the minister to understand the nature—

The PRESIDENT: Order! It being 2 pm, we will proceed to questions without notice.

QUESTIONS WITHOUT NOTICE

Defence Procurement

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:00):
My question is to the Minister representing the Prime Minister. I refer to reports in The Australian today that extensively outline that Japan believes it already has a deal to build Australia's new submarines. I quote:

While Japan wants to sell submarines to Australia, Tokyo does not want to be part of a formal open tender process demanded by South Australian MPs.

Has the Prime Minister made yet another 'captain's pick' and agreed to have Australia's next submarine fleet built by Japan?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:01): I have indicated to the chamber what the Prime Minister's words are, and that is that 'any Australian company that can credibly meet the requirement will be considered on merit, as will potential international partners.' That is the situation. I previously did get up to make a comment in relation to this, but can I indicate that that is the government's decision and it remains the government's position.

Senator Wong: Mr President, I thought Senator Abetz in fact said no at the start of his answer. I do not know that the microphone is on, but it might be useful for Hansard purposes to ensure that that was in fact recorded.

The PRESIDENT: Thank you, Senator Wong. We will take that into account with Hansard.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. Can the minister confirm that draft talking points, draft media releases or any other draft supporting documents have been prepared in the Prime Minister's office, the Prime Minister's department, the new defence minister's office, the old defence minister's office or the Defence Department announcing that Australia's new submarines will be built by Japan?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:02): I personally cannot confirm that.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:02): You could take that on notice, minister, to confirm it. Mr President, I ask a further supplementary question. Given the minister's refusal to confirm whether the Prime Minister has already made a captain's pick on submarines, does he agree with Senator Sinodinos, who told Sky News yesterday 'It's a matter that does need to be cleared up'? When is the Prime Minister going to come clean on what he has promised Japan on submarines?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:03): Any discussions in relation to the acquisition of such an important defence capability, of necessity, need to be dealt with in a sensitive manner and not with the bull-in-a-china-shop attitude of the shadow minister for defence, Senator Conroy, whose behaviour we have seen on display at Senate estimates attacking high-level men in uniform. So let's not pretend there is any sensitivity for matters defence from the shadow minister for defence. The situation is clear. We are working through it in a methodical, purposeful manner, a manner that would be completely foreign to the shadow minister who presided over the debacle of the NBN and the Australian national overseas TV network, on which the Auditor-General had plenty to say about you, Senator Conroy. (Time expired)

Trade with China

Senator BACK (Western Australia) (14:04): My question is to the Minister for Human Services, representing the Minister for Trade and Investment. Will the minister update the Senate on how the recent China-Australia free trade agreement has been received by Australian industry?

Senator PAYNE (New South Wales—Minister for Human Services) (14:04): I thank Senator Back for his question and for his particular interest in this important area of Australian trade and investment. The landmark China-Australia free trade agreement, or ChAFTA, will unlock substantial new benefits and new jobs for Australians for years to come. In fact, industry has been universal in their praise of the agreement. The Business Council of Australia said:

This historic agreement is a transformative moment for the Australian economy. It puts many of our most important sectors on a more competitive footing internationally and gives Australian companies enormous scope to boost trade and create jobs.

The Australian industry Group said:

The agreement announced will provide Australian business with more export and investment opportunities through opening up access to the large Chinese market whilst seeking to ensure that appropriate safeguards have been included for local industry.

The Winemakers Federation praised the much awaited free-trade agreement with China, saying it 'seals this year's trade triffecta and has the potential to add tens of millions of dollars to the Australian wine industry's export earnings'. All of those levels of support were universal in their praise for the trade agreement.
What ChAFTA will do is add billions of dollars to the economy, create jobs and drive higher living standards for Australians. In fact, it will make sure that Australian businesses have unprecedented access to the world's second largest economy. It greatly enhances our competitiveness in key areas like agriculture, resources and energy, manufacturing, exports, services and investment. Frankly, given the achievement of the trade trifecta by this government in the short period we have been here, and the absolute lack of achievement on the other side in six years of government, it is a very significant achievement indeed.

Senator Wong: Mr President, the China-Australia free trade agreement has not been made public, and I would ask that the minister table it if she is so interested in spruiking it.

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

Senator BACK (Western Australia) (14:07): Mr President, I ask a supplementary question. I ask the minister if she will inform the Senate how the China-Australia Free Trade Agreement will open up new opportunities for Australian exporters.

Senator PAYNE (New South Wales—Minister for Human Services) (14:07): I thank Senator Back for his supplementary question. On the full implementation of the ChAFTA, 95 per cent of Australian goods exports to China will be tariff free. Significantly, tariffs will be abolished for Australia's $13 billion dairy industry. Australia's beef and sheep farmers will also gain from the abolition of tariffs ranging from 12 to 25 per cent. Tariffs will also be eliminated on a wide range of Australian manufactured goods, including pharmaceutical products and car engines. In this achievement, the Australian government has secured the best ever market access provided to a foreign country by China on services, with enormous scope to build on an export market that is already worth $7 billion. This means more jobs and it means higher living standards for Australians as well.

Senator BACK (Western Australia) (14:08): Mr President, I ask a further supplementary question. I ask if the minister could advise the Senate how the China-Australia Free Trade Agreement demonstrates that Australia is open for business?

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Senator PAYNE (New South Wales—Minister for Human Services) (14:09): That is the problem, isn't it? We have achieved in 12 months what those opposite could not achieve in six years. In fact, negotiations with this free-trade agreement started under the Howard government and were concluded by this government.

Senator Cameron: Mr President, on a point of order: the minister is misleading the Senate, because no-one has seen this agreement. I bet the minister has not seen the agreement either.

The PRESIDENT: That is a debating point. There is no point of order.

Senator PAYNE: As I was saying, and I am very pleased to reiterate this, we have achieved in 12 months what those opposite could not achieve in six years. We are building on trade deals already concluded with Korea and Japan. The ChAFTA forms part of this very powerful trifecta of agreements with Australia's three largest export markets, which account for more than 61 per cent of our exports of goods. This trade trifecta is absolute proof that we
are open for business. It means more jobs and higher living standards for Australians. That is something that those opposite could not achieve.

**East West Link**

**Senator KIM CARR** (Victoria) (14:10): My question is to the minister representing the Minister for Infrastructure and Regional Development, Senator Cash. I refer to the Prime Minister's pre-election promise that the government would require all Commonwealth-funded projects worth more than $100 million to undergo a cost-benefit analysis. Can the minister confirm that the government has agreed to pay $1.5 billion to the former Victorian Liberal government for the East West road project without assessing the business case or the project's cost-benefit ratio?

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:11): I thank Senator Carr for the question, because what it gives me the opportunity to do in particular is to highlight exactly what this government is doing—unlike the former government—which is, obviously, delivering the infrastructure—

**Senator Moore:** Mr President, I raise a point of order on direct relevance. Maybe the minister has found the page now, but I will continue with the point of relevance: it is a very specific question about the decision to fund the Victorian Liberal government for the East West road project without the preliminary process and not an opportunity to preach on what had happened before.

**The PRESIDENT:** The minister had barely commenced her answer.

**Senator CASH:** In terms of the East West Link, I can confirm that the Australian government is investing over $7.6 billion in infrastructure projects in Victoria from 2013-14 to 2018-19. The Australian federal government and the Victorian government signed a national partnership agreement which includes the construction of the East West Link and a $3 billion Australian government contribution to the project. I would have thought that was actually a significant contribution by the federal government.

**Senator Moore:** Mr President, again, I have a point of order on direct relevance: the question relates to the assessment of the business case of the East West project. The minister has given us a litany of what was spent and nothing to do with the business case.

**The PRESIDENT:** I will remind the minister of the detail of the question. The minister has one minute and eight seconds left in which to answer the question.

**Senator CASH:** I think the bigger question actually is whether or not the Victorian government—

**Senator Moore:** Mr President, again, I have a point of order on direct relevance: we do not want the bigger question, we actually want the answer to the question that Senator Carr asked.

*Honourable senators interjecting—*

**The PRESIDENT:** Senator Moore, the point of order you raised six seconds ago was correct. I have reminded the minister, but I cannot agree with your point of order now—she has had only six seconds on her feet. I think we have to give the minister a little longer to determine whether she is going to answer the question.
Senator CASH: Quite frankly, I think Labor feigns indignation because if they were particularly concerned about the East West Link and about protecting government interests in their project, maybe they might want to ask their Victorian state colleagues why they are doing everything in their power to pay $1.2 billion—

Senator Wong: Mr President, I rise on a point of order on relevance. It was a very simple question, and the question was whether the minister representing the Minister for Infrastructure could confirm that the money was paid without an assessment of the business case or the project's cost-benefit ratio. That is the only question, and she has consistently avoided that question.

Senator Ian Macdonald: Mr President, I want to respond to the point of order. I want to help the Labor Party by explaining why they are wrong, and I want to help them because clearly they have run out of questions and they are going to take up time by making frivolous point of order.

The PRESIDENT: That is not a point of order, Senator Macdonald. On Senator Wong's point of order, I remind the minister that she has 45 seconds left in which to answer the question, and I do remind her of the detail of the question.

Senator CASH: Maybe those on the other side could show a little bit more concern and talk to their own colleagues in Victoria about why they want to spend $1.2 billion on not building a road.

Senator KIM CARR (Victoria) (14:16): Mr President, I ask a supplementary question. I ask the minister again: did the government agree to pay the $1.5 billion without a business case or a cost-benefit analysis? I note that the project will only return 45c to the economy for every dollar spent. How can you possibly justify advancing $1.5 billion on the last day of the financial year and yet claim a budget emergency?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:17): This is a Victorian Labor senator, a former minister, coming into this place with the audacity to champion against a project that would create approximately 6,000 jobs for Victoria.

Senator Kim Carr: Mr President, on a point of order on relevance: a very specific question was asked about whether or not the government had paid $1.5 billion without a business case or a cost-benefit analysis for the project being undertaken. I would like an answer to that question, not a character reference from this minister.

The PRESIDENT: Thank you, Senator Carr. The minister has 35 seconds in which to answer the question, and I remind the minister of the question.

Senator CASH: There was a very long question and it was not just about what Senator Carr has said—he mentioned the words 'budget emergency.' Let me tell you why you are responsible for creating budget emergencies. You come into this place and you actively champion against the creation of jobs for Victorians but what is worse is that you come into this place and you justify the Victorian state government saying 'We are going to throw away—

Senator Moore: Mr President, I rise on a point of order on direct relevance to the question. The minister now has eight seconds. We want to know about the business case.
The PRESIDENT: Minister, you have eight seconds left in which to answer the question, and I remind you of the question.

Senator CASH: It is $1.2 billion not to build a road, and the next question will be, why doesn't the Commonwealth government invest more in Victorian roads. *(Time expired)*

Senator KIM CARR: Mr President, I ask a further supplementary question. Given that we have a Prime Minister who is happy to trade submarines for votes, is this project not just another example of a government that ignores due process and diligence in order to advance its own political interests?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) *(14:20)*: No, it is not. This government is committed to ensuring that there are jobs in place for Victorians. Unlike you on the other side, this government is committed to ensuring that taxpayers' money is spent appropriately. How can you possibly, as a senator for Victoria, come into this place and actively justify your state government handing back $1.2 billion of Commonwealth money because it does not want to build a road? I am sorry, Mr President, but that defies any form of logic.

Asylum Seekers

Senator HANSON-YOUNG (South Australia) *(14:20)*: My question is to the minister representing the Prime Minister, Senator Abetz. Minister, the Human Rights Commission report *The forgotten children* shows that one in three children in detention are suffering from serious mental health disorders, with children as young as three being diagnosed with clinical depression. There are of course hundreds of cases detailed in this report of the specific abuse of children. It is clear from the evidence that the detention of children is harmful.

*Government senators interjecting—*

The PRESIDENT: Order on my right!

Senator HANSON-YOUNG: I know that not one of us in this place wants to see the abuse of children continue.

*Senator Ian Macdonald interjecting—*

The PRESIDENT: Senator Macdonald!

Senator HANSON-YOUNG: I find it extraordinary that even after such a serious report members of the government are not prepared to listen.

The PRESIDENT: Go to your question, Senator Hanson-Young.

Senator HANSON-YOUNG: Will the government commit to a bipartisan approach to legislating an end to the indefinite detention of children and getting the children who have been forgotten on Nauru out of there, away from harm, to ensure that no more damage is done?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) *(14:23)*: If the honourable senator were genuinely concerned about children in detention, she would be mindful of the fact that, when the Labor government came to power in 2007, there were zero children in detention on Christmas Island. There were 155 children in detention on the mainland. Children in detention when Labor came to office in 2007: zero. Children in
detention when the Labor-Greens government left office in 2013: 1,342, having peaked at 1,992 under the policies that Senator Hanson-Young championed. Can I remind her not only of the numerous children in detention as a result of that—

Senator Di Natale: Mr President, I raise a point of order. I think Senator Abetz has just misled the parliament—

The PRESIDENT: That is not a point of order.

Senator Di Natale: The Greens voted against the legislation every time—every time!

The PRESIDENT: Senator Di Natale, that is not a point of order. That was a debating point. Senator Abetz, you have the call.

Senator ABETZ: The simple fact is that, on every single occasion that the Australian Greens had the opportunity, they kept the government in power that put those children into detention—and you know it. And what is more, very, very, very sadly, that is why we as a government were so committed to breaking the racket of people smuggling, that criminal activity of people smuggling, because not only did it see children ending up in detention; it also regrettably saw children ending up at the bottom of the sea. That is why we as a government are absolutely perplexed that the Labor Party and the Greens, if ever given power again, would combine to ensure that the temporary protection visa and other border protection policies that we have implemented would be repealed. When confronted with the fact of deaths at sea— (Time expired)

Senator HANSON-Young (South Australia) (14:25): Mr President, I ask a supplementary question. The Human Rights Commission report is impartial and evidence based. It draws on expert opinion and the immigration department's own medical records. Isn't it time for the government to stop its disgraceful and politically motivated attack on the commissioner, Professor Triggs, and her commission and instead focus on the report's harrowing statistics? What is this government going to do to end the abuse?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:26): The Human Rights Commission, quite frankly, has not covered itself in glory in the way that it has dealt with this issue. At a time when children in detention were increasing by the hundreds virtually every month: 'Nothing to be seen here, move on.' When we stopped the criminal people-smuggling activities, when the children in detention were absolutely declining at a faster rate than, I think, ever before and we were getting them out of detention, all of a sudden we needed a review. Can I indicate that I personally expressed that view to the human rights commissioner, Professor Triggs. I do not think she has, with respect, done the Human Rights Commission any favours. Having said that, I am willing to accept that she is good-hearted, but I think she has been very unwise in the way that she has handled this matter. I do not think, Senator, you will do well to rely on this report— (Time expired)

Senator HANSON-Young (South Australia) (14:27): Mr President, I ask a further supplementary question. How does the coalition government address the lifelong psychological damage that has been inflicted on the children by successive governments? It is important to note that this report talks very clearly about the damage today and for the decades previously.
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:27): Clearly, no Australian likes to see a child in detention. That is why we as a government sort to put an end to the criminal people-smuggling business, and I believe that we have gone a long way towards achieving that goal, if we have not actually already achieved it, with no successful boat arrival in the past six months. But let’s be absolutely clear on this: I find it astounding that Senator Hanson-Young can make all these emotional pleas in this place; yet, when confronted with a question about people dying at sea, do you know what her answer was? 'Accidents happen.' No tear shed on that occasion, just brushed off: 'Accidents happen.' I think the words speak so much louder than her tears. (Time expired)

Veterans: Legal Aid

Senator CAROL BROWN (Tasmania) (14:28): My question is to the Minister for Veterans' Affairs, Senator Ronaldson. I refer to the Abbott government's decision to cut $15 million from legal aid in last year's budget. I also refer to Ms Jane Needham SC, President of the New South Wales Bar Association, who said that, as a result of these cuts: Veterans and their families will no longer be funded to retain private lawyers in cases where they challenge decisions of the Australian Government in the Administrative Appeals Tribunal for a pension or Gold Card. Is Ms Needham correct?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:29): I thank the honourable senator for her question. As the honourable senator will appreciate, I am not the responsible minister for handling legal aid, and I have not seen that report—

Senator Wong: I presume the vets have written to you.

The PRESIDENT: Ignore the interjections, Minister.

Senator RONALDSON: Senator Wong, I am trying to answer the question and you, as you always do, just keep constantly interjecting.

Opposition senators interjecting—

Senator RONALDSON: You plead concern for the veterans, and then you behave like this. I am trying to answer Senator Brown's question. If you let me do so, I will do so rather than constantly—

Opposition senators interjecting—

The PRESIDENT: On my left! Order!

Senator RONALDSON: I am not aware of these comments. I will go back and have a look at them and see what exactly was said. I do not accept the premise of your question; you will accept that. But I will go back and check it. But this does give me the opportunity to talk about something that did dramatically impact on veterans about three years, and that was the Building Excellence in Support and Training program. This is a program that provides support to veterans right across Australia, and without any—

The PRESIDENT: Pause the clock. There is a point of order, I assume.
Senator CAROL BROWN: Mr President, a point of order on relevance—and I appreciate the minister saying that he does not know the answer to the question and he does not know whether Ms Needham is correct: but he then continues on and answers his own question. Either he has finished and sits down and lets me ask my next set of questions or he answers the question I asked.

The PRESIDENT: Senator Brown, the minister did indicate that he did not agree with the premise of your question and that he would seek further advice. The minister is entitled to continue, but the minister—

Senator Kim Carr interjecting—

The PRESIDENT: Order! How I am supposed to rule on a point of order if I get constant interjections? The minister has 25 seconds left in which to complete his answer if he wishes to. I will be listening to the minister's response. It is hard for me to judge the content of a minister's answer. I can only listen to what the minister says.

Senator RONALDSON: As I said before, if we are going to talk about support to veterans and removing support to veterans, I ask the Australian Labor Party—and the senator asked this question—how you could possibly justify removing $1 million without any notice from the advocacy and welfare services provided to Australia's veterans, which actually stops them getting to the stage where they might need to access legal aid. So, this is pure hypocrisy, and you should apologise to the veterans. (Time expired)

Senator CAROL BROWN (Tasmania) (14:33): Mr President, I ask a supplementary question. The Attorney-General has previously claimed that the government's budget cuts would not affect front-line services. Isn't protecting the rights of war veterans to access their lawful entitlements a front-line service?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:33): I am advised that the government will provide $1.3 billion over the next four years to support front-line legal services to vulnerable Australians, but I cannot add anything further to my earlier comments that I will go back and look at the comments you are referring to. But, Senator, what you need to understand is that these advocacy and welfare services provided under BEST actually go to organisations right throughout the country. And guess what these organisations do? They actually provide assistance to veterans to help them process their claims and applications and work their way through issues they might have. All you did, Senator, in your government—

The PRESIDENT: To the chair.

Senator RONALDSON: was take $1 million out without any explanation at all—no explanation at all—and you remove the opportunities for veterans to get the support that they require from their own. This is crocodile tears, this is a very silly question, and you should, quite frankly, next time refuse to ask questions like this. (Time expired)

Senator CAROL BROWN (Tasmania) (14:34): Mr President, I ask a further supplementary question. Regardless of the minister's crocodile tears, I ask: given the government's decision to cut the real wages of ADF, isn't this another example of a government that puts the interests of men and women who have served their country last?
The PRESIDENT: Senator Brown, that question probably did not directly relate to the primary question. I will allow the question, but questions do need to be phrased and scoped within the context of the primary question.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:35): Well, of course it did not relate to it, but I will tell you what does relate to it, and that is what was done in your home state of Victoria, Senator Brown—

Opposition senators interjecting—

Senator RONALDSON: of Tasmania—where the best—

Opposition senators interjecting—

The PRESIDENT: Order on my left! I have paused the clock. We are all getting a bit tired; it is the last day of the first week. Senator Brown, did you have a point of order?

Senator Carol Brown: No. I was claiming that the minister was reflecting on me, because I am not a Victorian—and I don't want to be!

The PRESIDENT: Minister, had you concluded your answer?

Senator RONALDSON: No.

The PRESIDENT: Well, I will call you again, and I will remind you that Tasmania did found Victoria.

Senator RONALDSON: Thank you, Mr President, and I also humbly apologise to my relatives from Tasmania, who will be equally appalled at my comments. But perhaps I could return to the BEST funding, Senator Brown, from Tasmania. If you go back and ask the veterans in Tasmania what the outcome was of those dramatically reduced BEST funding arrangements, they will tell you that it has completely decimated the advocacy and welfare services in the state of Tasmania. And if you are really serious about assisting veterans, you will go back and make inquiries about what was done and you will find that what I told you is absolutely right. (Time expired)

Defence Procurement

Senator XENOPHON (South Australia) (14:37): Mr President, my question is to the Leader of the Government in the Senate and the Minister representing the Prime Minister. Given the critical role and interest that the Prime Minister's office has in the Future Submarine project, is the Prime Minister's office aware that while on a tour of European and Japanese submarine manufacturers in late 2014—in particular, in November and December 2014—the Defence Materiel Organisation, the DMO, expressed to one or more of the submarine manufacturers a clear view that actually questioned Australia's capacity to build the future submarines in Australia? Will the minister unequivocally repudiate any such view that Australia does not have the capacity to build its future submarines?

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): It is difficult to comment on hearsay from an unnamed source. That leaves me, I must say, at some disadvantage in responding to the senator's question. However—

The PRESIDENT: Pause the clock.
Senator Xenophon: Mr President, I rise on a point of order as to relevance. I am not asking the minister to comment on hearsay; I am asking what his knowledge is of the Prime Minister's office being aware of these alleged statements.

The PRESIDENT: I think it would be fair to say that the minister has commenced his answer and is directly answering your question. He has one minute and 46 seconds left to go. It was fairly early to take a point of order of that nature.

Senator ABETZ: With respect to Senator Xenophon, his question did have a very long preamble, and I am dealing with the preamble in relation to the suggestions made. In relation to the Defence Materiel Organisation, I have no advice as to whether that was said or not said or whether that is their view. However, I can share with Senator Xenophon that the Prime Minister's, and the government's, view is that any Australian company that can credibly meet the requirements will be considered on merit—as will potential international partners—in this very important task of creating a defence capability of submarines. Irrespective of how that occurs, there will be huge job opportunities in the shipbuilding sector and the ship maintenance sector of the South Australian economy. Something that should never be overlooked as we go about this very important and, if I might say, very expensive acquisition is that we do the right thing by the nation's defence needs and also by taxpayers' dollars and, of course, that we do everything that we can to ensure jobs in South Australia.

Senator XENOPHON (South Australia) (14:40): Mr President, I ask a supplementary question. Can the minister advise: if the DMO questioned Australia's capacity to build its future submarines to overseas submarine manufacturers, is that a comment—if such a comment was made—that the minister and the government would repudiate?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:41): As I said before, I cannot comment on that of which I have no information, other than hearsay and an allegation from an unnamed source, as to what the DMO did. From the government's point of view, we are looking for a competitive evaluation process which will include—and I repeat—that any Australian company that can credibly meet these requirements will be considered on merit, as will international partners. Therefore, Australian companies will have an opportunity to be part of this process. Given that is the Prime Minister's view, one assumes that it is believed that Australian companies may well be able—

Senator Cameron: You've been branded a liar, mate.

The PRESIDENT: Senator Cameron, you will have to withdraw that.

Senator Cameron: Mr President, I did not brand him a liar; Mr Briggs branded him a liar.

The PRESIDENT: You were repeating that; it is unparliamentary. I expect you to withdraw that please, Senator Cameron.

Senator Cameron: If it helps the Senate, I withdraw.

The PRESIDENT: It does. Thank you, Senator Cameron. I am sorry, Minister, I interrupted your answer there—or Senator Cameron did. Minister, had you concluded your answer?

Senator ABETZ: Yes, I had.
Senator XENOPHON (South Australia) (14:42): Mr President, I ask a further supplementary question. Can the minister confirm whether the National Security Committee of Cabinet has considered the Future Submarine project? I emphasise that I am not asking for the details of the deliberations, but just as to whether or not the issue was deliberated by the National Security Committee of cabinet.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:42): As the honourable senator may be aware, I am not a member of the National Security Committee of cabinet, but I think we would all be surprised if this issue had not been floated, if I can use that term, at the NSC and discussed. However, I can indicate to the senator that I am advised that no decision has been made as to the number of submarines, the type of submarines or the construction of the submarines. Once a decision is ready to be announced, it will be announced.

Shipping

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:43): Mr President, my question is to the Leader of the Government in the Senate, Senator Abetz. Can the minister outline why reform to coastal shipping legislation is needed, particularly for my home state of Tasmania?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:43): I thank Senator Bushby for his question and note that he is the only holder of a Graduate Diploma of Business Shipping from the Australian Maritime College in the federal parliament, so he comes to this issue with some qualification. Since Labor's new coastal trading act, which commenced in 2012, there has been a massive 64 per cent reduction in the deadweight tonnage of Australian flag vessels. Despite Labor claiming that its plan would 'promote a viable shipping industry' the amount of coastal freight loaded at Australian ports has continued to fall at an average of 2.4 per cent each year, placing a lot more goods and containers on Australian roads. Shippers have said that container rates from Melbourne to Brisbane are almost twice that of Melbourne to Singapore. The result of this drop in shipping activity is a dramatic increase in the freight and demurrage rates applying to Australian ships. These facts are of significant concern right around Australia but in particular in our home state and Senator Bushby's home state, where geography dictates a reliance on shipping, making shipping vital to trade and therefore to the viability and growth of Tasmanian businesses and jobs.

The Launceston Chamber of Commerce says that Labor's new scheme meant: 'Northern Tasmania has suffered considerably from increased costs and timeliness for exports and imports of freight.' Bell Bay Aluminium in Tasmania, employing about 500 staff, has reported a 63 per cent increase in shipping freight from Tasmania to Queensland.

We need to protect Australian manufacturing jobs, and the coastal shipping act is not serving that. (Time expired)

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:46): Mr President, I ask a supplementary question. Can the minister inform the Senate of any reasons for the deterioration in the viability of the Australian shipping industry?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:46): The Australian shipping industry has suffered from a decline in activity over the past 15 years. Labor’s 2012 reforms worsened and accelerated the situation in their failed attempt to protect jobs on behalf of their friends in the Maritime Union of Australia. In attempting to protect MUA jobs, the Labor Party is jettisoning hundreds, if not thousands of Australian jobs whose products rely on coastal shipping. The Productivity Commission has now found that the justification for the 2012 reforms was—and they were very polite—‘questionable’ and that higher shipping costs in Tasmania and the impacts on Australian businesses generally require urgent attention to reinvigorate competitiveness in Australian shipping. Labor’s ill-conceived licensing system has killed off hundreds of jobs in Australian industry. (Time expired)

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:47): Mr President, I ask a further supplementary question. Can the minister inform the Senate of steps the government is taking to improve the operating environment for Australian shipping?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:47): Yes I can, and I thank Senator Bushby for his question. The coalition government is acting to help restore the good health of the Australian shipping industry and fix the mess left by Labor. Australia needs a strong shipping industry in order to support Australian jobs in manufacturing, transport and other sectors. In April 2014, the government released an options paper and called for submissions on the state of the shipping industry. We received 85 submissions, the majority of them calling for reform of the current arrangements. It should not be cheaper to transport goods to Singapore than it is to send them to Brisbane. The government is considering these submissions and continuing to consult on ways to develop a more flexible framework to reduce costs and restore competitiveness to the Australian shipping industry. It is only a coalition government that will reform industry regulation to put the needs of Australian workers first. (Time expired)

Iraq and Syria

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:48): My question is to Senator Abetz, the Minister representing the Prime Minister. Given the serious danger in which the government is putting our men and women in the armed services by sending them to Iraq and in light of President Obama’s request to congress to authorise endless war against anyone he wants wherever he wants, has there been any approach to the United States or from the United States for Australia to expand or increase our military engagement in Iraq or beyond Iraq? If so, when and what has transpired?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:49): In relation to the specifics of the question, I will take that part on notice. I am not aware of any such requests, but I will take that part on notice. But, in general, let me make this very, very important point: we as a government will join with all the other democratic and peace-loving countries of the world to try to eradicate evil which is, unfortunately, creating a presence in Syria and Iraq. We have seen not only the evil of that movement played out there but also adherents to it locally. We have seen it around the world as well. We have a duty not only to ourselves but to the world community to ensure that this evil does not get a foothold, and
therefore I am—as is the government, as are all my colleagues—committed to ensuring that that which needs to be done is done to eradicate that evil.

As a result, we are happy to join with other countries such as Iraq, noting that Iraq has a very senior government representative here in discussion with our very own Minister for Foreign Affairs today. I understand that official will in fact be meeting with the Prime Minister after question time.

So we are concerned to eradicate this evil and work with others. As to specific requests from the United States, I will take that on notice.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:50): Mr President, I ask a supplementary question. Since the Prime Minister committed to send Australians to war in Iraq as soon as the United States did and without any request from Iraq at the time, will the government now rule out categorically any further mission creep, any broadening of the engagement in the war in Iraq, any further boots on the ground or increased scope of combat operations?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:51): I do not agree with the premise of the question, No. 1; but, No. 2, we will do that which is responsible and necessary to deal with the evil of ISIS. If the honourable senator thinks that by stamping feet in this Senate we can somehow repel that evil, I would love to see it, because that of course would be the best methodology. But I think we understand that that does not work—nor does holding hands, singing 'Kumbaya' work. Unfortunately, this evil does need to be dealt with by force, and that is what we as a government are working on, together with a whole coalition of countries right around the world. I regret that the action is necessary but it is necessary, and for the future safety of people right around the world this evil needs to be eradicated. (Time expired)

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:52): Mr President, I ask a further supplementary question. Given that Senator Abetz has not ruled out expanding engagement for Australia in Iraq and Syria, and given President Obama wrote to congress seeking its support for a changed authorisation for military engagement against ISIL, will the government now commit to bringing it to the Australian parliament if any changes are made to the nature and scope of the engagement in which Australia’s men and women of the armed forces are already in Iraq. (Time expired)

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:53): As the honourable senator knows, from time to time the Defence minister makes a statement to the parliament indicating where we are at at any particular stage in any particular situation. To broadcast beforehand that we as a parliament might decide that we will send more planes, more support, to get onto this particular target, can I simply say, that sort of advance warning and notice to the enemy might not necessarily be the smartest or most strategic move. Therefore, I cannot guarantee to the senator that we will be seeking the parliament's approval for the nature and scope of every particular manoeuvre that may or may not be engaged in. The task is to get rid of this evil, and it just beggars belief that the Australian Greens will not—(Time expired)
DISTINGUISHED VISITORS

The PRESIDENT (14:54): Order! I acknowledge, for the second time this week, former Senate President Calvert in the chamber. He obviously did not get enough on the first occasion this week.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Ministerial Expenditure

Senator STERLE (Western Australia) (14:54): My question is to the Attorney-General and Minister for the Arts, Senator Brandis. I refer to reports of the Attorney-General's lavish, taxpayer funded dinner at a topnotch restaurant in London's Corinthia Hotel. Can the minister confirm that he spent $1,100 of taxpayers' money on Laurent-Perrier French champagne, tuna tartare and sea bream clams, followed by a cheeky mousse to finish?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:55): When I visited the United Kingdom in March of last year I hosted an official dinner in honour of leaders of the United Kingdom's arts community. Among the guests at that dinner, of whom there were six people not four as has been erroneously reported, at an approximate cost of $180 per head not $300 per head as has been erroneously reported, was Sir Peter Bazalgette, the Chairman of Arts Council England and Sir Jonathan Mills, the Director of the Edinburgh Festival.

You should know, Senator Sterle, that it is very common for ministers of governments—Labor and coalition—to host official receptions. The restaurant at which the reception was hosted was chosen not by me but by DFAT. It was chosen because it was the in-house restaurant of a hotel at which I was accommodated. That venue was chosen not by me but by DFAT. Senator Sterle, I inquired recently whether or not the Corinthia Hotel is the hotel of choice of the Australian High Commission in London. I was told by the acting high commissioner that, for the last three or four years, all ministers who travelled to London had been accommodated at the Corinthia Hotel. Every minister who has travelled to London, whose travel arrangements have been made by the Australian High Commission, was accommodated at the Corinthia Hotel. That was not their decision; it was the decision of the high commission.

Senator STERLE (Western Australia) (14:57): Mr President, I ask a supplementary question. I refer to the Prime Minister's pre-election promise to, 'stop the waste'. Given that the Attorney has billed the taxpayer for a London dinner costing over $1,000 and constructed yet another set of bookshelves at a cost of $15,000, I ask the Attorney: did you get the memo?

Senator Heffernan: Mr President, I rise on a point of order. Air Services Australia, in your term, spent $30,000—

The PRESIDENT: That is not a point of order, Senator Heffernan, that is a debating point.

Senator Heffernan interjecting—

The PRESIDENT: Senator Heffernan, you have no point of order.
Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:58): For a minister to host an official reception for dignitaries of a foreign government at a venue not chosen by me but chosen by the high commission is hardly an unusual thing to do.

Opposition senators interjecting—

The PRESIDENT: Senator Carr and Senator Bilyk, you are holding up one of your colleagues from asking a supplementary question.

Senator STERLE (Western Australia) (14:59): Mr President, I ask a further supplementary question. I note that the Corinthia Hotel is just a minute’s walk from London’s leading bohemian gentlemen's club, the Savage Club. As a famous Melbourne Savage, does the Attorney-General have reciprocal rights, and was a visit on his itinerary?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:59): I am not familiar with that.

Centenary of Anzac

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:59): My question is to the Minister for Veterans’ Affairs and Minister Assisting the Prime Minister for the Centenary of ANZAC, Senator Ronaldson. Will the minister inform the Senate of the support that the government is receiving from corporate Australia for the Centenary of Anzac?

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:00): Can I thank Senator Fawcett for the question and acknowledge his deep and abiding interest in the Centenary of Anzac. The Australian government is very grateful for the contribution of corporate Australia towards the Centenary of Anzac. With the generous support of companies such as the ANZ bank, the Commonwealth Bank, the National Australia Bank, Telstra and Woodside, together with other companies, the government has, through the Anzac Centenary Public Fund, so far committed some very substantial funds to assist the states with the $45 million redevelopment of Melbourne’s Shrine of Remembrance, the $40 million redevelopment of Sydney’s Hyde Park Anzac memorial, the redevelopment of ANZAC Square in Brisbane and the Memorial Drive project in Adelaide, as well as 100 per cent funding for the projects at the Hobart Cenotaph and the Borella Ride in the Northern Territory. Of course, we built, substantially, the Anzac Interpretive Centre at Albany in Western Australia.

On 27 January this year, I was very pleased to join Qantas CEO Alan Joyce to talk about that company’s commitment to the Centenary of Anzac. Two of Qantas’s founding fathers, Hudson Fysh and Paul McGinness, both fought at Gallipoli, and so it is entirely fitting that this airline, the second oldest in the world, is an active participant in the national period of commemoration. Last year I announced that the widows of First World War veterans would be invited, as guests of the Australian government and the Australian people, to travel to Gallipoli to attend Anzac Day, and Qantas has very generously offered to fly these very special women to Turkey to attend the commemoration. They will fly in a specially chartered Qantas jet. It will be easily recognisable, because it will be the only part of the fleet to carry
the Centenary of Anzac logo at this stage. Qantas, on its international and domestic flights, will also play a series of vignettes about the Centenary of Anzac and sharing stories about our centenary of service. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:02): Mr President, I ask a supplementary question. Can the minister inform the Senate of other support that corporate Australia is providing for our war widows?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:02): Again can I thank Senator Fawcett for the question. If I can just finish off on that previous answer, the Australian government and the Australian people are very grateful to Qantas.

Last year, on behalf of the Prime Minister, I wrote to all the surviving widows of our Gallipoli veterans—who at that time numbered about 140, which is a quite remarkable number—and invited them to be guests of the Australian people and the Australian government at Anzac Day this year. Up to 10 of these ladies, along with a carer, have accepted the offer and, subject to their health and wellbeing being okay in April, they will go to Turkey.

It is interesting that Qantas, as I said before, provided support to the remaining veterans in 1990, on the 75th anniversary of the Anzac commemorations, and now they are providing similar assistance to the widows of those men this year. They will fly these ladies to Turkey, where they will fully participate in all Anzac Day commemorative events, including the Dawn Service. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:03): Mr President, I ask a further supplementary question. Can the minister advise the Senate whether other Australians will be able to purchase seats on this special Qantas flight?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:03): I again thank Senator Fawcett. Indeed they can. It will be special flight QF100, which will go from Australia to Turkey. I will be writing this week, or early next week, to a further 270 Australians, inviting them to go to Gallipoli. They are the rotating part of the ballot. People have said they are not going, so we are continuing to provide Australians with the opportunity to go to this fantastic commemorative event. Can I say to those people who will get that letter that this flight may well provide an opportunity for them to get there. Can I also say to those who are planning to go overseas for commemorative events—whether to Villers-Bretonneux, to Gallipoli or elsewhere—that they should make bookings now, and can I again reinforce, please, for everyone who is travelling overseas, particularly for these commemorative events, to register their details with the Department of Foreign Affairs and Trade Smartraveller service.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator O'NEILL (New South Wales) (15:05): I move:
That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

At the end of this first week when the Prime Minister has now declared that we are in a period of good government, after 520 days of bad government, we see in the answers to the questions that we have received today the failing government that continues to trot out the same old platitudes. The 520 days of bad government simply continues at the end of this first week of the new parliamentary year.

I want to take note in particular of the response to the question from Senator Conroy to Senator Abetz. Senator Conroy asked:

Has the Prime Minister made yet another 'captain's pick' and agreed to have Australia's next submarine fleet built by Japan?

I particularly want to note this one because, for those who might not quite be aware, what we are talking about here is the largest single government project since Federation. So the scale of what we are talking about here with these submarines is nothing to be pushed to the side. We are talking about the single largest government project since Federation. In response to that question—has the Prime Minister made a captain's pick and decided to do a secret, dirty, dodgy deal behind the scenes with Japan?—we had trouble hearing, but it needs to show on the record that the response from Senator Abetz was a clear no to those of us who were here in the chamber. Senator Wong made an effort to make sure that that went on the transcript, and just in case there is a problem I want to make note of it in my response today as well. We have had an assurance now from Senator Abetz that the answer to that question is: no, the Prime Minister has not made a captain's pick. But the truth is going to come out, and that is why it is important that we get this on the record. What we have seen so far with this government is that, day after day, this is a government that says one thing and does another; a Prime Minister who has been caught on too many occasions saying one thing and doing another.

There was also Senator Conroy's supplementary question which went to the fact that we have been led to understand that the Prime Minister's department or some other department of government actually went to the trouble of preparing draft talking points—draft media releases and draft supporting documents—to make an announcement that a deal had indeed been done with Japan. But they are hiding from it; the minister said he could not confirm it and that he is going to take it on notice. It will be very interesting to get a factually accurate and truthful answer to that question, because this is a government that is running away as fast as it can from each of the promises it has made. It is revealing lie after lie, day after day, and the Australian people are absolutely awake to it.

But of all of the questions that were taken today I have to say that in my view the very worst performance was from Senator Ronaldson, who said he was 'simply unaware' of the fact that this government has slashed legal aid funding. He said, 'Yes, there is $1.3 billion going to legal services,' but a cut of $15 million has a very significant impact on the veterans that he is supposed to be representing—not just here in the chamber, but in the cabinet. To be unaware that there has been a cut to the services is an indictment on the minister's lack of awareness of the need to look after the vet community. He has been presiding during a period when they have shut down veterans' offices right across the country. Throughout New South Wales,
there have been too many closures—one in particular in the seat of Robertson on the Central Coast—which has a large vet population—serving the entire population of over 300,000.

Make no mistake, while applauding the efforts of the private sector in supporting a commemoration of Anzac, this government has been slashing services for our veterans. And the most notable of those is the slashing of ADF pay, which is a great disgrace. I am very mindful of the efforts of many senators in this place to call them to redress there. This is a government that is not answering the questions that the Australian people are asking. They are not truthfully answering the questions that are being asked here in this chamber, and today we saw another performance of a government that is out of control—a government in chaos. The only method we see is their coming in every day and denying the mistakes that they have made. Senator Ronaldson’s failure to look after the Defence community—those who have served our country—is on the record again today. His failure to accurately and truthfully represent what he is doing is also on the record today. (Time expired)

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (15:10): Where to begin? In the grab bag of grievance and opportunism put forward by the opposition today in a lame attempt to perform the important role of an opposition holding the government to account, I am not sure where to pick the peak. But I will start with this, Mr Deputy President Marshall: you are a Victorian senator here, as am I. Today we saw from Senator Kim Carr an attack upon the government for actually trying to deliver one of Victoria’s most critical infrastructure projects—the East West Link. This government is proud to have put forward money to make sure Victoria gets its fair share of important nation-building infrastructure. This government has ensured and will seek to continue to ensure that the economic vandalism of those opposite, who seek to tear up contracts signed by the previous Victorian government to deliver this critical road project that will stop Melbourne from coming to a standstill every time a single car breaks down on the West Gate Bridge, does not continue. This government will oppose the efforts of the Victorian government in spending a billion dollars to put 7,000 people out of work—in spending a billion dollars to invoke sovereign risk and make it so that everyone in Australia, and every state and Commonwealth government, will have a risk premium built into their contracts, all because of the actions of the Labor Party.

But that is not what the Labor Party said when this project was first brought forward. In fact, Mr Shorten, the Leader of the Opposition, described the East West Link as ‘crucial to jobs and economic growth.’ He also said Labor would not support the tearing up of contracts, just as the then state Leader of the Opposition, Daniel Andrews, said before the state election. But now that he has been elected, now that the former leader of the opposition has to kowtow to the militant CFMEU thugs in Victoria, what we have is a Labor Party that is determined to tear up a contract and try to pretend this will not invoke not only a cost for Victorians now but a significant cost into the future. Every government until this point has abided by the contracts that previous governments have signed. This government, when confronted with the mess of the National Broadband Network—that was not subject to a full cost-benefit analysis, that was running late, and that was tens of billions of dollars over budget—abided by the contracts and renegotiated them under those terms to deliver a faster broadband network to the majority of Australians.
Yet those opposite, kowtowing to the noisy Greens in the inner suburbs of Melbourne and Sydney—in this case, in particular, in Melbourne—want to deny the right of a Victorian government to effectively ever sign a contract that can be trusted again. Yesterday in the newspaper the Victorian government was threatening legislation to abrogate a contract and to abrogate the terms of that contract. The previous Victorian government was faced with debacle after debacle—in particular, the desalination plant and the myki ticketing system—but that government lived by the terms of the contracts signed by the previous government.

Yet this government in Victoria—the new government—supported by those opposite, comes into this place and criticises this government for delivering Victoria's fair share of infrastructure funding—$1.5 billion to build a 22-kilometre road to relieve congestion in Melbourne. Just as the creation of the Western Ring Road and the Northern Ring Road did in Melbourne in the 1990s and 2000s, this would create massive job opportunities not only in building but by actually increasing work opportunities in what are now sometimes dormitory suburbs. There is a huge logistics business that comes out of western Melbourne now because of the western ring road. There are new manufacturing industries in northern Melbourne because of access to the ring road and the airport. Yet this opposition wants to put 7,000 people out of work and support the tearing up of contracts, despite what they said previously, which is that they would not support that. And they described this project as crucial to jobs and economic growth.

When it comes to submarines, the Labor Party cries crocodile tears, because, if they cared about ASC and if they cared about jobs in Adelaide, they would have done something rather than strip capital expenditure out of the defence budget year after year after year. That saw defence expenditure fall overall to its lowest level since before World War II. The Labor Party is nothing but opportunistic. It is crying crocodile tears for the jobs of Australians.

Senator STERLE (Western Australia) (15:15): I have sat through numerous debates in this chamber over the last 10 years, but, jeez, you hear some beauties in here! And when I say 'beauties' I really have got my tongue in my cheek. When I hear a parliamentary secretary from Victoria use the terminology he has used around job losses, saying that Labor is 'crying crocodile tears', I actually do question the quality of some of the people in this building. If you could feign some sympathy for the terrible announcements by your government that unfortunately see thousands of Australian jobs going, Senator Ryan—through you, Mr Deputy President Marshall—it would not be so bleedingly obvious that you do not care about Australian jobs.

Senator Ryan actually used the word that I was trying to figure out. There are a lot of words that one could wrap one's tongue around to describe this Abbott government, but I will have to use Senator Ryan's word, and it is 'debauch'. And what a debacle we have seen—18 months or 520 days of debacle—in this country! And the saddest part is that as each day goes by, I think: 'Goodness me! No wonder the Australian public have turned off Australian politics!'

When the Prime Minister came in, he had a few three word slogans, like 'grown-up government' and 'no more surprises'. And one of his classics, of course, was 'Stop the boats'. A lot of us thought that 'Stop the boats' was about those poor souls who were paying some of the scum of the world, people smugglers, to bring them in to Australia, but when the Prime
Minister said 'Stop the boats' I had no idea that he meant stopping building Australian boats! I had no idea that 'Stop the boats' actually referred to submarines!

I do not come from South Australia, but I have actually got it really clear: we have seen a debacle, particularly in the last few weeks. We have known that from the downfall of the previous Minister for Defence, Senator Johnston, who, when quizzed in this chamber by Senator Gallacher about Australian jobs at the Australian Submarine Corporation, in attacking Senator Gallacher uttered that infamous line:

… I wouldn't trust them to build a canoe …

And it has just escalated from there. It is just not good enough. If the Prime Minister had—and I do not know whether he has—done a deal with the Japanese to build submarines for Australia, he should have just had the guts to come and face the Australian people and say, 'A deal is done.' But instead he wheeled out poor defenceless Senator Edwards. He is a government senator from South Australia who, I have no doubt, has compassion for Australians' jobs in his state. The Prime Minister wheeled him out, and, under the guise of getting his vote and maybe other South Australians' votes in the leadership contest last Monday, gave him some loose guarantee. Senator Edwards has been trying to defend this. And I have no doubt that Senator Edwards was told by the Prime Minister—and if I am wrong the Prime Minister can come out and defend himself—that he would allow the ASC to enter a competitive tender.

As to the word 'tender'—fine! You can wheel out all the government ministers—and I saw that shocking interview with the now Minister for Defence, Mr Andrews, in which he used the line, when being questioned down there in Adelaide, that he was the minister and he would use the words that he wanted to use, and in which he came out with this phrase 'a competitive evaluation process'. What the hell that means I have absolutely no idea! But if there are some whiz-kids out there who can explain to me how a competitive evaluation process equals a competitive tender then I am all ears—and that is no pun intended when I am having a crack at the Prime Minister!

But, with the greatest respect, and in fairness, it is not just about the jobs that we have seen lost in South Australia in submarine building and shipbuilding and manufacturing; it is also the risk we put our submariners at—not to mention the thousands and thousands of jobs that will be gone in this country, like Australian jobs in the automobile manufacturing industry.

This government, in its time in opposition, used three word slogans like 'grown-up government' and 'no more surprises'. My goodness me—I have never realised how much I have missed truck driving, because at least when you are truck driving and you are out there in the Kimberley and the Pilbara, you are meeting real Australians. I was meeting genuine people. And I cannot put any faith in there being genuine people in this government because they have not even got the intestinal fortitude to face the Australian people and say: 'Yes, we've traded off your job. We've given it to Japan.'

Senator IAN MACDONALD (Queensland) (15:20): If Senator Sterle had spoken to real people in the last 12 months, he would understand that real people, all Australians, wanted to get rid of the job-destroying carbon tax—the tax that sent Australian jobs overseas, including jobs in the motoring industry, under the watch of Senator Kim Carr as industry minister. If Senator Sterle had bothered to speak to any Australians in the last 12 months, he would understand that Australians liked the wealth that the mining industry brought to Australia. But
the Labor Party, with their lackeys in the Greens, put in that mining tax that stopped investment in Australian industry.

I would ask Senator Sterle to have a look at the Bowen Basin. Have a look at Mackay, Bowen, Rockhampton and Townsville now. All those people who worked in the mining industry are now looking for work. All those small businesses that supported the mining industry and supported the economy of Townsville and Mackay are now struggling because of the Labor Party's indifference to the mining industry, and their continuous attacks on those who invest in Australia in mining.

If Senator Sterle had spoken to any Australians, he also would have understood that all Australians have an abhorrence of the unrestricted flow of illegal maritime arrivals into Australia. More importantly, as well as abhorrence, there is despair that so many fellow human beings lost their lives because of the Greens political party and the Australian Labor Party welcoming and supporting criminal people-smugglers, which allowed this to happen in our country.

They are just three very, very important things that this government has addressed. We have stopped the boats, we have got rid of the mining tax and we have given the mining industry a bit of support and encouragement.

On infrastructure, Mr Abbott wants to be known as the 'infrastructure Prime Minister', and I tell you he will be. As I drive the length and breadth of roads in Queensland, I am amazed—and sometimes a little bit annoyed, I might say!—by the enormous amount of work that is being done on Queensland roads, and this is happening elsewhere as well. The Northern Sydney freight corridor; the Great Northern Highway and the North West Coastal Highway in Western Australia; the Midland Highway in Tasmania; the Bruce Highway in Queensland, almost permanently under repair under this government; the Western Sydney Infrastructure Plan; the Pacific Highway in New South Wales: all of these things are actually happening under the current coalition government. And that is just what is happening now. We also have plans for additional roadworks: the WestConnex, the Toowoomba second range crossing, the north-south road corridor in Adelaide—the list goes on.

But the most important thing this government has done is started the long, hard task of turning around the economy after the Labor government's financial incompetence and mismanagement. I remind listeners that, when Labor came to office, they were given $60 billion in credit, $60 billion in the bank, by the Howard Liberal government. At the end of their term, just six short years later, the Labor government had not just spent that $60 billion but run up a debt which, if it had not been corrected, would be approaching $700 billion, costing us some $30 million each and every day—which has to be borrowed—in interest payments. Imagine how many schools, hospitals and roads we could build with $30 million a day, if it had not been for the Labor-Greens alliance's wasteful trashing of the Australian economy.

So we have a big job to do but we do not resile from it. It is going to be tough, it is not going to be popular, but it is something that has to be done because that $700 billion has to be repaid by Australia. Governments themselves have no money; they only use taxpayers' money. Shame on the Australian Labor Party and their Greens allies that they could have put future Australia to that expense. (Time expired)
Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:25): I focus today on the very disappointing answers given by Senator Ronaldson in question time. Senator Brown asked a very legitimate question of Senator Ronaldson in regard to the impact on veterans of the government's decision to cut $15 million from legal aid in last year's budget. That is an important question to ask, and it is our job as the opposition to ask such questions. I understand that, because of the chaos, dysfunction and disunity in the government, Senator Ronaldson may well been distracted this week; but the way he handled Senator Brown's question was absolutely abysmal.

First of all, he commented that he did not agree with the premise of the question. Well, that is fair enough. But he then went on to comment that he thought it was 'a very silly question'. I do not think that asking questions about the reduction of any sort of funding to support veterans—and if it is not happening he could have just said, 'No, it's not happening'—is 'silly'. Does the minister think that veterans are not worthy of legal aid? Why else would he call it 'a very silly question'?

We know there is chaos and confusion on the government side of this chamber. We have seen it all week. We know they do not talk to each other, obviously. The minister does not know what is going on in his own portfolio. He does not even appear to know which senators are from his own home state. How atrocious is that? If we talk to high-school students, between them they can usually tell us the names of the senators from their home state. Here is a senator who does not even know which state Senator Brown comes from. Actually, I am not concerned that he did not know which state Senator Brown came from; I am concerned that he did not know that she was not from his state. I find that a bit strange. I know who all the government senators from my state of Tasmania are and I find it passing strange that Senator Ronaldson does not. I am wondering what else Senator Ronaldson might have had on his mind—if there are still things going on over on that side in regard to leadership challenges that Senator Ronaldson might be focused on.

As I said, it is pretty unfortunate that the Minister for Veterans' Affairs could not have given a more satisfactory answer, because it is an issue of utmost concern. Both the New South Wales Bar Association and the Australian Bar Association have condemned the cruel and unnecessary cuts that Minister Ronaldson's government have made to legal aid. We know that these cuts have impacted on the people that Minister Ronaldson is meant to protect—that is, veterans and their families. The New South Wales Bar Association commented recently:

Veterans and their families will no longer be funded to retain private lawyers in cases where they challenge decisions of the Australian Government in the Administrative Appeals Tribunal for a pension or Gold Card.

They continued:

It is troubling that war veterans and their families may face the prospect of not having legal representation or legal representation of their own choice when challenging decisions of the Commonwealth in relation to pensions and the Gold Card. In these very same cases the Commonwealth is routinely represented by lawyers of its choice.

I am sure that many senators have helped constituents who have been disadvantaged by an erroneous decision made by a government department or agency—I know I have. However, removing funding for a program that helps veterans and their families—amongst many other groups, I might add—is unfair and completely unnecessary. I can just imagine a poor war
Asylum Seekers

Senator HANSON-YOUNG (South Australia) (15:30): I rise to take note of the response from Eric Abetz to my question in relation to—

Senator Ruston interjecting—

The DEPUTY PRESIDENT: Yes, I was just waiting for Senator Hanson-Young to finish what she was saying and then I was going to draw her attention to the fact that she should refer to Senator Abetz as 'Senator Abetz' or 'Minister'.

Senator HANSON-YOUNG: Of course, let me start again. I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Hanson-Young today relating to the Australian Human Rights Commission report, Forgotten Children.

I rise today to speak to the answer from Minister Abetz in relation to my question concerning the Forgotten children report, which was released, as we all know, in this place last night. I am appalled at the response from the senator in relation to this issue, as well as from the Prime Minister when he was asked questions about this report earlier today. I do not think there is anything more serious than the way a government and a parliament treat people in our care. We have a report, based on medical reports and findings and the immigration department's own documentation, that says that one in three children in immigration detention are suffering serious mental health districts, children as young as three years old are being found clinically to have depression and seven-year-old children are being prescribed sleeping tablets to deal with the mental torture they face every day in detention. These are not things that we can simply turn a blind eye to and laugh off. The response from the minister to the very serious questions I asked in this place during question time today, the laughing and jibes that came from government senators—they should be ashamed of themselves. They should be absolutely appalled by their behaviour.

This issue is by its very nature highly political. I think the Australian public are sick and tired of the politicking on. When it comes to the treatment and care of children it is time that we faced the facts that have been there for decades: the detention of children is harmful, dangerous and creates lifelong suffering. In this report is documentation of sexual abuse, physical abuse and mental torture. This is not something that should be laughed off or put on a shelf somewhere to gather dust. This should be a wake-up call to us as members of parliament. Regardless of our political colours we have a responsibility to exercise our conscience. I know for a fact that if you were to sit down and speak to every single one of my colleagues in this place none of the would want to see children in detention, but people are prepared to turn a blind eye for the political outcomes and consequences. Give it up! We have already damaged hundreds and thousands of children. We know that it does not deter people...
from coming to this country and asking for assistance and protection. The evidence shows that. Why are we pretending that the damage done to these children is somehow acceptable collateral damage? It is immoral. It is wrong. It needs to change. The only way it is going to change is if we stop politicking over it.

There are now fewer children in detention than there were two years ago. Good. So let us move to ban the further incarceration of these kids. Let us make sure that no other child has to suffer the mental torture that many others have had to endure before them. I wholeheartedly support the recommendations of the Human Rights Commission's report, particularly its call for a royal commission, because we know that this suffering has occurred not just under this government but under successive governments. The only way we can stamp this out is by accepting the harsh reality that it has been done wrongfully. It has been done in the name of Australians. Many Australians are appalled, and as parliamentarians we must act.

Question agreed to.

DOCUMENTS

Trade

Order for the Production of Documents

Senator PAYNE (New South Wales—Minister for Human Services) (15:36): I seek leave to make a short statement to the Senate.

The DEPUTY PRESIDENT: Is leave granted?

Senator Wong: Mr Deputy President, I just want to clarify with you whether, if I grant leave, I will have the capacity without seeking leave pursuant to the order to—

The DEPUTY PRESIDENT: I understand that, even though she has not yet told me in detail, Senator Payne is going to make a statement to the Senate. You will be able to take note of that statement without leave. Senator Payne, you do not need leave.

Senator PAYNE: I rise to make a short statement in relation to the order of the Senate concerning the status of negotiations on the Trans-Pacific Partnership Agreement.

Concluding an ambitious Trans-Pacific Partnership Agreement is one of the Australian government's top trade priorities. As a region-wide free trade agreement, the TPP is an opportunity to achieve new, commercially-meaningful market access for Australian goods and services exports, to strengthen investment and to further integrate the Australian economy into the fast-growing Asia-Pacific region.

The Trans-Pacific Partnership Agreement will be unprecedented in its scale and level of ambition. There are 12 countries that are negotiating the TPP: Australia, Brunei, Chile, Canada, Japan, Mexico, Malaysia, New Zealand, Peru, Singapore, the United States and Vietnam. They represent almost 40 per cent of the global economy, or around US$28 trillion. The TPP countries accounted for a third of Australia's total trade in 2012-13.

The negotiations on the TPP are now at an advanced stage. TPP leaders met on 10 November 2014 on the margins of APEC. They welcomed the significant progress made in recent months and instructed ministers and negotiators to make concluding the TPP a top priority. TPP negotiators again met in New York from 25 January to 1 February 2015 and made important progress on a range of issues, including the rules on trade in goods, intellectual property and state-owned enterprises. The TPP parties are working towards the
goal of finalising the negotiations in the first quarter of 2015. This is an achievable goal if the parties can finalise market access negotiations and make the necessary decisions to resolve difficult outstanding issues on the trade rules. The next meeting of ministers and officials from TPP countries is scheduled to take place in mid-March 2015.

Australia is working hard to conclude negotiations, but will not sacrifice a comprehensive, ambitious TPP outcome in order just to obtain a quick deal. Australia's negotiating positions in the TPP have been, and continue to be, guided by consultations with stakeholders, including peak bodies, businesses and interested individuals. The Australian government commenced public domestic consultations in late 2008 and will continue to take every available opportunity to consult with stakeholders.

In accordance with the government's treaty-making process, once the TPP text is agreed by the negotiating parties it will be tabled in parliament for 20 joint sitting days to facilitate public consultations and scrutiny by the Joint Standing Committee on Treaties. This will be an opportunity for public and parliamentary discussion of the TPP agreement prior to binding treaty action being taken.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:40): I move:

That the Senate take note of the statement.

The first point I would make is that this minister and this government have only come in here to make what was, frankly, an extremely short and extremely uninformative statement to this chamber because they were ordered to do so by the Senate chamber. It reminds us yet again how this government simply refuses to bring the parliament into its confidence when it comes to the priorities it has for the TPP and the conduct of those negotiations, but also, most importantly, of the government's position on key issues which will affect and which could affect Australia for better—or not.

I do welcome the statement from the minister. What I would say, again, is that we have been urging for this for some time and regrettably have had to take the step of obtaining an order of the Senate for the minister to make a statement. We believe that this government has failed to keep the parliament and the public informed of the nature and progress of its trade negotiations, and this includes in relation to the Trans-Pacific Partnership Agreement. In fact, we have urged Minister Robb to make a full ministerial statement about these matters, which he has declined to do. It is very interesting: the government is very happy to trumpet the benefits of agreements on the basis of press releases but much less happy to tell Australians what its approach is or how it is going to treat some very difficult issues—some of which I will turn to in a moment.

The minister, in her statement, talked about some of the issues which I think Australians are entitled to more information on, because the government's approach to them could vary substantially affect our domestic regulatory arrangements: intellectual property, for example. If the government is suggesting that there might be wholesale changes—for example, to copyright law—I think it is incumbent upon the government to have a dialogue with the Australian community and this parliament about that. Is the government guaranteeing, for example, that our Pharmaceutical Benefits Scheme will not be affected? I think the government should be up-front with Australians about the detail of that. My view is—and I say this as someone who is pro-trade—that the government should engage with the
community, explaining and defending its position on these difficult issues before signing an agreement on behalf of the Australian people: it should.

I would make this point: my party, the Australian Labor Party, has had a recognition of the benefits of trade liberalisation for over 40 years. We have recognised that it can boost growth, create jobs, forge more competitive industries and give consumers greater choice and lower prices. Let's recall some of the reforms that Labor in government has made—reforms which were about opening up the Australian economy and our society to the world: bringing down the postwar tariff barriers, floating the dollar, deregulating the financial sector, pursuing multilateral trade liberalisation, initiating the APEC forum, working to bring together the G20, identifying and embracing the opportunities for Australia in the region by placing the *Australia in the Asian century* white paper at the centre of national debate and opposing protectionist responses to the global financial crisis both at home and abroad. We understand that global trade has contributed to significant real price reductions for Australian families. Let's recall that trade liberalisation and many other policies under the Hawke, Keating, Rudd and Gillard governments have contributed to over two decades of continued economic growth, a feat no other country has achieved.

Reflexive opposition to trade agreements is not the Labor way. We will always assess proposed agreements on their merits to ensure that they are in the national interest. I do agree with those who make the very good policy point that the greatest potential benefits from trade can be delivered through the WTO and multilateral trade reform. Bilateral and regional trade agreements can be beneficial but often deliver second- or third-best outcomes. I have consistently stated that such agreements must serve as a stepping stone to stronger multilateral progress. But in the absence of substantial progress at the WTO we do take the view that the pursuit of agreements with trading partners is a legitimate task for government.

Let's turn to the Trans-Pacific Partnership. As the minister referenced, 12 countries, which account for some 40 per cent of global GDP, are taking part in the TPP talks, and a high-quality, comprehensive TPP could deliver access for goods and services in countries with which we do not have existing bilateral trade agreements and it could add billions of dollars a year to the global economy. I make the point that our support for trade is not because of some ideological, neoliberal position, as some have suggested in this place. It is because we understand that access to export markets and trade are central to ensuring jobs and better wages and conditions for Australians.

A very good example of that is domestic final demand, which is essentially a measure of economic growth—GDP barring exports. If you look at what has happened to domestic final demand over the last decade, you will see that in the period post June 2012, in these last few years, we have seen quite subdued domestic demand. What that tells us is that we cannot rely only on our domestic economy to generate the economic growth needed to create jobs. I say this in the context of a government which is currently presiding over not only subdued domestic demand but also an unemployment rate at 6.4 per cent. So I say to those who have indicated a position that is anti trade, the reason the Labor Party has supported trade and continues to support trade agreements is because we want more jobs and better economic growth for Australians.

But—and this is the reason why Labor joined the TPP negotiations under the former government, and it is a very important point—notwithstanding any potential benefits, the
Trans-Pacific Partnership must not do a number of things. It must not affect our ability to deliver public services. It must not undermine labour and environmental standards. It must not reduce the capacity of Australians to access affordable medicine through the PBS. It should not radically alter the existing legal balance between creators and consumers of intellectual property. That is the Labor Party's view, and in relation to investor-state dispute settlement, I again say what I have previously said: this government should not sign a Trans-Pacific Partnership which would provide foreign corporations with legal rights that are superior to the rights of domestic businesses. That is our view.

I note that the minister raised a couple of those controversial issues, which are not esoteric but potentially have implications for domestic regulatory arrangements, in her speech. But do you know what she did not do? She did not tell us what their position was. She did not tell us what the red lines are that the government is taking. She did not tell us what approach the government is going to take when it comes to issues such as intellectual property. She did not tell us whether wholesale changes to our intellectual property regime are contemplated. I think Australians have a right to know that.

Rather than arrogantly dismissing some of the concerns which have been legitimately expressed in the community about the TPP, as this government and the Minister for Trade do, by suggesting this is all about people who hate trade, perhaps the Minister for Trade could actually take people into his confidence and talk to them about what he is trying to achieve, how he is going to protect things like our PBS, how he is going to approach the issue of investor-state clauses and why an agreement would be beneficial. But they do not do that. They simply dismiss the concerns raised by anybody as being illegitimate. As somebody who is on record over many years advocating the benefits of Australia's closer engagement with the growing economies of Asia, I find it very disappointing that this government chooses not to engage, because I think it ensures that people's concern and fear is intensified. Rather than dismissing the calls for transparency—and the minister representing did it again today when she said, 'We don't want to put text forward.'—perhaps the government should go to the heart of the matter and be much more up-front with this parliament and the community about its intentions around the TPP and how it will handle some of the difficult issues and what some of the bottom lines are so there is not the sort of reaction which one can expect from some quarters. But I suspect the government will not do that.

It really does stand in stark contrast to the way the US Trade Representative engages with Congress. I saw a press release from Mike Froman, who is the US Trade Representative, about the number of meetings he has had with Congress in relation to the TPP. I cannot recall—and I will come back if I am incorrect—but I think it was over 1,000. He has had hundreds of meetings with legislators about the approach of the Obama administration to the TPP. Now the government would say that it is a different system, and it is true that it has a different constitutional set of arrangements when it comes to external treaty making. But the principle of engagement, I think, is one that could be transposed to Australia, and it would benefit the government if it did that. Instead, they are dragged kicking and screaming to provide information. The minister today, again, has given a statement less than two minutes long, with almost no information other than the talking points. Today, she answered a question on the China free trade agreement. We still have not seen anything other than the
glossies and a press release in relation to that. These are important agreements, and I think Australians are entitled to more engagement by the government on these issues.

On this point of transparency, in addition to requiring a statement by the minister, the Senate order made yesterday draws to her attention an order made on 11 December 2013 requiring bilateral and plurilateral trade agreements to be tabled at least 14 days before signing. Labor's position—let's be very clear—is that parliament should see the final text of trade agreements before they are signed. We do not side with all those who call for every draft negotiated text to be placed in the public domain. As a party of government, we understand that sometimes that may not be helpful to achieving the best outcome for Australia. I have to say, as someone who has been involved in negotiations, I think only people who have never conducted negotiations between government would think it was a reasonable demand to have every draft text in the public arena. But let's not correlate the release of every draft text with greater transparency. There are other ways in which governments can ensure greater transparency in relation to their trade negotiations than being required to release every draft text that is on the table for consideration. And, in fact, if those who seek greater transparency could advocate and join with us in requiring the government to make more detailed information available, the government may not have the refuge of the obvious defence that executive governments ought not have to release every draft text of every negotiation, whether it be trade or anything else.

The fundamental core issue here is that the government is not updating this parliament and the community about progress on the Trans-Pacific Partnership. And it is certainly not being clear with this parliament and the community about its attitude when it comes to those difficult issues on which Australians have very strong views—whether it be investor-state clauses, intellectual property arrangements or many other matters. The government should be up-front about its objectives, it should be up-front about the broad parameters it takes into trade negotiations and it should deal with some of the concerns which the community has raised. That is a common-sense proposition.

I think the government's approach to these matters of trade really demonstrates some of the deeper political problems the government is having and the attitude the government takes. I do not understand why this government thinks everything has to be a fight. I do not understand why this government thinks that it cannot actually engage with others. There is growing concern about the government's approach on the Trans-Pacific Partnership. What I would say to the government is this: your unwillingness to engage with the community is giving free rein to uninformed speculation and giving rise to greater concern, and that is not helpful. It is time this government fulfilled its responsibility to the nation by explaining its position on key issues and by listening and responding to community concerns.

Senator WHISH-WILSON (Tasmania) (15:56): I see the challenge and the disconnect with this trade agreement slightly differently to Senator Wong. I think the Australian people and other countries around the world who are also conducting large plurilateral trade agreements, such as the European Union, have seen these agreements as simply being about business deregulation. We know from leaked documents through WikiLeaks that there are 29 chapters in the Trans-Pacific Partnership Agreement. We know from these leaked documents that what is being negotiated, in secret, behind closed doors, are actually the laws of our country. Only a small component of this trade deal is actually traditional trades in goods and
services in the way we understand them—in terms of looking at issues around tariffs, changes to quotas, classic trade liberalisation.

This is business deregulation in areas of significant public interest. Senator Wong has already covered some of those very sensitive issues, like IP and access to cheap and affordable medicines. We know they are on the table. The three very important words Senator Payne mentioned in both of her summaries, including today in question time, were 'difficult outstanding issues' that need to be resolved. There is a very good reason why they are difficult outstanding issues: they are very sensitive and they present significant risks to us and our economy.

As we have opened up our economy over the years, as we have liberalised our economy, we do not have much left to trade. There are the so-called sacred cows, like our IP laws, digital rights, environmental standards. In that I could include a broad range of things, such as labelling, local procurement, local content in media and the operation of state-owned enterprises. Actually, it is the first time that laws that will impact, potentially, government-owned enterprises that compete in commercial spaces have been included in a trade deal. If we do not have carve-outs in areas like broadcasting, who knows what the future of the ABC and SBS will be under a deal like this? We are dealing with a very, very broad set of negotiations that impact just about every aspect of Australian life.

When I came to the Senate it was my understanding that we, as parliamentarians—both at a federal level and at a state level, and even at a local government level—make the laws in this country. We are elected by the people to make laws in this country—not negotiators behind closed doors or the trade minister, and not corporations or governments abroad. We make the laws in this country. So how is it that we have got ourselves in a situation where we have secret trade deals?

Senator Payne, I went to a couple of these TPP briefings. They were confidential. The media was not allowed. We got no information whatsoever on anything. We got very similar summaries to what you just gave. They were hardly exploratory or explanatory around the issues that were worrying people in the room. Whereas we know, factually, especially in the US, that special interests, especially business interests, have had significant ongoing access to these negotiations for a long period of time. To suggest that somehow it has been an open and transparent process is patently false. It has been a secret process.

As Senator Wong was saying, no doubt there are sensitivities to releasing this information. But this is where I think the disconnect is. If this was not just about business deregulation, if this was also about how the exchange of goods and services could be a force for good in our society, I do not think there would be opposition to trade deals. That is the difference between those who advocate for fair trade and those who advocate for free trade. This is an absolutely critical point to my party, the Greens, and our philosophy around trade deals.

If you are negotiating business access and deregulation and negotiating exporting and importing investment across borders, given that just about every environmental problem and social problem that we have in Australia, in this region and internationally is the result of a business decision, what better time to deal with environmental issues, labour standards and other key areas of public importance than during those trade deals?
This is not a fantasy. I have had a couple of productive meetings with the US consulate on the TPPA over the last few years. They said to me, 'Senator, you are going to support this deal because it is going to be good for the environment. It is going to be good for improving labour standards in the region.' There have been discussions and papers published in the US about binding agreements amongst the countries in the TPP on sustainable fishing practices, species and biodiversity loss, deforestation and emissions schemes in the region. But we have seen in the leaked chapter on the environment that there is nothing of the sort. There is not only no binding or enforceable agreements; there is weak language that we know our government has helped rewrite so that there is no action at all on environmental issues. Economic problems are environmental problems and vice versa. These are, contrary to what Senator Cormann said in estimates, the right opportunities to fix this and get this right.

I had dinner last night at ANU with some very interesting academics and this is a topic that we discussed. One international expert who studies international law said, 'These kind of agreements could also be very useful when we are dealing with businesses behind closed doors to get agreements on information sharing around tax avoidance and profit shifting.' That is an issue that we have discussed in this chamber very recently, and the Senate is going to be looking into it. Why is it that it is only about business deregulation, companies making more profits and us removing barriers to the free exchange of goods and services?

This is why I think the Australian public is deeply suspicious of deals like this and why they rightly raise concerns over the lack of transparency and the influence of large, powerful corporations over governments, not only our government. They are writing our laws behind closed doors. We in this building have a right to know. We supported Senator Wong's order for the production of documents to have the TPP released 14 days before it is signed by cabinet. We would have preferred for that to be released much earlier but at least this is much better than having it signed by cabinet and sent to JSCOT. We can look at it and we can make as much commentary in the world as we want but it will make no difference at the end of the day when it gets put up for a vote. You either stand in front of a speeding train or you get out of the way. There may very well be some good things in this deal. But at the moment we know nothing about it except what we have seen from leaked chapters, and what we know is of significant concern. I would say to Senator Payne that, if you want the Australian public to back your trade deals and you have nothing to hide, release the details.

Australians are also suspicious because trade deals are always overpromised and they always underdeliver, especially our bilateral trade deals. We have recently seen a very good report released by ANU about essentially what a load of rubbish our free trade deal with the US has been. What has it achieved for this economy? The Productivity Commission has talked about this. Even the Australian Chamber of Commerce and Industry raised valid questions about the benefits of bilateral trade deals. We have so many of them, you have to wonder whether this is a political exercise to get headlines and to act as a distraction from domestic issues.

Something was made very clear during Prime Minister Tony Abbott's address in reply to the Governor-General's speech. I think it was in the second paragraph of that speech when he said, 'This government will be remembered for its free trade deals.' As Senator Payne said, this was a trifecta of trade deals. Well, I do not think the Australian people are going to be kind, because with potential benefits also come potential costs.
It is time to end the secrecy. It is time for the Australian parliament to do its job in making laws and look at this now, before it is too late, before it is signed and before this entire region is locked into an agreement that allows union officials and organisers in Vietnam to be locked up and that allows human rights abuses in countries, like Brunei, that we are going to be trading with, not to mention enormous environmental degradation problems across the South-East Asian region—when all it will seem that we care about are profits and businesses. Trade theory says that that brings benefits to our countries and that those who lose—and, invariably, there are losers, like the car industry, which got sold down the river—are somehow compensated by the winners. That is what a textbook will tell you. But what happens when those winners actually do not live in Australia but are multinational companies operating out of here? In the real world, the losers are not compensated. There are always costs to these deals, but the government never highlights those. It always oversells and always under-delivers.

It is time to be honest. Release the TPP text or at least consider Labor's order for the production of documents to release it 14 days before it is signed, as a sign of good faith to the Australian people that you will allow scrutiny of this document before it is signed and before the media spin machine gets in action. If I as a senator or I as a citizen of this country raise a valid concern about changes to patent lengths on pharmaceuticals, suddenly I am anti-jobs or I am anti-economics—I am down at the bottom of the garden with the fairies. I am raising very real, serious issues here that are live and being raised all around the world. So, Senator Payne, through you, Chair, I ask once again that you at least consider releasing this text or, if you do not, give the Australian public a good reason why not.

Question agreed to.

COMMITTEES

Senate Publications Committee

Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:10): On behalf of the Chair of the Publications Committee, I present the 12th report of the Publications Committee.

Ordered that the report be adopted.

BUDGET

Consideration by Estimates Committees

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:10): I present additional information received by committees relating to estimates.

Proposed Expenditure

Senator PAYNE (New South Wales—Minister for Human Services) (16:11): I table particulars of proposed additional expenditure for 2014-15. I seek leave to move a motion to refer the documents to legislative and general purpose standing committees.

Leave granted.

Senator PAYNE: I move:
That the documents, together with the final budget outcome 2013-14, be referred to committees for examination and report.

Question agreed to.

**Portfolio Additional Estimates Statements**

Senator PAYNE (New South Wales—Minister for Human Services) (16:11): I table the portfolio additional estimates statements 2014-15, in accordance with the list circulated in the chamber.

**Portfolio Additional Estimates Statements**

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (16:11): I table the portfolio additional estimates statement for 2014-15 for the Department of Parliamentary Services. Copies are available from the Senate Table Office.

**DOCUMENTS**

**Order for the Production of Documents**

Senator PAYNE (New South Wales—Minister for Human Services) (16:12): I table documents relating to the orders for the production of documents concerning answers to questions taken on notice during estimates and the mental health review.

**COMMITTEES**

**Membership**

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (16:12): Order! The President has received letters from the party leaders requesting changes in the membership of committees.

Senator PAYNE (New South Wales—Minister for Human Services) (16:12): by leave—I move:

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

**Education and Employment Legislation Committee**—

Appointed—

Substitute member: Senator Carr to replace Senator O'Neill for the committee's inquiry into the provisions of the Higher Education and Research Reform Bill 2014

Participating member: Senator O'Neill

**Education and Employment References Committee**—

Appointed—

Substitute member: Senator Carr to replace Senator Peris for the committee's inquiries into higher education, and into private vocational education and training providers

Participating member: Senator Peris

**Environment and Communications Legislation Committee**—

Appointed—Substitute member: Senator Lines to replace Senator Urquhart for the consideration of the 2014-15 additional estimates on 23 February 2015

**Finance and Public Administration Legislation Committee**—

Appointed—Senator Ludwig
Finance and Public Administration References Committee—
Appointed—Senator Moore

Foreign Affairs, Defence and Trade Legislation Committee—
Appointed—
Substitute members:
- Senator Urquhart to replace Senator McEwen from 12 to 25 February 2015
- Senator Singh to replace Senator McEwen for 26 and 27 February 2015
Participating member: Senator McEwen

Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Di Natale to replace Senator Wright for the committee's inquiry into
the Regulator of Medicinal Cannabis Bill 2014
Participating member: Senator Wright

Privileges—Standing Committee—
Appointed—Senator McEwen

Procedure—Standing Committee—
Appointed—Senator Moore

Rural and Regional Affairs and Transport Legislation Committee—
Appointed—
Substitute member: Senator Rhiannon to replace Senator Siewert for the committee's inquiry into
the Criminal Code Amendment (Animal Protection) Bill 2015
Participating member: Senator Siewert.

Question agreed to.

MOTIONS

National Archives of Australia

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (16:13): The President has received a letter from a party leader nominating a senator to be a member of the Advisory Council on Australian Archives.

Senator PAYNE (New South Wales—Minister for Human Services) (16:13): by leave—I move:

That, in accordance with the provisions of the Archives Act 1983, the Senate elect Senator Moore to be a member of the Advisory Council on Australian Archives for a period of 3 years, on and from today.

Question agreed to.

BILLS

Tax Laws Amendment (Research and Development) Bill 2013
Returned from the House of Representatives

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

Abbott Government

Senator POLLEY (Tasmania) (16:14): At the request of Senator Moore, I move:

That the Senate condemns the Abbott Government for its litany of broken promises which are hurting low- and middle-income earners, harming the economy, damaging business and consumer confidence, costing jobs, undermining fairness, and changing Australia for the worse.

We have seen an extraordinary first week of parliament for 2015, so I think it is appropriate that we do a summary of what has happened. The Australian people know that the Prime Minister has no vision for this country, and that has been demonstrated. What did he say? There has been a bad government for 520 days. On 9 February, my birthday, he said, ‘Good government starts today.’ Well, we have not seen any evidence of that thus far—it is only Thursday, and we know they are pretty slow off the mark.

This government's agenda is built on lies and broken promises. It is built on policies which are hurting low-income people—families, pensioners, students, job seekers and the homeless. If you fit into any of those categories, you are in the government's sights. That sums up this government's first budget: if you are marginalised in Australia, you will suffer under this Liberal government's agenda. The first Abbott-Hockey budget will go down in our country's history as a budget which tore away at the very fabric of what makes this country great—fairness. Fairness is what we as Australians stand for. We believe in giving people a helping hand up, not a handout.

But, since taking office, the Abbott government has launched an unprecedented attack on low- and middle-income Australians. And they are wondering why they do not have support from the Australian community. No wonder the Australian people no longer trust the Prime Minister to lead this country. It beggars belief. When you go to an election promising not to do X, Y and Z but, when you get into government, you do X, Y and Z, what do you think people are going to think? What do you think is going to happen? Your political capital has been used up. Tony Abbott's political capital has been used up. So it really does not matter whether those on the other side change the leader, choose a new prime minister, as I have said on more than one occasion this week. You can take Tony Abbott out of the Lodge, but you can never take the unfairness out of the Liberal Party.

Those opposite may not know what it is like to live from pay cheque to pay cheque, but there are millions of Australians who do. The majority of Australians live from pay cheque to pay cheque and they are hurting. I know personally of the hardship of having to depend on your pay cheque from pay to pay. I know personally what it is like to live on a disability pension. I know what it is like to get to the end of a fortnight and not have enough money to scrape together to buy a carton of milk for your children. I know what it is like. I do not talk the talk; I have actually walked the walk, and so have many others. So we have a better comprehension of what it means when they make these savage attacks on low- and middle-income families. We know what effect it is having when they change the indexation on pensioners. We know what effect that has on their daily living costs. We know what effect that is going to have when they try to go into an aged-care facility.

We know what it is like when you break your promise not to have any cuts to education. It is blatantly wrong that in the future, if the government gets its way, families will only be able
to send their children to university if they can afford it, if their credit card is big enough. Otherwise, those young people are going to be burdened for decades because they cannot afford the fees. It is all very well for those on the other side to deny that there are going to be $100,000 degrees. But we know that, if you want a decent degree, that is what is going to happen. But those opposite are determined to take us down the American track. Anyone who has done any reading, anyone who watches the news, anyone who has been to the US understands what an expensive and disadvantaged society it is for low-income people and the poor. When it comes to education, that is the gateway to having a brighter future. So we should be investing more in education, not cutting it—not making it harder for those who want to go on to university, those who worked very hard to get the marks to go on to tertiary education.

And if those opposite really believed in education they would not be cutting funding to the TAFE system in this country. Going to the last election, those opposite said that they would not cut funding to TAFE. But what did they do? They want to introduce a GP tax. GPs around the country are very hardworking, as we know, and no-one appreciates them more than I do. They are not usually politically motivated to go out and campaign against a Liberal government; they are more likely to come after our side. But what did those opposite do? They energised the GPs to mount a campaign. So it did not matter what surgery you went to, there were petitions there. When I went to see the doctor we spent the first half of the consultation talking about the gross neglect of health by those on the opposite side.

So what do we have now? We have someone who went to the last election as the Leader of the Opposition who had a really good reputation for saying no, no, no and being terribly negative. The only problem is that they have not been able to transition into government, and he has now lost the confidence of his own caucus. So the Australian people are now waiting in limbo to see when the axe will fall on Tony Abbott. It really does not matter whether it is Malcolm Turnbull or Julie Bishop who becomes the leader. Their DNA is all the same. They have all sat around the cabinet table and agreed to and supported the policy decisions they have taken and the budget they wanted to bring down in this country.

We on this side always stand up for fairness, equality and giving a helping hand to those who need it most. We know what the Treasurer would say when people like me talk about the poor and those who need a helping hand. What was the response of the Treasurer of this country when they put the fuel tax up? He said: ‘Poor people don’t drive cars.’ Well, here is a news bulletin: they do actually drive cars. Pensioners drive cars and students trying to get an education drive cars. That statement is what those people on the other side believe is happening in our community. They are so out of touch. It is extraordinary that a Treasurer of a rich country like Australia would believe that poor people do not drive cars. Maybe he would prefer that they did not.

When they slug the pensioners, change the indexation and increase the fuel tax, they never consider the pensioners who are on such a limited income and who will have to pay more for public transport and for their heating costs. When we were in government—and it is something that I am very proud of—we gave the biggest increase in the country’s history to the pensioners of our country, because we knew and recognised that they needed that. Did they need more? Is there more to be done? Of course there is, but those opposite—as usual—have slugged those who can least afford it.
Why should a family have to make a choice—that is, when they have got three or four kids, or a couple of kids, and mum and dad are sick—about who will be able to go to the doctor? Then we had the unfortunate incidents where we had older Australians and pensioners concerned about—even when they did go to their doctor; if they could afford it and could find someone who would bulk-bill them—whether they would be able to afford to have their scripts filled. I had a pharmacist talking to me and relaying the concern that he had about people coming in and asking, 'Do I really need to take this medication every day? Can I just take it every other day, because I don't think I will be able to afford it?' That is outrageous. That is a blight on this government and it would be a blight on us in this place if we were to allow those things to happen.

I often talk about what is happening in my home state of Tasmania. Unfortunately, we have been doing it pretty tough over there. We do not have a really good record and, certainly, there is nothing that we can be proud of about the amount of young people who are going on to tertiary education. I know so many people—from when I went out to the University of Tasmania campus in Launceston and I spoke to the students out there—who were actually the first in their family to go on to university and have that opportunity. They said that many of them would not be able to afford to go with these changes. Why should those people with a disability who want to go on to tertiary education—to better themselves and to give themselves a brighter future—be denied the opportunity because of these changes? Why should mature-age students be disadvantaged and not be able to have that same opportunity?

The local member for the seat of Bass in my home state of Tasmania has stayed silent. He denies these things almost on a daily basis—particularly when I am in the media, I write a letter to an editor or, heaven forbid, someone else from the community questions this budget and the policies that this government has adopted and is trying to enforce onto the Australian community—and then he attacks those people who dared to raise these issues and challenge him on the direction that this government is trying to take the Australian community in.

History dictates, when it comes to the Liberals, that all Liberal governments are the same. If you go back through history, through the Howard years, through the Abbott years and further, they always have this in their DNA and they always have this on their radar: their attacks and their policies are always directed, in a negative sense, towards those who can least afford it. We know that their real friends are in the big end of town. But even the big end of town is not happy with them at the moment.

Just look at what pearl of wisdom those opposite have proposed from a public policy perspective on higher education: in an 'ideal' world, those opposite would have every student in Australia paying $100,000 or more to go to university. How out of touch are those opposite? As I have said on a number of occasions, why should prospective students and parents have to make a decision about whether all their children will be able to be afforded the opportunity to have a tertiary education or they will have to make a choice? Will we go back to the good old days, which I would say are the bad old days, of when it was usually the male who got the opportunity to go on and have an education?

Over the last 523 or 524 days, this country has been waiting for a good government to arrive. The Prime Minister of this country said on Monday that a good government was going to start and they had been a bad government up until now. We are waiting to see any evidence of a good government. Those on the other side will reflect on the former Labor government
and talk about what a rabble we were, but those people have taken the cake. They are the champions of dysfunction, rabble and arrogance. They are a government of chaos and a government who are quite clearly out of touch with the Australian community. They are a government that have no direction, they have no vision and they have no policies.

You can talk about the effect of the promises that they took to the election: no cuts to education, no cuts to health and no changes to the pension. They said they would be a government of creating jobs, jobs and jobs. Well, we are seeing the numbers from today that demonstrate that, once again, they are a failure: unemployment has risen to 6.4 per cent, which is a 12-year high. This Liberal government has run business confidence into the ground. Businesses are not investing in capital, people are not investing in property and, if this government had its way, our young people would not be investing in their education.

On this side, we believe in a strong economy that delivers for all Australians and does not leave people behind. This government would divide people into the rich and the poor, the haves and the have-nots. That is not a country that I want to live in and I do not believe that is a type of country that Australians want to live in. Fairness, as I said before, is what makes us great. We are mates with each other and we stand together for each other. We on this side are going to stand together with those on the crossbench to ensure that this government does not get its way and that they do not implement these heartless policies and inflict more pain and hardship on the living standards of all Australians—let alone those who are the most disadvantaged in this country.

In my area of responsibility, aged care, when this government came in it had their own war, particularly concerning the dementia supplement for those with severe psychological and behavioural problems. It was not until I asked a question in February last year that it dawned on them that perhaps we ought to be keeping an eye on this expense. Then what did we see? We waited months and months for them to come up with a new policy for how we were going to help those people that are caring for those with the most severe behavioural problems. What we have now is a fly-in squadron of a policy and no-one knows how it is going to work, how the money is going to be used, what accountability there will be—but it is still not enough to help on a day to day basis those who are caring for some of the most vulnerable people in our community. It comes back to fairness—making sure that those who are the most vulnerable have the help that they need to. It is fairness by making sure that we have world’s best practice when it comes to aged care—the Living Longer. Living Better package that we implemented when we were in government was a great step forward because we took with us the aged care sector. We had that support. There is still more work to be done. Now we have a new minister who has been put into this area of responsibility, and he has been put in there because they are trying to soften his image so that he has a better image when he rolls Joe Hockey and becomes the next Treasurer.

Those who believe in fairness in this country believe that there needs to be access to universal health care and education. We believe in a secure pension system. We believe we should support those people who have disabilities and those who have caring responsibilities, and those people who are looking for employment deserve the help they need to get back into the workforce. Let us not forget that those opposite are the ones who believe that if you are under 30 and cannot find a job you should go without any assistance for six months. What do they think those young people are going to do? What is that going to do to our community?
We know what it is going to do—it is going to cause more mental health issues, it is going to lead to more crime in our communities and it is not going to lead to one new job or any assistance for those young people.

Let us be honest, not much is going the way of those opposite at the moment. If I were to summarise the last few weeks—or in fact the last 523 days—I would say that things have not really been going their way. But when things are not going your way you do not throw your toys out of the cot like they are doing at the moment. When the going gets tough, the tough get going. Those opposite are now asking themselves what they do with Tony Abbott—they know the Australian people no longer trust them, they are not listening to them, so what do they do with him? Some have a short-term vision that Malcolm Turnbull or Julie Bishop is going to change the way the Australian people view this government. They will not, because the people know what Malcolm Turnbull was like when he was the previous leader. Those opposite know what he was like, but the backbench is desperate. They are blaming Tony Abbott, but they should be looking at themselves. They are not listening to the community; they are not out there listening to the people. If they were moving around the community, they would not be persisting with this harsh, heartless budget. That budget will not get through because those on this side and on the crossbench—those who have a social conscience—will not allow it to go through.

It is an indictment of this government that it has been built on lies—lie after lie after lie. We say, 'Bring on your new leader when you are ready, when you have a bit of guts, but in the meantime we are going to stand and defend fairness in this country.' We will always stand for fairness and we will always speak up for those who are the most vulnerable in this community. (Time expired)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (16:35):
The motion we are debating reads:

That the Senate condemns the Abbott Government for its litany of broken promises which are hurting low- and middle-income earners, harming the economy, damaging business and consumer confidence, costing jobs, undermining fairness, and changing Australia for the worse.

The only thing I can say is what abject hypocrisy this motion demonstrates. Australia is not in the kind of condition that I know many of the people who voted for the coalition government in 2013 would have liked it to be in is not because of the actions of the coalition government but because of the vandalistic actions of those who sit opposite. One of the things that those opposite will fail to tell you is that when they came into government in 2007 they inherited a $60 billion surplus—there was $60 billion in the bank. That surplus was there so that the Australian public could be confident that when something needed to be done, when some major infrastructure project came along—

Senator Gallacher: Like the GFC, or something like that?

Senator RUSTON: Exactly, so that when something like the GFC came along they would have some money in the bank and could put some investment back into the community. But, no, they did not do that—they basically went on a wasteful, unproductive spending spree for six years. I have no problem whatsoever with the injection of funds into productive endeavours but they injected money into the stimulus package so that people in Australia could go and buy foreign-built television sets and the like. The stimulation of that sort of retail spending really did not have any long-term benefit for the economy. It might have given
a short-term sugar hit to the economy, but it did not deliver the long-term sustainable economic growth pattern that we needed to put our economy on an even keel. We got our sugar hit, but we got nothing afterwards. I am quite happy to accept that the $60 billion that was inherited by the Labor government in 2007 could have wisely been spent at a time like the GFC, because I think everybody accepts that it was a tough time for economies around the world, but we could have done so much more with that $60 billion than just throw it at pink batts and things like that.

The cold hard reality is that we basically inherited your problems. To sit here today and put a motion before the House to suggest that the Australian economy is not powering ahead because of actions of this government is absolutely ludicrous. I will just mention a few facts. As I mentioned, the Labor government converted the record surpluses of the Howard government into record deficits. Labor delivered around $2 billion worth of deficits, with $123 billion worth of deficits yet to come when they left office. They promised surpluses in 2012-2013 on over 500 separate occasions, and they did not deliver any of them. The budget legacy of Labor includes that the budget is unlikely to return to surplus within the next decade, unless of course the coalition government are allowed to put in place the budget repair measures that we took to the Australian people when we said, 'We are going to repair the budget.' I do not think anybody on the other side can doubt that we told the Australian public, as part of our promise to them when we went to the election, that we were going to repair the budget, that we were going to get the budget back into surplus and that we were going to deal with Australia's debt problem. I do not think anybody can doubt that. They can squawk all they like, but I do not think they can doubt that.

Basically, we have a situation where, unless we take action now, the debt of the Australian nation will rise to $667 billion within the next 10 years. Just to put that into some sort context, that is $25,000 for you, for Senator Conroy, for Senator Gallacher, for Senator Birmingham, for Senator Ryan, for the clerks and for the Hansard reporters. But it will not just be for them; for your children, for my children and for everybody's child in Australia, it will be $25,000 a day. What we need to remember in this place—and what we so often forget, and sometimes the media forget to portray it like this—is that this debt is actually not the debt of the government. This is the debt of the Australian people, because the Australian people, in a sense, own their government. If we do not address the issues that we have with our debt and deficit problem, and the expanding debt and deficit problem, all we are doing is knocking the problems of today on to our children in the future because we are outspending our means at the moment—so what we are saying is that it is okay for us to spend our kids' money.

The debt at the moment is already costing us billions of dollars in interest. I think it is about $14 billion in gross interest payments this year. That is $40 million a day. Think about what $40 million a day, or $14 billion a year, could build you. In my home state of South Australia—and Senator Gallacher will see this when we drive down North Terrace—the construction of the new Royal Adelaide Hospital is a $3 billion infrastructure project. Whether you do or you do not like where it is, it is going to be a fabulous piece of infrastructure for South Australians—$3 billion. With $14 billion of gross debt annually, we could build quite a number of hospitals; in fact, we could probably build a new hospital in every capital city.
Have a look at the amount of money that we spend on child care in a year. The debate has obviously been around productivity in dealing with the issue of child care and getting more of our mothers back into the workforce as quickly as possible. Imagine what $14 billion a year would be able to do in that space, not just in giving the opportunity for women and mothers to get back to work but also for the productivity that it could generate.

I think we need to contextualise the size of the problem that we are dealing with before we decide that we are going to condemn a government that is trying to deal with a legacy that I think is almost incomprehensible to the people of Australia. We often talk about small numbers—people can understand that—but once you get into these sorts of billions and we are talking about numbers the size of telephone numbers, people just cannot comprehend what this debt situation really means. To everybody who is listening, $25,000 has been stuck on your credit card because of the actions of the previous Labor government and the refusal of those opposite to allow us to address that problem.

There would have been no doubt by anybody in Australia that when we went to the election we told the people of Australia that we wanted to get rid of the carbon tax, we wanted to get rid of the mining tax, we wanted to stop the boats and we wanted to build the roads of the 21st century. I said it so many times that I almost got ready to scream myself for the amount of times I said it. The Australian public, and that includes those people who did not vote for us—the Labor voters, the Greens voters and those people who voted Independent—would all have known that that was the platform on which we sought to be the government of this country.

When we got into this place on the first sitting day after the election in 2013, you would have thought it was reasonable for those opposite to accept the fact that those particular things that we had very clear policy positions on, that we had a mandate to undertake, would have been allowed to pass in this place. In 2007, prior to defeating the Howard Liberal government, Labor went to the election and ran a very hard campaign on Work Choices. Despite the fact that the coalition had the numbers in the Senate after that election, we allowed the passage of the repeal of the legislation surrounding Work Choices because we believed that the people of Australia had spoken and had told us, when they voted us out of government and voted the Labor Party into government, that they did not want Work Choices. So Work Choices was dead, and we allowed it to go.

So what happened when we got into government in 2013? When we came into this place and sought to repeal the carbon tax—because that was the No. 1 message in our election campaign—those opposite said 'No;' they were not going to let us repeal the carbon tax; they were going to stop us. So we had to wait out the nine-month hiatus between being elected to government and the Senate changing over and the crossbenchers coming in, which then denied the Labor-Greens coalition their majority in this place, to be able to rid the Australian people of the burden of the carbon tax.

So it comes down to being a responsible government. And I accept that governments have to be responsible, but oppositions have to be responsible too. On the behaviour of this opposition—in cahoots with the Greens, who should know better because they have been here long enough—to the Labor Party in particular I say: you have got to be a responsible opposition too. And do not tell us that we are not listening to the people. You are not listening
to the people. The people wanted the carbon tax gone. You would not let it go. It had to be the crossbenchers who did it.

It was the same thing with the mining tax. There was no doubt that we were going to remove the mining tax. But, once again, when we came into this place, we could not get rid of it until we had a change of composition in the Senate.

It was the same thing with the boats. The Greens were probably more to blame for this one, but you voted with them. We said that we wanted to put this suite of activities and actions in place to stop the boats. But, of course, no—the Greens had to block the temporary protection visa legislation and the package of initiatives that we needed to put through to stop the boats. And I might say: when we eventually got them through, the boats actually did stop.

But it is about being a responsible parliament. A responsible parliament includes having a responsible opposition as well as having a responsible government.

All of this notwithstanding, some positive things are happening at the moment out there—things like the signing of the free trade agreements with China, Korea and Japan, and, hopefully, the negotiation of the trade agreement with India this year. These have all been amazingly positive things. And you have only got to go out to rural and regional Australia to see what a difference they have made in our primary production sector, which will now have the opportunity, over the next few years, to access these amazing growing markets—markets in which, for the first time in a very long time, Australia actually has a distance advantage. In the past, our traditional markets were Europe and the US, so we were further away than those trading countries we were seeking to compete with. But we are quite a lot closer to Asia than to anywhere else, and it is a burgeoning area.

Congratulations to the minister—and nobody could not congratulate Minister Robb, and of course Minister Robb is part of this government—on being able to achieve, in such a short period of time, these three trade agreements, and hopefully this year the fourth trade agreement, which is going to be of massive benefit to all Australians but, obviously, most particularly to those in rural and regional areas.

Another thing that has been of terrific benefit has been the deregulation agenda that this government has been putting in place. We have sought to remove the unnecessary and burdensome red tape that costs businesses and people on a daily basis.

We said that we wanted to deregulate. If you went and did a vox pop down the street and asked people, ‘Would you like to have all of the regulation and compliance burden that is put on you removed unless it has a positive purpose for being there? Would you like to see it gone?’ then I am sure that everybody would say, ‘That would be fine.’ But, no, we are actually seeing—

Senator Conroy interjecting—

Senator RUSTON: Ah, I see Senator Conroy is here in the chamber today—those opposite blocking the passage of our deregulation bill in relation to communications, so that the Do Not Call Register is put in jeopardy. I would just like to say: it would be really nice if we could just deal with some of these sensible things sensibly. There are obviously going to be a number of things that we disagree on, but it seems that we disagree on many things that we do not need to disagree on, and that seems to be one of them.
But let us have a look at some of the things that have been a little more positive. I admit that some of the positive economic indicators are only just starting to show. We have a long way to go.

Senator Conroy: Higher unemployment.

Senator RUSTON: But there are a number of things that are happening at the moment. There were 200,000 more jobs created last year. That is about 585 new jobs every day. So in 2014 jobs growth was more than triple the rate in 2013.

Senator Conroy: Unemployment went up!

Senator RUSTON: So you have got to remember what you are comparing some of these things to.

Senator Conroy: You've got to get some new speaking notes!

Senator RUSTON: And, to those opposite who are interjecting—and that may not be picked up by the transcript—I say, as I said at the start of this: a lot of the blame for this, or in fact the lion's share of the blame for this, and for any of the negativity in our economy at the moment, can be landed firmly at your feet, because you are not allowing this government to get on with its economic agenda, because every time we try to do anything you try and block it. You trashed the economy—

Senator Conroy: Liar, liar, pants on fire!

Senator RUSTON: Madam Acting Deputy President, can I take a point of order in the middle of a speech?

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Senator Conroy, it might help if you would withdraw that comment.

Senator Conroy: Oh dear, oh dear! I withdraw.

The ACTING DEPUTY PRESIDENT: Thank you very much, Senator.

Senator RUSTON: In concluding, to allow others to participate in the debate on this ludicrous motion, I will just say that, having spent six years trashing the economy, and then having spent the last 18 months refusing to allow us to fix up the economy, and having knowingly condemned future generations to paying for the excesses of this generation, I would be very interested to see whether anybody on the other side of this chamber, when they get up to speak—because I know a number of them are going to do so—has any constructive suggestions about how we are going to turn around the debt and deficit mess that we inherited from you, so that we actually can turn around the fortunes of this nation, so that we do not condemn our children and their children to a life of paying back the debt that we have racked up on their behalf because you opposite will not allow us to fix up our debt and deficit problem.

Senator DI NATALE (Victoria) (16:51): I start with a frank assessment of where we are as a nation, and I think it is important to look at some of the fundamentals here. Let us start with the economy and some of the key indicators in terms of how our economy is going. If we look at last year, we had a quarterly rate of economic growth of about one per cent. Then we had the budget, that infamous budget, and the economy took a massive hit. Economic growth halved, down to about 5.6 per cent; it dropped further, by about 0.3 per cent; and it is still on the way down. Economic growth is on the way down. It is falling, rather than rising. Do not
listen to the huff and bluster that you hear in this place. Look at what the Reserve Bank say about the economic outlook. They say that growth is continuing at a below-trend pace. They say that domestic demand is weak. They say that, looking towards the future, it will be below trend for somewhat longer.

Look at unemployment. In 2012, the unemployment rate was about 5.3 per cent; in 2014, it was over six per cent. That is worse than it was at the peak of the global financial crisis. Again, do not take our word for it; look at what the Reserve Bank say. They expect unemployment to get worse before it gets better. And is not just unemployment. Underemployment has been a problem for a long time. Unemployment figures do not talk about levels of underemployment. But, again, underemployment is now getting worse.

I think it is important to be honest about the role that governments can play in shaping the direction of our economy. It is a very interconnected world, and we are very much subject to the global economic tides, the ebbs and flows, that go along with that. Since the Hawke and Keating reforms of the eighties and nineties, which produced many benefits, the levers that governments have at their disposal are limited. But the one thing that governments do have some control over, the one thing that governments can influence, is a very precious, intangible commodity: confidence. That is something that governments do shape. What we have now is a crisis of confidence. There is a crisis of confidence in this government, its people and its policies, and that starts at the Prime Minister and flows down. That is the heart of the problem for this government, and it started with the budget.

It is very clear that the crisis of confidence we are experiencing at the moment started with the budget, a budget that came as great shock to the Australian community. Despite the promises of no cuts to education, no cuts to health, no cuts to the ABC, we saw a budget that was an attack on the sick, the poor, the young and the old. It was a budget that tore up the social contract, a contract that was developed on the back of generations before us, based on the notion that we are an egalitarian country and that we look after people who are poorer than us and people who are unwell. It was a contract that said: 'This is who we are as a nation. This is what we stand for.' And the budget tore that up. It was a budget that fundamentally redefined who the Australian people were, and they did not like it. It was not just that they did not like it; they did not have confidence in the people who were telling us the direction that we needed to head in.

We had Joe Hockey trying to defend the budget, making ridiculous statements like 'poor people don't drive cars and, if they do, they don't go very far'. He said people work for the government for six months, implying that the ordinary rate of tax for an average Australian is 50 per cent. That is nonsense, utter nonsense. He made these absurd claims that people were going to live until they were 150 and that we needed to make these sorts of cuts because, if we did not, we were going to end up like Greece—comparing the Australian economy to that of Greece. That is the sort of language that leads to a crisis of confidence.

In health care, we saw the same thing. We saw a range of policies implemented based on a lie. We had a health minister saying that Medicare was unsustainable, in the face of all of the evidence saying the opposite. We had the Australian Institute of Health and Welfare report saying that growth in spending on health was lower than it had been in the past 30 years. We saw Commonwealth spending on health as a proportion of GDP actually decline. The government came up with figures like 'a 100 per cent increase in Medicare', but they forget
the fact that our GDP has increased by almost that much. These are some of the most basic and deliberate misrepresentations of how our health system is performing.

We have a good health system; we can make it better. But the government tried to implement a range of policies that attacked the very heart of our health system—that is, the principle of universality. You see, you can fund a health system in two ways. You can fund it through progressive tax so that, at the point of access, everybody is entitled to use it. That is why I have no problem with millionaires being bulk-billed. The alternative is the US model. You do not collect the tax revenue; you ask people to pay for it at the point of service. That results in a much less fair system and a much more expensive one. It is why the US spends twice what we do on health as a proportion of GDP.

I also say in the middle of this debate that what is being called 'the GP tax' is not a tax. Every time the Labor Party talk about this as a tax, they are undermining the very thing we should be doing, which is arguing for a fair tax take to fund these services. This is not a tax. It is a co-payment. It is a user-pays model and it dismantles the very core of what Medicare is, and that is a universal system of health insurance. Again, it was not just about the co-payment policy; it was about the way it was implemented. We had version 1, version 2 and then version 3, and today, I understand, version 4 is on the table but it is not on the table. Of two different members of the government, one is suggesting it is on again and the other that it is off again. I do not know—I genuinely do not know—whether the co-payment is still government policy.

It is no wonder the former health minister has been voted the worst health minister of all time.

Education is no different. We have the spectre now of $100,000 degrees. We have a situation where universities do not know what to charge their students. I do not blame universities and their vice-chancellors for getting out there and arguing in support of some of these changes, and I know some of them are. It is because they are starved of funds. They want to get on and do their jobs, but we have a government that is not prepared to fund higher education. It is the brains of this country that our economic prosperity comes from. Why we would starve our universities of funding, why we would continue to argue for user-pays models in education that discriminate against the poorest and most vulnerable, and people living in regional areas, is beyond me.

In welfare we had the prospect of young kids being taken off Newstart after six months. How on earth is somebody who has no income support, who cannot find a job, who is in a regional community, who might have a chronic health problem and has to go and see their GP a couple of times a month supposed to survive?

The list goes on. We had the review of the renewable energy target, with the brazen, shameless appointment of a climate denier like Dick Warburton to review the renewable energy target. From a government that prides itself on supporting business we have uncertainty in a multibillion dollar business, a business that could be one of the powerhouses in driving our economy forward. Right now we have uncertainty in the renewable energy sector because we have a renewable energy target but both sides are not prepared to say, 'This is it. This is the level of certainty we need, and let's make sure that business knows where they're operating from.' We have had R&D slashed. We have had funding for the CSIRO slashed. We have had funding for the ABC slashed. We have had funding for SBS slashed.
We have had public services slashed. And then we had the spectre of the paid parental leave that was, that wasn't, that was, that wasn't.

It is hard to go past the Prime Minister's role in all of this. It is a tough gig being the Prime Minister of a country. I would not wish it on my worst enemy. It is a tough gig, but it has to be said that he has been an international embarrassment. Do you remember him creating that new country Canadia? The suppository of all wisdom? Knights and dames? Then, today, I understand, he tried to compare job losses with the Holocaust. We have a Prime Minister who is showing himself to be unfit for office. People right around the country who have Rhodes scholarships must feel at the moment that the currency of their degree has been debased. It is no wonder that we have had the leadership turmoil we have seen over the past week.

What we are seeing is trust and integrity in government being destroyed. I have always believed that people might not agree with you on every policy proposition, but if they trust you, if they respect you, if they believe you have integrity you can take them with you. This is a government that has lost the trust of the Australian community. It has lost the trust of the Australian community because it promised one thing and did another. What it did was a fundamental attack on the values that we believe are important and that define us as a nation.

Amidst all that, we have a chaotic government. They are divided. They are dysfunctional. They have lost the trust of the Australian people. They can accept some responsibility and stop blaming the electorate for their problems. The electorate is not absent minded; they know very clearly how they feel about this government.

A few words of advice: stop attacking the social contract. People in this country value Medicare. They fought for it. They want it preserved. They want it built up, not torn down. That is what they want. They think it is important to have income support for people who are down on their luck. The last thing people want is a city filled with young people pushing shopping trolleys around because they cannot find a job, cannot find a house and have all their belongings with them while they look for crisis accommodation. We do not want to go down that path. We want to have an education system that ensures that someone from a regional community or a low-income background can afford to get a university degree and pull themselves out of the position they are in.

We value the ABC. We value SBS. We want our public broadcasters improved. We value the public sector. Public servants are our doctors, our nurses and our teachers. They are the people who help make this country function. Sure, address wasteful spending. We agree with you, there are some areas of waste that we can address. I have written to the Minister for Health and said, 'Let's have a conversation about health care and the areas where we can get better value for money.' Let us stop funding things that do not work. It is important to accept that there are areas where there is waste in the system, but you have to drop your ideological baggage. It is not just about spending. Be honest with the Australian community. We are a low-taxing country. People do not like paying tax—I accept that—but we are low-taxing country and the big end of town is not pulling its weight. It is not. Let us start with the enormous tax concessions in the mining industry. Why is it that people like Gina Rinehart get cheap fuel? Why do they get billion-dollar discounts on their fuel bills when ordinary people have to pay the full value of fuel excise? Let us drop the enormous subsidies that exist on fuel for the big end of town, in particular the mining industry. Look at superannuation and negative gearing. There are huge concessions enjoyed by high-income earners. While they
enjoy those concessions we are asking people on low incomes to pay more to see a doctor and to pay more for an education, but if they cannot find a job they are not going to be looked after. That is not the sort of country we are. Let us tackle tax avoidance head on. Let us look at the enormous offshoring that goes on with big multinationals, who are creating elaborate tax avoidance schemes—some of them legal, some of them not. Just yesterday we had someone suggest that these are as bad as, if not worse than, the bottom-of-the-harbour tax avoidance schemes that we saw in the seventies and the eighties. The challenge for this country is to take on the big vested interests, to accept that we have a great country with a social contract that we all enjoy. The government ignores that at its peril, because on the trajectory they are on they will not make it to the end of this year.

Senator KETTER (Queensland) (17:06): I rise to support the motion before the chamber. This week, we saw the Liberal Party go to war with itself, perhaps the last group of Australians it has not picked a fight with. They picked fights with pensioners, university students, unions, people needing to see a GP and even the ABC. And now they are turning their divisive politics inwards.

Under this government we have seen unfair policy after unfair policy being resoundingly rejected by the Australian public and also by the Senate. And yet the Liberals think that simply changing the spokesman will make Australians forget about the cruel and repeated attacks on the very fabric of our society that this government has undertaken during their 16-month reign. And let us not forget the complicit National Party in all of this, supporting the decline of rural health, the jacking up of petrol prices and the lack of any real plan for Northern Australia without so much as a peep. The Nationals: asleep on the job since Menzies.

The Liberal’s unfair budget and their broken promises are hurting Australians by around $6,000 a year for the average family. And this is from a government which claims to be interested in lowering the cost of living. This government is so out of touch and so right wing in its views that it is little wonder that the public are not buying anything it is selling. The unbridled outrage from the community with regard to making Prince Philip a knight was remarkable to see.

But what gave the public anger momentum was that this decision encapsulated everything about this government to date: behind the times, out of touch, bowing to external interests and without consultation. That is what fired everyone up: it was the ultimate ‘captain’s call’.

And if the policies alone are not bad enough, it is the completely ad-hoc and flying-by-the-seat-of-their-pants-way of governing that is angering the public and now, finally, the Liberal backbench. Before I go into detailing some of these examples of poor policy and backflips, I want to give a contrast to this cruel and bitter federal government. I would like to offer my congratulations to what in all likelihood will be a new Labor government in my home state of Queensland. What a campaign, and what a fantastic result for Queensland! Labor were outspent, outmanned and severely outnumbered against an arrogant LNP, that saw government as some sort of birthright and that saw office as a way to help their mates and to get square with their perceived enemies. The size of the groundswell of community support for a change in government surprised the LNP, who thought they could ignore their promises to the public and act in any way they pleased without consequence.
The Prime Minister clearly does not get it, when he describes the Victorian and Queensland election results as a 'fit of absent-mindedness' by voters. When all else fails, blame the public. So I congratulate Annastacia Palaszczuk—hopefully, soon-to-be Premier Palaszczuk—and look forward to dealing with a Queensland government that will genuinely have Queeslanders' best interests at its core.

Whilst I would love to congratulate each and every candidate, both successful and unsuccessful, time may prevent me from doing so. So I will congratulate those new Labor MPs in and around the north of Brisbane where my office is: Nikki Boyd in Pine Rivers, Shane King in Kallangur, Chris Whiting in Murrumba, Mark Ryan in Morayfield, Rick Williams in Pumicestone, Stirling Hinchliffe in Sandgate, Leanne Linard in Nudgee, former senator Mark Furner in Ferny Grove, Kate Jones in Ashgrove, Steven Miles in Mount Coot-tha and Grace Grace in Brisbane Central. I look forward to working with all of them to help bring back good governance in Queensland.

I just return now to the federal government and will look at some of the examples which have led to concerns and to this motion before the chamber. Firstly, let's deal with the intergenerational report. The intergenerational report must be released every five years; it is the law of the land. Joe Hockey and Tony Abbott have been too caught up in internal dysfunction and in trying to sell their unpopular and unfair budget to the point where the Treasurer is in breach of the very law his Liberal Party colleague Peter Costello created. What is Mr Hockey hiding in this report?

Let's look at the tax white paper. It is overdue. The failure of the Abbott government to pass their cruel budget has clearly demonstrated their inability to connect with the Australian people. How can the Australian people seriously trust the Abbott government on fair tax reform?

Let's look at the renewable energy target, the RET. The coalition's gamed review of the RET has led to investment in renewable energies leaving Australia's shores. This ideological crusade has permanently wounded our wind and solar industries in particular. When Germany is leaving Australia behind on solar power, you know there is a serious problem with this government's approach. I refer to the ARENA report on solar energy of 2013, which noted:

Solar energy is a vast and largely untapped resource. Australia has the highest average solar radiation per square metre of any continent in the world.

And yet when we look at the international comparison, Germany leaves us for dead—as does the United States, Spain, China, the Republic of Korea, Italy, the Netherlands, Switzerland, Canada and Portugal.

Additionally, the coalition misled the Australian people in 2013 when they stated that they were not expecting to make any changes to the Australian Renewable Energy Agency, ARENA. However, Tony Abbott's budget of lies and twisted priorities did exactly that, announcing that the ARENA would be abolished.

Let's look at workplace relations. Senator Abetz says that the coalition will not legislate to change penalty rates. But you cannot trust the Abbott government. They are already laying the groundwork via the Productivity Commission and are letting the more-loyal backbenchers off the leash with regard to penalty rates. Why can't they be upfront in their plans? One need only have a look at the news article of 5 September last year from the ABC, whose headline stated
'Liberal backbencher Alex Hawke calls for penalty rates to be cut …’. This article quoted Mr Hawke:

"If you change penalty rates now, in six to 12 months you’d start to see an impact of more small businesses taking on more young people," he said.

"Given that Sundays are no longer sacrosanct ... having to pay a 75 per cent loading [is] an old concept."

So that is their answer to jobs: cutting wages and conditions of workers. Of course, Mr Hawke's call flies in the face of the coalition's election promise to make no changes to penalty rates in this term of government, and this Productivity Commission inquiry is an opportunity to reintroduce Work Choices by a different name.

On the issue of privatisation, the Queensland election result clearly indicates that Queenslanders are opposed to asset sales. Yet the coalition's Asset Recycling Fund Bill is nothing but a bullying tactic to force states and territories to sell off their assets if they want to obtain Commonwealth funding for much-needed infrastructure. This is a sneaky way to impose their ideological agenda of blanket privatisation and reduced government services. As we saw in the Queensland election, an asset sale is an asset sale. You can try calling it a lease, Strong Choices or asset recycling, but in the end you cannot fool the public, particularly in the most decentralised state in the country, where regional communities often depend on vital government services to stay viable. I did not hear the Nationals standing up to their coalition partners on that issue either.

On the issue of the GP tax, before the 2013 election Tony Abbott made no mention of a GP tax. Yet, like all his other broken promises, his unfair budget imposed a $7 GP co-payment on Australian families just for seeing the doctor. Despite two backflips and the dumping of a minister, this government is still committed to taxing families more to see the doctor. Why won't they listen to Australians?

On the issue of paid parental leave, the Prime Minister's signature policy is in tatters. This was a policy he persistently promised to deliver yet has, like countless other promises, backflipped on. If the Prime Minister were serious about engaging in productivity gains he would reverse the government's cuts from child care of over $1 billion dollar that leave working families even worse off under this unfair, cruel budget.

On the issue of university deregulation, the Abbott government should stop its ideological attack on Australian universities. The twisted view that students should have to pay up to $100,000 for a degree will, quite literally, kill the hopes and dreams of thousands of potential students who will not be able to justify the higher cost of attending university. This government needs to scrap their plans to bring this policy back from the dead after the Senate killed it off last year.

On the issue of submarines, not due to the opinion of dozens of eminent defence experts and not due to the pleas of the South Australian government and local members but on the eve of a vote on his leadership the Prime Minister gave a promise for a tender process. I feel for Senator Edwards. He is trying to stand up for his state, and I can appreciate that. But the way this Prime Minister has played him is reprehensible. One the most important military procurements in our nation's history was put up for grabs to win a single vote in a leadership challenge. That is remarkable. I have visited the Collins class submarines at ASC in Adelaide and, unlike this government, I could not help but be impressed and incredibly proud of what
we are capable of building in Australia. The experts are on board. The industry and the public are on board. It is time the government got on board.

On the issue of business confidence, confidence in the business community—the alleged base of the Liberals—has been hammered by the never-ending chopping and changing of reviews, policies and ministers that has been the Abbott government so far. So far this term, the Liberal playbook in any area seems to be: (1) promise moderate changes before the election; (2) commission a sham review; (3) use the sham review to propose policy that is infinitely more extreme than previously promised; (4) be genuinely surprised when the public does not support the new policy. For many policies you can also add in the optional fifth step: perform a half-backflip. But they manage to mess that up as well. The end result is that no-one knows where they stand, and no-one knows what on earth is going on. The end result is backbenchers announcing policy to the media based on promises from the Prime Minister, then being contradicted within minutes.

This government has changed its views and double-crossed itself so many times on so many issues that its head must be spinning. They go on about blaming the previous government for their own poor economic management, but I would suggest they have a look a step further back. Let's ask the IMF about their spending, and I quote from The Age here:

Australia's most needlessly wasteful spending took place under the John Howard-led Coalition government rather than under the Whitlam, Rudd or Gillard Labor governments, an international study has found.

The International Monetary Fund examined 200 years of government financial records across 55 leading economies. It identifies only two periods of Australian "fiscal profligacy" in recent years, both during John Howard's term in office—in 2003 at the start of the mining boom and during his final years in office between 2005 and 2007. The Rudd government's stimulus spending during the financial crisis doesn't rate as profligate because the measure makes allowance for spending needed to stabilise the economy.

We have heard that 'good government' has allegedly started this week. It must be a pretty slow starter because I am yet to see it.

**Senator BACK** (Western Australia) (17:22): I am at a loss to understand why Senator Moore continues to give me these gifts. Yesterday, I thought that the gift of the MPI that she gave me was for my birthday, but I do not quite know why she has served it up again and given me the opportunity to share with the Australian people the absolute failure and the incompetence of the last Labor government. I take the opportunity to remark on Senator Ketter's comments with regard to Queensland, which is where, at the University of Queensland, I undertook my undergraduate studies. I will just check with a fine Queenslander, Senator O'Sullivan. Senator Ketter, in that era Queensland was debt free. As I recall, one of the proud claims of the then Queensland government was that all retail fuel prices throughout Queensland were exactly the same. It did not matter if it was Cairns, Mareeba or Brisbane, they were all the same. Today, you have an $89 billion debt.

Do you remember when John Howard won government? He and Peter Costello inherited a $96 billion debt from the Labor government and Mr Keating. But that was shared at the time amongst about 18 or 19 million people. Today, that $89 billion, nearly $90 billion, debt is shared amongst four million Queenslanders. And that represents $22½ thousand of debt for
every single person in that state. And do you know what? It has to be paid back. What was the Newman government able to do in terms of retiring debt? Not too much, but what it did do was retire a $6 billion deficit. That is the difference between what you get in each year and what you actually pay out in expenditure each year. They reduced it by more than two-thirds—from $6 billion down to $2.7 billion. So that is what we have in Queensland today. Good luck to the good people of Queensland, because all they are going to see is that $89 billion debt just go up and up and up. That $22½ thousand per person is going to go up, Senator O'Sullivan.

I would agree with Senator Ketter that we did make one mistake on coming into government in 2013. I will tell you what it was: we actually believed the outgoing Labor government. How stupid would you have to be to do so! But we believed in them that that year there was going to be an $18 billion deficit.

Senator Bilyk interjecting—

Senator BACK: Do you know what it turned out to be? In case Senator Bilyk did not hear it, it was not $18 billion; it was $40 billion. A deficit, as we all know, is that shortfall between what you get in each year and what you give out each year. Over the six years of the Labor government, they managed to run up $200 billion of deficit, whilst they ran from a surplus and approached about $600 billion in debt. As we all know, that translates to $1 billion a month, $33 million a day. It is about $1½ million an hour that this country is borrowing overseas, not to repay the debt but just to repay the interest. And how often do many of us in this place reflect on where we need to have funds to spend in the welfare sector, to spend in the pension sector, to spend on child care, et cetera? But when you watch that $1,000 million a month just going offshore, that is the new teaching hospital every month, that is the two new primary schools every day, seven days a week, that we are losing because we are paying back Labor's debt. Yes, there was a mistake by the incoming government, and that was that we believed the figure of $18 billion deficit.

Acting Deputy President Seselja, you know—and those of us who have run businesses throughout our lives know—that leadership is about responding to changing circumstances. What are the circumstances today? The Labor government enjoyed the best terms of trade in Australia's history. They inherited no debt, no deficit. They inherited about $40 billion that was earning about $5 billion a year interest that was actually going into programs, et cetera—absolutely incredible. But we went to an election and we made a few promises. The first one was that we would get rid of the regressive carbon tax, because the carbon tax was simply putting the foot on the hose of industry, jobs and businesses. It was sending industry offshore; it was costing more for energy.

When young people come to my office and they want you to do this and do that, I say to them, 'In a population of 23 million in a land mass the size of continental USA, why do you think we have one of the highest per capita incomes in the world?' And they say, 'We lived on the sheep's back.' Well, it is a long, long time ago that we got a pound per pound of wool. Then they say, 'It's gold.' No, it is not gold. 'It's Iron ore.' We have probably had iron ore for six, seven, eight, nine or 10 years. Eventually, they cannot answer the question, so I say to them: 'Do you know why we are such a wealthy country per capita? It's because of cheap energy.' That has been it—nothing else, nothing more. We do not have the population. We do
not have the population of the United States. We do not have the population of China and the other Asian countries. We have got— or did have— cheap energy.

So what did the carbon tax do? It attacked Australia’s one great advantage. So we said we would reverse it, and we did. Who was the mining tax going to affect? Mainly, of course, Western Australia. That did not worry Labor, because they have so little representation in Western Australia. Even good Senator Bullock, before he came into this place, and others at the time, said, ‘Don’t do this.’ We stood up here day after day and said, ‘You will not bring in a mining tax, because it will make no money.’ Did the then Labor government listen? No. What did they do? They not only made a prediction that they were going to earn $4½ billion a year when we told them it would earn them nothing. But, do you know what good old Mr Swan— that responsible and that best Treasurer in the world— went out and did? He spent it! Could you imagine a household getting the hope or the promise of $4,500 or a business getting $45,000, and at the beginning of the financial year saying, ‘You beauty, I am going to go out and spend the $45,000 or the $4,500, or whatever it is.’ Would any responsible household or business do that? Of course it would not. Mr Swan did. He made all these promises. He said, ‘We’re going to increase superannuation, we’re going to change every circumstance, we’re going to make all these concessions for everyone.’ He built up expectations and hopes. And what happened when he earned nothing from his mining tax? Of course, they were dashed. And so we quite rightly committed them to the dustbin.

Today we have had discussions about the shocking circumstance of the number of people who came here illegally on boats. I will make only one comment about that. We speak about the 1,200 people lost at sea. I spent some time last year with two of my Senate colleagues undertaking the Sovereign Borders program up in Darwin at the Larrakeyah Barracks. I remember one morning speaking to some of the naval personnel who had in fact been at sea during those horrific circumstances. I asked them, ‘How real is the figure of 1,200 lost at sea?’ One of them said to me, ‘Senator Back, the 1,200 were the ones that we pulled out of the water. The number is unknown, but it is infinitely greater than that 1,200.’ I will not reflect further at this time on that circumstance.

But I will go on and say that, when Mr Abbott as the Prime Minister was confronted with the opportunity of providing financial support to SPC Ardmona, he said, ‘No. Industry and business have got to learn to stand on their own two feet.’ I would just make this observation. Do you know when the start of the demise of SPC Ardmona was? It is important to put this on the record. It actually started during the fruit harvest some years earlier at SPC Ardmona when a then industrial official went to the company right in the middle of picking and harvesting and influenced its workers to threaten to strike and arranged a circumstance in which the conditions of employment became such that the company became absolutely uneconomic and unprofitable. Do you know who that then union official was? It was one William Shorten, the now leader of the federal opposition here in this place. So we cannot divorce industrial activities from this but I, for one, will always do my best to encourage employment. I have a long record of encouraging employment, opportunity and skills development for those who have worked or are working with me or for me.

I will also go to some of the issues we are facing. Why are we looking at some of the budget problems we have? It is because the then Labor government identified $5 billion of savings that we supported once we came into government in this place. But what have that
group of people on the other side done? They have opposed them. They have opposed their own budget savings.

I will go to higher education. It is a shame that Senator Carr is not here. Senator Carr knows as well as I do, despite his ranting and ravings, that it was the Labor Party's intention to cut some $6 billion out of higher education. In fact, by April 2013 they had started that process. I do not think it is to the credit of Labor senators to talk about $100,000 degrees. Let me give you one example. The University of Western Australia is among the top 100 universities in the world. Paul Johnson, the Vice-Chancellor of the University of Western Australia and an honest, ethical man, has said that the cost of undergraduate degrees at UWA will be $16,000 per annum. A three-year education degree will be three times $16,000, which is $48,000, not $100,000. A four-year agriculture degree will cost four times $16,000, which is $64,000. Perhaps Senator Carr needs to go back to school or borrow a calculator. For heaven's sake, do not insult the intelligence of this place by going on about $100,000 degrees when that university alone, one of the top universities in the world, has said what degrees will really cost. Either that or bring Professor Johnson in here and call him a liar to his face.

Those higher education opportunities will particularly enhance the opportunity for low socioeconomic Australians to avail themselves of scholarship schemes to go to university without fees. Regional universities are now being denied Commonwealth supported places for sub-university programs which will then lead students on towards university degrees. They are being denied them completely. I cannot understand why or how that circumstance is occurring.

Senator Ketter drew attention to jobs, as did Senator Moore. The government is costing jobs, is it? The job advertisement level, according to the ANZ, is growing at 13.6 per cent per annum at the moment—the fastest growth in 3.5 years. Two hundred thousand jobs have been created, equating to just under 600 jobs a day. In 2014 jobs growth was more than triple that of 2013. Is this evidence of costing jobs? These are not coalition figures; these are from the ANZ. The Dun and Bradstreet business expectations survey says it is the best outlook for 10 years.

Bill Evans, the chief economist at Westpac, made this observation the other day in response to the Reserve Bank's decision. He said, 'This lift in confidence should allay any concerns that rate cuts in the current environment of record low rates can be a negative for confidence.' I have a lot of faith in Bill Evans. I have followed him for a long time. I believe that he knows what he is talking about.

If Senator Moore thinks consumer confidence is down she should know that retail trade is up 4.1 per cent higher than last year. We will be introducing a small business tax cut of 1.5 per cent. The ANZ consumer confidence index is at its long-term average. We saw in 2014 a 10 per cent increase in the number of companies registered. These are what will go out and employ people. There are 21,000 new companies, and that does not take account of sole traders, partnerships or other business activities. Senator Whish-Wilson quite rightly said today that small business is the engine room of this country. It is where there is and will be employment.

I have already spoken about the fuel industry and electricity costs. We know that electricity costs are down. We know that fuel costs are down. For how long they will be I do not know. I
would not be banking on it, but at least they are down at the moment. These are taking pressures off everybody in the economy.

But I am particularly concerned about and interested in employment prospects. We have at the moment in the hospitality and tourism industry an urgent need for 85,000 to 90,000 jobs to be filled. There is an urgent need now. That is before we get to the ongoing onslaught of new inbound tourists as our Australian dollar goes down. There is $4 billion of value to us in the China-Australia free trade agreement from education related services and exports. There was $1.7 billion last year of revenue to this country just from tourism from China. We have 85,000 to 90,000 jobs in that one sector alone. In the sector which I am very interested in and, of course, passionately associated with, agriculture and agribusiness, the opportunities for our country are vast. Like tourism and hospitality, as Senator Nash knows only too well, many of those jobs are in rural and regional areas. Many of them are jobs that do not require a high degree of skills, but there is the opportunity for skills development.

If only the Labor opposition would stop the negativism. If only they would come in here and act as adults and help in the whole process of improving the economy, of creating jobs and of stimulating activity, the whole of this Australian economy and all of its people would be an awful lot better off.

Senator CAMERON (New South Wales) (17:38): It is not often I get the opportunity to follow Senator Back in a debate. I am very pleased to be able to do that today. Listening to Senator Back thrash around, regurgitating the same old rhetoric that the Australian public have rejected, is just pathetic—absolutely pathetic.

Let us go to one of the issues that Senator Back raised: the issue of jobs. The key players on jobs are the Australian Bureau of Statistics, and what have they said today about this incompetent, arrogant, unreal government? One hundred thousand more Australians are unemployed since the last election—100,000 jobs gone under the watch of Prime Minister Abbott and the rabble that he presides over. It is really is an issue where the only job that the Prime Minister cares about is his own job. The unemployment rate is the highest it has been since 2002. We had Senator Ruston in here earlier, and Senator Back, waffling on about what great economic managers they are and what a problem they inherited, and they have been demonstrated today again to be economic incompetents and to be absolutely incapable of dealing with the issue of employment growth in this country. There has been a 1.1 per cent spike in youth unemployment under the watch of the coalition government. This is the same government that wants to make sure that unemployed youth do not get access to any government support for six months. What is wrong with this government?

In South Australia, where this government basically told the car industry to go away—’Go and find an investment somewhere else’—and get out of the country, we now have this big jump in unemployment. It has the highest unemployment in the country, at 7.3 per cent, and that is before the car industry job losses hit South Australia. It is at 7.3 per cent now, and the car industry losses are to go on top of that. There has been a deal done with the Spanish government to build the submarines in Spain, and that will mean more job losses in South Australia. This government does not care about jobs. All the leadership of this government care about is their own jobs—that is all they care about.

Look at the pathetic performance we have had in South Australia. Senator Edwards was dragged kicking and screaming to stand up publicly for jobs in South Australia. We never
heard a peep out of him when Senator Johnston, the former defence minister, said that South Australians could not build a canoe. There was not a peep out of any South Australian senator—not a word. They just copped this diminution of the reputation of South Australian workers, and they did it without a peep—not a mention of that issue.

Then, suddenly, the South Australian senators understand they have a political time bomb ticking away underneath them and that this is not acceptable. On top of destroying the car industry, the coalition are destroying the submarine and shipbuilding industry. That political time bomb ticks away and what does Senator Edwards do? He has an epiphany. He suddenly recognises that there are jobs on the line in South Australia, an area with high unemployment, the highest unemployment in the country, with the government not caring about South Australian workers. So he actually does the right thing and he starts standing up for South Australian workers. But then he does a deal with the Prime Minister that he would provide his vote to the Prime Minister in return for an open, competitive tender. The Prime Minister gives him that commitment. Senator Edwards goes out the next day, parades himself as being a great hero in South Australia and says, 'I've delivered a competitive tender for South Australian industry. Look how good I am.'

As soon as he got the words out of his mouth, he was being hammered into the ground. I feel sorry for Senator Edwards—I really do feel sorry—because at least he did the right thing in the end. He was doing it belatedly, but he got there and he eventually did the right thing. He traded his vote for the promise in return for doing something that nobody knows what it means or what it is about.

Senator Edwards tried to go out and defend himself in the media—not very successfully, I do not think anyone would argue—but then he was humiliated again by South Australian frontbencher Mr Jamie Briggs, who came out and basically accused Senator Edwards of lying. In all my watching of politics in this country, I have never heard a government minister accusing a fellow member of their party of lying. This is something new in politics and it shows you exactly the problem we have with an incompetent government that is only interested in maintaining jobs, maintaining the perks of office, and is not prepared to look after the workers in this country.

This is something I have never seen before. What is he trying to do? He is trying to do what the Economic Development Board in South Australia is that right thing, and that is to build the submarines in South Australia. The Economic Development Board in South Australia have said that Australia would be around $525 million a year better-off if the
submarines are built in Australia—a half a billion dollars a year benefit to this economy by building the submarines in Australia—and 3,000 more Australian jobs will be saved every year over the 40-year life of the project if the submarine is built in Australia. These are massive figures, massive amounts of jobs, and I am glad Senator Edwards belatedly come to the view that he should stand up and fight on that position.

The unemployment rate is only one aspect of the failure of this government. The biggest failure of this government is a failure of trust and a failure of credibility. You see, no-one trusts this government. It does not matter whether it is Senator Ruston, Senator Back or Senator Cormann who gets up and runs the same rhetoric that has been run by this government since it came into power, people have stopped listening. And do you know why? It is because they do not trust you. You cannot lie continually to the Australian public and get away with it unscathed. I remember clearly when, on the night before the 2013 election, Tony Abbott, then Leader of the Opposition, went to the Penrith football club and said there would be no change to pensions, no change to the GST and no cuts to the ABC or SBS. Well, not one of those commitments has been kept.

Attacking the ABC, one of the most respected organisations in this country, is, I think, a bit low. The ABC is clearly an independent organisation that is delivering what the Australian public expect—a news service that can be respected and is independent. I have heard Senator O'Sullivan attack the ABC. I have heard him say that was one of the good things the government has done. Senator O'Sullivan, I do not think the constituents out in rural and regional Australia really think that is a good thing to do. I think your constituents actually believe that the ABC provides a good service to the community and that it is worth paying for.

I think your constituents need a National Party that is going to stand up for their needs out in rural and regional Australia—not a National Party that simply does the bidding of the Liberal Party, is a pale imitation of what the National Party used to be and is not prepared to stand up for rural and regional Australia on health, education and welfare. The National Party are so pathetic. They are not prepared to stand up for their own constituency, and that is why the voters in rural and regional Australia are looking for alternatives to the National Party. That is why we are seeing Liberals and independents getting elected in rural and regional Australia. The Nationals have abandoned the needs of rural and regional Australia.

Where are people depending more on jobs? In rural and regional Australia. They need jobs in rural and regional Australia. Where are people who are on welfare? The majority, or a lot of them, are in rural and regional Australia. What is the National Party sitting back and letting the Liberal Party do? Cut $80 a week over 10 years out of the pensions. Have you actually gone out and told the constituents of rural and regional Australia that you are sitting back dumb, sitting back and say nothing, when the pensions will be reduced by $80 a week over a 10-year period? I do not think so.

There are many unemployed 23-year-olds in rural and regional Australia. They are being cut $50 a week, which is 18 per cent of the income. There is nothing fair about that. That is why the Australian public have said that the budget that this government delivered is one of the most unfair budgets this country has ever seen. A single parent with an eight-year-old child will lose $60 a week, which is a 12 per cent cut in their income. Where is the fairness in
that? It is just not there. For families on $65,000 a year, their income will be cut $6,000 a year.

That is why the coalition have lost the confidence and the trust of the Australian people. That is because you have acted on ideology and not the interests of the Australian public. You come in here and you mouth the same rhetoric, day after day, hoping it will see you through. The robotic rhetoric of Senator Cormann is not cutting through. You have got a Treasurer who is not cutting through. You have got a Prime Minister who is totally incompetent and does not even have the confidence of a massive amount of his backbench.

Senator O'Sullivan: What nonsense!

Senator CAMERON: Senator O'Sullivan says, 'What nonsense.' This shows you that these people are just defying reality. They just do not accept reality. It was not the Labor Party who had the vote in your party room and it was not the Labor Party that was rebelling; it was your own backbench that was rebelling, because they are now listening to the Australian public and the Australian public are saying that your budget was unfair, you have not done the right thing and you cannot be trusted. You cannot be trusted and that is why you are in the position that you are in, where your party room is falling apart and where your Prime Minister is on a day-to-day probation. If there is another mistake, you are gone and the Malcolm Turnbull minions are in control. That is the problem you have got. You took the schoolkids bonus away, you cut $36 billion out of education and you cut $80 billion out of health—now wonder the Australian public look at you guys askance.

It is not only the Australian public. You have got the Council on Foreign Relations, who promote themselves as supporting globalisation, free trade, reducing financial regulation on transnational corporations and economic consolidation into regional blocks—on it goes. It is a right-wing organisation. What does one of their experts say in the Council of Foreign Relations' journal? They say:

Is Australian Prime Minister Tony Abbott the most incompetent leader of any industrialized democracy?

I can answer that question very easily: yes. They say:

There are world leaders who appear dangerously unhinged, making policy based on whims, advice from a tiny handful of advisers, or some other highly unscientific formula.

They name a few of those leaders, such as Korea's Kim Jong-un and Russia's Vladimir Putin. They say:

But none of these leaders run a rich and powerful democracy... Tony Abbott, however, is in charge of a regional power, a country that is the twelfth largest economy in the world and the only rich world nation to have survived the 2008-9 financial crisis unscathed.

That was thanks to the Labor Party.

Yet in less than two years as prime minister, Abbott has proven shockingly incompetent, which is why other leaders within his ruling coalition, following a set of defeats in state elections, may now scheme to unseat him. They should: Abbott has proven so incapable of clear policy thinking, so unwilling to consult with even his own ministers and advisers, and so poor at communicating that he has to go.

That is only the start of the analysis from the right-wing think tank. The coalition are in political trouble and economic trouble. They will not survive because they are unfair and untrustworthy and have lied their way into power. (Time expired)
Senator REYNOLDS (Western Australia) (17:58): I would like to thank Senator Cameron for his contributions. I heard his contributions yesterday and he again said that somehow it was a bad thing that we were ideologically based. I have got to say to him, again: absolutely, we are. We are based in sound philosophies. Despite the absolute mess you left us, we have taken responsibility for dealing with it. You have adopted a year zero approach: what debt, what issues and what problems? We clearly have a very different perspective on success.

Our economy is growing at 2.7 per cent. The best you achieved is 1.9 per cent. Last year, we did create 213,000 jobs and 223,000 new companies, which are all employing Australians. Retail trade figures are up for seven months in a row. We have scrapped the carbon tax, which is at a tangible benefit of $550 per family. Wonderfully for our states, we have scrapped that ridiculous mining tax that you spent against where you never raised any money. We have got $50 billion in infrastructure packages to create new wealth and new jobs. We have 85 projects underway already in 18 months with another 94 underway.

We have made a decision on the new Western Sydney airport. After 10 years of discussion—in which you did nothing—for our free-trade agreement, we have now got three free-trade agreements, which represents over 50 per cent of our exports. We have got $1 trillion in new environmental approvals. Again, they are to create the jobs of the future. We have cut $2 billion in red tape, which was strangling our small businesses. We are putting in place the long-term structural reforms to fix your budget mess. We have stopped the boats. To me, that is success in 18 months.

The PRESIDENT: Order! The time allotted for the debate has expired.

**DOCUMENTS**

**Defence Materiel Organisation**

Debate resumed on the motion:

Senator CAMERON (New South Wales) (18:02): This report on the Defence Materiel Organisation is so important in the context of the situation we are facing in South Australia at the moment. We have a government that has done a deal with the Japanese government to build submarines in Japan and that has, by taking that approach, abandoned the work force and the community of South Australia. This is during a period when South Australia has the highest unemployment rate in the country—7.3 per cent. They have not yet felt the effects of this government's killing off of the car manufacturing sector in this country, and now more jobs are being sent overseas from the submarine project.

I want to indicate how important this submarine project is. According to the Economic Development Board of South Australia, 3,000 Australian jobs will be created every year over the 40-year life of the project if it is built in Australia. How ridiculous it is for the Prime Minister to make another captain's call and hand this project to the Japanese. This is absolutely outrageous. We see bickering and backstabbing in this incompetent coalition. When Senator Edwards belatedly stands up for his own state, belatedly stands up for jobs in South Australia, what happens to him? He is accused of lying by his own frontbench.

Senator Ian Macdonald: Mr President, I rise on a point of order. I have had a look at this report and I cannot see anything in it—perhaps I am reading the wrong one—about the Defence Materiel Organisation that would in any way justify Senator Cameron's contribution.
Senator McLucas: On the point of order, Mr President: as you know, in taking note of documents you have historically, as have other Presidents in the past, allowed a wide-ranging discussion.'

Senator Ian Macdonald: It has to be relevant to the report, though.

Senator McLucas: I suggest it is, in the context of the way we have these discussions when we take note of documents. Mr President, you have ruled that way, appropriately, in the past and I encourage you to do the same again.

The PRESIDENT: Senator Macdonald, you do raise a valid point of order but also Senator McLucas has summed it up correctly, that traditionally these debates have been wide-ranging. However, the debate must be constrained around the subject matter. Senator Cameron is relevant to the topic at this point. Senator Cameron, be very careful about your accusations, also, in relation to other senators. In the last few days accusations and implications have been made about senators and about truthfulness, and we need to be very careful that implications are not directed towards senators or groups of senators.

Senator CAMERON: On the point of order, Mr President: I would ask you to go through Hansard and look at my comments in relation to the submarines and Senator Edwards. You will not find that I have in any way accused Senator Edwards of lying.

The PRESIDENT: That is not a point of order, Senator Cameron. I have indicated to you that you can continue your remarks—you are being relevant in the context of this debate but I have issued a warning about being very careful about reflections on senators. That goes for all senators.

Senator CAMERON: I certainly would not wish to reflect on any senator in this place. All I am doing in my contributions is outlining the backbiting, the infighting and the backstabbing that is going on in the coalition party room over the issue of submarines. In terms of defence materiel, this would be the biggest defence materiel project ever in this country.

Senator Ian Macdonald interjecting—

Senator CAMERON: It is absolutely no wonder that Senator Macdonald is on his feet trying to close this debate down, because this is a huge embarrassment for an already embarrassed government, for an already incompetent government, for a government that is so arrogant that it thinks it can continue to run the rhetoric that has seen losses in Victoria and a massive change of government in Queensland—unheard of—but it still wants to run this rhetoric of sending jobs overseas and of privatisation. The public do not accept the position of the coalition in relation to these issues. It is not me and it is not the Labor Party that are accusing Senator Edwards of lying. It is the coalition's own party leadership and their own frontbench. It is not the Labor Party. In fact, we have been in here defending Senator Edwards for belatedly seeing the need to defend jobs in South Australia.

I take the view that jobs are important. The Defence Materiel Organisation can play a role in creating jobs in this country. When, under the coalition, this country has the highest unemployment rate it has had for 20 years, we need every job we can get, and we should not be handing the submarine build to the Japanese because of a captain's pick by a beleaguered Prime Minister, a Prime Minister who does not even have the confidence of his own
backbench, and by a coalition government in disarray—a coalition government that is not trusted by the Australian public.

Senator IAN MACDONALD (Queensland) (18:09): The report from the Defence Materiel Organisation, as usual, is a good one. It does highlight some issues. I was trying to get Senator Cameron to refer to the page in the report that he was speaking about. Of course, he did not, because, even though he has been here for a while now, he never seems to bother following the rules of the Senate, which are there for a reason and which should be followed.

One of the difficulties that the Defence Materiel Organisation have experienced, which they refer to, is the cost of doing business in Australia. The carbon tax imposed by the Labor government, which Senator Cameron and the Greens were part of, simply made manufacturing in Australia uncompetitive, and that included defence manufacturing. It is so sad that a party like the Labor Party, which is supposed to be looking after the workers, did so much to destroy workers' jobs and send jobs overseas. That is one of the problems for the defence industry and the Defence Materiel Organisation: procuring manufacturing activity in Australia was made so difficult because of the additional costs of doing anything because of the Labor Party's carbon tax.

Under the Labor Party's carbon tax and under the watch of Senator Kim Carr as industry minister, we know that the Australian car industry was shut down. It became entirely uncompetitive. Through evidence given to the Royal Commission into Trade Union Governance and Corruption, we know that the unions are jobs' worst enemy in Australia. The corruption in the trade union movement, of which Senator Cameron and the senator from Far North Queensland are a part of—they are all ex-union people—

Senator Urquhart: What about me?

Senator IAN MACDONALD: And you too—you are part of the union movement. If you are in the Labor Party, you do not get into this chamber unless you have been able to heavy some union into supporting you in getting a job in this place. You never would have got a decent job anywhere else. But the unions put you in here, and you are here to look after the union movement.

The PRESIDENT: Through the Chair, Senator Macdonald.

Senator IAN MACDONALD: I should be saying this through you, Mr President. But I am diverting from the Defence Materiel report, to which I am speaking. I again make the point that the corruption you see in the trade union movement impacts upon the costs of doing business in manufacturing in Australia. And that is why, as the Defence Materiel Organisation points out, there have been some difficulties in giving defence industries the support that we would have hoped for.

I do not want to prolong the Senate today, but I simply say that Senator Cameron's interpretation of the report—which I know he has not read and which he is speaking to today without any indication of what is actually in the report—makes my argument. The reason it is so difficult for any defence industry activity in Australia is that the Labor Party imposed a carbon tax that sent Australian jobs overseas. That was quite obvious in the defence area, and, in fact, in any area, because our competitors overseas did not have those sorts of imposed costs and they do not have a corrupt trade union movement, as we do—which the royal commission has clearly evidenced. Those sorts of things make it very difficult for Australia to
have a manufacturing industry, make it very difficult for Australia to do what we want to do in the defence materiel area. So I would just urge Senator Cameron, when he speaks on these things, to understand what the real problem is with industry support in this country. It is the Labor Party. (Time expired)

**National Health Funding Body**

Debate resumed on the motion:

**Senator CAMERON** (New South Wales) (18:14): The National Health Funding Body report for 2013-14 is a very important report in the context of what is happening in health in this country. As a member of the Select Committee on Health, looking at the issues that are affecting ordinary Australians—and some of the poorest Australians—access to health, this is a very important issue. And what we have seen and what we have been hearing in relation to funding for health is that unless there is a change to the funding models proposed by this incompetent government then the medical profession's business model will no longer be sustainable. We hear so much from the other side about the sustainability of small business. Yet one of the areas they do not have a clue about is how doctors maintain their small business—because they are a small business, as they keep telling the inquiry. And they say that the imposition of a $7 co-payment, or the imposition of a $5 co-payment, or the imposition of a further extension of the freeze on indexation to their payments, means that their business model is unsustainable. This is a government that claims to understand small business, yet they do not understand the key issues for one of the most important small businesses in the country—the small businesses that keep this population healthy.

**Senator O'Sullivan:** What would you know about—

**Senator CAMERON:** They either do not know about it or they do not understand. And we have Senator O'Sullivan interjecting again. Well, that gives me the opportunity to bring into play what is happening in regional and rural Australia with health and what the GPs in regional and rural Australia are telling the committee. They are basically saying that they are having huge financial problems, that many doctors will leave because of the government's policies; they will just close up shop and go away and retire. If they are getting towards their later years, they are just going to retire. In Tamworth, which I know very well, as I have been to Tamworth many, many times, the biggest single GP practice, with 15 GPs, is run by Dr Kamerman—not Cameron, but Kamerman, with a K. Dr Kamerman said that they have done the analysis of the effects of this government's policies on their business practice, on their health practice in Tamworth. And what they are saying is that they will have to charge non-concession-cardholders $100 every time they visit the doctor, and they will have to charge concession cardholders $65 each time they visit the doctor, and they will stop bulk-billing.

When you look at national health funding in this country, national health funding has been about encouraging bulk-billing to encourage people who cannot afford to access the doctor to access the doctor. At $100 to go and see a doctor, if Mr and Mrs Smith are crook, and their two kids are crook, they will have to go and get a loan to go and see a doctor in Tamworth. And what have the National Party done?

**Senator Ian Macdonald:** Mr President, a point of order: I do not want to interrupt any legitimate debate here, but, again, I point out that this is a report on the National Health
Funding Body, and I would like Senator Cameron to indicate which page of the report he is talking about that has any relevance at all to the subject off his debate.

The PRESIDENT: There is no point of order.

Senator CAMERON: I will not even reflect on what has been said there. So, the National Party, again, has been absolutely silent—

Senator O'Sullivan: The doormat.

Senator CAMERON: Senator O'Sullivan, you said it: the doormat. (Time expired)

Senator IAN MACDONALD (Queensland) (18:21): On the same document and, I might say—not that I like doing this—on the same subject that Senator Cameron was talking about: health in Australia has always been something that we as a nation are very, very proud of. And I give thanks to Sir Robert Menzies, who as Prime Minister introduced a lot of the health benefits that we now accept as normal in Australia. I do, again, take up Senator Cameron's point about medical practices being small businesses. It is one occasion on which Senator Cameron is correct; they are small business. But they would be the first to tell you that under the six years of Labor dysfunction in government the cost of running any sort of a business, including medical practices, just skyrocketed and put upward pressure on the small businesses that are medical practices.

Following along Senator Cameron's interpretation of this document, can I simply point out that the federal government did make a mistake on co-payments; that has been conceded. It is something that I have been talking about for some time. Because I am in the Liberal Party, I am able to get up publicly and point out differences of opinion with the health minister on the way that health operates in Australia. If Senator Cameron had done that in the days of the Labor government—if he had had the intestinal fortitude to do it, and I suspect that he would not have—he would have been expelled from the Labor Party. He would have been thrown out of the Labor Party because the Labor Party do not allow any dissension or any public debate. They do what the unions tell them to do. The unions simply tell whichever Labor Prime Minister it happens to be what they want, whether it be in health funding or anything else.

As Senator O'Sullivan said in his interjection: 'What would Senator Cameron know about small business?' As he also said, 'Would Senator Cameron have ever been to Armidale?' I suspect not. Senator Cameron is one of those that lives in the leafy suburbs of Sydney, in the high-rise area, up on the 55th storey of one of these big buildings, where he was the director of one of those big insurance companies—at what cost, we do not know. What would he know about a small business in Tamworth, in Armidale or anywhere in rural and regional Australia?

I am delighted that the minister, Sussan Ley, is seriously looking at a number of issues in the health area. Clearly, the way that the current health system works is unsustainable. If we keep going at this rate, then in the time of our kids and our grandkids there will not be any sort of health system, because it will simply have run out of money. I think that everybody accepts that something has to be done; it is what is right. The National Health Funding Body, whose report we are dealing with, speak generally about the difficulties of funding in health. I give every congratulation to Mr Abbott and Ms Ley for their work in ensuring that Australia continues to have a first-class health system—a health system that really emanated from the
days of Sir Robert Menzies. I commend the National Health Funding Body report for 2013-14 to the Senate.

Senator McLUCAS (Queensland) (18:25): I seek leave to continue my remarks later.
Leave granted; debate adjourned.

National Mental Health Commission

Debate resumed on the motion:

That the Senate take note of the document.

Senator McLUCAS (Queensland) (18:25): The National Mental Health Commission report for 2013-14 gives me a great opportunity to commend the work of the National Mental Health Commission. The National Mental Health Commission was established under the Labor Party, following international best practice. Countries around the world have realised that the best thing to do to ensure that the voices of people living with mental illness are heard is to establish an organisation, an entity, outside of government, which has the task of ensuring that the voices of people living with mental illnesses are heard and also ensuring that independent advice is provided to government about the complex treatment styles, complex planning and programs needed to provide quality services to people who live with mental illness.

Following the change of government, the new government did two things. First of all, they removed the independence of the commission. That was a real blow to the sector. The commission had done some marvellous work to develop trust with people who live with mental illness and also with the service providers who serve them. So it was a very sad day for the sector when the government removed the independence of the commission. Secondly, the government tasked the commission to conduct an inquiry into mental health services, programs and policy in the country. I have not been critical of the government for asking somebody to conduct an inquiry, but I have said—and I still say—that the commission was not the right organisation to conduct this inquiry, given that the terms of reference were very much focused on the finances of mental health services in the country. They would have been an important participant of an inquiry, but to have them conduct the inquiry was, I believe, a wrong move.

That is really what the commission has done in the last 12 months. In February 2014 they provided an interim report to government. They provided another interim report in June 2014. At the end of November last year, I am led to believe, the government received the final report of the commission's inquiry into mental services in our country. Late last year I moved a motion in the Senate asking for the two interim reports to be published. I was terribly disappointed when the government did not take the opportunity afforded it by that motion to present those two reports. On Tuesday of this week I did that again. Again, the government has said that they are not going to publish those reports, because they are deliberative in nature.

Yesterday I moved in the Senate for all three reports to be made public, but it is not just the Labor Party who is calling for these reports to be placed in the public arena. Yesterday many senators would have met with over 90 mental health stakeholders—people who are providing services to in mental health space and people who have lived experience of mental health. A
lot of people came into this building to ask the government, the opposition and the crossbenchers to do a number of things, including publishing this important report.

This is the report that is going to steer the government to decision making around policies and programs for people living with mental illness. It is absolutely essential that this be done transparently, that the conversation is held in a way that each and every participant has an understanding of the direction of the government. We need an informed discussion about the future of mental health programs in the country, and the first step is the publication of this report. So I take this opportunity again tonight to call upon the government, to call on the new minister—with a new minister now there is an opportunity to take a different tack, to take a new approach to working with the mental health community—to publish this report and undertake a proper consultation with people in the mental health area. (Time expired)

Australian Human Rights Commission

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (18:31): I rise to speak on the Australian Human Rights Commission report The forgotten children: national inquiry into children in immigration detention, which was tabled here in the Senate earlier this week. I move:

That the Senate take note of the document.

I want to be very careful with the language that I use. It is a matter of public record that there is for some a challenge to the integrity of this report when having regard to the genesis of the report—the genesis of the idea to hold the inquiry—and indeed the decision-making journey that occurred under the architectural guidance of the President of the Australian Human Rights Commission. In the limited time available it may be best to say that during estimates hearings last September, from memory, the President of the Australian Human Rights Commission was examined in relation to the evolution of the decision-making process that led to the commissioning of the inquiry and consequently this report. The kindest possible description that could be provided regarding her performance before the Legal and Constitutional Affairs Committee was that it was a very untidy passage of evidence and a very untidy performance when examined on some of the facts.

Essentially, the difficulties arose when the president of the commission was eventually either unable or unwilling to confirm the evolution of dates and the decision-making process that led to the calling of the inquiry. Initially, on her own evidence, she indicated that the intent to conduct the inquiry was firmed up in late 2012. She had taken up her position with the commission in June of that year. Certainly on a number of occasions, whilst her evidence moved around somewhat, she then indicated that in the early part of 2013 it was firm in her mind the inquiry had to be commissioned and—again using her own words—by June the commission itself had made a decision to conduct the inquiry.

However, of course, as we know, the inquiry was not announced until into the new government in 2014. The disturbing fact was that the president indicated, on the evidence available from the Hansard, that she had spoken with a number of Labor ministers during the caretaker period, which is most improper. But there will be an opportunity in a week and a bit from today for the President of the Australian Human Rights Commission to clear up all these issues, to be able to tidy up that evidence. It will give everyone an opportunity to form a firmer view of the details relating to the evolution
In the meantime I say that the integrity of this report remains in question for some due to the fact that it took some 15 months, almost self-evidently waiting for a change of government, to conduct an inquiry well after the peak problem that is said to have motivated the report had diminished by almost 50 per cent. My point in speaking tonight is to urge anybody who is going to give consideration to this report to approach it very cautiously, because I believe that the genesis was flawed and that therefore impacts on the integrity of the document. I seek leave to continue my remarks later.

Leave granted.

**DOCUMENTS**

**Consideration**

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


- Department of Education—Report for 2013-14, including the report of Tuition Protection Service. Motion of Senator Bilyk to take note of document called on. Debate adjourned till Thursday at general business, Senator Bilyk in continuation.

- Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

- Fair Work Commission—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.


- Department of Employment—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.


- Australian Organ and Tissue Donation and Transplantation Authority—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator McLucas the debate was adjourned till Thursday at general business.


- Anindilyakwa Land Council—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

- Asbestos Safety and Eradication Agency—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

Australian Accounting Standards Board—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.

Australian Prudential Regulation Authority (APRA)—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.

Cancer Australia—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

Clean Energy Finance Corporation (CEFC)—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

Department of the Treasury—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

National Health and Medical Research Council (NHMRC)—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

National Health Funding Pool—Report for 2013-14, including financial statements for state and territory State Pool Accounts. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

Takeovers Panel—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.


Climate Change Authority—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.


Native Title Act 1993—Native title representative bodies—Central Land Council—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice and native title—Reports for 2013-14. Motion of Senator Siewert to take note of documents called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.


Department of Industry—Australian vocational education and training system—Report for 2012. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

Australian National Preventive Health Agency (ANPHA)—Report for 2013-14. Motion of Senator Seselja to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.

Australian Human Rights Commission—Report No. 80—KA, KB, KC and KD v Commonwealth of Australia (Department of the Prime Minister and Cabinet, Department of Social Services, Attorney-General's Department). Motion of Senator Siewert to take note of document agreed to.
Debate resumed on the motion:

Senator WILLIAMS (New South Wales) (18:37): I rise to speak on the Rural and Regional Affairs and Transport References Committee report, *Current requirements for labelling of seafood and seafood products*, which is a very interesting report with, I think, a great recommendation. From the outset it became evident that there was a hole in the system that needed to be fixed and virtually every witness who appeared before the committee believed there will be great benefits when Australians know that what they are eating is Australian seafood. There has been no requirement on those in the food service sector such as restaurants, fish and chip shops, or pubs and clubs, to identify the seafood’s origins outside the Northern Territory. The committee actually went to Darwin and had a good, close look at the industry there.

The Master Fish Merchants Association of Australia told the committee at our Sydney hearing that imported seafood accounted for in excess of 70 per cent of the seafood we eat, and to have a proper country-of-origin labelling system in place would make it a level playing field. Amazingly, there is a company called Australis Barramundi. You would think that that would be nice Australian barramundi. No, it is farmed barramundi from Vietnam. I think the ACCC are very aware of this situation, but people are confused. The association also said that the Australian fisheries industry is managed properly and is sustainable. It pointed out that fisheries are highly regulated and that stocks are actually increasing. I hope the Greens take note of that.

Helen Jenkins from the Australian Prawn Farmers Association said that a practical solution to give Australian consumers more clarity and confidence in making their choice is to write ‘Australian’ or ‘imported’ on menus or blackboards. Go to a fish and chip shop and today’s special would be identified as Australian or imported. There is not too much cost in that. She suggested that a proper, universal labelling system could see huge investment in farmed prawns, and even predicted that it would increase 17-fold and that job numbers could climb from the current 300 to 5,000. One concerning point raised by the prawn farmers was that there is cheating going on when some overseas seafood is being substituted for the more expensive Australian product. The fines are minimal. One fine was just $6,000, which they said is a slap on the wrist, so perhaps these fines should be higher.

The Australian Barramundi Farmers Association told us that 90 per cent of people preferred Australian fish. Of the 20,000 tonnes of whole barramundi consumed annually, 40 per cent is Australian produce. When mandatory labelling was introduced in the Northern
Territory there was an increase in seafood consumption, and the barramundi industry all but
guaranteed that, if the labelling were introduced nationally, barramundi production would
increase, and that means more jobs.

Matthew Evans gave some interesting evidence in a private capacity. He talked about the
difference in environmental standards between our seafood industry and those overseas. He
mentioned he had been on a fish farm in China where he saw cigarette butts, an oil slick and
polystyrene floating through the farms and dog droppings in the water next to the farm. He
said that you would not see that on Australian fish farms. I agree with him.

In the Northern Territory a licence is required to catch, process or sell fish, and the
requirement to label seafood was introduced in November 2008 by way of a licence condition
on fish retailers and on licensees such as restaurants, cafés, bistros and hotels. The
requirement means that all seafood not harvested in Australia and advertised for sale for
public consumption must be labelled as 'imported'. 'Advertised' includes menus, menu boards,
brochures and pamphlets. In terms of the Northern Territory experience, a study has shown
that 90 per cent of fish retailers were compliant within three months of the introduction of the
laws, and surveys of retail establishments have shown that costs of complying with labelling
are between $100 and $500 per annum, largely due to ongoing menu changes.

These surveys have also shown that consumers respond positively to seafood labelling that
provides them with information about their choices. Consumers have preference for local
seafood and are prepared to pay a premium. After freshness, supporting local industry and
origin labelling were key factors in consumer decisions. This has all meant that in the
Northern Territory the trawl fishery has gone from a $4 million to a $30 million turnover in
eight years, or from 500 tonnes to 3,000 tonnes, because Australians can see that they are
eating Australian grown fish—Australian produce.

Just as we are seeing in the honey industry where some imported brands could be
misconstrued as being Australian unless you investigate further, it is also happening in the
seafood industry. Robert Fish, Chairman of the Northern Territory Seafood Council, told us of
overseas imports riding on the good Australian name on labels. The committee has brought
the misleading labelling of Australis Barramundi to the attention of the ACCC, as I said,
which is actually farmed in Vietnam. The Australian Barramundi Farmers Association
emphasised that, as country of origin is second only to freshness in guiding consumer choices,
it was unacceptable that a cheaper product could dominate the higher value end of the market
due to lack of consumer knowledge.

Proprietors of restaurants, bars and fish and chip shops in the Northern Territory who gave
evidence to the committee upheld the view that consumers have a right to know what they are
eating and why they may be paying more for local seafood. The point was made that labelling
seafood not only informs consumers but also builds trust as consumers know what they are
getting for the price they pay. Not everyone or every organisation took the view that
mandatory labelling for all sectors was a good idea. The New South Wales Food Authority
made the point that the Northern Territory produces iconic seafood species, including single-
species of barramundi and mud crabs, while other states, in particular New South Wales,
produce a diverse range of many different species of seafood, many of which do not entail
demands for protection. It argued that, for this reason, mandating country-of-origin labelling
at restaurants may add a burden to the industry without any benefit at retail level.
In summary, the committee holds the view that mandating country-of-origin labelling in relation to fish products sold in restaurants and other cooked seafood outlets comprises an effective, simple and cost-effective means of achieving a level playing field for Australian and overseas seafood producers. To this end, the committee recommends the removal of the exemption, subject to a transition period of no more than 12 months. I hope the government takes this recommendation on board as a matter of urgency, as it is a simple fix supported by the majority. We cannot afford to have our local industries competing with one hand tied behind their back against the imports which are not only coming in cheaper but even purporting to be Australian. For years I have pushed for a proper labelling system, and here is just a simple example of why.

I would like to thank those groups and individuals who lodged submissions and those who gave evidence and enlightened the committee on the way the seafood industry works. Thank you to the secretariat and also my fellow committee members; we were all on the same page during this inquiry. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Consideration**

The following orders of the day relating to committee reports, government responses and Attorney-General's reports were considered:

**Legal and Constitutional Affairs References Committee**—Manus Island Detention Centre—Interim and final reports. Motion of Senator Bilyk to take note of report called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

**Corporations and Financial Services**—Joint Statutory Committee—Proposals to lift the professional, ethical and education standards in the financial services industry—Report. Motion of Senator Williams to take note of report agreed to.

**Abbott Government's Budget Cuts**—Select Committee—First interim report. Motion of Senator Bilyk to take note of report called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

**Environment and Communications References Committee**—Report—Environmental offsets—Government response. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

**Privileges**—Standing Committee—160th report—The use of CCTV material in Parliament House. Motion of Senator Gallacher—That the Senate—

(a) adopt the recommendation in the 160th report of the Committee of Privileges, on the use of CCTV material in Parliament House, that no contempt be found in relation to the matter referred; and

(b) adopt the following further recommendations made by the committee:

- That the Presiding Officers instigate the development of a new Code of Practice which restores the focus on matters of security and safety, and emphasises accountability to the Presiding Officers and the Parliament, with appropriate regard for the primacy of the powers, and immunities of the Houses and their members.

- That the review process involve consultations with members and senators and other building occupants, and give consideration to the matters dealt with in this report.

- That senior officers in the Department of Parliamentary Services involved in the administration of the CCTV system and other systems managed on behalf of the Parliament undertake some structured training to acquaint themselves with the principles of privilege.
• That the attention of the Finance and Public Administration Legislation Committee be drawn to the matters set out from paragraph 2.2, under the heading Contradictory evidence, relating to the misleading evidence given at its estimates hearing on 26 May 2014—agreed to.

Community Affairs References Committee—Extent of income inequality in Australia – Bridging our growing divide: inequality in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

Health—Select Committee—First interim report. Motion of Senator Seselja to take note of report called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 9 of 2014-15—Performance audit—The design and conduct of the third and fourth funding rounds of the Regional Development Australia Fund: Department of Infrastructure and Regional Development. Motion of Senator Bernardi to take note of document agreed to.

ADJOURNMENT

The PRESIDENT (18:45): I propose the question:

That the Senate do now adjourn.

Australian Labor Party

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (18:45): Today's Sydney Morning Herald reports that an ALP tribunal has found that the mailing addresses of at least 20 ALP members' ballot papers for the federal Labor leadership election in 2013 were altered at the request of a staff member of Senator Dastyari. The addresses were changed to the home address of a Mr Hicham Zraika, who is reportedly serving a suspension from the Labor Party for branch stacking and other 'unworthy conduct', including falsifying the meeting records of his own branch.

The article reports that the changes of mailing address were requested by Mr Michael Buckland, who at the time worked as a senior policy adviser for Senator Dastyari. Mr Buckland previously worked for Mr Walt Secord MLC and, perhaps not insignificantly, from 2009 to 2010 for the Transport Workers Union. I note that evidence recently given to the Royal Commission into Trade Union Governance and Corruption states that in 2010 a Mr Michael Buckland came up from New South Wales to help a McLean Forum financed campaign in support of the Biagini team in Queensland.

Serious questions need to be asked of Senator Dastyari and Mr Shorten. Did either of them know about this vote stacking reported in today's Sydney Morning Herald? Was Senator Dastyari aware of, or involved in, the apparently mischievous activities of his staff member Mr Buckland? Mr Shorten won the leadership vote by only two per cent. How widespread was this apparent ballot rigging and was he legitimately elected?

The actions emanating from Senator Dastyari's office do not sit comfortably with his claims to want the Labor Party reformed to give more power to rank and file members and to involve the community in preselections. He has previously told reporters that the three things that really matter are how a party chooses its policies, how it chooses its parliamentary candidates and how it chooses its leaders. We have now seen how much Senator Dastyari cares about rank and file participation in how a party chooses its parliamentary candidates. While promoting the importance of rank and file or even community involvement in preselections, he was happy to be parachuted into his own safe Senate candidacy as a
'nominee' with the blessing of factional backers and the party's administrative committee—no rank and file scrutiny whatsoever. We have also seen how much Senator Dastyari cares about rank and file participation in the choice of leader. This is the same faceless senator who pulled the strings to cut down one Prime Minister and abandon another, and then spectacularly failed to win majority government in either case.

The Labor party needs to get right to the bottom of this scandal and take steps to deal with any branch stacking or vote fiddling. An ALP tribunal may have suspended the middleman who received the redirected ballot papers, but what has happened to any others involved in this episode? Today's report of these irregularities in the ballot that installed Bill Shorten as Labor leader casts doubt on the validity of the vote. I note that Senator Dastyari would not provide comment on this story to The Sydney Morning Herald. I am surprised that Senator Dastyari has not made a statement to the Senate to personally explain this situation and what he knew about the machinations of his staff member. I call on the senator to do so.

**Australia Post**

**Senator MARSHALL** (Victoria—Deputy President of the Senate and Chair of Committees) (18:49): I rise tonight to present a petition containing the signatures of over 1,000 Australians who are gravely concerned by what appears to be an ongoing push for the privatisation of Australia Post. There are deep concerns in the Australian community about the possible privatisation of Australia Post, and it is difficult to determine why assets would be transferred from Australia Post to StarTrack Express for any reason other than to facilitate a privatisation process. On this basis, the concerns of the signatories of this petition are justified. I present this petition for the consideration of the Senate and call upon the government to prevent the transfer of assets from Australia Post to StarTrack Express or any other private ventures. I now seek leave to table the petition. I can advise the Senate that this has been discussed at the whips meeting and approved.

Leave granted.

**Health Care**

**Senator O'NEILL** (New South Wales) (18:50): I rise this evening in this period of adjournment to speak to the health matters that are so preoccupying the minds of Australians and also the minds of the Labor senators, certainly, with regard to the changes in government policy around the health sector. Most Australians live out their lives happily in great health. Many of us have the capacity to live out our lives in great health because Australia is renowned as one of the countries around the world that have a highly accessible public health system. If you are sick, if your children are sick, if your parents are sick or if your neighbour is sick, in Australia we believe—and we have for 40 years believed—in Medicare and had the capacity to go and accept the treatment, the guidance and the advice of very well trained doctors in this country.

But from that certainty this government has created incredible confusion, and it continues to refuse to rule out putting what it calls a price signal on access to health care—a price signal that tells people, 'No matter how sick you are, think about what it's costing before you take your children to the doctor.' What a shambles! Put yourself in the shoes of an Australian voter who is trying to keep up with what Tony Abbott's government is doing right now. Before the election the promise was made that there would be no new taxes, no changes to Medicare, no
cuts to pensions and no changes to unemployment benefits; but there have been broken promises in the budget and voters left dumbstruck. There were new taxes after all: we are going to have to pay to go to the doctor; indexation of pensions means retirees are going to get less; and unemployed youth are going to have their benefits stalled for six months. In the midst of all that chaos the government has been under enormous pressure from the doctors around this country and from ordinary Australians who have been writing in the hundreds of thousands—nay, millions—to this parliament saying, 'Hold your horses, guys. There is no way we are going to allow you to destroy this fundamental plank of equality and fairness in Australia.'

In light of that incredible political pressure, and the determination and will of the Labor Party on this side of the chamber to stand firm and hold firm for Medicare, have come the backflips. We had the GP copayment that was announced as $7 in the budget—every time you go to the doctor you pay another $7—and the doctors were advised of that on the same night as the budget was released. This government held no consultation with doctors who run businesses as GPs across this entire country, as Senator Cameron made very, very clear this afternoon. That is what most local GPs are—small businesses, single practitioners, small cooperatives of doctors together. Of course there are larger corporates, but predominantly they are small businesses right across this country. These doctors, who are at the heart of good health for the country, found out on budget night that they were going to have to implement a $7 copayment. There had been no consultation with the Royal Australian College of General Practitioners and no consultation with the Australian Medical Association. The arrogance of this government is absolutely breathtaking.

When we stood up for Australians' access to those GPs, we saw the government come to the end of the year in December saying, 'We are listening to you. We are a new, consultative government.' This was before they figured out they were a bad government 520 days in; at this time they were probably only about 470 days or something in. They decided that they should change their policy and, instead of a $7 copayment, they said, 'We will change it to $5, but we are going to take away the opportunity for doctors to manage their own consultations. We are going to take money away if they consult for anything less than 10 minutes.' Doctors, as small businesses situated in most communities around the country—who have not been known to be champions of the Labor cause—absolutely went ballistic. And they needed to, because this nearly-deaf government was refusing to listen to them. In the same way as the arrogance of this government was revealed by their failing to consult the sector prior to their budget announcement, the way they showed that they had learned was to contact the AMA and the Royal Australian College of General Practitioners half an hour before they made the December announcement saying, 'Look guys, we don't really want to know about what you think, or what your business models say. We don't want to do any hard numbers or hard work, or get the hard evidence or facts. We are just going to tell you right now, with half an hour's notice—consider us your good friends!—that we are going to change everything again.'

You can imagine how well that went down: the cheekiness of this government in attempting to do that in the lead-up to Christmas, thinking that they could hide it and get away with it. Come January and doctors, health professionals, the Labor Party and every activist who cares about the health and wellbeing of this nation prevailed day in and day out on the health minister to get rid of that new bad policy. There is a pattern here—a very disturbing
pattern of a government of incredible arrogance; a government with a history, over many iterations of having power in this country, of doing everything they can on every occasion to destroy Medicare. Make no mistake—there is a gulf that is enormous between what those in this government believe about Medicare and access to health for ordinary Australians and what the Labor Party believes and stands for. We support access for all Australians to the health care you need when you need it, not when somebody in the Liberal Party decides you can have it, which is when you can afford it.

I have the privilege of chairing the select health committee where I, along with my colleague Senator McLucas who is here in the chamber, Senator Cameron, three Liberal senators—who do not seem to show much interest—and Senator Di Natale, hear evidence from people who believe in the provision of medical health care. These are people from peak bodies and GPs from right across this country who are coming to us and saying, 'The government refuses to hear, but our voices are important.' These are people who have never participated in the political process before. The government has drawn them all out—doctors one and all—saying, 'This government simply does not understand health.' At 520 days in, after looking over the precipice of his own personal demise, the Prime Minister declared that he had found the way to good government. But we end this first week of the parliamentary sitting with this Prime Minister and his new health minister—there has been a change of personnel on the Titanic over there, but it is the same old message—saying, 'We are going to send a price signal to the sick. We are going to put financial capacity between you and the health care you need, and we do not care about the outcomes. We will not consult. We are just going to go ahead and do it again.' So at the end of this week we still have a government committed to a price signal which means more money for ordinary Australians to go to the doctor.

On Thursday of last week, here in Parliament House, in our inquiry, we heard from GP after GP saying that their business models will not sustain the attack that is being launched by this government. They awakened us to the idea that, when the government says '$5', you should hear '$100' as the amount that has got to leave your wallet if you want to see a doctor if you are not a concession holder. But even more disturbing to me was the fact that concession holders would likely have to be charged, and one practice in the Tamworth area said that their business model meant $60 for a concession patient to see the doctor. That is what the Liberal Party want to rain down on this country.

Tomorrow, that committee will be hearing from Indigenous health organisations across this country. I have told you a bad story about ordinary Australians; multiply that for all Indigenous people. (Time expired)

Domestic Violence

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (19:01): I have made a decision that, amongst all the other things that are important to me as a senator, and, in the hierarchy of importance, I want to raise awareness of, promote debate on and stimulate consideration of solutions to what is a very, very serious problem in our nation, and that is domestic violence. It is one of those subjects that I think is of concern to every member of parliament—here in the federal parliament, here in the federal Senate, as well as in state governments—and to people in organisations everywhere that are involved, either directly or indirectly, in the delivery of services that try to create a safer environment for women,
children, the aged and the disabled, who are four cohorts of Australians who are seriously vulnerable to this cultural scourge on our nation.

Australians one and all would cringe at the thought that we are a nation where, annually, almost 30,000 women need to make an application to a court because they are fearful. All other avenues to resolve their domestic situation exhausted, they turn to the court system to afford them protection from whatever threat it is that they consider is at the heart of their issue. Of those domestic violence orders—26½ thousand, in fact, to be accurate—that are issued, almost 12,000 of them, or 44 per cent, are breached. Those breaches require contact between a person ordered by the courts to stay away from the applicant and the applicant, and of course most of these orders are for women and most of the offenders who breach the orders are men.

We lose a woman almost each week in this country—36 a year. In my own home state, there have been three domestic violence deaths this year alone, just in Queensland, and all on the Gold Coast. There have been three violent domestic related events where women have died, on the Gold Coast alone, in the month of January and this part of February.

We now have the shame of stating that domestic violence is the leading cause of illness and preventable death for women aged between 15 and 44. The largest, the leading, cause of illness and preventable death for women aged between 15 and 44 is not cardiovascular; it is not to do with smoking; it is not to do with cancers; it is not to do with obesity; it is to do with domestic violence.

Yet I observe—and I do not make this a criticism; it is simply an observation—that we spend more time in this place and in the other place, and in governments generally, talking about other matters of importance to our community—for example, terrorism. That is significantly important; it is important for our nation to feel safe. In fact, we have invested $1.5 billion here in the last couple of sittings, last year—as we should—to support the military effort, in protecting women and children in the Middle East.

Half a billion dollars has been invested in upgrading and resourcing our security services and their partners in this country to make us feel safe. And we have had tragedies. We lost two people to terrorism. That seemed to be an event confined to an individual, but nonetheless no-one is going to split hairs over the incident where we tragically lost two Australians. But in the same year in which we lost two people to terrorism—and that remains rare, and I hope it remains rare for the rest of our natural lives—we did not invest $1.5 billion in measures that might in some way mitigate and neutralise the impact of this insidious domestic violence in Australia.

The statistics, as alarming as they already are, need to be put into context: there have been credible peer-reviewed studies that suggest that almost 80 per cent of women who have had an event that constitutes an assault or an act of domestic violence did not report it to the authorities. So, as we draw upon these statistics and try and make sense of them, we do so with the knowledge that the problem is much worse than it appears—much worse than it appears.

In my own experience and from the research that my office has assisted me in compiling, it would appear that, in most instances where a woman or a child is killed in an act of domestic violence, the event was potentially foreseeable and, in some instances, it would have been
graded as a probability. Yet our society, right across Australia, does not seem to have the ability to curb this terrible affliction. In fact, we do not even regard the perpetrators as suffering from a psychotic condition. It does not have its own grade of psychosis. It does not discriminate in respect of perpetrators. This is not something that can be traditionally sheeted home to the low-socioeconomic end of things. Some of the people who commit these offences work in the community as doctors, dentists and carers of others. But when they get home, in the privacy of their own home, they inflict psychological, sexual and physical harm and damage to their partners, to their parents, to their children—the strong over the weak.

I have said it before, I will say it again and I intend to increase my tempo. As we consider everything we consider in this place—and this will not be applicable to everything, but we need to put it to the test—such as legislation or adjustments to social supports, we need to consider if any element of it needs to be looked at through the prism of trying to reduce domestic violence, and increasing and resourcing the protection of women, children and other vulnerable cohorts within our society. We all have to start talking about it because, in my mind, it is one of the most serious priorities for our nation. What are we if we are not a nation of people who can protect the vulnerable? What are we if we are not a nation of people who respect the relationships we have with those who are meant to be our nearest and dearest, our loved ones, and afford them protection in our own homes? We have to concentrate on this in everything we do. Thank you.

Ovarian Cancer

Senator POLLEY (Tasmania) (19:11): I am delighted to make a contribution tonight to acknowledge the people who work tirelessly to raise awareness of ovarian cancer. In 2014 alone, almost 1,500 women in Australia and 250,000 women worldwide were diagnosed with ovarian cancer. The mortality rate for this disease is extremely high, with approximately 1,000 of those Australian cases alone resulting in death and only 43 out of 100 women diagnosed still alive after five years. But the cancer does not affect only the women who are diagnosed with it. Behind each of those diagnoses are fathers, brothers, sisters, daughters, friends and other loved ones leaving a trail of sadness and loss. It is an illness that devastates families and it is an illness that devastates communities.

New evidence has revealed that the majority of these cancers arise in the fallopian tubes and spread into the ovaries. Most of these types present at an advanced stage and, whilst initial treatment can be effective, relapse is common. The treatment regime for ovarian cancer has changed little in decades. It involves tumour-debulking surgery followed by the administration of platinum- and taxane-based chemotherapy. But platinum-resistant or refractory patients need more treatment options. In recent years, some progress has been made. A monoclonal antibody has been approved in several countries, including Australia, for the treatment of ovarian cancer. However, although a significant improvement in progression-free survival has been demonstrated, there has been no improvement in overall survival rates.

With February being Ovarian Cancer Awareness Month, Ovarian Cancer Australia ambassadors actor Gary Sweet and Rugby League player Cameron Smith have called on all Australians, particularly men, to paint their nails the colour teal in a show of solidarity. The aim is to bring people together and to lift awareness among the entire community so that funds can be raised and women can be more vigilant with regard to their health.
With a greater awareness and understanding of the symptoms of ovarian cancer, women can seek medical treatment at an earlier stage. Symptoms such as tiredness, bloating of the abdomen, pelvic and abdominal pain, the constant need to go to the bathroom and the feeling of fullness after very little food can all be mistaken for other illnesses or be ignored altogether. That is why it is important for more adequate resources to be devoted to further research. Leading experts claim that the most effective way of combating ovarian cancer is through improved screening techniques and genetic testing. Therefore, more research into this line of work must be done so that women can avoid the more traumatic chemotherapy or surgical procedures, which are usually unsuccessful.

In the past five years more gains have been made towards the discovery of a cure than in the previous 30 years. But despite these recent advances the current government approved only 15 out of 100 grant applications last year, significantly limiting the speed of progress. One expert claimed that this lack of funding and support has driven many skilled medical staff out of this particular area of research to seek better paid opportunities elsewhere. Those remaining have had to sacrifice their own time in order to adequately work towards a better understanding of the illness and a possible cure. The government's refusal to support telehealth technology in rural communities might also have an effect on the ability of doctors to conduct an early diagnosis of ovarian cancer.

I along with colleagues in this place have campaigned for greater access to the NBN for Tasmanians in remote areas for the purposes of telehealth technology. Access to this technology would have enabled Tasmanian women more easily to present themselves to doctors for consultation, particularly in the more rural and remote areas not only of Tasmania but across our vast country. It would have given doctors the ability to assess any symptoms and decide whether or not to advise patients to travel to regional centres to seek further treatment. The government must support more research. The government should put more money into research. Those who are advocating about and raising awareness of this important issue still need to do more so that we have the same prominence for ovarian cancer in this country as we do for breast cancer.

But it is not all doom and gloom. Out of the shadows of despair have emerged many stories of human hope that motivate us to seek new treatment and inspire us to search for a cure—stories of people like Christine Bellis. Christine Bellis is a 22 year old from Perth, who had recently been diagnosed with stage 1 ovarian cancer. She had been experiencing a sharp pain in the pelvis for approximately two months, necessitating a trip to the doctor. The doctor sent her for an ultrasound, where they discovered a cyst approximately the size of a tennis ball. The doctors talked about things like cancer and infertility, all of which were incredibly terrifying concepts for a 22-year-old woman. A couple of weeks later she had surgery, but the doctors were unable to remove all of the cysts, as that would have required removing an entire ovary. The doctors then discussed the possibility of conducting a hysterectomy, but that idea was abandoned due to her age and the fact that she did not have children. Lack of fertility became a reality that Christine unfortunately was facing. But with ongoing treatment and support, and the fact that they caught the cancer early, she was one of the lucky ones. With major advances in ovarian cancer slowly emerging, and stories of survival like Christine's, it is imperative for the government to provide the necessary medical infrastructure and services to combat this disease and accelerate research and treatment. These are all fundamental
reasons why the government must decide whether economic principles should dictate the health of Australians or whether simple human empathy should prevail.

I would like to encourage those in the chamber, those who are listening and those who read the *Hansard* that, as women, when you go to your general practitioner, if you are not happy with the advice that is being given to you, you really do need to seek a second opinion. These symptoms are so common that it is so easy for them to be overlooked. Without a shadow of a doubt, when we are talking about ovarian or any other form of cancer the earlier it is detected the better the outcome will be. So I encourage those in the chamber to speak to their family, their friends, their mothers, their daughters and their nieces so that we can ensure that, wherever possible, the earliest detection will lead to better outcome. I strongly urge those on the size of the chamber to reconsider the amount of money that is being put into research for this type of cancer, because without that research, without the dedication of those who do the research, a cure will not be found.

I acknowledge, again, the great effort that is put in by so many to raise awareness of ovarian cancer in this country. I would also like to acknowledge and plug a bipartisan event that will be held here in Parliament House. It is a fundraiser for ovarian cancer, which will be held when we come back, during estimates. I encourage everyone to come along and make a donation, because none of us knows when any one of us or a member of our family could be touched by this deadly cancer. Once again, I urge you to talk about this with your family, your friends, your daughters and your nieces so that they are fully aware, that they seek advice from their doctor about any of these symptoms and that they pursue a second opinion if there is any doubt in their mind.

### Building and Construction Industry

**Senator LINES** (Western Australia) (19:21): Tonight I will speak about deaths in the construction industry in Australia, the number of which is very high. Last year 28 deaths occurred and this year, as we just go into February, one death has already occurred. That is 29 people in the past year who got up, went to work, kissing their families goodbye, and never came home. It is 29 lives gone and countless families, friends and work colleagues grieving for a needless workplace death and a life cut short.

And what has the Abbott government had to say about these deaths in construction? Nothing. Absolutely nothing. You would think for a government that has such a focus on the construction industry that these deaths and preventing future deaths would be at the forefront of its thinking. The construction industry is a high-risk industry, as described in the *Getting them home safely* report—a report of the ACT government. It is tough, dirty and dangerous. But the safety of workers in this industry is not the Abbott government's priority.

The point made in the *Getting them home safely* report about construction being tough, dirty and dangerous is reinforced by Dean Hall, a CFMEU official, in an op-ed piece that he wrote which was published in the *Sydney Morning Herald* and entitled 'Bad language is not the issue when people's lives are at risk'. In this piece, Mr Hall talks about these serious safety breaches in relation to maintenance standards for machinery and plant equipment. Mr Hall, when on site, has observed machinery and plant equipment that he believed would be a risk to anyone. He saw pool fencing panels wired together that any worker could have fallen through, as well as breaches of basic electrical safety putting workers at risk of electrocution.
Mr Hall talks about sites where every rule in the book is broken when it comes to safety: where corners are cut, risks are taken and safety laws are ignored. What Mr Hall wrote about and sees as part of his daily work was confirmed by the independent panel that wrote about and investigated safety in the ACT. Their report, *Getting them home safely*, has a number of key findings. What they said about the ACT construction industry—and the ACT construction industry is simply a microcosm of the industry across the country—is that it appears that no-one recognises that the safety record in the construction industry is so bad: that there is some kind of sense of inevitability about the occurrence of serious injuries; that people do not necessarily identify, assess and mitigate risks; that workplaces must adopt a safety culture, but that they have very little knowledge about how to do it—what the fundamentals are; and that the current ‘can-do’ culture that is responsible for many accidents certainly must change.

Of course, all of those attitudes and culture must change if more people working in the construction industry are to get home safely. And whilst the Abbott government demonises unions at every opportunity—particularly the construction union, the CFMEU—it is turning a blind eye to the real issues in the sector: issues that relate to the deaths of workers and issues that need urgent attention and solutions right now. But, unfortunately—or, perhaps, deliberately—the Abbott government has created so much political spin and so much hype about unions, that these urgent issues and the tragic deaths of workers—significant numbers of workers—are just being ignored by a government consumed with hatred for the trade union movement. Nothing is happening.

Whilst some may argue that the *Getting them home safely* report is just an ACT report, and has no bearing on the rest of the country, nothing could be further from the truth. The report outlines a range of safety issues which are echoed across the construction industry right across the country. And 29 deaths are something which should make all of us sit up and take notice; 29 deaths should tell us there is something seriously wrong in the construction industry around safety.

The Abbott government sinks millions each year into the Fair Work Building Commission and, indeed, in its first budget the Abbott government, which had all of us in Australia believing that it had to be on some kind of tight fiscal management, gave that agency an additional $5 million. Their budget is around $34 million each year. To do what? Certainly, not to pursue safety.

As Mr Hall outlined, the Fair Work Building Commission should be examining and resolving sham contracting, because in the ACT report sham contracting was the No. 1 recommendation that needed to be addressed to try to resolve some of these deaths and to try to fix some of the appalling safety records. The report also called for looking at phoenix companies, examining their flagrant disregard for safety. Yet, for all those millions of dollars of taxpayer’s money going into the Fair Work Building Commission—and let us not forget the $5 million increase it got from the Abbott government—the Abbott government, in their anti-union spin, has made such a to do about nothing about bad language—bad language!—while ignoring 29 deaths. And the Abbott government is on the record as claiming that somehow safety issues were being used by unions as some kind of front to get on sites. That just shows us the ignorance of the Abbott government when it comes to understanding and appreciating the safety issues on construction sites. Twenty-nine deaths are nothing to be laughed about;
29 deaths are nothing to be ignored and 29 deaths are a long way removed from pursuing people for bad language.

And whilst the Getting them home safely report destroys that myth, so do the high number of deaths in the construction industry. It is long overdue for the Abbott government to take safety seriously in the construction industry, and it could start by looking at the 28 recommendations that are part of the Getting them home safely report.

That report talks about setting goals, reducing serious injuries, building positive workplace cultures and creating cooperative workplaces. Never have I heard the Abbott government—not once!—since it has been in office talk about those sorts of positive outcomes. It continues to demonise unions, particularly the CFMEU, while these deaths go unnoticed. Well, the families of those workers are watching. They do want governments to do something about it. The time is long overdue for the Abbott government to get over its right-wing, Tea Party agenda and its hatred of unions and look seriously at the issue of safety on construction sites.

Australian Human Rights Commission

Senator SINGH (Tasmania) (19:30): I rise tonight to speak about the Australian Human Rights Commission's report The forgotten children: national inquiry into children in immigration detention: 2014. It is a startling and heartbreaking insight into the lives of children in Australia's immigration detention. I think there is no more powerful way to confront one's beliefs about what it means to be a refugee than to read the direct testimony in some of this report from some of those who have lived it.

We cannot shun the plight of refugees and asylum seekers, and we cannot hide from our responsibility to ensure that people are able to live out their fundamental rights to build a home and a life in safety and security, free from persecution. But this report demonstrates that we are failing our responsibility to the most vulnerable. It raises a number of difficult questions for both the Labor Party and the government. It shows how systems need to be improved. It shows that kids need to be taken out of detention as soon as practicable. It highlights human rights breaches and raises a number of very serious issues in its recommendations that Labor will consider. The findings within this report must motivate all of us to work better for the outcomes of children in detention. It is important that we understand the plight of those children as deeply as we possibly can to make sure nothing like this happens again.

This report contains the disturbing truth that more than one-third of children in immigration detention face profound psychological trauma as a result of the conditions in which they are being held. The level of psychological injury that these children experience is comparable to that of a mentally ill person being treated as a hospital outpatient. A civilised government placing children in detention is a deeply distressing situation, near guaranteed to produce mental illness in at least a third of those detained. That is what this report reveals.

These children are often from families who have fled war or political or religious persecution. They are children who have sought to escape torture or other mistreatment by making the dangerous and long journey to our supposedly safe haven—our country. They or their parents have chosen to do all they could to get to Australia in order to find a haven where they could grow up and live a life free from abuse, and where they could enjoy a good life where they will be protected and cared for. Instead, as demonstrated in this Australian
Human Rights Commission report, this is effectively a prison system. It is a prison system that replicates the very trauma and mistreatment which children have risked so much to escape. Their treatment by Australia, an authority that they had trusted for assistance and had put their faith in, tears wider the wounds that they have already experienced.

But, sadly, today our Prime Minister attacked the report and the Human Rights Commission, attacking the truth to distract from this government’s own responsibility. He blames the previous Labor government, in an attempt to sweep aside damning findings and whitewash the reality. In doing so, he has played politics with the reality and the plight of these children. No government is perfect when it comes to this very difficult issue. But I would like to acknowledge, at least, that when Labor was in government under the Minister for Immigration Tony Burke we did remove all unaccompanied minors from immigration detention.

While it is a difficult issue, playing politics with it is just not the solution for a civilised government. Instead, one would think this government would have said, ‘We will look at this report. We will look at the recommendations in this report, into the evidence produced in this report, the testimonies in this report, and we will make an understanding of that, make an assumption of that and give a response to that.’ That would be a fairly rational way that this government could have dealt with the launch of this report today. At least say that we will understand more deeply the findings in this report, so that something like what is evidenced in this report does not happen again. We did not hear that, though, from the Prime Minister, and we did not hear that from Senator Eric Abetz today during our own question time.

Children who are here in these detention centres have committed no crime, yet children will suffer mistreatment and damage to their emotional lives and physical wellbeing if they remain in detention, as this report shows, for as long as they have been. The Liberal government must acknowledge that the mental and physical health of innocent children has been compromised by current policies. The government must work to ensure this does not happen in the future. By ignoring the findings in this report, the Liberal government dismisses the protection which it is obliged to give to these children.

Australia’s responsibility is not merely to ensure that people are safe from violence and persecution but that they are able to participate in a community that recognises and values them as people with unique and compelling contributions to make so that they can rebuild their lives. Our country owes much to the diversity of its people. Australia’s multicultural society would be so much poorer—and I am sure we all agree with that—without the art, the faith, the language, the food, the opinion and the culture of those who have come from every part of the globe. This report shows that we do need to consider and pursue an independent oversight of the Australian government’s conduct in our detention facilities, wherever they may be—onshore or offshore. The Immigration Ombudsman could play a role in that, but I have a feeling that this government abolished that role. I leave this chamber with a simple quote from this The forgotten children report: ‘Australia is better than this.’

**Bushfires**

*Senator BACK (Western Australia) (19:37):* It is with a sense of disappointment and frustration this evening that I rise to reflect on the topic of bushfires around Australia, particularly now in the days after the massive and horrific bushfires in the Northcliffe area in the south of Western Australia—the worst fires in two generations, where 85,000 hectares of
pristine karri forest, jarrah forest and other land areas have been decimated. It comes very close to the sixth anniversary of the Black Saturday fires in Victoria, which our colleague Senator Ronaldson would be very aware of, directly after South Australian fires that have occurred this summer, not long after the 10th anniversary of the Canberra fires and, of course, I refer to those that have had the severe effect they have had in Western Australia in recent times. The frustration comes due to the fact that we all know about the fire triangle. We all know that the three elements of bushfire and fire of any type are fuel, oxygen and a source of ignition. We know that lightning and humans are the main two causes—if not all causes—of ignition. We know we cannot do much about oxygen. Yet, we are continually confronted with this debate about fuel reduction. You cannot have a fire if you have not got the fuel.

There are so many arguments. The academics and the others stand in their ivory towers and say that fuel reduction is not necessary and that hazard reduction is not necessary. I want to explore that a little bit this evening. I want to ask them the question: if not hazard reduction, then what? Is it the intention that we stand by and watch Australia's forests burn—particularly in our southern Mediterranean climates, with our eucalypt-dominated forests? I certainly hope we will not.

The argument goes on about climate change and how we respond to it. Again, I want to examine those questions this evening. If the climate change issue is to the fore, then how do we reduce the risk? How do we reduce contact between humans and bushfires? How do we reduce fuel loadings? I remind those who are listening that, if greenhouse gases are a concern to sectors of the community, and they may well be, greenhouse gases emitted from major bushfires in this country would make the greenhouse gases emitted from the heavy transport industry around Australia look minimal.

The Senate Select Committee on Agricultural and Related Industries, with which I was closely associated, looked at the incidence and severity of bushfires across Australia. Recommendation 5 of the committee's report stated:

The Commonwealth seek agreement from the states and territories that would enable it to evaluate the adequacy of fuel reduction programs applied by public land management agencies in high bushfire risk areas …

Recommendation 6:
The Commonwealth publish all fuel reduction plans and related audit findings on a national database.

Recommendation 9:
Further Commonwealth funding for bushfire suppression be made conditional on state fire agencies agreeing to the Commonwealth evaluating and auditing their fuel reduction programs.

The 14th recommendation of 15 was:
The Productivity Commission be tasked to assess the economic effects of recent major bushfires on the Australian economy to determine the cost effectiveness of prescribed burning as a mitigation strategy.

In that report, at the insistence of committee members, in appendix 5 we outlined recommendations, government responses and the implementation of recommendations relating to several major bushfires leading up to 2010. It is there for everybody to see, with the Canberra fires and the COAG responses. Unfortunately, we find ourselves in a circumstance where, regrettably, little has been done.
I turn to three recommendations made by the royal commission into the Black Saturday fires of 2009. The first, recommendation 56, was for the Victorian state to:

… fund and commit to implementing a long-term program of prescribed burning based on an annual rolling target of 5 per cent …

Please keep that figure in mind. The second states:

The Department of Sustainability and Environment report annually on prescribed burning outcomes in a manner that meets public accountability objectives, including publishing details of targets, area burnt, funds expended …

And the third relevant to this area was that same department:

… significantly upgrade its program of long-term data collection to monitor and model …

One of the people with whom I have had a close association and who contributed significantly to that Senate select committee is a gentleman by the name Roger Underwood in Western Australia. He and his colleagues were fire managers, land managers and forest managers throughout the south-west of Western Australia in the sixties, seventies and eighties, at the time of the massive Cyclone Alby, that you, Mr Acting Deputy President, will recall. I will refer to the recent writings and the protests by Underwood and that absolute list of legends. These are the people who, when I was chief executive of the Bush Fires Board of Western Australia in the mid-1990s, read like an absolute star list: Don Spiggins, Frank Bertini, Frank Campbell, Jim Williamson, John Clarke, John Evans, Kevin White and Noel Ashcroft. They had a wealth of knowledge and they have maintained a vital interest. They are frustrated today when they look at the forests for which they had responsibility for so many years, the forests that were in pristine condition before they were recently decimated by the Northcliffe fire. Those forests were testament to the excellent land, forest and fire management of those particular men.

Roger Underwood wrote a letter to Senator Milne earlier this year, having heard her speak in the Senate in early December. He was protesting her commentary about the fact that it was climate change causing bushfires and there was not much we could do about it. Three points that Underwood made were prophetic. Firstly, he said that the number of people living in bushfire-prone areas had expanded massively. Many of them were city-bred and—Senator Ronaldson will relate to this— not bushfire wise, living in houses in suburbs that were not designed or constructed to resist bushfires.

Underwood's second point to Senator Milne was that our bushfire authorities are now so focused on suppressing fires after the event and not on understanding that large intense fires are inevitable. He protests about that. He speaks of his own experiences and those of his colleagues. Of course, now fuel loadings are getting heavier and heavier. His third point was that authorities are failing to take the one single measure that will make firefighting safer and more effective. In the letter to Senator Milne, Underwood said: 'The one thing that will minimise bushfire damage and will allow people to defend well-prepared homes is systematic fuel reduction in bushland and residential areas.' He wrote that in early January, and he stood by and watched 85,000 hectares of Northcliffe go up in fires only some three weeks later.

It is a disappointment. I found this myself in my time as chief executive of the bushfires board. When we did have major bushfires, in my naivety I would go to the minister of the day. They were usually from the coalition, although I had also been a chief executive in a different agency under the Labor government. I would say to the minister, 'I want those with
an interest from the Greens and wilderness societies to come to the fire grounds and speak to the firefighters and have a look at the results of their policy of not participating in fuel reduction. Minister after minister would look at me and say, 'You've got a lot to learn.' Indeed, I did.

We saw in recent days—and this has frustrated many, many people—the particular case of two professors at Murdoch University, Professors Enright and Fontaine, being quoted in a peer reviewed published paper, if you do not mind, stating: 'There is no evidence that fuel reduction burning has any value in wildfire control. From the comfort of their offices at Murdoch University in WA this is what they said. It was picked up, of course, by people and groups such as the Wilderness Society and Peter Robertson and repeated ad nauseam. You can imagine the frustration of volunteer and paid firefighters at hearing this when they are out there confronting these fire levels.

I will turn to some commentary that came in from a gentleman by the name of Mr Rick Sneeuwjagt with whom I am closely associated because he ran what was then called CALMfire—the Conservation and Land Management fire department—when I was CEO of the bushfires board. He is a man with many years of experience in fire management and research. From the 1960s through until 2007-08 we in Western Australia had an enviable record—probably the most enviable in Australia if not the world. We would burn around six per cent to eight per cent of those land areas under the responsibility of CALM on an annual basis. They were controlled burns in the cool of autumn or spring when you would know that you would have good conditions. You would have higher humidity. You would have winds about which you would have more knowledge and you would have a pattern of fire movement. At that time the pattern was to be burning somewhere between six per cent and eight per cent of the forest and then restricting summertime bushfires to areas of 12,000 hectares or less. Compare that with the 85,000 hectares of the Northcliffe fire recently. As Sneeuwjagt says quite rightly, those figures are now down to less than three per cent.

John Evans, who I mentioned a few moments ago, corresponded with me about prescribed burning. This of course goes to the absolute faith of some of the expert commenters who say that fuel reduction burning does not work. It was pointed out about the Northcliffe fire that because that fire started in fuels that were six years old that therefore fuel reduction does not work. Well, of course, the subsequent days proved that statement wrong. But Evans himself was involved in major bushfires in those same areas in the 1960s, such as the 1961 fire when I think he was a fire boss in one of the sectors. Evans made another interesting point in his commentary to me the other day. He said, 'I have never seen a dead animal as a result of a prescribed burn. In a cool season controlled burn, I have never seen a dead animal.' Have a look at the decimation we saw in the Black Saturday fires in Victoria, the South Australian fires and our own. There was absolute devastation not just of wildlife but of the foliage and the horticultural assets as well.

Sneeuwjagt was kind enough to send me a paper which I hope to table the next time the Senate sits on the effectiveness of prescribed burning in controlling large eucalypt forests in Western Australia. He referred to Cyclone Alby in 1978. Mr Acting Deputy President Smith, you will probably remember that as well as I do. It was in autumn, as I recall. There were 92 fires burning out of control around forested areas in the south-west of our state. Wind speed was up to 130 kilometres an hour. Humidity levels would have been down to 10 or 12 per
cent. For the understanding of those listening, at around 18 per cent to 20 per cent humidity or above you will find that the plant matter takes in moisture from the atmosphere. When humidity gets down to those low levels, plants give up moisture to the atmosphere and become at greater risk of fire.

Sneeuwjagt makes the point that these fires were moving at eight kilometres an hour—8,000 metres an hour—through those areas, with extensive crown spotting, which means that there was jumping from the top of the forest areas—as there was in the Black Saturday fires, Senator Ronaldson. Often at two kilometres at a time those fires were spotting. Yet in that particular case only 54,000 hectares, despite there being 92 fires, were burnt. It was as a result of excellent prescribed burning in those areas. Most of the fires were allowed to run until they got to low fuel areas where they were extinguished and the losses were minimal. The people I mentioned earlier—Underwood, Bertini, Campbell, Sneeuwjagt, Evans and others—were themselves intimately associated with that.

We do not think of Tasmania all that much in terms of fires, but the Tasmanian fire scientist Tony Mount compared fire management in the south-west of WA with that of Tasmania from the period 1951-52 to 1983-84, long before we were having these arguments about global warming et cetera. This is work that is quoted in this paper from 1983. He found the average Tasmanian wildfire was 270 hectares in size, while that in WA was 15 hectares. He put that down to the practice of fuel reduction burning that occurred in Western Australia but was not occurring at that time in other states.

There is more in this paper which certainly is of interest to our discussion, but I want, if I may, to return to the words of Underwood in very, very recent correspondence—in fact, only yesterday—where he wrote to Professor Fontaine from Murdoch University. Underwood is not a scientist; Underwood comes from that university of hard knowledge, hard knocks, hard interest and successful land and fire management. He acknowledges the work of the Department of Parks and Wildlife staff, the volunteers and paid officers, because the work they did was phenomenal. He invites Professor Fontaine to go and speak to the firefighters, and I hope the man does. The message from the firefighters is that they were only able to make headway against fires when they could operate in light fuel loadings. He invites the man to speak to them. We have had people from the Wilderness Society and other places say that lightning does not cause forest fires. Have them go to Northcliffe and have a look at the events of recent days.

Underwood gives for Fontaine a very quick chronology from 28 January, less than three weeks ago. There were thunderstorms and lightning and a couple of fires, mopped up quickly because they ran into light fuel loadings. He then goes on to Thursday the 29th. Some fires in that area were detected by departmental personnel. The fires were captured when they got into fuels that were four years old, and they were able to be suppressed easily. On the same day, 29 January just gone, the Pemberton department group observed fire in the jarrah forest, again caused by lightning—it is amazing, isn't it, Mr Peter Robertson; they really are caused by lightning. It was two days before they could get to those fires because they were so busy elsewhere, but, fortunately, in that instance the fire ran into an area that had been burnt some five years earlier. They were able then to mop those fires up.

We then come, regrettable, to the main, so-called Northcliffe fire, which did start in fuel loadings of some six years. In a Karri forest, according to Underwood, we are looking at
somewhere around 20 tonnes of dry litter to the hectare on the forest floor. That is getting really dangerous. Senator Ronaldson, who is in the chamber, might be interested to know that in the Victorian fires in 2009 the firefighters confronted fuel loadings sometimes of up to 50 or 80 tonnes per hectare. Nevertheless, in this instance they could not contain the fire initially because they were limited in resources and limited in access and the fire ran into 40-year-old fuels in a Karri forest. The rest, of course, is history. They could not attack the fires; they could not control them.

That brings me to the topic of water-bombing aircraft. I was the CEO of the bushfires board when I influenced then Premier Richard Court to give us the princely sum of $250,000 to trial water-bombing aircraft with two crop dusters. Today, of course, many hundreds of millions of dollars are spent around Australia, but the point I want to make is this: in a huge forest fire of the type that we saw down there—despite every effort and despite the lovely imagery on television of an evening and despite the fact that officials could then go back to government and tell them how much more money they needed—we are better to be putting the funds into fire prevention through prescribed burning than we are to be spending endless millions only on that particular area.

To finish my story, once again, with that fire in Northcliffe having burnt out 85,000 hectares, it was only when the fire eventually ran into a low fuel loaded area that it burnt out and they were able to control it. There was a time when some 200 firefighters were protecting the town of Northcliffe, but little or anything was being done to actually fight the fire front.

We have to do something. We know the history; we know the success; we know what works. We have got to return to good land and forest management.

Magna Carta: 800th Anniversary

Senator LEYONHJELM (New South Wales) (19:57): There was a time when women could be accused of witchcraft. All it took was an accusation. Any women accused had to prove their innocence. They did this with a ducking stool. Ducking was seen as a foolproof way to establish whether a woman was a witch. It comprised a chair hung from the end of a free-moving arm. The woman was strapped into the chair, which was beside the river. The woman could then be lowered into the water until submerged. The duration of immersion was determined both by the operator and by the seriousness of the crime of which she was accused. It could last for just a few seconds, but, in some circumstances, the process could be repeated continuously over the course of a day.

But ducking stools were expensive and required skilled carpenters to construct. So, during the witch crazes, ducking was often inflicted without the chair. The accused witch's right thumb was bound to her left toe. A rope was attached to her waist and she was thrown into a river or deep pond. Whatever method was used, if the accused woman floated, it was deemed that she was in league with the devil, rejecting the baptismal water. If she sank, she was innocent. In medieval and early modern Europe, few people could swim. In proving their innocence, accused women often drowned.

We do not do that now. If someone is accused of a crime, the accused person does not have to prove anything. The accuser must make the case. This concept, which we know now as 'the presumption of innocence', arose in only two civilisations—Rome and England. Despite attempts to prove the English legal system was enforced by Romans, we now know the
concept evolved independently in both societies. If you are French, you have the presumption of innocence thanks to the Romans. If you are Australian or American, you have the presumption of innocence thanks to the English. And, because England has a remarkably complete and detailed historical record, we can identify the crucial document in which the concept was spelled out with clarity for the first time. That document is the Magna Carta.

This year the Magna Carta has its 800th anniversary. It is appropriate to speak in this place of its central importance to our liberal democratic heritage. I spend a lot of my time in this place talking about liberty, and I have berated both the government and the opposition for their failure to uphold it. Liberty, to a classical liberal, is absolutely fundamental. The attacks on liberty in the national security legislation take two forms. First, they constrain freedom of speech—I have spoken and written about this a lot—particularly when it comes to freedom of the press. Second, they destroy liberty by undermining the rule of law. In civilised societies, liberty dies without law. That is why classical liberals often spoke historically of an 'ordered liberty'. The order in that phrase applies not to the infamous woman who appears at elections, 'Laura Norder', but to the idea that no-one is above the law—not the king, not his minister's, not the Church. In England in 1215, that meant—to use a phrase common in the 13th century—'the King is given for the sake of the Kingdom, and not the Kingdom for the sake of the King'. Here and now, it means that the people who make the laws are also subject to those laws. There is no special 'parliamentary pass'.

And at the heart of the rule of law lies the presumption of innocence. For most of human history we have believed that 'where there is smoke there is fire'. When we accused people of wrongdoing, we considered our accusations true because we thought the accused 'had it coming to them'. That meant accused persons had to prove they were innocent—a presumption of guilt was in force. Many people do not appreciate, for example, that the conversation between Abraham and God in Genesis 18 concerning the fate of Sodom and Gomorrah could only have arisen in a society where behind every accusation was a presumption of guilt. Sodom and Gomorrah were to be destroyed for their wickedness—wickedness taken as a given. Abraham pleaded for 'the Cities of the Plain' on the basis that he could prove a number of righteous people lived there. God started with 50. Abraham talked Him down to 10. But Abraham had to prove they were righteous. He failed. The cities 'went up in fire and brimstone'.

If the world of Ancient Israel is now considered unrepresentative of Western Civilisation, then the world of Classical Athens is surely not. Yet Socrates' Apologia—his speech to the jury at trial—reads oddly because Athens, too, was a 'presumption of guilt' society:

Men of Athens, do not interrupt, but hear me; there was an agreement between us that you should hear me out. And I think that what I am going to say will do you good: for I have something more to say, at which you may be inclined to cry out; but I beg that you will not do this.

Socrates, too, had to prove his innocence.

It is from Roman and English lawyers and politicians that one first sees ringing declarations such as 'I would rather 10 guilty persons should escape than one innocent should suffer' or 'A person ought not to be condemned on suspicion, for it is preferable that the crime of a guilty man should go unpunished than an innocent man be condemned'. Both of these quotations are Roman, and we do not know who said them first. Worse, the ideal they enshrined disappeared for hundreds of years. By contrast, clauses 28, 29, and 30 of the Magna
Carta can not only be dated with precision; they still form part of our law—although, in light of our national security legislation since 9/11, I sometimes wonder whether that is still true in Australia. Clause 28 provides:

In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

Clause 29 provides:

No free man shall be seized or imprisoned, or stripped of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

Clause 30 provides:

To no one will we sell, to no one deny or delay right or justice.

Of course, Magna Carta had antecedents in English thought. As early as the ninth century we find the Anglo-Saxon King Alfred stating, 'In cases of doubt, one should save rather than condemn.' However, the presumption of innocence did not appear with real vigour until Magna Carta, and once it appeared, it took root. It is routine—and fair—to point out that Magna Carta was wrung from a weakened King John by rebellious barons. It is true that in 1215 it applied to a narrow caste of English society: the rights it contains were granted as a series of concessions to baronial families and the Church, with some benefits for merchants, townsmen and the lesser aristocracy. Serfs and married women got nothing. It is also true that John repudiated it within months, with backing from Pope Innocent III. Nevertheless, the barons’ particular grievances against the King were gradually extended to benefit an ever-larger proportion of the population. The greatest English jurist, Edward Coke, interpreted the Magna Carta's clauses as they were written, which was in general terms. Not only did the presumption of innocence come to be the property of the whole English people but the words 'free man', present in clause 29, provided the foundation for Lord Mansfield's assertion in 1772 that: 'England was too pure an air for a slave to breathe in'.

Why is the presumption of innocence so remarkable? Because it represents a decisive rejection of the just-world fallacy. The just-world fallacy holds that a person's actions always result in fair and fit consequences, and it exists because people are uncomfortable accepting that suffering is random and that sometimes bad things happen for no reason at all. It is common to believe people must have done something to deserve what they get, including being accused of a crime. The argument goes: if bad things only happen to those who deserve them and I am a good person, then I can be sure nothing bad will ever happen to me. It is equivalent to: if you have done nothing wrong, you have got nothing to fear. We hear that all too often.

We do not live in a just world. We ought not to ascribe characteristics to people before applying justice to them. When we do ascribe bad things to people before rendering justice, we create a situation where people can be subject to raids, police harassment, inhuman treatment and injustice, purely for what they are. Our society owes many of its liberties to the Magna Carta. We need to remind ourselves of that from time to time and not abandon them.
regional communities, not to mention our capital cities. It does not discriminate. It affects all
Australians in one way or another. But you will not see much reporting on this in the major
national media and you will not hear this matter discussed around kitchen tables in our
metropolitan cities. Currently, this issue is under the radar in this place and the other. Done
and dusted, most people would say. Nothing to see here. In the words of the new
Parliamentary Secretary for the Environment, the government is committed to delivering the

Last week, I travelled more than 3,000 kilometres and over a third of that by car. I stopped
at Albury-Wodonga, Deniliquin, Barham, Koondrook, Robinvale, Mildura and Yea, which is
north of Melbourne. I attended four meetings, two of them open to the public. These were
well-attended and passionate get-togethers. Locals who run businesses, farmers who grow
food and residents stopped what they were doing to attend. They wanted their say; they
wanted to be heard. I attended meetings with irrigators and food growers, citrus and table
grape growers and nut and rice producers. I toured farms and a rice production facility. I
spoke directly with several hundred people throughout the week. I return here tonight with
some clear and unambiguous messages about our water resources. I return with messages
about the impact of the Murray-Darling Basin Plan on our fellow Australians. I return with a
singular mission. I will speak of all these things later.

The basin covers 14 per cent of Australia's landmass. More than two million people live in
Murray–Darling Basin across the states of Queensland, New South Wales, Victoria and South
Australia. The basin contains an estimated 72 per cent of Australia's total area of irrigated
crops and pastures. It is one of the most important food and fibre regions in this country.
According to the Murray-Darling Basin Authority, the region contains 40 per cent of
Australia's farms. The value of its irrigated output is nearly $7 billion. Cotton, fruit, grapes,
vegetables, rice and pasture for meat and dairy production are the main types of irrigated
agriculture activities in the basin.

In 2012-13, this accounted for over 50 per cent of Australia's irrigated produce. From this
area comes nearly 100 per cent of Australia's rice, 96 per cent of Australia's cotton, 75 per
cent of Australia's grapes, 59 per cent of Australia's hay, 54 per cent of Australia's fruit, 52
per cent of Australia's production from sheep and livestock and 45 per cent of Australia's
dairy. One message is clear: the basin is vitally important to Australia. What happens there
matters to each and every one of us.

I return to this place after my all-too-fleeting visit. My first message is this: the rage that
burned across the region five years ago when the MDBA released its first draft water buyback
policy has not died down. It continues. People are exhausted in the basin. They feel betrayed.
Many of them are up and leaving, defeated by a bureaucracy they see as politically hijacked; a
bureaucracy that is not independent, despite its claims; a bureaucracy that is committed to
reconfiguring Australia's food bowl in order to plan for a one-in-a-100-year drought scenario;
a bureaucracy that has insufficient experience in the complexity of water systems, which
some would say had previously been effectively managed by the states; a bureaucracy that is
failing in its stated aims to help the environment and failing to monitor or assess its own
performance in this area; a bureaucracy that is failing in its science and failing as a
government body in its duty of care and commitment to social and economic outcomes; and a
bureaucracy that is failing in its duty to accurately communicate concerns, submissions and input from Australians to their government.

Not only is it failing in this area but it is deliberately obfuscating messages to suit its own ends. I am talking about the Murray-Darling Basin Authority. This organisation employs more than 300 staff with an annual revenue from government coffers of $47.8 million. People in the basin are tired, they are depressed, and some of them are leaving. But, above all, they are angry at what is being done in the name of the environment by this unaccountable administration.

I visited a magnificent family farm at Deniliquin, and after 13 years of hard work putting aside land for the environment, not forced by government but of their own volition, the owners have sold and are leaving. At another property, in the one family since the 1870s, similar questions are being asked—how sustainable is it; is there a future, how long can we last? People on properties like these have survived floods, they have survived fluctuating commodity prices and they have survived an always changing agricultural environment. They have survived the changing climate; they have survived family and other traumas. But they are questioning whether they can survive the so-called Murray-Darling Basin Plan. They are fed up with talking to politicians who give them blah, blah, blah in return. They are fed up inputting to the Murray-Darling Basin Authority at so-called community consultation sessions. They say it is like talking to a bloody vacuum.

Southern Riverina Irrigators represents 1,600 food growers. They showed me their own notes from a meeting with the MDBA last September. Then they showed me what had appeared on the MDBA’s own website on the same meeting. The two accounts were vastly different. The MDBA’s version was a list of discussion topics including the importance of clear communication, the importance of using local knowledge, water trading prices, issues around management of the Lower Lakes and environmental watering. SRI, on the other hand, had articulated 25 concerns—complaints and suggestions that never made it any further than the meeting room, it seems. These included: can we do better with the environmental water we already have as opposed to further decimating our communities; we deserve proper engagement that recognises and acts on our concerns and issues—not tokenism; people are right on the brink; and cultural water—if we are to consider Indigenous stakeholders then we must also consider the other communities that have grown up with that water. The list goes on.

Right across the Murray Darling Basin, a considerable number of Australians feel betrayed by successive governments of all persuasions. They feel tricked by an unaccountable bureaucracy hell-bent, they say, on an unmeasurable environmental imperative. In fact, the people on the ground, the people I speak to, tell me the so-called basin plan is having the opposite effect. It is harming our environment. People expressed concern about the foundation science used by MDBA in developing the plan. They say any claimed environmental benefits are not properly measured or assessed. They say the plan's environmental, social and economic benefits are skewed. People come last. They question the so-called independence of the MDBA and the link between the plan with the long-term plan for the Coorong, Lower Lakes and the Murray mouth. Many say the Lower Lakes were always estuarine and it does not make sense to maintain them at historically high levels. They say using freshwater as a key mechanism to scour out the Murray channel to the Southern Ocean is a travesty. It is
misguided, they say. It is poor science. It is a bloody waste of a hell of a lot of water that
could be productively used elsewhere.

Let us for a moment talk about money. The Murray Darling Basin Plan is widely reported
to be a $12 billion project—that is twelve thousand million dollars. Ten billion dollars was
allocated under the Water for the Future Program announced by former Prime Minister John
Howard. Another $1.77 billion was announced by Julia Gillard, another former Prime
Minister, in the Lower Lakes just before she departed public life. This was on top of previous
expenditure such as $700 million for the Living Murray program; $57.7 million for the
Perricoota-Koondrook Living Murray forest program, which I understand subsequently blew
out to approximately $100 million; and $80 million on river redgum and woodland
conversions—conversion of state forests, including Millewa forest and other forest areas, to
National Park.

Just how much has been spent in recent years on the environment in the basin? I don't
know, but it is obviously billions. It is interesting, indeed fascinating, what you hear when
you hit the road and talk to real people. Last week a water trader told me his company had
made the deal of the century. He said he had sold floodwater to the previous government for
$34 million. That is right, floodwater—water the government would never actually recoup.
He said it was the best deal he had ever made. It was reported in The Sydney Morning Herald,
and I read from that report:

In late 2008 the Rudd and Rees governments announced they were buying $34 million worth of water
licences from Tandou to secure more water for the environment.

However, it emerged that Tandou had hung onto its higher-yielding licences and sold the two
governments "supplementary" licences, which only allow water harvesting after intermittent flood
events.

The report continues:

This week Tandou's chief executive, Guy Kingwill, confirmed to the Herald that the company had
not got a drop of water from its supplementary licences since 2002-03.

That is right. The government of the time bought $34 million worth of water on which it
would probably never collect. Welcome to the brave new world of water management in
Australia: big bucks and smoke screens and the Australian taxpayer forking out enormous
sums of money for ill-defined, or zero, returns. One farmer told me there were 25-odd
different types of water or water licences, but I have been unable to confirm this figure since
my return. Whatever the truth, the whole Murray-Darling Basin Plan water situation is highly
complex and certainly open to obfuscation and exploitation. People in the Murray-Darling
Basin are incredulous at the wanton spending of money for no apparent social, economic or
environmental benefit. They say the claimed environmental benefits are unmeasured, they say
the social and economic costs are enormous and far-reaching and they say our farming sector
is being destroyed. They tell me the so-called plan is not addressing a triple bottom line.

Wakool Shire is located in south-western Riverina between the two mighty rivers of the
Murray and the Murrumbidgee. The local council was so concerned by the devastation caused
by the so-called plan last year that it commissioned an economic impact statement. The
statement paints a very clear picture. There is a direct link between water and the viability of
any basin community. Farmers are leaving Wakool. Between 2001 and 2011 the population
declined by 814 people or 17 per cent. This reflects a combination of changes in the farming
sector, the impacts of drought on farm operations, a contraction of the timber industry and, more recently, some impacts of the first phase of the Murray-Darling Basin Plan. The statement also says that the implementation of the Murray-Darling Basin Plan could see the Wakool local government area lose 38 per cent of its water. This would see shire agricultural production decline by $25.8 million and job losses, direct and indirect, totalling 223. There would be a loss of regional wages of $11.2 million and reduced consumer spending in the Wakool local government area of $8.8 million. As a small irrigation economy, the shire has called for active consultation with its industry on any water reduction targets as well as a program to provide support to assist farm improvements and economic diversification. A summary of the Wakool report says that the impacts of the Murray-Darling Basin Plan could actually be greater. If water sales are from scattered properties—the Swiss cheese effect—the costs will be higher for the remaining fewer irrigators left to fund infrastructure maintenance. This is a complex issue. I have been visiting the Murray-Darling Basin since I was a kid, and every day I learn something new, and that learning curve increases when I travel to the area and talk to real people.

In the remaining time I have, I make these few final points: (1) the structure of the MDBA is flawed—I am told the organisation is political and not independent; (2) the real impact of the removal of water from productive use is underrated and understated by the MDBA; (3) the so-called plan only applies to regions in the basin above Lock 1 in South Australia while the supposed significant environmental benefit of the plan is below Lock 1—the Coorong, Lower Lakes and the Murray—and even that benefit is widely questioned; (4) in 2002, the Murray-Darling Basin Ministerial Council commissioned the Living Murray project. The Scientific Reference Panel said that a 1,500 gigalitre cap combined with structural, operational and water quality management could deliver a healthy working river. We must adhere to this cap.

There is not enough time tonight to cover all of these issues. I have not even begun to mention the deliberate man-made flooding and the so-called constraints management strategy. We all know the devastation of a flood from nature, but we have people who deliberately want to flood people and flood land. Communities across the basin have told me the plan must be paused for at least five years. Communities across the basin have called for a Senate inquiry into the plan. They tell me the economic and social costs will far exceed the $12 billion-plus price spent already. This week the Prime Minister, Mr Abbott, said, ‘Good government starts today,’ and I sincerely hope he means it. He said, 'I have listened, I have learned, I have acted.' Prime Minister, I implore you to listen to the people of the Murray-Darling Basin. Let the facts speak for themselves, then act.

The PRESIDENT: I remind honourable senators that legislation committees will meet to consider estimates, commencing on Monday, 23 February 2015 at 9 am. Program details will be published on the Senate website.

Senate adjourned at 20:28

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 Passports Act 2005—Australian Passports Amendment Determination 2015 (No. 1) [F2015L00129].


Torres Strait Fisheries Act 1984—Torres Strait Prawn Fishery Management Plan 2008—Torres Strait Prawn Fishery Total Allowable Effort Determination 2015 [F2015L00126].

Veterans’ Entitlements Act 1986—

Veterans’ Entitlements (Income Exempt Lump Sum—Assistance to Purchase Motorcycle) Determination 2015 [F2015L00127].

Veterans’ Entitlements (Income Exempt Lump Sum—F-111 Deseal/Reseal Lump Sum Payment) Determination 2015 [F2015L00125].